

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
June 16, 1997
REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summaries of the May 8 and May 29, 1997, Council Meetings

EXECUTIVE DIRECTOR'S REPORT

Item #1: Resignation of Lisa Copenhaver, Office of Policy &
Legal Analysis

Item #2: Staff Participation in NCSL Annual Meeting, Philadelphia

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Proposal from Business and Economic Development
Committee to Review Agencies Pursuant to the Government
Evaluation Act (Tabled at May 29 meeting)

NEW BUSINESS

Item #1: Requests to Introduce Legislation to the First Special
Session

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. R. LEO KIEFFER
REP. CAROL A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY

May 8, 1997

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council meeting to order at 2:42 p.m. in Room 124, State House.

ROLL CALL

Senators:

Senate President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Harriman

Note: Sen. Harriman was elected by his caucus as Assistant Minority Leader in Sen. Kieffer's absence.

Representatives:

Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl, Rep. Campbell

Legislative Officers:

Sally Tubbesing, Executive Director, Legislative Council
John Wakefield, Director, Office of Fiscal and Program Review
David Boulter, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Office of Information Services
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House
Millicent MacFarland, Assistant Clerk of the House

SUMMARY OF APRIL 14, 1997 COUNCIL MEETING

Motion: That the Meeting Summary be accepted and placed on file. (Motion by Sen. President Lawrence; second by Sen. Rand; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

Item #1: Proposed Capital Improvements Plan for 1997 Interim

Ms. Tubbesing drew members' attention to material in their packets which presented recommended Capital improvements projects for the coming interim. She stated that the architect and engineers who comprise the Master Plan team had worked carefully to develop a scope of work which emphasizes correction of the life safety issues which have been identified in the course of the development of the Master Plan and, at the same time, begin to address some of the cosmetic issues which reflect long-deferred maintenance.

Ms. Tubbesing noted that the planning team proposes to prequalify both the general contractor and key subcontractors, consistent with past practice, and it was critical to initiate the prequalification process as soon as possible.

Motion: That the Legislative Council authorize the Executive Director to proceed with initiating the process for prequalifying principal contractors and subcontractors for work on the State House during the 1997 interim; and, further, that the Council give provisional approval to the proposed projects, with the understanding that the final scope of work, including estimated costs, will be approved at a subsequent Council meeting. (Motion by Sen. Rand; second by Sen. Harriman; unanimous).

Item #2: Personnel Activity

Ms. Tubbesing reported that two members of the Revisor's staff have submitted their resignations: Robin Switser, Engrossing Proofreader, who will assume a full-time position in the Clerk's Office immediately; and Margaret Allen, a Proofreader, who has accepted a position outside of state government. Rep. Donnelly asked if the rate of turnover in the Revisor's Office is normal and mused whether the pressure placed on the Revisor's Office had been a factor in the resignations. Margaret Matheson, the Revisor of Statutes, responded that the employees were, in both cases, leaving to take better positions and that she had no indication that pressure of work had been a significant factor in either of these resignations.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES

Speaker Mitchell, who chairs the Committee, reported that the Committee had met prior to the Council meeting for the primary purpose of reviewing a series of recommendations from Paul Mayotte related to staffing in the Information Services Office. She recalled that this Council had extended the "freeze" on both filling vacancies and reclassifications in the Information Systems Office that the 117th Council had originally instituted -- pending the selection of a new Director. Since he undertook his responsibilities as Information Services Director in mid-March, Mr. Mayotte has focussed on reviewing the Legislature's current use of technology, the opportunities for extending our use of technology and the staffing implications. She stated the recommendations that he has presented to the Personnel Committee -- and that the Committee was now presenting to the Council -- are designed to address some immediate needs - and, in some cases, some long-pending situations.

Motion: That Kevin Crandall be hired as a full-time permanent employee for the position of Client Desktop Support Administrator, Salary Range 8, Step 5, effective immediately. (Motion by Sen. President Lawrence; second by Sen. Rand).

Speaker Mitchell noted that this is an existing position and is currently budgeted in Range 7. The motion was approved unanimously.

