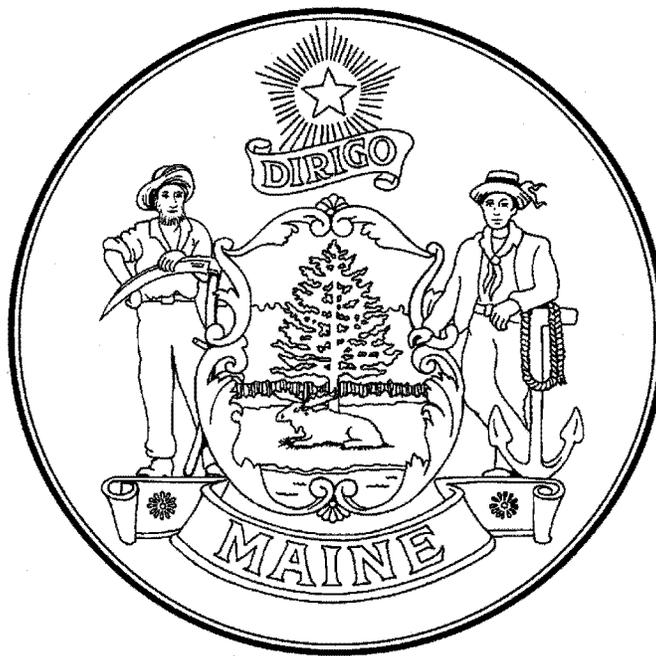


# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# LEGISLATIVE COUNCIL

## REVISED AGENDA

September 24, 1997

### CALL TO ORDER

### ROLL CALL

### SUMMARY OF AUGUST 22 COUNCIL MEETING

### EXECUTIVE DIRECTOR'S REPORT

**Item #1:** State House Repairs and Renovations: Follow up

**Item #2:** 486 Computers: Status (At request of Senate President Lawrence and Speaker Mitchell)

### REPORTS FROM COUNCIL COMMITTEES

**Item #1:** Committee on Legislative Information Technology

### OLD BUSINESS

None.

### NEW BUSINESS

**Item #1:** Deadline for Submission of Major Substantive Rules: Consideration of Establishing an Early Deadline (memo from David Boulter)

### 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

August 22, 1997

### CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 10:21 a.m. in the Legislative Council Chamber.

### ROLL CALL

Senators: President Lawrence, Sen. Pingree,  
Sen. Amero, Sen. Rand,  
Absent: Sen. Kieffer

Representatives: Speaker Mitchell, Rep. Saxl,  
Rep. Campbell  
Absent: Rep. Kontos, Rep. Donnelly

The Chair, Speaker Mitchell, confirmed that a quorum was present and noted that Senator Kieffer was absent because his flight had been cancelled due to weather and that Rep. Kontos was out-of-state.

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  
Joy O'Brien, Secretary of the Senate  
Joseph Mayo, Clerk of the House

### SUMMARY OF JULY 14 COUNCIL MEETING

**Motion:** That the Meeting Summary be approved and placed on file.  
(Motion by Sen. President Lawrence; second by Rep. Campbell;  
unanimous).

## EXECUTIVE DIRECTOR'S REPORT

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

### Item #1: Personnel Actions

Ms. Tubbesing reported that she had approved David Boulter's recommendation to hire Heather Henderson to fill the vacancy in OPLA that had been created by Lisa Copenhaver's resignation. She noted that Ms. Henderson had been employed during the First Regular Session and thus brings a session's worth of legislative experience to her new, permanent position.

This item did not require formal Council action.

### Item #2: Legislative Appropriations for FY 1997: Year End Status Report

Ms. Tubbesing drew members' attention to materials in their packets which summarized the activity in each of the accounts administered by the Legislature. She pointed out that while the figures suggest that there was a "surplus" of approximately \$160,000 in the general legislative account, the expenses actually incurred in Fiscal Year 1997 exceeded total funds available by about \$75,000.00: some invoices received in June had been held to ensure that sufficient funds were available to pay legislators' expenses through the end of the session. In response to a request from Senator Amero, Ms. Tubbesing briefly reviewed the budget categories in which expenditures appeared to be significantly over or under budget, noting that the over expenditures in personal service categories could be traced to the following factors: 1) the 3-day Special Session last September and 2) the high level of turnover in staff in Senate and House offices following the elections. She also noted that this Legislature had considered more bills in its First Regular and First Special Sessions than the 117th Legislature had in its biennium.

