

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

October 28, 1996

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SUMMARIES OF AUGUST 21 AND SEPTEMBER 30, 1996 COUNCIL MEETINGS

EXECUTIVE DIRECTOR'S REPORT

Item #1: Award of Legislative Printing Contracts for the 118th Biennium.

Item #2: Personnel Activity

- Hiring of Phillip McCarthy to fill vacant Analyst position in OPLA
- Retirement: John Knox, OPLA
- Request for Award of Income Protection
- Request to fill vacant Secretarial position in OFPR as a session-only position
- Reappointments of John Wakefield and Margaret Matheson to new 3-year terms
- Request to fill 2 vacant positions in Information Systems Office

REPORTS FROM COUNCIL COMMITTEES

Strategic Planning Working Group

Committee on Information & Technology in the Legislature

OLD BUSINESS

Item #1: Budget Request for FY 1998-FY 1999 Biennium for All Legislative Accounts (Item carried over from September Council Meeting)

Item #2: Submission of Study Reports (Item carried over from September Council meeting)

- Select Committee to Study Rate Increases in Nursing Homes
- Commission on Higher Education Governance

NEW BUSINESS

Item #1: Proposed Schedule for Legislative Orientation for New Members

Item #2: Request for Earmarking of Funds to Support Development of an Implementation Plan for Essential School Programs and Services (Letter from J. Duke Albanese, Commissioner of Education)

Item #3: Proposed Process for Legislative Review and Approval of Major Substantive Rules (Memo from David Boulter)

Item #4: Legislative Document Service: Proposed Fee Schedule for 118th/First Regular Session (Letter from Clerk Mayo)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. JANE A. AMERO
CHAIR

REP. ELIZABETH H. MITCHELL
VICE-CHAIR



Lynn Randall
Legislative Council Info.

JEFFREY H. BUTLAND
LEO KIEFFER
MARK W. LAWRENCE
SEN. BEVERLY MINER BUSTIN
REP. DAN A. GWADOSKY
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. JOSEPH G. CARLETON, JR.
SARAH C. TUBBESING
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY

August 21, 1996

Approved October 28, 1996

CALL TO ORDER

The Chair, Senator Amero, called the Council meeting to order at 2:14 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Butland, Sen. Lawrence, Sen. Kieffer, Sen. Bustin, Sen. Amero
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Mitchell, Rep. Carleton
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Jim Clair, Deputy Director, Office of Fiscal and Program Review Patrick Norton, Principal Analyst, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes May Ross, Secretary of the Senate Joseph Mayo, Clerk of the House

SUMMARY OF JULY 25, 1996, COUNCIL MEETING

Motion: That the Meeting Summary be approved and placed on file.
(Motion by Speaker Gwadosky; second by Sen. Bustin; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

Item #1: Personnel Actions

a. Hires

Ms. Tubbesing announced that Rose Breton had accepted an offer to fill the position of Assistant for Administrative Services.

No Council action was required on this item.

b. Resignations

Ms. Tubbesing reported that two members of the Information Systems Staff have resigned to take other positions:

Senator Amero, noting the importance of technology to the Legislature and the centrality of information in the Legislature's draft strategic plan, stated that this is an ideal time to assemble a committee to talk about how we might better organize and support the Legislature's information services and support. Speaker Gwadosky endorsed this, and Senator Amero announced that she would be making appointments to this Committee in the very near future.

No Council action was required on this item.

Item #2: Legislative Budget: FY 96 Year End Status and Preliminary Information Regarding FY 98 - FY 99 Biennial Budget Request

Ms. Tubbesing draw Council members' attention to materials in their packets that summarized the expenditures for Fiscal Year 1996, which ended June 30. She reported that she and Rose Breton had begun working on developing the preliminary budget requests for the 1998-1999 fiscal biennium and that they would bring these proposals to the Council for review at the September meeting. Senator Amero stated that it will be important to develop a plan for capital expenditures as part of that biennial proposal to ensure the continued pursuit of repairs to and restoration of the State House as part of that process.

No Council action was required on this item.

Item #3: State House Roof Repairs

Ms. Tubbesing reported that bids had been opened the previous Tuesday and that all four of the pre-selected contractors had responded. Bids ranged from \$622,680 to \$673,800, and the low apparent bidder is Peachey Builders of Augusta. Ms. Tubbesing state that pre-construction planning has begun, based on the Council's authorization at its July meeting to proceed if bids came in within the budget that the Council had approved in the spring. The Contractors have been asked to plan this work around the Special Session.

No further Council action was required on this item.

Item #4: Lynn Randall's Participation in New England Association of Law Librarians

Ms. Tubbesing announced that Lynn Randall had recently been elected to the position of Vice President/President-Elect of the New England Association of Law Librarians, which is the regional affiliate of the American Association of Law Librarians.

REPORTS FROM COUNCIL COMMITTEES

Strategic Planning Working Group

Senator Amero reported that the Legislature has now submitted its Draft Strategic Plan, meeting the September 1 deadline. The Draft Plan, which comprises a Mission Statement, Goals and Objectives, will now be circulated broadly among legislators, legislative staff, and the Legislature's external "stakeholders" for comments.

Representative Mitchell added that she and the other members of the Working Group look forward to receiving these comments and incorporating them in a revised draft. She applauded the commitment that all members of the Working Group share for making the Legislature more responsive and stated that she had particularly valued the contributions of the non-partisan staff

Directors to this effort. Speaker Gwadosky echoed Rep. Mitchell's comments, adding that the Working Group had benefitted from the work of David Boulter and John Wakefield.

No Council action was required on this item.

OLD BUSINESS

Item #1: Maine Development Foundation Proposal to Expand Institute Program for Incoming Legislators

The Chair, Senator Amero, recognized Meredith Jones, Director of Communications and Development, Maine Development Foundation, who distributed a proposed budget for the Policy Leaders Academy as Council members had requested at their July meeting. Ms. Jones briefly summarized the budget and indicated that the Foundation sought Council guidance on a variety of issues, including the level of financial investment it wishes to make in the proposed program.

Sally Tubbesing then drew Council members' attention to material that she had prepared that summarized the costs related to both the 2-day Conference on Maine's Economic Future and the two economic tours that the Foundation had organized in the early weeks of the First Regular Session of the 117th Legislature. Total payments by the Legislature were \$32,127.72; of this amount, more than two-thirds was spent on meals and lodging expenses for participating legislators.

In the discussion that followed, Council members raised the following questions:

1. Would the Legislature pay the actual cost, or was the budget predicated on payment of the full \$70 daily allowance? (Sen. Kieffer)

Ms. Tubbesing responded that the Legislature had paid actual costs in the past; and Ms. Jones confirmed that payment legislators' actual costs was the expectation.

2. Is the budget request written in concrete? (Sen. Amero)

Ms. Jones responded that the budget was based on her estimates and that the amount would certainly change as actual planning progressed.

3. How did the Foundation arrive at the amount of the Foundation's proposed contribution of this project of \$35,200? (Sen. Lawrence)

Ms. Jones responded that this amount represents one half of the total cost of Foundation staff time that would be committed to this program.