Motion: That the existing position of Computer Support Technician be reclassified, assigned to Range 7, and retitled Network Administrator; and that Casey Begin be assigned to this position retroactive to January 1, 1997. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

Motion: That the position of Computer Programmer be transferred from the Office of the Revisor of Statutes to the Information Services Office and reclassified from Range 8 to Range 9, consistent with the responsibilities assigned to this position; and that Elizabeth Gosselin be assigned to this position effective immediately. (Motion by Senate President Lawrence; second by Rep. Donnelly).

Speaker Mitchell noted that this action had the full support of the Revisor. The motion was approved unanimously.

Motion: That the currently vacant position of Administrative Coordinator be reclassified from Range 7 to Range 8 and retitled Internet/Intranet Administrator; and that the Director of Information Services be authorized to fill this position in consultation with the Executive Director. (Motion by Sen. President Lawrence; second by Rep. Donnelly; unanimous).

The Chair, Speaker Mitchell, reported that the Committee had also reviewed two requests for income protection pursuant to the Council's personnel policies.

Motion: That the Legislative Council award income protection in accordance with Council policy. (Motion by Senate President Lawrence; second by Rep. Donnelly; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Proposal from Business & Economic Development Committee to Review Agencies, pursuant to Government Evaluation Act

At the Chairs' request, David Boulter provided Council members with a brief overview of the Government Evaluation Act (GEA), a process created by the 117th Legislature to replace the Audit and Program Review process. The GEA sets out a schedule for review of all state agencies, but it transfers the responsibility for initial data collection from the Legislature to the individual agency and gives legislative committees the option of simply reviewing the data or conducting a comprehensive review. He concluded that the Legislative Council's role is to determine the resources required to support the level of review that the Committee recommends.

The Chair, Speaker Mitchell, then recognized Rep. Vigue, House Chair of the Business & Economic Development Committee. Rep. Vigue noted that his Committee is scheduled to review 47 agencies, unlike most committees who have only 2-3 agencies to review; and that his Committee wants to start now.

Discussion: Senate President Lawrence asked why the Maine Development Foundation is considered to be a government agency. Mr. Boulter replied that he did not know, noting that, while at one time half of the Foundation's funding had been a general fund appropriation this is no longer the case. He agreed to pursue the answer to this question.

The Senate President then asked the estimated cost of the reviews to be conducted under GEA. Mr. Boulter responded that he felt that his office could absorb the staffing demands with existing staff, and that the costs would be attributable to the per diem and expenses for committee members. He noted that when the bill had originally been discussed in Committee last spring (State & Local Government), the committee had anticipated that most of the review could happen during the regular session. Ms. Tubbesing added that the average cost for a meeting of a full committee is \$1,500. Mr. Boulter then stated that he thought most committees would come forward with requests for only 1 meeting. Speaker Mitchell stated that she would like to have "the full picture" of the proposed level of activity for all committees and the associated costs before she voted on a single request, and she asked Mr. Boulter to work with his staff and the chairs of the policy committees to assemble this information. Rep. Saxl asked that this "survey" also inquire whether the reviews of agency data could be done by a subcommittee rather than

the full committee. Rep. Kontos then indicated her particular interest in tracking the costs of this new process -- especially since one of the factors underlying the elimination of the Audit & Program Review Committee had been cost.

Motion: That the request be tabled pending receipt of information regarding the review plans of all committees. (Motion by Sen. Rand; second by Rep. Saxl; unanimous).

Item #2: Procedures for Handling Major Substantive Rules During a Special Session

The Chair, Speaker Mitchell, asked David Boulter to provide Council members with background on this item. Mr. Boulter reported that the major substantive rules which the Board of Nursing had filed the previous day, pointed out that the Administrative Procedures act specifies filing requirements for rules submitted during a regular session, but not a special session. Because the APA is silent on rule filing requirements for a special session, Mr. Boulter recommended that the Council define a process to assure standard treatment in the future. He outlined three primary options:

1. Reject the filing at this time because the rules were not filed within 45 days of the end of the Regular Session and direct the agency to resubmit them to a subsequent regular session. This option would delay implementation of the rules about one year.
2. Accept the rules for review and print a rules review resolve, refer it to committee and handle the resolve this session. This option would permit implementation of the rules later this year if approved but would require an expedited review by the committee.
3. Accept the rules for review, making clear in the acceptance letter to the agency that the Legislature is under no obligation to do so and is not bound to act on them this session due to the limited time for review. In that case, a rules review resolve could be printed, referred to committee, and either be dealt with by the committee within the next few weeks if it has time or be carried over to the next session. If the resolve is carried over it may delay implementation of the rule by up to a year.