Ms. Tubbesing then turned members' attention to the year end balances in the other accounts administered by the Legislature, and estimated that slightly more than \$100,000 of the total balance could be considered "surplus."

No formal Council action was required on this item.

### Item #3: State House Repairs and Renovations

Ms. Tubbesing provided Council members with a brief summary of the work being done during the interim that the Council had authorized at its May meeting.

### East Portico Ceiling

She then reported that the ceiling above the East Portico of the State House (at the 2nd floor) had shown evidence of structural failure following a series of heavy rain storms in early July. Preliminary investigations suggested that the entire ceiling had been weakened by water damage; and the ceiling had since been pulled down. She stated that plans for restoring the ceiling are still in process, but that preliminary estimates indicate that the total cost of replacing the ceiling, including the demolition, could be as high as \$70,000.

Council members expressed a desire to have this item on the September Council agenda, when more complete information is available, and also asked Ms. Tubbesing to provide an updated list of proposed work in the State House.

The Council took no formal action on this item at this time.

### Award of Contract for Repairs and Renovations during the Interim

Ms. Tubbesing recalled that a prequalification process had been employed to screen general contractors for the work to be undertaken during the interim. Both of the prequalified firms had submitted bids, and the firm with the low bid is Ledgewood, Inc., based in South Portland.

**Motion:** That the Executive Director be authorized to enter a contract with Ledgewood, Inc. for the work previously approved by the Council. (Motion by Sen. President Lawrence; second by Rep. Saxl; unanimous).

### Reserve Fund for State House Preservation and Maintenance

Ms. Tubbesing reminded Council members that the Fund had been set up in statute to separate expenditures for major repairs and renovations from the funds required to support the general operation of the Legislature. The law includes specific language authorizing the Legislative Council to transfer funds from its own account balances to this Fund. Ms. Tubbesing suggested that the Council consider transferring the unobligated balances from the accounts that had been described previously, noting that some of these funds would be required for the work on the Portico Ceiling described previously.

**Motion:** That the Council authorize the transfer of \$107,953 from the year end balances in various accounts to the fund for State House Preservation and Maintenance pursuant to statute. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

**Item #4: Proposed Cloture Date and Screening Schedule for Second Regular Session**

The Chair, Speaker Mitchell, drew Council members' attention to the proposed schedule for cloture and bill screening for the Second Regular Session and recognized Margaret Matheson, Revisor of Statutes. Ms. Matheson stated that the schedule closely follows the schedule employed 2 years ago, which seemed to have worked effectively.

Following discussion, the Council agreed to make adjustments in the dates.

A copy of the revised schedule is attached to this Meeting Summary.

**Item #5: Request to Install Public TTY Phones in the State House and State Office Building**

Ms. Tubbesing drew Council members' attention to a letter that she had received, after the agenda packet had been finally assembled, from Mary Edgerton, an advocate for the deaf. Ms. Edgerton observed that while several legislative offices have TTY's, these are not readily accessible to the public.

Ms. Tubbesing recommended that, on the basis of her discussions with various parties, a new TTY phone be installed in the 4th Floor Corridor in conjunction with the work that is being done this summer. She further recommended that Ms. Edgerton's request be forwarded to the Commissioner of Administrative and Financial Services for action in the State Office Building.

**Motion:** That the recommendations with regard to installation of public TTY phones be approved. (Motion by Sen. President Lawrence; second by Rep. Saxl; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

### CSG/ERC Legislative Steering Committee

The Chair, Speaker Mitchell, thanked all legislators and staff who had contributed their time and effort to the highly successful meeting in Portland, noting that it required an enormous team effort. Senator Amero, Co-Chair of the Legislative Steering Committee, added her thanks and congratulations to all participants and offered special recognition to Pat Eltman, Chief of Staff to the Speaker, and Sally Tubbesing, who had coordinated the overall planning and execution of all activities for which the Legislature was responsible.

No formal Council action was required on this item.

## OLD BUSINESS

None.