4. What other direct costs does the Foundation anticipate and what is the rationale for asking the Legislature to pick up these direct costs? (Sen. Lawrence)

Ms. Jones identified the following direct costs: hiring some expert resources, such as an economist, to assist in planning and, perhaps conducting aspects of the program; data collection; and 3-ring binders for all participants. She observed that it had been the Foundation's experience that a significant financial investment in a program often improves the general quality of commitment to the program and, therefore, affects the overall quality of the program itself.

The discussion then turned to how the Council should proceed with voting on the proposal. Senator Kieffer advocated voting on each segment separately, noting that he was very supportive of the Leadership Training segment of the proposed program but "lukewarm" about the tours. Rep. Carleton responded that he had gone on one of the tours and found it very illuminating in terms of understanding regional economic differences, issues and problems. Speaker Gwadosky commented on the important networking opportunity that the tours provide for new members and added that he thought Leadership Training was particularly important in view of term limits. Rep. Whitcomb added his support for Leadership Training, but expressed the hope that the Legislature develop some in-house capacity to train in this area over time.

Motion: That the Council approve Items #1-4 of the Maine Development Foundation proposal as follows:

- Item #1: One-day Conference: Overview of the Maine Economy;
- Items #2 & 3: Three-day economic tours of eastern/northern Maine and central & southern Maine respectively.
- Item #4: Leadership Training.

(Motion by Sen. Bustin; second by Rep. Carleton).

Discussion: Senate President Butland asked Senator Bustin if she would accept a friendly amendment to narrow the Motion to Items #2-4 only; however, Senator Bustin asked that the vote be taken on her original motion.

The vote was then taken and the motion was approved 6-3.

Ms. Jones thanked Council members and stated that she would work with the three dissenting members (Senators Butland, Kieffer and Lawrence) to try and address their concerns.

NEW BUSINESS

Item #1: Requests to Introduce Legislation to the Proposed Second Special Session

The Chair, Senator Amero, briefly reviewed the Council's procedures for considering bill requests. Requests to introduce legislation to the Second Special Session were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

The Chair, Senator Amero, announced that she would try to schedule the Council's September meeting during the Second Special Session.

ADJOURNMENT

The Council meeting was adjourned at 5:00 p.m., on the motion of Rep. Jacques (second by Sen. Lawrence).

SEN. JANE A. AMERO
CHAIR

REP. ELIZABETH H. MITCHELL
VICE-CHAIR



SEN. JEFFREY H. BUTLAND
SEN. R. LEO KIEFFER
SEN. MARK W. LAWRENCE
SEN. BEVERLY MINER BUSTIN
REP. DAN A. GWADOSKY
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY

September 30, 1996
Approved October 28, 1996

CALL TO ORDER

The Chair, Senator Amero, called the Council meeting to order at 1:17 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:

President Butland, Senator Amero

Absent: Senator Kieffer, Senator Lawrence,
Senator Bustin

Representatives:

Rep. Carleton

Absent: Speaker Gwadosky, Rep. Jacques,
Rep. Whitcomb, Rep. Mitchell

Legislative Officers:

John Wakefield, Director, Office of Fiscal
and Program Review

Margaret Matheson, Revisor of Statutes

David Boulter, Director, Office of Policy
and Legal Analysis

May Ross, Secretary of the Senate

Joseph Mayo, Clerk of the House

Millicent MacFarland, Assistant Clerk of the House

Sally Tubbesing, Executive Director,
Legislative Council

In view of the absence of a quorum, the Chair, Senator Amero, announced that those present would meet in work session to informally review the items on the agenda. She noted that these items would appear on the agenda at the October meeting for formal Council action.

ADJOURNMENT

The Council's work session concluded at 2:30 p.m.

**BIENNIAL PRINTING CONTRACTS: 117th LEGISLATURE
ACTUAL EXPENDITURES**

Item	Printer			Amount Paid
Register	J.S. McCarthy			\$ 37,303.00
Roster	Franklin Printing			\$ 8,129.00
Legislative District Directory	Hallowell Printing			\$ 2,665.00
LD's	J.S. McCarthy	1st Regular	\$277,192.50	
		2nd Regular	<u>85,430.70</u>	
				\$362,623.20
Amendments	Copy Center	1st Regular	\$ 71,100.70	
		2nd Regular	<u>34,200.20</u>	
				\$105,300.90
Calendars	J.S. McCarthy	1st Regular		
		Senate	\$ 35,383.50	
		House	<u>34,882.50</u>	
		2nd Regular		
		Senate	\$ 17,559.00	
		House	<u>15,812.00</u>	
				\$103,636.00
Engrossers/Enactors	Quality Copy	1st Regular	\$ 32,224.75	
		2nd Regular	<u>22,417.18</u>	
				\$ 54,641.93
Legislative Record/"Horseblanket"	Copy Center	1st Regular	\$ 6,481.93	
		2nd Regular	<u>4,372.50</u>	
				\$ 10,854.43

"DRAFT"

"DRAFT"

FY 1998-1999 SUMMARY OF PROPOSED BIENNIAL BUDGET REQUEST

ACCOUNT	FISCAL YEAR 1996 Appropriation	FISCAL YEAR 1997 Adj. Appropriation	FISCAL YEAR 1998 Proposed Request	FISCAL YEAR 1999 Proposed Request	Proposed Biennial Request
Legislative Account					
Personal Services	9,428,243	10,254,477	10,492,029	11,584,381	22,076,410
All Other	3,449,078	3,662,771	3,693,448	4,413,945	8,107,393
Capital	85,000	85,000	55,000	55,000	110,000
Total Legislative Account	12,962,321	14,002,248	14,240,477	16,053,326	30,293,803
Productivity Initiatives					
All Other	73,474	162,809	168,013	173,720	341,733
Comm on Interstate Cooperation					
All Other	133,053	133,774	143,087	145,966	289,053
Comm on Uniform State Laws					
All Other	14,790	14,943	18,800	19,200	38,000
State House & Capitol Park Comm					
All Other	119,581	123,951	127,596	131,600	259,196
Reserve Fund for State House Preservation and Maintenance					
Capital Expenditures			1,000,000	1,000,000	2,000,000
SUMMARY:					
PERSONAL SERVICES	9,428,243	10,254,477	10,492,029	11,584,381	22,076,410
ALL OTHER	3,789,976	4,098,248	4,150,944	4,884,431	9,035,375
CAPITAL	85,000	85,000	1,055,000	1,055,000	2,110,000
TOTAL SUMMARY	13,303,219	14,437,725	15,697,973	17,523,812	33,221,785
Law & Legislative Reference Library					
Personal Services	720,549	760,993	750,241	781,271	1,531,512
All Other	203,129	239,453	294,786	318,616	613,402
Capital	10,000	10,000	10,000	10,000	20,000
Total Library	933,678	1,010,446	1,055,027	1,109,887	2,164,914

LEGISLATIVE DEPARTMENT

FY 98 - FY 99 PROPOSED BUDGET REQUEST

SUPPLEMENTAL INFORMATION

(Requested at September 30 Council Work Session)