He concluded by noting that the third option appears to offer the most flexibility to the Legislature for the following reasons: 1) it gives the Legislature the opportunity to review the rules as time permits anytime between now and the Second Regular Session; and 2) because the Legislature would retain possession of the rules, this

option would remove any confusion on the part of agencies as to whether they are authorized to proceed with implementation of the rule.

Motion: That the Council adopt option #3 and accept the rules submitted by the Board of Nursing for Review, making clear in the acceptance letter to the Board that the Legislature is under no obligation to review the rules or act on them during the current session and that, if the resolve is carried over, it may delay implementation of the rule by up to a year (Option #3). (Motion by Sen. President Lawrence; second by Sen. Rand; unanimous).

Item #3: After Deadline Requests

Requests to introduce legislation to the First Special Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:50 p.m., on the motion of the Chair.

REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
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REP. CAROL A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY

May 29, 1997

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council meeting to order at 12:25 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Kieffer
Representatives:	Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl, Rep. Campbell
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Paul E. Mayotte, Director, Legislative Information Services Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House Millicent MacFarland, Assistant Clerk of the House

SUMMARY OF MAY 8 MEETING

(Item not taken up).

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Proposal from Business & Economic Development Committee to Review Agencies Pursuant to Government Evaluation Act

(Item not taken up).

NEW BUSINESS

Item #1: Consideration of Proposed Interim Studies

The Chair, Speaker Mitchell, requested that the Council take this item out of order to facilitate the movement of bills off the Appropriations Table. She asked Sally Tubbesing to lead Council members through the materials that had been provided.

Ms. Tubbesing stated that the Council's review of proposed statutory studies had evolved several years ago: as committees moved away from formulating requests for "committee studies", (committee members only) to formulating statutory studies with more diverse membership, it became clear that the Council needed to look at the "big picture" before it could make "good" management decisions regarding the allocation of staff resources to these studies. The Appropriations Committee has worked cooperatively with the Council in past years to table all "study bills" to facilitate the Council's consideration of this big picture.

She then drew members' attention to the materials which summarized information regarding both the scope and various administrative characteristics of each proposed study (e.g. composition; proposed staffing; level of activity; eligibility of members for compensation and funding), in tabular form. The Tables, prepared by David Boulter and his staff grouped the proposed studies by committee in order to give Council members a sense of potential workload. Finally, she reminded Council members that they had agreed with the Appropriations Committee to set aside \$63,000 for studies and reported that the total cost of the studies incorporated in the bills about to be considered was more than \$250,000.

The Chair, Speaker Mitchell, suggested that the Council go through the list as it appeared. Senator Amero suggested that the Council set some general guidelines before proceeding, including the use of subcommittees rather than full committees and limiting the number of meetings to be

authorized. Speaker Mitchell asked Mr. Boulter for any recommendations, and he responded that it would be important for those study commissions that were authorized to be prepared to deliver their final reports, including any legislation, no later than January 1. This deadline would not only ensure that the Legislature would have study reports and legislation available when they first convene, but ensure that OPLA staff are fully available to turn their attention to committee support when the Second Regular Session convenes.

A list summarizing the Council's action, including its amendments to the original proposals is attached to this Summary. It includes actions taken by the Council when it reconvened after a Recess (see below).

RECESS

The Chair, Speaker Mitchell, with the approval of all members present, moved that the Council stand in Recess until later in the day.

Accordingly, the Council recessed at 3:00 p.m.

RECONVENE

The Chair, Speaker Mitchell, brought the Council to order at 6:35 p.m., for the purpose of completing its action on proposed studies.

Present were Senate President Lawrence, Senator Pingree, Speaker Mitchell, and Representatives Kontos, Donnelly, Saxl and Campbell.

Item #2: After Deadline Requests

(Item not taken up)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

The Council meeting was adjourned at 7:10 p.m. on the motion of the Chair.