## NEW BUSINESS

- Item #1: Request from Representative Tripp to Re-establish Select Committee to Study the Health Effects of Reformulated Gasoline

The Chair, Speaker Mitchell, drew members' attention to a letter from Rep. Tripp, which was included in their packets. She then briefly summarized the history of the Select Committee, noting that it had originally been appointed by the presiding officers of the 117th Legislature and that because it had had no specific legislative authorization to extend, it had expired with the completion of the 117th legislative biennium. She then asked David Boulter, Director, Office of Policy and Legal Analysis, to amplify on the work that the Joint Select Committee had accomplished. Mr. Boulter stated that the Select Committee was originally established by the presiding officers in March, 1996, and authorized to have four meetings -- two public hearings and two additional meetings of the Committee. He noted that Rep. Tripp had originally asked for public hearings in each of the 7 counties that had been mandated to use reformulated gas. The Select Committee had an organizational meeting and had conducted two public hearings in September, 1996, in Scarborough and Wiscasset. Mr. Boulter reported that the Committee had never convened its final meeting because of lack of time, with the election of the new Legislature, and Committee interest in again requesting further public hearings. With the seating of the 118th Legislature the Committee's authority expired. The Legislative Council had considered a request to re-establish the study in May, during its consideration of all other study requests and had voted 8-2 not to reauthorize the study (with Sen. President Lawrence and Rep. Donnelly voting in favor of reauthorization). The Chair, Speaker Mitchell, noted that 6 of the 7 members of the original Select Committee are still in the Legislature. She clarified that the motion had been to re-establish the Committee.

In the ensuing discussion, Council members questioned whether the request should be handled by the Council. Clerk of the House Joe Mayo stated that the Joint Rules provide for the establishment of select committees by the presiding officers. In response to a question from Senate President Lawrence, he clarified that there is nothing to preclude the Council from creating a committee with staffing and that the Council has the broader authority to assign non-partisan staff to study commissions, regardless of their auspice.

The Chair, Speaker Mitchell, then drew the Council's attention to the issue of whether the Joint Select Committee needs more time to complete its work. Rep. Tripp, noting that OPLA staff support had not been available during the session, indicated that no one on the Committee had understood that the Committee would expire "automatically." He restated his request for re-establishment of the Committee, as well as, authorization to conduct three additional public hearings in "built up areas" (Portland/S.Portland; Waterville/Augusta; Lewiston/Auburn). He stressed that the subject matter was very important to the Legislature. Speaker Mitchell asked Rep. Tripp if he thought the Committee could accomplish its goal with only one more hearing; and he responded, again, that he thought it was critical to have at least one hearing in a built-up area. Senator Amero pointed out that Scarborough would certainly fit this criterion, noting that while she questioned the need for additional hearings, she supported allowing the Committee to complete its work.

Other questions focussed on:

- The attendance at the hearings in 1996 (Sen. President Lawrence).

Rep. Tripp replied that 60 attended the hearing in Scarborough and that about one third of the participants had attended both hearings.

- Is there new information available now?  
(Sen. President Lawrence)

Rep. Tripp pointed to legislation that has been introduced in California based on concerns that MTBE is difficult to dispute.

- Will the report include scientific data? (Speaker Mitchell)

Rep. Tripp replied affirmatively, noting that not all of the information in the report would be anecdotal. Speaker Mitchell emphasized the importance of including scientific information.

- Had the Committee dealt with the drinking water issue in its earlier work. (Sen. President Lawrence)

Rep. Tripp responded that this issue would be addressed.

Additional discussion followed about whether it was necessary to have another public hearing, and Sen. President Lawrence expressed his desire to have more than one.

**Motion:** That the Select Committee be authorized to hold one additional public hearing and one work session and submit its report to the Joint Standing Committee on Natural Resources. (Motion by Sen. Pingree; second by Sen. Rand).

**Discussion:** Sen. Amero offered a friendly amendment to the motion to establish a specific reporting date, and the motion was amended to add "by December 15".

The motion as amended was approved unanimously.

Senate President Lawrence and Speaker Mitchell reported that they would re-establish the Select Committee and make appointments following the Council meeting.

**Motion:** That the Council authorize the assignment of appropriate staff to the Committee once it has been reconstituted by the presiding officers. (Motion by Sen. Pingree; second by Sen. Rand; unanimous).

**Item #2: Performance Budgeting and Strategic Planning: Current Status and Issues (Request of Sen. Rand)**

The Chair, Speaker Mitchell, commented that the performance budgeting process was developing rapidly and that it raised a variety of significant policy issues that require the Legislature's involvement. Sen. Rand concurred and advocated setting up a briefing for the Council.

While the Council took no formal action on this item the Chair, Speaker Mitchell, indicated that she would appoint a small Working Group to prepare a briefing for the Council in the near future.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council was adjourned at 11:41 a.m., on the motion of Rep. Saxl.