- Summary of Currently Vacant Positions
- Legislative Account: Detail of All Other Request
- Law & Legislative Reference Library: Detail of All Other Request

VACANT POSITIONS (As of 10/24/96)					
			NUMBER OF WEEKS		
	POSITION		BUDGETED		
OFFICE NAME	NUMBER	TITLE	FY 98	FY 99	COMMENTS
Office of the Executive Director					
	052150183	Computer Support Technician	52	52	Previous incumbent-Gerry Sawyer
	052150017	Administrative Coordinator	52	52	Previous incumbent-Dot Rollins
	052100200	Sr Tech Support Coordinator	52	52	Previous incumbent-Janet Grard
	052100199	Office Asst/Computer Support	24	24	Not funded in current biennium
Office of Fiscal and Program Review					
	052150033	Senior Secretary	52	52	Previous incumbent-Theresa Coughlin
	052150060	Legislative Analyst	52	52	Municipal Fiscal Notes
Office of the Revisor					
	052000180	Legal Proofreader	8	12	
	052000181	Legal Proofreader	32	34	
	052000179	Legal Proofreader	8	12	
House-Office of the Clerk					
	052304066	Chamber Staff	32	34	
	052304074	House Staff	42	42	
	052304075	Asst Sgt At Arms	52	52	
	052304046	Exec. Sec./House Reporter	10	10	
	052304052	Executive Secretary	42	42	
House-Democratic Office					
	052304057	Secretary/Steno	40	40	Not funded in current biennium
House-Republican Office					
	052304059	Secretary/Steno	40	40	Not funded in current biennium

Senate-Office of the Secretary					
	050404098	Chamber Staff	32	34	
	052404110	Chamber Staff	32	34	
	052404041	Executive Secretary	52	52	Previous incumbent-Bethany Cyr
	052404094	Sgt At Arms	52	52	Previous incumbent-Marc Meserve
Senate-Majority Office					
	052404019	Legislative Aide	32	34	
Committee Clerks					
	052506010	Committee Clerk	32	34	
	052506016	Committee Clerk	32	34	

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST-LEGISLATIVE ACCOUNT						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
	ACCOUNT	Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
C&O	ALL OTHER					
4000	Prof. Services, Not by State					
4005	Reader & Interpreter Services	5,551.00	8,137.50		3,000.00	5,500.00
4006	Analyst & Laboratory Services	11,948.53				
4010	Data Processing-Consulting	0.00	50,512.50		50,000.00	50,000.00
4011	Appraiser Architect & Engineer - Note 1	19,298.87	9,162.70			
4015	Casual Labor	3,969.32	1,390.55		1,500.00	4,500.00
4030	Security Services		245.80		1,000.00	1,000.00
4042	Legal Services	17,586.76	1,800.17		5,000.00	23,500.00
4051	Religious Services	50.00	4,325.00		5,000.00	1,500.00
4056	Research Services	15,000.00	15,000.00			
4099	Misc Professional Fees and Spec Srv	19,826.55	51,615.20		10,500.00	15,500.00
	Prof. Services, Not by State - Total	93,231.03	142,189.42	123,531.00	76,000.00	101,500.00
4100	Prof. Services, By State					
4102	Data Processing Services		1,328.00	2,550.00	12,500.00	12,500.00
4106	Analysts and Lab Services		175.00			
	Prof. Services, By State - Total	0.00	1,503.00	2,550.00	12,500.00	12,500.00
4200	Travel Expenses, In State -					
	Total- Note 2	1,258,476.69	816,099.25	1,136,039.00	1,067,390.00	1,608,740.00
4300	Travel Expenses, Out of State					
	Total	33,282.90	51,544.63	40,361.00	55,000.00	55,000.00
Note 1	Amount not included in this account for A&E services. Should be reflected in either or both the State House Capitol Commission account or Preservation Fund account.					
Note 2	Travel Expenses, In State budget is based on the current daily allowance of \$70 for legislators, as well as projected costs for committee days, leadership days, Legislative Council meetings. A minimal amount has been included for staff travel: FY 98 - \$1,750 and FY 99 - \$1,500. The budget request can not be broken down among the more finely defined travel expense codes until it is known how the daily allowance will be expended.					

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST-LEGISLATIVE ACCOUNT						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
	ACCOUNT	Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
4500	Utility Services					
4501	Telephone Telegraph Service	254,813.69	346,235.66			
4536	Other Utilities	11,553.50				
4544	Tel/Com Prof Svcs (Non State)		8,726.30			
4549	Tel/Com Minor EQ (Under 1,000)	4,928.68				
4550	Tel/Com Wide Area Network		720.00			
	Utility Services - Total	271,295.87	355,681.96	307,363.00	361,700.00	367,485.00
4600	Rents					
4607	Rent for Mgmt/Trng Room	4,225.00	1,530.10			
4616	Rent/Office Machines & EQ	100.00				
4617	Rental Data Processing Equip	223,283.79	90,281.02			
4651	Misc Rents	9,471.58	1,296.87			
	Rents - Total	237,080.37	93,107.99	411,629.00	51,750.00	53,560.00
4700	Repairs					
4701	Repairs to Roads and Grounds	47,088.00	23,847.00			
4711	Repairs to Buildings	172,156.88	5,204.71		85,000.00	85,000.00
4720	Repairs to Computers	396.47				
4721	Repairs to Equipment	1,439.72	1,321.35		5,000.00	5,000.00
4731	Repairs Typewriters	1,152.05	378.00			
4735	Maint. Agreement Office Equipment	113,722.23	89,255.26		92,340.00	94,950.00
4751	Misc Repairs	2,607.69	15,731.40		25,650.00	26,345.00
	Repairs - Total	338,563.04	135,737.72	83,957.00	207,990.00	211,295.00
4800	Insurance					
4851	Misc Insurance	6,605.37	18,647.17		19,855.00	19,990.00
4880	Eye Exam VDT Operators	292.00	230.00		250.00	275.00
4881	State Share Lenses VDT Operator	350.00	560.00		600.00	650.00
	Insurance - Total	7,247.37	19,437.17	15,606.00	20,705.00	20,915.00

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST-LEGISLATIVE ACCOUNT						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
ACCOUNT		Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
4900	General Operations					
4901	Postage - Note 3	212,225.67	238,364.78		237,820.00	246,385.00
4916	Conference Charges	12,800.39	1,218.00		2,000.00	15,000.00
4924	Pest Control Services	45.00			100.00	100.00
4929	Printing and Binding - Note 4	604,602.53	473,771.65		672,565.00	818,650.00
4935	Computer Software	97,796.19	107,559.85		100,000.00	100,000.00
4938	Photo Copying	52,634.94	94,003.15		65,500.00	85,500.00
4939	Printing Binding ETC State	64,817.53	84,362.04			
4941	Print Reports and Bulletins	556.50	184.00		575.00	575.00
4946	Advertising Notices - (LD's)	83,312.23	41,589.27		44,295.00	88,905.00
4961	Other Adv and Pub Matter - (Confirmation Hearings)	29,192.59	42,581.70		45,355.00	31,155.00
4982	Periodicals/Newspaper Subscriptions	13,262.12	30,503.26		32,490.00	33,660.00
4983	Dues - (Also includes registration fees and tuition for training courses)	28,699.00	30,702.24		32,700.00	33,880.00
4986	Cleaning and Washing	683.34	663.70		730.00	730.00
4991	General Operating Expense	15,252.64	37,326.29		500.00	500.00
	General Operations - Total	1,215,880.67	1,182,829.93	1,176,056.00	1,234,630.00	1,455,040.00
Note 3	The amount includes expenditures in fiscal years 1995 and 1996 and projected costs for fiscal years 1998 and 1999 for the following: Bulk Mailing, Courier Service, Meter Postage and Intragovernmental Service.					
Note 4	The amount reflected in fiscal years 1998 and 1999 also includes projected costs for C&O 4939 Printing Binding Etc. State and, therefore, a separate amount is not included for that area.					