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

MEMORANDUM

TO: David Boulter, Director 6/5/97
Office of Policy & Legal Analysis

FROM: Lisa Copenhaver *Lisa C.*

RE: Resignation

This memo is to formalize my resignation as a Legislative Analyst with OPLA, to be effective on July 5, 1997. On Monday, July 7th, I will begin employment as a staff attorney for the Maine Labor Relations Board. I have enjoyed the past 5 ½ years at OPLA (most of it, I should say) and have learned a great deal about the legislative process, many specific areas of the law, and how to deal with pressure, people and a lot of paper. Although I am looking forward to my new position and have no hesitations about making the change, I am sure I will miss certain aspects of life as an OPLA analyst. I was not actively seeking a job outside of OPLA but the opportunity at the Board is one I could not turn down.

The position I am taking at the Maine Labor Relations Board is one that is perfect for me at this time: It involves public sector labor law (a subject of long-standing interest to me), it will be a more traditional practice of law than with OPLA, it is a neutral staff position and it is an 80% job. I am looking forward to a steady, 4-day a week job where the hours are predictable and working late is the exception, rather than the rule. The hours required of an OPLA analyst during the legislative session are difficult for anyone and particularly hard for me with two young children and a husband whose job requires long hours on occasion. I think you know that I enjoy working hard and don't mind working late but my family continually suffers because of the hours required of me during the session. Unfortunately, I do not think that the demands placed on nonpartisan staff will lessen to a more reasonable level as time passes.

My new job will be a couple of hundred yards away in the State Office Building. If questions come up, feel free to call me there. Thanks for everything.

cc: Sally Tubbesing
Members of the Legislative Council

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

JOHN T. JENKINS, DISTRICT 21, CHAIR
 ANNE M. RAND, DISTRICT 23
 BRUCE W. MACKINNON, DISTRICT 33



STATE OF MAINE

MARIE C. MCFADDEN, LEGISLATIVE ANALYST
 KARE WHITE, COMMITTEE CLERK

MARC J. VIGUE, WINSLLOW, CHAIR
 ROSAIRE J. SIROIS, CARIBOU
 RICHARD R. FARNSWORTH, FREDLAND
 THOMAS P. SHANNON, LEWISTON
 THOMAS J. WRIGHT, BERWICK
 ROBERT A. CAMERON, RUMFORD
 THOMAS W. MURPHY, JR., KENNEBEC
 WILLIAM E. BODWELL II, BRUNSWICK
 JAY MACDOUGALL, NORTH BEREN
 ADAM MACK, STANDISH

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

March 24, 1997

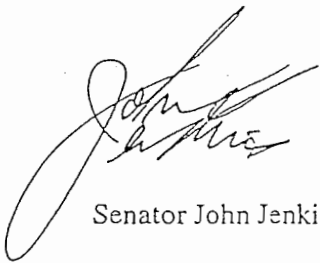
The Honorable Representative Elizabeth Mitchell, Chair
 The Honorable Senator Mark Lawrence, Vice-Chair
 Legislative Council
 115 State House Station
 Augusta, ME 04333

Dear Representative Mitchell and Senator Lawrence:

The Business and Economic Development Committee has discussed the responsibilities of the committee in regard to the Government Evaluation Act. Under the current review schedule outlined in statute the committee must review a total of 48 agencies by the year 2005. Both the Department of Community and Economic Development and the Department of Professional and Financial Regulation are on the 1997 review schedule in addition to 18 boards and independent agencies. Given the volume of information to review, the Committee has developed a revised review schedule and submit it to the Legislative Council for approval. The committee's proposed schedule is as follows:

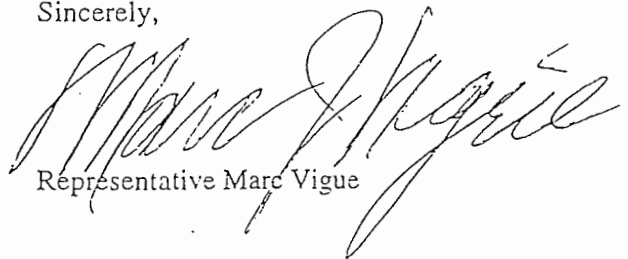
<u>Review Date</u>	<u>Agency/Dept.</u>	<u>Rationale</u>
Interim and second session of 118th	<ul style="list-style-type: none"> • Maine Development Foundation • Department of Economic and Community Development • Department of Professional and Financial Regulation 	Reviewing the departments first may provide valuable information in establishing a review schedule for the remaining agencies as the departments often are closely involved in the work of the boards and independent agencies.
1999	11 agencies	Specific agencies to be reviewed will be determined upon completion of the agencies scheduled for the 118th interim.
2001	11 agencies	
2003	12 agencies	
2005	11 agencies	