STATE HOUSE MASTER PLAN  
PROJECTS RELATED TO ACCESSIBILITY (ADA) AND FIRE SAFETY  
May, 1997

Projects Related to Americans with Disabilities Act	Estimated Cost	Proposed Schedule
<p>Note: The Tunnel, which does not currently conform to ADA requirements and which also presents fire safety issues has been discussed by the Master Plan team and Department of Administrative and Financial Services. Options and cost estimates are not available at this time.</p> <ul style="list-style-type: none"> <li>• Fire Alarm System (Replace to meet ADA requirements)</li> <li>• Upgrade Bathrooms (Floors 1, 2 &amp; 4)</li> <li>• Replace/Upgrade Elevator Cars (Replace cars &amp; motors in North &amp; South Wings; upgrade Governor's elevator; construct new penthouses on roof; add required ADA signage &amp; signaling)</li> <li>• Replace Sound System (Current system in Senate &amp; House does not permit enhancement of sound for hearing impaired visitors).</li> <li>• Upgrade South Entrance to Accommodate Handicapped Access  Note: This estimate does not include renovations to interior of the existing south entry lobby.</li> <li>• Upgrade Existing Signage</li> </ul>	<p>1st phase is included in scope of work to be completed during 1997 interim.</p> <p style="text-align: right;">Estimates for balance of work:</p> <p style="text-align: right;">\$300,000</p> <p style="text-align: right;">\$125,000</p> <p style="text-align: right;">\$350,000</p> <p style="text-align: right;">\$710,000</p> <p style="text-align: right;">\$850,000</p> <p style="text-align: right;">\$ 85,000</p>	<p>4th Floor: 1997 Interim Balance: 1998 Interim</p> <p>1999 Interim</p> <p>South Elevator: 1998 Interim North &amp; Governor's: 1999 Interim</p> <p>1998 Interim</p> <p>1999?</p> <p>4th floor: 1997 Interim Balance: 1998 Interim</p>

Projects Related to Fire Safety Issues	Estimated Cost	Proposed Schedule
<ul style="list-style-type: none"> <li>• Upgrade Fire Escapes</li> <li>• Upgrade Fire Alarm System</li> <li>• Install Sprinkler System Note: This estimate includes the costs of the significant architectural modifications required to accommodate the ducts for all major mechanical and electrical systems in the State House, including a sprinkler system, ventilation electrical and various communications systems.</li> <li>• Smoke Protection/Floors 1, 2 &amp; 3 (Fire doors/fire curtains) (Includes replacement of 1st floor slab, which is required before smoke doors can be installed)</li> <li>• Lighting Protection</li> </ul>	<p>Included in scope of work to be completed during 1997 Interim</p> <p>(see above)</p> <p style="text-align: right;">\$5,150,000</p> <p>4th floor work is included in scope of work to be completed during 1997 interim</p> <p>Estimates for balance of project:</p> <p style="text-align: right;">\$ 400,000</p> <p style="text-align: right;">\$ 20,000</p>	<p>1997 Interim</p> <p>(see above)</p> <p>Phase I: 1998 Interim Phase II: 1999 Interim</p> <p>1998 Interim</p> <p>1998 Interim</p>

Total Estimated Cost

\$ 7,990,000

**BOND ISSUE: QUESTION # 3**

**“Question:** Do you favor a \$10,000,000 bond issue to provide funding for the Adaptive Equipment Loan Program, which provides loans to individuals with disabilities to purchase adaptive equipment and to small businesses to improve accessibility, and to improve accessibility and addressing related safety issues at the University of Maine System and at the State House?”

Adaptive Equipment Loan Program: \$1,500,000  
University of Maine System: \$6,500,000  
Reserve Fund for State House Preservation and Maintenance: \$2,000,000

---

Total amount of bonds for November (including transportation bond) : \$73,850,000

Total amount to be retired in next fiscal year : \$70,000,000 (principal)  
\$13,000,000 (interest)

# QUESTION # 3

## CASE STATEMENT

On November 4th, Maine voters will be asked to cast their ballots on a constitutional amendment, referenda, and three bond issues. One of those ballot issues, Question #3, will ask Maine people to assist individuals with disabilities tackle the barriers to independent living and gain greater physical access to the state's universities. The bond issue will also provide needed funds to these public buildings and the State House to address safety-related issues.