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST-LEGISLATIVE ACCOUNT						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
	ACCOUNT	Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
5100	Commodities-Food					
5151	Misc Foodstuffs	6,737.34	1,658.80	5,392.00	1,765.00	7,440.00
	Commodities-Food - Total	6,737.34	1,658.80	5,392.00	1,765.00	7,440.00
5300	Office Supplies					
5301	Office Supplies	44,194.97	50,299.19	77,807.00	79,908.00	82,225.00
	Office Supplies - Total	44,194.97	50,299.19	77,807.00	79,908.00	82,225.00
5400	Clothing					
5402	Clothing-Employees	7,528.12	2,458.63	5,000.00	3,000.00	8,000.00
	Clothing - Total	7,528.12	2,458.63	5,000.00	3,000.00	8,000.00
5600	Other Supplies					
5601	Household Supplies	1,501.59	2,229.69			
5606	Lab and Hospital Supplies		83.86			
5627	Purchase of Books	3,543.40	3,994.61			
5636	Misc Supplies	15,995.39	20,870.99			
5650	Misc Minor Equipment	154,725.37	270,543.43			
	Other Supplies - Total	175,765.75	297,722.58	178,230.00	315,860.00	325,965.00
6800	Misc Grants - (Constituent Allowance)					
6851	Payroll Grants to Individuals	99,750.00	200,250.00	99,250.00	200,250.00	99,250.00
6852	Court Ordered Dist	500.00				
	Misc Grants - Total	100,250.00	200,250.00	99,250.00	200,250.00	99,250.00
6900	Pensions - (Workers' Compensation)					
6901	Disability Compensation	60.11				
6956	Med and Hosp Work Comp	1,476.58	1,286.95			
6957	Attorney Exp Work Comp		2,052.90			
6959	Misc Exp Work Comp	15.25	256.40			
	Pensions - Total	1,551.94	3,596.25	0.00	5,000.00	5,000.00
8008	Interest Payment Late Fee	141.52	306.47	0.00	0.00	0.00
	Grand Total All Other	3,791,227.58	3,354,422.99	3,662,771.00	3,693,448.00	4,413,915.00
9899br.xls						
aodetail						

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST						
LAW AND LEGISLATIVE REFERENCE LIBRARY						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
	ACCOUNT	Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
C&O	<u>ALL OTHER</u>					
4000	Prof. Services, Not by State					
4072	Training Services				1,000.00	1,000.00
	Prof. Services, Not by State - Total				1,000.00	1,000.00
4200	Travel Expenses, In State -					
	Total	418.87	302.94	305.00	618.00	621.00
4300	Travel Expenses, Out of State - Note 1					
	Total	0.00	0.00	0.00	4,400.00	4,900.00
4500	Utility Services					
4501	Telephone Telegraph Service	10,481.67	10,799.26	10,375.00	14,630.00	14,864.00
	Utility Services - Total	10,481.67	10,799.26	10,375.00	14,630.00	14,864.00
4600	Rents					
4617	Rental Data Processing Equip	1,476.64	268.48	1,750.00	1,811.00	1,874.00
	Rents - Total	1,476.64	268.48	1,750.00	1,811.00	1,874.00
4700	Repairs					
4701	Repairs to Roads and Grounds		45.00			
4721	Repairs to Equipment	279.73	148.20	170.00	175.00	180.00
4731	Repairs Typewriters	647.20	342.90	400.00	410.00	421.00
4735	Maint. Agreement Office Equipment				600.00	600.00
	Repairs - Total	926.93	536.10	570.00	1,185.00	1,201.00
4800	Insurance					
4851	Misc Insurance	2,427.96	1,667.97	1,800.00	1,850.00	1,850.00
	Insurance - Total	2,427.96	1,667.97	1,800.00	1,850.00	1,850.00
Note 1	Travel Expenses, In State reflect projected travel costs for the State Law Librarian to attend two national meetings each year and for library staff to attend regional meetings that are held each year for library personnel.					

FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST						
LAW AND LEGISLATIVE REFERENCE LIBRARY						
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
ACCOUNT		Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
4900	General Operations					
4901	Postage- Note 2	122.54	59.70		5,850.00	5,850.00
4909	Courier Service	929.47	1,286.83			
4911	Meter Postage	3,529.65	3,361.28			
4913	Intragovernmental Service	715.20	748.47			
4928	Binding/Rebinding		1,433.85		7,500.00	7,500.00
4929	Printing and Binding	339.00	359.09			
4935	Computer Software	214.00	3,533.95		6,500.00	6,500.00
4938	Photo Copying	6,535.98	4,797.44		4,965.00	5,140.00
4939	Printing Binding Etc State	1,154.69	401.07		415.00	430.00
4946	Advertising Notices	899.13	105.96		125.00	132.00
4950	Micro Film	2,084.27	2,462.63		2,550.00	2,640.00
4982	Periodicals Newspaper Subscriptions	218,626.79	135,694.59		165,030.00	185,660.00
4983	Dues	192.00	652.20		275.00	285.00
4991	General Operating Expense		600.00			
	General Operations - Total	235,342.72	155,497.06	160,971.00	193,210.00	214,137.00
5300	Office Supplies					
5301	Office Supplies	2,616.58	2,417.10	3,692.00	3,792.00	3,902.00
	Office Supplies - Total	2,616.58	2,417.10	3,692.00	3,792.00	3,902.00
5600	Other Supplies					
5627	Purchase of Books	13,454.84	6,798.75			
5636	Misc Supplies	8.43	2.75			
5650	Misc Minor Equipment	640.00	150.00			
5651	Minor Computer Equipment Note 3	280.00				
	Other Supplies - Total	14,383.27	6,951.50	59,990.00	61,790.00	63,767.00
Note 2	The amount includes expenditures in fiscal years 1995 and 1996 and projected costs for fiscal years 1998 and 1999 for the following: Courier Service, Meter Postage and Intragovernmental Service.					
Note 3	Other expenditures for computer equipment are included in the General Legislative Account.					