The proposed schedule is based upon the desire to achieve a balance in the committee's responsibility to the Government Evaluation process and related session activities. As proposed, the committee would meet to review the two departments and the Maine Development Foundation beginning in the interim and continuing into the second regular session. To accomplish this, the committee would request submission of the program evaluation report from the three identified agencies on an accelerated timetable. By statute this report must be submitted to the committee of jurisdiction no later than November 1, in order to conduct the review beginning in the interim the committee would request a submission date of August 1 to ensure adequate time for review. The other agencies would be notified of the committee's intent to delay the review process with the caveat that a specific date would be provided by the end of the second regular session. Please contact us if you have any questions regarding the committee's proposal.



Senator John Jenkins

Sincerely,

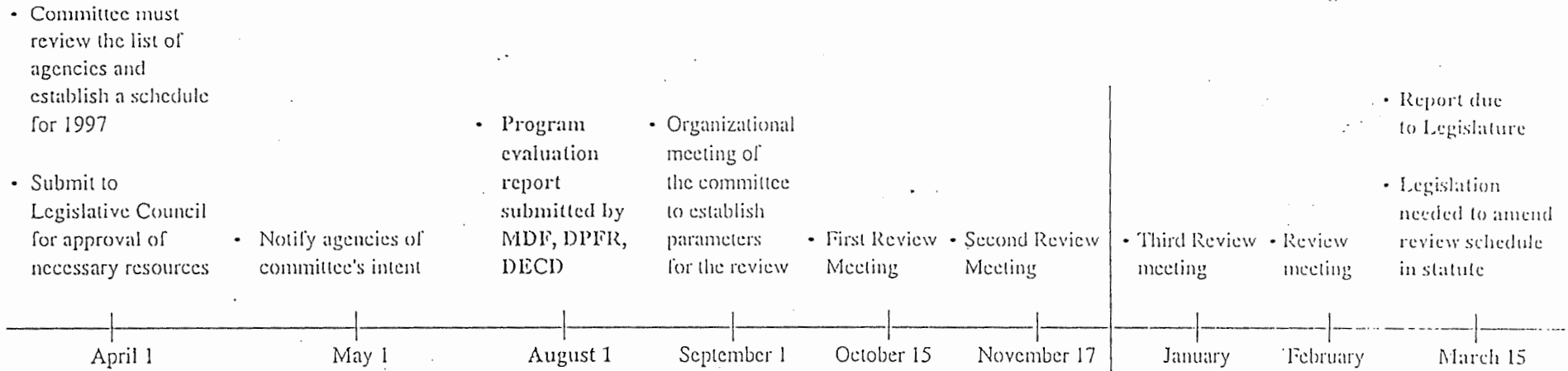


Representative Marc Vigue

Proposed Government Evaluation Act Schedule for 118th

First Regular Session

Second Regular Session

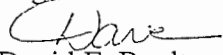




Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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 Fax: (207) 287-1275

To: The Honorable Elizabeth H. Mitchell, Chair
 The Honorable Mark W. Lawrence, Vice-Chair
 Legislative Council

From: 
 David E. Boulter, Director

Date: May 21, 1997

Re: Government Evaluation Act - Committee Schedules for review

This memo is to provide the status of joint standing committees in scheduling reviews of agencies under the Government Evaluation Act, as you requested at the last Legislative Council meeting.

1. The following joint standing committee will be reviewing a number of agencies under the GEA, and has requested a review to begin prior to the start of the 2nd Regular Session and continue into the 2nd Regular Session.

<u>Committee</u>	<u>Agencies to be reviewed</u>	<u>Review Schedule</u>	<u>Resources Needed</u>
BEC	DECD MDF DPFR	Interim (4 meetings) and 2nd Session	OPLA staff; legislative per diem and expenses for committee to meet 4 times during interim, beginning in August

2. The following joint standing committees will be reviewing certain agencies under the GEA and will conduct those reviews during the 2nd Regular Session.