Specifically, the question reads:

*Do you favor a \$10,000,000 bond issue to provide funding for the Adaptive Equipment Loan Program fund, which provides loans to individuals with disabilities to purchase adaptive equipment and to small businesses to improve accessibility, and for improving accessibility and addressing related safety issues at the University of Maine System and at the State House?*

### **Adaptive Equipment Loan Program (\$1.5 million)**

Hailed as the nation's first consumer-financed loan program of its kind, the Adaptive Equipment Loan Program was established in 1988 through an initial bond issue. Funds have been used to make low-interest loans available to Maine citizens, community organizations, and businesses for the purchase of adaptive equipment. Whether in the form of motorized wheelchairs, ramps, assistive animals, or telecommunication devices for the hearing impaired, the fund enables individuals with disabilities to remove barriers and create access to greater opportunities. Funds from this year's bond issue will enhance the program's loan-granting ability and allow more Maine citizens to enjoy more independent lives.

### **Safety and Access within the University of Maine System (\$6.5 million)**

The University of Maine System will use funds from the bond issue at each of its seven universities to address issues of access for people with disabilities, as well as to address fire, health, and safety concerns through renovations to buildings on their campuses. Each university will be able to respond to its most dire and pressing safety needs, as well as to comply with the Americans with Disabilities Act. For instance, libraries will be remodeled to address fire code safety and regulatory compliance, fire alarm and sprinkler systems will be installed in various buildings, and elevators and ramps will be installed and built to improve accessibility.

### **State House**

Additionally, similar renovations and improvements will be made to the State House that address fire and safety concerns and public health issues.

**Planned distribution of funds:**

University of Maine System: \$6.5 million

UMaine	\$3.2 million
USM	\$1.7 million
UMF	\$490,000
UMA	\$420,000
UMPI	\$295,000
UMM	\$190,000
UMFK	\$155,000

State House: \$2.0 million

Adaptive Equipment Loan Program fund: \$1.5 million

**Maine Citizens for Access, Safety & Independence**  
P. O. Box 1661, Bangor, ME 04402-1661  
(207) 223-5458

**Margaret Cote, Treasurer**  
**Loren Andrews, Campaign Coordinator**

STATE OF MAINE  
Referendum Election, November 4, 1997  
LISTING OF REFERENDUM QUESTIONS

Carry-over Measure

*Question carried forward from November 5, 1996, Referendum Election*

**Question 1**

Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?

**Bond Issues**

**Question 2**

Do you favor a \$7,000,000 bond issue, which will match \$15,000,000 in federal funds, to construct water pollution control facilities, to clean up tire stockpiles and to make drinking water improvements?

**Question 3**

Do you favor a \$10,000,000 bond issue to provide funding for the Adaptive Equipment Loan Program fund, which provides loans to individuals with disabilities to purchase adaptive equipment and to small businesses to improve accessibility, and for improving accessibility and addressing related safety issues at the University of Maine System and at the State House?

**Question 4**

Do you favor a \$56,850,000 bond issue for improvements to municipal and state roads, state and local bridges, airports, state ferry vessels and terminals and rail and marine facilities that makes the State eligible for approximately \$129,740,000 in matching federal funds?

**Constitutional Amendment**

**Question 5**

Do you favor amending the Constitution of Maine to remove the language providing that all persons under guardianship for reasons of mental illness are disqualified from voting?

**Referendum Question**

**Question 6**

Do you favor adding one travel lane in each direction to the southern end of the Maine Turnpike, paid for by turnpike tolls, to reduce accidents and congestion?