	FY 1998-1999 DETAIL/ALL OTHER BIENNIAL BUDGET REQUEST					
	LAW AND LEGISLATIVE REFERENCE LIBRARY					
		FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999
	ACCOUNT	Expended	Expended	Adj. Work Program	Proposed Request	Proposed Request
6900	Pensions - (Workers' Comp)					
6956	Med and Hosp Work Comp		1,673.66		10,500.00	10,500.00
	Pensions - Total	0.00	1,673.66	0.00	10,500.00	10,500.00
8008	Interest Payment Late Fee	0.52	0.00	0.00	0.00	0.00
	Grand Total All Other	268,075.16	180,114.07	239,453.00	294,786.00	318,616.00
aodetail.xls						

118th LEGISLATURE

Regional Meetings for Newly -Elected Members

Proposed Schedule

All meetings are scheduled from 5:30 - 9 pm

Wednesday, November 13

Augusta

State House
Legislative Council Chambers

**Tuesday, November 19
(tentative)**

Bangor

Eastern Maine Technical College
Bangor

Wednesday, November 20

Auburn

Central Maine Technical College
Auburn

Thursday, November 21

Portland

State of Maine Room
City Hall
389 Congress Street

118th LEGISLATURE

Regional Meetings for Newly-Elected Members

Proposed Schedule

All meetings are scheduled from 5:30 - 9 p.m.

Wednesday, November 13

Augusta

State House
Legislative Council Chamber

Tuesday, November 19

Bangor

University of Maine

Wednesday, November 20

Portland

State of Maine Room
City Hall
389 Congress Street

Thursday, November 21

Lewiston

Lewiston High School
156 East Avenue



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

ANGUS S. KING, JR.
GOVERNOR

J. DUKE ALBANESE
COMMISSIONER

October 25, 1996

The Honorable Jane A. Amero, Chair
Maine State Senator
Legislative Council
115 State House Station
Augusta, ME 04333

Jane
Dear Senator Amero:

I am writing to request that the Legislative Council approve funding in the amount of \$29,000 to support development of an implementation plan for the definition and funding of essential school programs and services. Public Law 1995, c. 395 (see attached) requires the State Board of Education to develop the plan and present it to the Joint Standing Committee on Education and Cultural Affairs by December 1, 1996. The State Board has established a Task Force on Essential Programs and Services to accomplish this task. Unfortunately, work has been suspended since no funds were appropriated to support the task force effort.

Development of a system to define which school programs and services are essential and the level of state support they should receive is a crucial step in ensuring cost effective schools and equal opportunities for Maine students, regardless of where they live. To develop the system, it will be necessary to conduct a research project that assembles and analyses student performance data, school data, and community characteristics. The research will be a complex undertaking and will require professional support, probably through the University of Maine System.

I understand that the Commission on Higher Education Governance, which was established by the Legislature, completed its work and returned \$29,000 in unused funds to the Legislative budget. I would suggest that those funds be reallocated to develop this study.

I would be happy to provide you with additional information should you require it. Thank you for your consideration.

Sincerely,

J. Duke Albanese
J. Duke Albanese
Commissioner



PRINTED ON RECYCLED PAPER

Sec. J-3. 20-A MRSA §405, sub-§3, ¶S, as enacted by PL 1993, c. 290, §3, is amended to read:

S. Develop long-range education goals and standards for school performance and student performance to improve learning results and recommend to the commissioner and to the Legislature a plan for achieving those goals and standards;

Sec. J-4. 20-A MRSA §405, sub-§3, ¶¶T to V are enacted to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children in kindergarten and grades one to 12 and that promotes services for pre-school children. The plan must incorporate and build upon the work of the Task Force on Learning Results, established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

U. Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units. Cooperative agreements may include, but are not limited to: purchasing or contract agreements; administrative functions; shared staff and staff training; and technology initiatives. Based on the review, and in consultation with the department, the state board may require that school administrative units develop and carry out a plan for a cooperative agreement with one or more other school administrative units. "Cooperative agreement" may include agreements between school administrative units and applied technology regions and applied technology centers; and

V. Study school consolidation statewide, develop a school consolidation plan that includes criteria for evaluating opportunities for consolidation and, if desirable, develop a time line for implementation.

Sec. J-5. Progress report. The State Board of Education shall provide a progress report on its review pursuant to the Maine Revised Statutes, Title 20-A, section 405, subsection 3, paragraph U to the Joint Standing Committee on Education by December 1, 1995. The report must include an analysis of current cooperative agreements and a framework for requiring additional agreements statewide.

Sec. J-6. Implementation plan. Beginning in March 1996, the State Board of Education shall develop for the Legislature an implementation plan for funding essential programs and essential services. The plan must be based on the criteria for student learning developed by the Task Force on Learning Results

established in Public Law 1993, chapter 290. The plan must include establishment of a system to measure and ensure that schools are held accountable for student learning results. The board shall present its plan and implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters by December 1, 1996. The committee may report out a bill based on the proposal.

Sec. J-7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1995-96

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools

All Other	(\$75,000)
-----------	------------

Provides for the
deappropriation of anticipated
general purpose aid balances.

DEPARTMENT OF EDUCATION TOTAL

(75,000)

LEGISLATURE

Education Research Institute

All Other	75,000
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Provides for the appropriation
of funds to the Education
Research Institute for
continued development of the
grades K to 12 education data
base and for the conduct of
targeted education research.

LEGISLATURE TOTAL

\$75,000

SECTION

TOTAL APPROPRIATION

\$-0-

Sec. J-8. Expenditure authorization. The Commissioner of Education is authorized to expend up to \$25,000 from the fiscal year 1995-96 General Purpose Aid for Local Schools appropriation to contract for the acquisition of normalized regional cost adjustment data for use in the school funding formula.



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

Memo

TO: Members of the Legislative Council

FROM: *D. E. Boulter*
David E. Boulter, Director

DATE: October 21, 1996

SUBJECT: Proposed Process for Legislative Review of Major Rules of Agencies

Amendments to the Maine Administrative Procedure Act in 1995 established a new process for the review of rules by agencies. Effective January 1, 1996, it established two categories of agency rules: routine technical and major substantive. Routine technical rules require no special action by the Legislature, but are governed by the existing APA process. Major substantive rules, however, require a higher degree of oversight by the Legislature, and are subject to Legislative review and approval prior to their adoption by agencies.

It was suggested at a Council meeting earlier this year that a process for implementing this new rule review process be developed, for ratification by the Council. This process is intended to provide appropriate guidance to the joint standing committees and staff offices, and provide consistency in rules review and decision-making. Attached is a suggested process for implementing the rules review law. Much is governed by the law itself, but some areas would benefit from clarification or direction through Legislative Council policy. In addition, we noted several areas where the Council may wish to pursue an amendment to the current law to improve its implementation. These areas are identified and explained in the proposed review process, and are summarized below:

I. Areas of Proposed Legislative Council Policy

1. Amount of supporting information to be provided when placing provisional rules on legislative calendar for referral.
2. Whether a public hearing on provisional rules is to be required, or is discretionary to the committee.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Members of the Legislative Council
October 16, 1996
Page Two

3. Use of a resolve as the appropriate legislative instrument to convey the Legislature's determination.
4. The degree to which rules themselves are recited in the resolve.
5. The chamber in which resolves relating to rules are first introduced.
6. Whether a resolve is limited to one provisional rule or may encompass multiple rules reviewed by a committee.