<u>Committee</u>	<u>Agencies to be reviewed</u>	<u>Review Schedule</u>	<u>Resources Needed</u>
ACF	Agriculture	During 2nd Session	OPLA Staff
EDU	Education, Telecommunications Relay Board	During 2nd Session	OPLA Staff
HUM	A&DAPC, OSA	During 2nd Session	
IFW	DIFW	During 2nd Session	OPLA Staff
LAB	MSRS	During 2nd Session	OPLA Staff
MAR	DMR	During 2nd Session	OPLA Staff
NAT	DEP BEP	During 2nd Session	OPLA Staff
SLG	Capitol Planning Commission	During 2nd Session	OPLA Staff
UTE	Public Advocate	During 2nd Session	OPLA Staff

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

3. The following joint standing committees will not be reviewing agencies during the 2nd Regular Session under the GEA.

<u>Committee</u>	<u>Agencies to be reviewed</u>	<u>Review Schedule</u>	<u>Resources Needed</u>
AFA	None	N/A	N/A
BAN	None	N/A	N/A
CRJ	None	N/A	N/A
JUD	None	N/A	N/A
LVA	None	N/A	N/A
TAX	None	N/A	N/A
TRA	None	N/A	N/A

I am happy to answer any questions you may have regarding this matter.

DEB/LAW

XC: Sally Tubbesing, Exec. Dir.
John Wakefield, Director, OFPR

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST SPECIAL SESSION
June 9, 1997

Action

SPONSOR: Sen. Libby, James D.

LR 2598 An Act to Achieve Full Funding for Community
Corrections in York County

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Bisulca, Paul Tabled
05/08/97

LR 2541 An Act to Amend the Act to Implement the Maine Indian
Claims Settlement

SPONSOR: Rep. Bodwell, II, William E. Tabled
03/18/97

LR 2456 An Act to Allow Local School Districts to Use Funds
Currently Allocated for Mobile Temporary Classrooms for
the Construction of Permanent Classrooms

SPONSOR: Rep. Cameron, Robert A. Tabled
05/08/97

LR 2549 An Act to Provide a One-time Fishing License Exemption
for Adult Participants of the "Hooked on Fishing-Not
on Drugs" Program

SPONSOR: Rep. Gerry, Belinda A. Tabled
04/14/97

LR 2484 An Act to Accord Benefits and Rights to Companions

JOINT RESOLUTIONS

SPONSOR: Rep. Donnelly, James O. Tabled
01/16/97

LR 2319 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONSIDER
PREVAILING WINDS CAUSING POLLUTION FROM OTHER AREAS
IN PRIORITIZING ENVIRONMENTAL STANDARD REQUIREMENTS

SPONSOR: Rep. Donnelly, James O. Tabled
01/16/97

LR 2320 JOINT RESOLUTION MEMORIALIZING CONGRESS
CONCERNING FLAG DESECRATION

SPONSOR: Rep. Hatch, Pamela H. Tabled
04/14/97

LR 2506 JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS
STRIKEBREAKER LEGISLATION

SPONSOR: Sen. Kilkelly, Marge L. Tabled
03/18/97

LR 2454 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS
TO TRANSFER FUNDS FROM THE MILITARY BUDGET TO CITIES AND
STATES

SPONSOR: Rep. Kontos, Carol A.

**TABLED
02/27/97**

LR 2430 JOINT RESOLUTION MEMORIALIZING STATE AGENCIES, CITIZENS,
BUSINESS AND THE GOVERNOR TO CONSOLIDATE EXPERTISE
FOR THE MONITORING OF COMPETITIVE MARKETS FOR ELECTRICITY,
NATURAL GAS AND OTHER SOURCES OF ENERGY IN A SINGLE
STATE AGENCY IN ORDER TO FACILITATE A CONSISTENT
ENERGY POLICY

SPONSOR: Rep. Kontos, Carol A.

**TABLED
02/27/97**

LR 2431 JOINT RESOLUTION CALLING ON THE UNITED STATES CONGRESS TO
ENACT LEGISLATION TO REDUCE EMISSIONS FROM POWER PLANTS
TO ENVIRONMENTALLY COMPARABLE LEVELS REGARDLESS OF AGE;
THE GOVERNOR TO CONTINUE MAINE'S INVOLVEMENT IN FEDERAL
AND REGIONAL EFFORTS TO ADDRESS THE ENVIRONMENTAL IMPACTS
OF ELECTRIC UTILITY RESTRUCTURING; AND THE OWNERS OF
EXEMPT UTILITY FOSSIL FUEL PLANTS TO VOLUNTARILY REDUCE
EMISSIONS

SPONSOR: Sen. Lawrence, Mark W.