**COMPUTERS IN COMMITTEE ROOMS AND OFFICES**  
**Status as of September 20, 1997**

Committee	Room #	Wang	Network	PC Type	Comments
Agriculture Conservation & Forestry	107 SOB (Office)	No	Yes	486	(shared)
	109 SOB (Hearing)	No	No	--	
Appropriations & Financial Affairs	227 SH (Sen. Chair)	No	No	--	Feasible to wire for LAN
	231 SH (Clerk)	No	Yes	P90	
	228 SH (Hearing)	No	Yes	OFPR (Notebook)	
Banking & Insurance	427 SH (Hearing/Office)	No	No		
Business & Economic Development	120B SH (Office)	No	No		(share with Marine Resources/ 120A)
	124 SH (Hearing)	Yes	Yes		Could install a 486
Criminal Justice	105 SOB (Hearing)	No	No	486	(see ACF above)
	107 SOB (Office)	No	No	--	
Education & Cultural Affairs	120 SOB (Hearing/Office)	No	No		
Health & Human Services	434 SH (Chairs)	No	Yes	(Chairs own PC)	
	436 SH (Hearing)	No	No	--	
Inland Fisheries & Wildlife	107 SOB (Office)				
	109 SOB (Hearing)				
Judiciary	434 SH (Chairs)	(See Health & Human Services above)			
	438 SH (Hearing)	No	No	--	
Labor	134 SH (Hearing/Office)	Yes	Yes		Plan to install Pentium
Legal & Veterans' Affairs	425 SH (Hearing)	Yes	No	--	
	433 SH (Office)	Yes	Yes		Plan to install Pentium
Marine Resources	120A SH (Office)	Yes	Yes	486	
	124 SH (Hearing)	Yes	Yes	--	
Natural Resources	435 SH (Office)	Yes	Yes		Plan to install Pentium
	437 SH (Hearing)	No	No		
State & Local Government	334 SH (Hearing)				(See Legal & Veterans' above)
	433 SH (Office)				
Taxation	221 SH (Hearing)	No	No	--	
	223 SH (Office)	Yes	Yes	486	
Transportation	122 SOB (Hearing/Office)	No	No		
Utilities & Energy	124 SOB (Hearing/Office)	No	No		



## 118th Maine Legislature

Mark W. Lawrence  
President of the Senate

Elizabeth H. Mitchell  
Speaker of the House

September 12, 1997

Sally Tubbessing  
Executive Director, Legislative Council  
115 State House Station  
Augusta, ME 04333

Dear Sally:

We are writing regarding the 486 computers that are being removed from various legislative offices throughout the building. While we are certainly pleased that the quality of legislative computers is being updated, we are concerned that the 486 computers are being sent out to surplus rather than being used in offices in the building that are currently without computers.

What most concerns us as leaders of the Legislative Council is that a decision to remove these computers permanently from the building was made without approval from a formal vote of the Legislative Council. Therefore, we are not authorizing the removal of any 486 computers from the Capitol until a formal discussion has been conducted at a meeting of the full Legislative Council. We respectfully request that you place this matter on our next agenda.

Thank-you for your attention to this matter. If you have any questions, please do not hesitate to contact either one of us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Libby H. Mitchell'.

Libby H. Mitchell  
Chair, Legislative Council

A handwritten signature in cursive script, appearing to read 'Mark W. Lawrence'.

Mark W. Lawrence  
Vice-Chair, Legislative Council

SEP 12 1997



*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

**To:** The Honorable Elizabeth H. Mitchell, Chair  
and Members of the Legislative Council

**From:** *D. B.*  
David E. Boulter, Director

**Date:** September 18, 1997

**Re:** Establishing an early deadline for submission of major substantive rules

---

**Policy Question:** If the Legislative Council anticipates an adjournment of the Second Regular Session that is earlier than the statutory adjournment date of April 16, 1998, does the Council want to establish an early deadline for the submission of major substantive rules by agencies which require legislative review?

**Background:** As you know, major substantive rules proposed by state agencies must be submitted to the Legislature for review and authorization prior to being finally adopted. Last session, 11 provisionally adopted agency rules were reviewed and authorized by the Legislature. Agencies will be filing new major substantive rules with the Legislature when it reconvenes in January.

The Council is authorized by statute (P.L. 1997, c. 196) to set an earlier deadline for submission of major substantive rules if it decides an earlier submission date is necessary to assure that the Legislature will have sufficient time to hear, work, draft and debate rules review legislation before it adjourns. Under the law, the Legislative Council may set a new filing deadline of up to 30 days before the normal deadline if early adjournment is anticipated. Agencies must be notified if an early deadline is established.

Under the Administrative Procedure Act, agencies generally may submit provisional rules for legislative review anytime up to 45 days before the statutory adjournment date. In the Second Regular Session of the 118th Legislature the statutory adjournment date is April 16 so the current deadline for filing at this time is March 3. It is my understanding that a late March, rather than an April, adjournment date is being considered since the 2nd session is currently budgeted only through the end of March.

The Legislature may review rules filed after the deadline but is not obligated to if it does not think it has sufficient time. Rules that are not submitted in time to be reviewed by the Legislature must wait until after review in a subsequent session before they may be finally adopted. If rules are timely filed and the Legislature accepts the rules for review, however, it must act on them that session or they go into effect without legislative authorization.