II. Areas Where Amendment To Existing Law May be Useful.

1. Deadline for agency filing of provisional rules when the Legislature establishes an early adjournment date.
2. Appropriate entity to maintain a record of the official version of provisional rules.
3. Citing the Legislature's Resolve in a final agency rule to provide a mechanism to track legislative action on a rule.

We are prepared to discuss the proposed process and related issues at the Council meeting, and look forward to your guidance on these matters.

Finally, I have attached a summary of all rules categorized by the Legislature as being major substantive rules. Since the effective date of the APA amendments was January 1, 1996, this categorization occurred either in the Second Regular or Second Special Session of the 117th Legislature. There are a total of 25 areas of rule-making now considered to be major substantive, some of which require provisional rules to be adopted and filed with the Legislature as early as January 1, 1997.

DEB/law
Attachment

xc: Sally Tubbesing, Executive Director
Margaret E. Matheson, Revisor
Lynn E. Randall, State Law Librarian
John D. Wakefield, Director, Office of Fiscal and Program Review

THE PROCESS FOR LEGISLATIVE REVIEW OF AGENCY RULES
As Required by 1995 Amendments to the APA
Submitted to the Legislative Council for review

1. After January 1, 1996, legislation granting new rule-making authority will divide rules into 2 categories: major substantive and routine technical. Only rules designated major substantive are subject to legislative review. (5 M.R.S.A. §8071)
2. Following the end of each legislative session, the Office of Policy and Legal Analysis in consultation with other legislative staff will review laws passed during that session to develop a list of new major substantive rules authorized. The list will be distributed to legislative committees, the Legislative Council, agencies, the Secretary of State and other interested parties.
3. In subsequent rulemaking, agencies are governed by the provisions of the law authorizing the rule. If authorizing legislation does not characterize the rule as major substantive, normal rule-making procedures of the Maine Administrative Procedure Act (APA) apply. The regular provisions of the APA also apply to a major substantive rule up to the time of adoption by the agency. At that point, the 1995 amendments to the APA permit only provisional adoption and require the agency to submit the rule to the Legislature for review. The agency may finally adopt and implement the rule only if authorized by the Legislature or if the Legislature fails to act. (5 M.R.S.A. §8072, sub-§1)
4. An agency must submit 20 copies of a major substantive rule and other specified materials to the Executive Director of the Legislative Council by 5:00 p.m. of the 45th day before statutory adjournment or of the next previous business day if the 45th day falls on a holiday or weekend. (5 MRSA §8072, sub-§2)

*Note: An amendment to the APA may be desirable to address a timing issue. The 45-day-before-adjournment deadline does not anticipate early adjournment. Any time the Legislature adjourns early, the number of days adjournment occurs before statutory adjournment would be subtracted from the 45 days thus shortening the available time for rules review by the Legislature. That could leave insufficient time for review and enactment of legislation on all major substantive rules submitted that session. By the terms of the APA, if that were to happen, the rules would be deemed approved and the agencies could implement them. Solutions include amending the 45 days to e.g. 60 days or leaving the ordinary deadline at 45 days but authorizing the Legislative Council, in certain circumstances, to establish an earlier deadline and to notify agencies of that deadline.**

Further Note: An amendment to the APA would be useful to require provisionally adopted rules to also be filed with the Secretary of State and to establish these rules as

* Statutory amendment to the APA suggested for effective implementation

*the official version of the provisionally adopted rules. It is necessary that a "official" version of the provisional rule be centrally available in order to track the content of a provisional rule and determine if that has been changed as a result of action by the Legislature and, if so, how. Currently, a provisionally adopted rule is not required to be filed with the Secretary of State so the APA would need to be amended to do so. The Secretary of State seems a logical location for the official copy of a provisional rules since that office receives official notice of proposed rules and is the repository of certified copies of finally adopted rules as well as numerous other official state documents. If the APA is to be amended, it should occur by emergency legislation early in the session to accommodate rules filed for review as early as January 1997.**

5. The Executive Director of the Legislative Council must immediately forward copies of provisionally adopted major substantive rules and supporting materials submitted by agencies to the Secretary of the Senate and the Clerk of the House for placement on the calendars in each chamber and referral to the joint standing committee with jurisdiction over the subject matter of the rule. After referral, the secretary and the clerk will provide copies of the rules and related materials to members of the committee to which the rule was referred. (5 MRSA §8072, sub-§3)

*Note: There may be a question whether placement of an item on the calendars in each chamber gives legislators adequate information in all cases on which to decide the appropriate committee of referral. If this is a concern, one option might be to reproduce and distribute copies of the rules to all legislators as is done for bills prior to referral. Another possibility is to include on the calendars a brief summary of the rule or to distribute a separate document containing the summary at that time in both chambers. (The materials agencies are required to file include a brief summary.) A third option would be for any concerned legislator to table the matter while he or she reviewed the copy of the rule and related materials on file with the Secretary and Clerk.***

6. Each rule submitted for legislative review must be reviewed by the appropriate joint standing committee at a public meeting. A committee may review more than one rule and the rules of more than one agency at a meeting. The committee must notify the affected agency of the meeting on its provisional rules. Although not required by law, the committee may hold public hearings on a provisional rule.** A public hearing must be advertised in the same manner as required for public hearings on proposed legislation under Joint Rule 305. (5 MRSA §8072, sub-§4)

* Statutory amendments to the APA suggested for effective implementation

** Proposed Legislative Council Policy

7. The committee's review of provisional rules must include at least a determination of the following:

- A. Whether the agency has exceeded the scope of its statutory authority in approving the provisionally adopted rule;
- B. Whether the provisionally adopted rule is in conformity with the legislative intent of the statute the rule is intended to implement, extend, apply, interpret or make specific;
- C. Whether the provisionally adopted rule conflicts with any other provision of law or with any other rule adopted by the same or a different agency;
- D. Whether the provisionally adopted rule is necessary to fully accomplish the objectives of the statute under which the rule was proposed;
- E. Whether the provisionally adopted rule is reasonable, especially as it affects the convenience of the general public or of persons particularly affected by it;
- F. Whether the provisionally adopted rule could be made less complex or more readily understandable for the general public;
- G. Whether the provisionally adopted rule was proposed in compliance with the requirements of this chapter and with requirements imposed by any other provision of law; and
- H. For a rule that is reasonably expected to result in a significant reduction in property values, whether sufficient variance provisions exist in law or in the rule to avoid an unconstitutional taking, and whether, as a matter of policy, the expected reduction is necessary or appropriate for the protection of the public health, safety and welfare advanced by the rule. (5 MRSA §8072, sub-§4)

8. Committees may work on agency rules submitted for review in much the same manner as they work on bills and report out a recommendation to the full Legislature on each rule. Committee reports must include necessary legislation and must recommend one of the following:

- A. That the Legislature authorize the final adoption of the rule;
- B. That the Legislature authorize the final adoption of a specified part of the rule;

C. That the Legislature authorize the final adoption of the rule with certain specified amendments; or

D. That the Legislature disapprove final adoption of the rule.
(5 MRSA §8072, sub-§5)

9. The committee legislation will be a resolve reported "pursuant to law" for consideration by both chambers in the same manner as other legislation is reported and considered.** Committee staff will draft the resolve in accordance with the committee's direction. Committees are directed to report at least 30 days before statutory adjournment. (5 MRSA §8072, sub-§6 and sub-§7)

Note: A resolve is the appropriate vehicle because this legislative document represents a one-time expression of the Legislature's approval, disapproval or desire that the rule be modified before adoption by an agency. The resolve does not affect the rule-making authority of an agency, merely whether the proposed rule ought to be adopted at this time with or without modification. If a committee, as a result of review of an agency rule, finds that the statute authorizing the rule ought to be amended or repealed, a bill to do so would be necessary--either an after deadline bill, a bill reported pursuant to joint order or some other bill in the possession of the committee are the most likely vehicles.