**TABLED
02/27/97**

LR 2399 JOINT RESOLUTION RELATING TO EDUCATING FAMILY MEMBERS
ABOUT BREAST CANCER

SPONSOR: Sen. Ruhlin, Richard P.

**TABLED
02/27/97**

LR 2318 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
POSTAL SERVICE AND MAINE'S CONGRESSIONAL DELEGATION
TO RETAIN AND PRESERVE THE HISTORIC POST OFFICE IN
CASTINE, MAINE

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST SPECIAL SESSION
June 16, 1997

Action

SPONSOR: Sen. Carey, Richard J.

LR 2605 An Act Regarding the Restructuring of Contracts between
Public Utilities and Qualifying Facilities

SPONSOR: Rep. Kerr, George J.

LR 2600 An Act to Discourage Smoking and to Make Other
Changes in Laws Necessary for the Proper Operation
of State Government

SPONSOR: Rep. Kerr, George J.

LR 2608 An Act to Allow York County Commissioners to Send
out 2 Tax Bills Per Year

SPONSOR: Sen. Libby, James D.

LR 2598 An Act to Achieve Full Funding for Community
Corrections in York County

SPONSOR: Sen. Michaud, Michael H.

LR 2604 Resolve, Appropriating Funds to the Maine
Franco-American Center

SPONSOR: Rep. Mitchell, Elizabeth H.

LR 2599 An Act to Discourage Smoking, Provide Tax Relief
and Improve the Health of Maine Citizens

JOINT RESOLUTION

SPONSOR: Rep. Lemke, William

LR 2606 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES POST
OFFICE TO ISSUE A STAMP COMMEMORATING JOSHUA LAWRENCE
CHAMBERLAIN

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Bisulca, Paul Tabled
05/08/97
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Claims Settlement

SPONSOR: Rep. Bodwell, II, William E. Tabled
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for Adult Participants of the "Hooked on Fishing-Not
on Drugs" Program

SPONSOR: Rep. Gerry, Belinda A. Tabled
04/14/97
LR 2484 An Act to Accord Benefits and Rights to Companions

JOINT RESOLUTIONS

SPONSOR: Rep. Donnelly, James O. Tabled
01/16/97
LR 2319 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONSIDER
PREVAILING WINDS CAUSING POLLUTION FROM OTHER AREAS
IN PRIORITIZING ENVIRONMENTAL STANDARD REQUIREMENTS

SPONSOR: Rep. Donnelly, James O. Tabled
01/16/97
LR 2320 JOINT RESOLUTION MEMORIALIZING CONGRESS
CONCERNING FLAG DESECRATION

SPONSOR: Rep. Hatch, Pamela H. Tabled
04/14/97
LR 2506 JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS
STRIKEBREAKER LEGISLATION

SPONSOR: Sen. Kilkelly, Marge L. Tabled
03/18/97
LR 2454 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS
TO TRANSFER FUNDS FROM THE MILITARY BUDGET TO CITIES AND
STATES

SPONSOR: Rep. Kontos, Carol A.

**TABLED
02/27/97**

LR 2430 JOINT RESOLUTION MEMORIALIZING STATE AGENCIES, CITIZENS,
BUSINESS AND THE GOVERNOR TO CONSOLIDATE EXPERTISE
FOR THE MONITORING OF COMPETITIVE MARKETS FOR ELECTRICITY,
NATURAL GAS AND OTHER SOURCES OF ENERGY IN A SINGLE
STATE AGENCY IN ORDER TO FACILITATE A CONSISTENT
ENERGY POLICY

SPONSOR: Rep. Kontos, Carol A.