Memo to Legislative Council  
Re: Deadline for major substantive rules  
September 18, 1997

Policy Options: Several options are available to the council.

1. If the length of the 2nd regular session is not shortened, no change to the March 3 deadline is necessary. In that situation, the Legislature will have a minimum of 45 days to review and act on the provisional rules.
2. If adjournment is to be early--by the end of March-- the Council can choose to:
  - A. not change the deadline. This would shorten the minimum time for legislative review and action on the rules from 45 to 28 calendar days (20 work days); or
  - B. establish an earlier deadline that is anytime between February 2 and March 3.

In setting an earlier deadline, it is important to keep in mind that the amount of time agencies need to complete rulemaking before they can submit provisional rules to the Legislature for review varies greatly. Experience in the Secretary of State's Office suggests that an average time for rules to be provisionally adopted and ready to file for legislative review is approximately 3-5 months from the start of the rulemaking process. If agencies begin rule-making activities for newly enacted laws in late September or early October (after the effective date of most legislation), the time necessary for adopting complex or controversial rules will likely take them to or beyond a February 2nd deadline.

This consideration needs to be balanced with the need for adequate time for legislative review, and a reduction in review time from 45 days to 28 days is significant when considering the lead time necessary for advertising and holding public hearings on the rules. The Legislative Council may want to consider establishing a filing deadline of Friday, February 20, 1998 as an appropriate date to achieve this balance and allow the committees to complete their review by mid-March. With a February 20 deadline, the Legislature would be afforded a minimum of 39 days for its review of provisional rules.

I would be happy at the next council meeting to discuss this matter further or answer any questions you may have.

xc: Sally Tubbesing  
Office Directors  
Joe Mayo  
Joy O'Brien

**LEGISLATIVE COUNCIL**  
**SCHEDULE OF MEETINGS AND**  
**KEY DATES**

**SEPTEMBER**      **Wednesday, September 24**      **10:00 a.m.**

Regular Business Meeting  
Briefing on Performance Budgeting/  
Strategic Planning

**OCTOBER**      **MONDAY, OCTOBER 6**      **FILING DEADLINE FOR**  
**SECOND REGULAR SESSION**

**Monday, October 27**      **10:00 a.m.**

Regular Business Meeting  
Screening Bill Requests for 2nd Regular  
Session

**Thursday, October 30**      **Notification of Council**  
**Action to Sponsors**

**NOVEMBER**      **Tuesday, November 4**      **Deadlines**

- Filing appeals
- Submission of sufficient info or drafts for all bills approved for introduction on 6/27

**Saturday, November 15**      **10:00 a.m.**

Regular Business Meeting  
Consideration of Appeals

SALLY TUBBESING



MARGARET E. MATHESON  
REVISOR

MAINE STATE LEGISLATURE  
OFFICE OF THE REVISOR OF STATUTES  
STATE HOUSE STATION 7  
AUGUSTA, MAINE 04333  
(207) 287-1650  
FAX (207) 287-6468

TO: Members of the 118th Legislature  
FROM: Margaret E. Matheson, Revisor *MEM*  
RE: CLOTURE DATE FOR THE SECOND REGULAR SESSION  
DATE: August 26, 1997

---

The cloture deadline for the Second Regular Session of the 118th Legislature has been set by the Legislative Council as **Friday, October 3, 1997, at 5:00 p.m.** In accordance with the Joint Rules, each proposed bill request that you submit must include a title and a brief description of the proposal by that deadline. That information will then be prepared by this office for screening by the Legislative Council.

A copy of the calendar for the entire screening process is attached. If your request is admitted at the first screening, either a draft or sufficient information to prepare a draft for introduction must be submitted by 5:00 p.m. on Tuesday, November 4.

Cloture is always a hectic time of year for everyone involved in the legislative process but it is a vital part of the process as it lays the groundwork upon which the upcoming session is based. I urge you to stop by or call at your convenience at any time between now and the cloture deadline to file your bill requests.

I would like to remind you that 170 bills from the first special session have been carried over for consideration in this session and that you might wish to determine whether one of those bills can accomplish your goals before you file a request. Information on carry-over bills may be obtained from the Legislative Information Office (287-1692) or this office.

Enclosure  
57684ROS

cc: Office Directors  
Secretary of the Senate  
Clerk of the House  
Legislative Information Office  
Senate and House Offices  
Office of the Governor