10. The Revisor of Statutes is responsible for technical preparation of resolves resulting from rules review. As is the case with other legislative resolves, these resolves, if passed, will not be allocated to statutory law. Because the legislative action embodied in the resolve is authorization only for the agency to finally adopt or modify the rule or to disapprove final adoption (and not to enact rules into law) it does not appear necessary, generally, that the full text of rules reviewed be reproduced in the resolve. **

The resolve containing the committee recommendation will identify rules reviewed by agency name, subject matter, date the provisionally adopted rule was filed with the Secretary of State and other appropriate identification or filing number.

Resolves introduced as a result of review of rules are introduced first in the House (because the original 1995 rules review legislation originated in the House).**

If more than one rule is submitted for review during a session, a committee is encouraged to submit one resolve authorizing or disapproving final adoption of all rules reviewed by it that session. This will streamline drafting and production and floor action on the resolve. However, under special circumstances (perhaps with approval of the presiding officers) committees could submit individual resolves where early action by the Legislature on a rule is necessary or where rules were submitted for review after a committee's first resolve had been reported out.**

** Proposed Legislative Council Policy

Normal legislative rules, policies and procedures that apply to other legislation also apply to resolves resulting from rules review, e.g., committee voting procedures and timeframes, report jackets, etc.

11. A committee is required to submit its report on rules it has reviewed to the Legislature not later than 30 days before statutory adjournment. (In many cases, that will be 15 days after an agency has submitted a rule for review.) The report must include a copy of the rule, the committee's recommendation, the reasons for a recommendation to withdraw or modify the rule, and legislation to implement the recommendation. If the Legislature fails to act on a provisional rule before the end of the legislative session in which it is submitted for review, an agency may implement the rule. (5 MRSA §8072, sub-§7)

12. If the legislature authorizes adoption or modification of a major substantive rule, the agency must finally adopt the rule within 60 days of the effective date of the legislation or of adjournment if no legislation is adopted. If finally adopted within 60 days, the rule does not need to be subjected to the full rule-making process again, just final adoption and the filing requirements of the APA. (5 MRSA § 8072, sub-§8)

*Note: Since the Legislature's recommendation will not be allocated to statutory law, it would be useful to require agencies, at the time they file with the Secretary of State a finally adopted rule that has been reviewed by the Legislature, to cite the resolve embodying the Legislature's recommendation. Such a requirement would close the loop for anyone tracking the history of adoption of the rule--(1)the agency files a provisional rule with the Legislature and the Secretary of State who is the official repository of the rule and who assigns a filing number; (2)following review, the Legislature identifies the rule by filing date and filing number in its legislation authorizing adoption or modification of the rule; and (3)the agency cites in its final rule filing the legislative resolve that authorizes adoption. This could be accomplished by Secretary of State policy or by amending the APA.***

** Proposed Legislative Council Policy

**MAJOR SUBSTANTIVE RULES
CATEGORIZED BY THE 117TH LEGISLATURE
2nd Regular Session and Second Special Session**

Statutory Citation	Agency Having Rulemaking Authority	Subject of the Rule	Committee of Jurisdiction	Comments
9-B MRSA §418, sub-§1 (P.L. 1995, c. 628)	Professional & Financial Regulation	Financial institutions acting as agents	Banking and Insurance	
12 MRSA §7072, sub-4 (P.L. 1995, c. 667)	Inland Fisheries and Wildlife	Selecting agents to sell licenses and permits	Inland Fisheries and Wildlife	
12 MRSA §7074, sub-§1-A (P.L. 1995, c. 667)	Inland Fisheries and Wildlife	Reporting requirements for agents selling licenses and procedures for payment of funds collected	Inland Fisheries and Wildlife	
12 MRSA §9001-B, sub-§4 (P.L. 1995, c. 586)	Conservation	Standards for exemption from an outdoor fire ban for use of fire and charcoal or gas grills at public and other campsites	Agriculture, Conservation and Forestry	
(P.L. 1995, c. 649, §2) Unallocated Law	Education/State Board of Education	Curriculum content standards and student performance indicators	Education and Cultural Affairs	Rules relate to provisions of 20-A MRSA §6209
20-A MRSA §7404, sub-§1 (P.L. 1995, c. 676)	Education	Funding for Maine students attending the Governor Baxter School for the Deaf	Education and Cultural Affairs	
20-A MRSA §7732-A, sub-§10 (P.L. 1995, c. 662)	Education	Establishment of child develop- ment services provider advisory boards	Education and Cultural Affairs	
22 MRSA §304-F, sub-§4 (P.L. 1995, c. 696)	Human Services	Expedited review procedure for nursing facility applications to relicense beds that were voluntarily reduced	Health and Human Services	

Major Substantive Rules cont.

Statutory Citation	Agency Having Rulemaking Authority	Subject of the Rule	Committee of Jurisdiction	Comments
22 MRSA §306-A, sub-§8 (P.L. 1995, c. 696)	Human Services	Filing fees for application of certificate of need to reopen beds in nursing facilities	Health and Human Services	
22 MRSA §3174-I, sub-§1 (P.L. 1995, c. 687)	Human Services	Basing eligibility for Medicaid reimbursement for nursing facility care on a person's entire medical condition	Health and Human Services	
22 MRSA §7902-A (P.L. 1995, c. 670, Part A)	Human Services	Assisted living services programs	Health and Human Services	
22 MRSA §7904-B (P.L. 1995, c. 670, Part A)	Human Services	State Fire Marshall fees and fire safety inspection of licensed congregate housing facilities	Health and Human Services	
22 MRSA §7915, sub-§1 (P.L. 1995, c. 670, Part A)	Human Services	Operation of congregate housing services program	Health and Human Services	
22 MRSA §8704, sub-§4 (P.L. 1995, c. 653, Part A)	Health Data Organization Board of Trustees	Rules to enforce and administer the Health Data Organization	Health and Human Services	
24-A MRSA §1957 (P.L. 1995, c. 673, Part A)	Professional and Financial Regulation	Private purchasing alliances for health care under the Health Care Reform Act	Banking and Insurance	Rules must be submitted by January 1, 1997
24-A MRSA §4309 (P.L. 1995, c. 673, Part C)	Professional and Financial Regulation	Establish standards for health plans under the Health Plan Improvement Act	Banking and Insurance	
32 MRSA §2102, sub-§2 (P.L. 1995, c. 670, Part C)	State Board of Nursing	Coordination and oversight of patient care services provided by unlicensed health care assistive personnel	Health and Human Services	

Major Substantive Rules cont.