**TABLED
02/27/97**

LR 2431 JOINT RESOLUTION CALLING ON THE UNITED STATES CONGRESS TO
ENACT LEGISLATION TO REDUCE EMISSIONS FROM POWER PLANTS
TO ENVIRONMENTALLY COMPARABLE LEVELS REGARDLESS OF AGE;
THE GOVERNOR TO CONTINUE MAINE'S INVOLVEMENT IN FEDERAL
AND REGIONAL EFFORTS TO ADDRESS THE ENVIRONMENTAL IMPACTS
OF ELECTRIC UTILITY RESTRUCTURING; AND THE OWNERS OF
EXEMPT UTILITY FOSSIL FUEL PLANTS TO VOLUNTARILY REDUCE
EMISSIONS

SPONSOR: Sen. Lawrence, Mark W.

**TABLED
02/27/97**

LR 2399 JOINT RESOLUTION RELATING TO EDUCATING FAMILY MEMBERS
ABOUT BREAST CANCER

SPONSOR: Sen. Ruhlin, Richard P.

**TABLED
02/27/97**

LR 2318 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
POSTAL SERVICE AND MAINE'S CONGRESSIONAL DELEGATION
TO RETAIN AND PRESERVE THE HISTORIC POST OFFICE IN
CASTINE, MAINE

SENATE

RICHARD J. CAREY, DISTRICT 14, CHAIR
JOHN J. CLEVELAND, DISTRICT 22
PHILIP E. HARRIMAN, DISTRICT 23

JON CLARK, LEGISLATIVE ANALYST
PAULA B. THOMAS, COMMITTEE CLERK



STATE OF MAINE

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ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON UTILITIES AND ENERGY

June 12, 1997

TO: Legislative Council Members
FROM: Senator Richard J. Carey
Chair Utilities Committee
SUBJECT: Proposed change in restructuring law.

Dear Council Members,

In our remarks during the passage of the restructuring bill, we mentioned that we would be revisiting the new law several times in the near future. What we didn't know was that the 'near future' was nearer than any of us thought.

I am asking for a change in the new law which we could enact on veto day if allowed in by the Council. I would take it upon myself to ensure notification of parties with an interest in this change.

I have already spoken to attorney Tony Buxton who represents the industrial users and generators. He will be helpful in seeing that other interested parties are made aware of the proposed change.

I have included in this letter, material which may be useful in understanding the proposed change in order to save you time on Monday at your meeting.

Should this be acceptable to the Council I will call a meeting of the Utilities Committee for 8:00 AM on the morning of the 20th. It should take little time with all parties in agreement.

I am also sending a copy of this letter, with enclosures, to the members and staff of the Committee.

Respectfully,

Handwritten signature of Richard J. Carey in cursive script.
Senator Richard J. Carey



STATE OF MAINE
PUBLIC UTILITIES COMMISSION
18 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0018

THOMAS L. WELCH
CHAIRMAN

June 12, 1997

WILLIAM M. NUGENT
HEATHER F. HUNT
COMMISSIONERS

The Honorable Elizabeth H. Mitchell
Speaker of the House
State House Station 2
Augusta, Maine 04333

Re: CMP After-Deadline Bill Request

Dear Speaker Mitchell:

We understand that Central Maine Power Company (CMP) desires to have legislation introduced for the upcoming "veto days." The proposed bill would amend the recently-enacted electric restructuring legislation to clarify that certain restructured qualifying facility (QF) power contracts need not be divested by transmission and distribution utilities (T&D utilities) after restructuring occurs in the year 2000.

The Commission has reviewed CMP's proposed legislation and concurs in the need for the bill to correct an oversight in the restructuring legislation. As you know, the restructuring legislation requires all T&D utilities to divest their power generation sources by the year 2000, with a few exceptions. One such exception applies for power generated by a QF. QF power is generally supplied at higher prices under older contracts with the utility. The State has actively encouraged utilities to renegotiate these contracts to reduce the price paid for QF power. If the result of renegotiations is to prevent a contract from being categorized as a QF contract, however, the T&D utility would have to divest the renegotiated contract in the year 2000. Such a result creates an impediment to future QF contract renegotiations and prevents further reductions in existing QF contract costs. Enactment of the proposed legislation would allow QF contract renegotiations to continue and encourage further reductions in the price for electricity generation obtained by Maine's utilities.

For these reasons, the Commission supports the introduction of CMP's proposed legislation and encourages you to approve its submission as an after-deadline bill. Thank you for your consideration of this matter. If you have any further questions, please don't hesitate to contact me.

Sincerely,

Gilbert W. Brewer
Legislative Counsel

cc: Sally Tubbesing, Executive Director of Legislative Council