Statutory Citation	Agency Having Rulemaking Authority	Subject of the Rule	Committee of Jurisdiction	Comments
32 MRSA §12506 (P.L. 1995, c. 671)	Board of Complementary Health Care Providers	Scope of practice and fees, renewals, and continuing education requirements for naturopathic doctors	Business and Economic Development	
38 MRSA §420-D, sub-§9 (P.L. 1995, c. 704, Part B and C)	Environmental Protection	Storm water management	Natural Resources	Rules must be submitted no later than January 1, 1997
P.L. 1995, c. 704, Part C) Unallocated Law	Environmental Protection	Traffic movement under Site Location Law	Natural Resources	Rules relate to 38 MRSA §484, sub-§2, par. B and must be submitted no later than Jan. 1, 1997
38 MRSA §485-A, sub-§1-C (P.L. 1995, c. 704, Part A and C)	Environmental Protection	Requirements for a planning permit that allows approval of future development w/i a specified area and within specified parameters	Natural Resources	Rules must be submitted no later than January 1, 1997
38 MRSA §490-D, sub-§14 (P.L. 1995, c. 700)	Environmental Protection	Standards for reclamation following excavation for borrow, clay, topsoil or silt	Natural Resources	
38 MRSA §490-E (P.L. 1995, c. 700)	Environmental Protection	Standards for granting a variance from performance standards established for excavations for borrow, clay, topsoil or silt	Natural Resources	Rules must be submitted for review no later than January 1, 1997
38 MRSA §1319-O), sub-§2, par. B (P.L. 1995, c 573)	Environmental Protection	Used oil collection centers	Natural Resources	

Major Substantive Rules cont.

Statutory Citation	Agency Having Rulemaking Authority	Subject of the Rule	Committee of Jurisdiction	Comments
<p>2nd SPECIAL SESSION</p> <p>L.D. 1892</p> <p>RESOLUTION, Proposing a Competing Measure Under the Constitution of Maine to Implement the Compact for Maine's Future</p>	<p>Conservation</p>	<p>Establish a procedure for a landowner to demonstrate compliance with the provisions of the program through submission of an audit certificate.</p> <p>Adopt rules to certify independent 3rd party auditors to carry out forest management audits.</p>	<p>Agriculture, Conservation and Forestry</p>	<p>Subject to approval by voters</p>

Prepared by the Office of Policy and Legal Analysis

October 18, 1996

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DRAFT

ITEMS TO BE FILED IN SUPPORT OF A MAJOR SUBSTANTIVE RULE SUBMITTED TO THE LEGISLATURE FOR APPROVAL UNDER THE MAINE ADMINISTRATIVE PROCEDURE ACT

1. Full text of the rule with new language underlined and language to be deleted from any existing rule stricken through but clearly legible;
2. Summary of the rule;
3. Description and copy of any existing rule the agency proposes to amend or repeal;
4. Statement of the circumstances that require the rule (Basis Statement required by 5 MRSA §8052, sub-§5);
5. Statement of the economic impact of the rule on the State, the regulated community and the public;
6. Identification of an agency liaison who is available to answer legislators' questions on the rule;
7. Verification that the rule has been approved as to form and legality by the Attorney General's Office and identification of the member of the AG's staff who reviewed the rule;
8. Statement, signed by the head of the agency, certifying that the agency has complied with the procedural requirements of the MAPA and any other applicable law in provisionally adopting the rule submitted for review;
9. Citation of the statutory authority for adoption of the rule; and
10. Copies of any federal laws or regulations that govern the content of the rule.
11. Copy of the transcript of the public hearing on the rule (if one exists).

In order to meet the filing requirements of the MAPA for legislative review of provisionally adopted major substantive rules during the First Regular Session of the 118th Legislature, 20 copies of the above materials must be filed and approved as to completeness by 5:00 PM on Friday May 2, 1997. As provided in the MAPA, major substantive rules may not be finally adopted or implemented by an agency unless they have been reviewed by the Legislature.



State of Maine
House of Representatives
Augusta 04333-0002

Joseph W. Mayo
Clerk of the House

287-1400

October 28, 1996

The Honorable Jane Amero
Chairman, Legislative Council
2 State House Station
Augusta, Maine 04333-0002

Dear Madam Chair:

The following proposed schedule is hereby submitted for the consideration of the Legislative Council. We are recommending no increase in the schedule of fees for Document Service for the First Regular Session of the 118th Legislature.

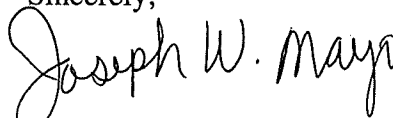
	117th Rate	Proposed Rate 118th
1. Bills & Resolves (L.D.s) FIRST CLASS-Mailed Daily	\$500.00	\$500.00
2. Bills & Resolves (L.D.s) FIRST CLASS-Mailed-Twice Weekly	400.00	400.00
3. Bills & Resolves (L.D.s) THIRD CLASS-Mailed Twice Weekly	330.00	330.00
4. Bills & Resolves (L.D.s) PICKED UP AT DOCUMENT ROOM	200.00	200.00
5. Amendments (Combined with any Legislative Document Service)-Mailed Weekly	120.00	120.00
6. Amendments PICKED UP AT DOCUMENT ROOM	80.00	80.00
7. Legislative Record FIRST CLASS-Mailed Weekly	125.00	125.00
8. Legislative Record PICKED UP AT DOCUMENT ROOM	90.00	90.00

Document Service proposed fees (con.)

9. Public & Private & Special Laws, Resolves, & Constitutional Resolutions FIRST CLASS-Mailed Weekly	275.00	275.00
10. Public & Private & Special Laws, Resolves & Constitutional Resolutions PICKED UP AT DOCUMENT ROOM	150.00	150.00
11. Weekly Computer Printout-Status of Bills FIRST CLASS MAIL	225.00	225.00
12. Weekly Computer Printout-Status of Bills THIRD CLASS MAIL	115.00	115.00
13. Weekly Computer Printout-Status of Bills PICKED UP AT DOCUMENT ROOM	60.00	60.00
14. Advance Notice of Public Hearings on Bills FIRST CLASS-Mailed Weekly	25.00	25.00
15. Weekly Listings of Bills Printed & Enacted FIRST CLASS MAIL	25.00	25.00
16. Joint Resolution FIRST CLASS MAIL	80.00	80.00
17. House & Senate Daily Calendars FIRST CLASS-Mailed Weekly	60.00	60.00
18. House & Senate Daily Calendars with Supplemental Calendars FIRST CLASS-Mailed Weekly	125.00	125.00
19. Legislative Council-Notice of Preliminary Agenda and Minutes, After Deadline List Pre and Post Versions	175.00	175.00
20. Weekly Legislative Calendar FIRST CLASS MAIL	25.00	25.00

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

Sincerely,



Joseph W. Mayo
Clerk of the House