

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
JANUARY 27, 1999
REVISED AGENDA**

CALL TO ORDER

ROLL CALL

SUMMARY OF DECEMBER 21, 1998, COUNCIL MEETING

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF
DIRECTORS**

Item #1: Bill Drafting Status Report: Margaret Matheson

Item #2: Fiscal Update: Jim Clair

Item #3: Drafting Guidelines for Legislative Studies: David Boulter (**draft enclosed**)

Item #4: Major Substantive Rules: Recommendation to Establish an Early Deadline for Submission:
David Boulter

Item #5: Y2K Update: Paul Mayotte

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Legislative Budget Requests for Fiscal Years 2000/2001: Overview and Discussion

Item #2: Submission of Study Reports

- Joint Select Committee on Research & Development (pursuant to Joint Order, S.P. 831)
- Special Commission on Financial Services Taxation (established by President of the Senate and Speaker of the House)
- Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services
- Report on the State's Land Use Medication Program, submitted by the Land and Water Resources Council (pursuant to 5 MRSA § 3331, sub-§ 5)
- Committee to Review the Governance Structure of the Baxter School for the Deaf (pursuant to Chapter 676 § 11, P.L. 1995)
- Committee to Study the Opening of a Discount Store in Fort Kent (pursuant to Chapter 755, P.L. 1997)

Item #3: Request for Extension of Reporting Deadline from the Commission on Eating Disorders (Letter from Rep. Brooks and Rep. Snow-Mello, Co-Chairs enclosed)

Item #4: Requests to Introduce Legislation

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. MARK W. LAWRENCE
CHAIR

REP. G. STEVEN ROWE
VICE-CHAIR



119th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. RICHARD A. BENNETT
REP. MICHAEL V. SAXL
REP. THOMAS W. MURPHY, JR.
REP. DAVID C. SHIAH
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
December 21, 1998

CALL TO ORDER

The Chair, Senate President Lawrence, called the Council meeting to order at 1:42 p.m. in the Legislative Council Chamber

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Bennett
Representatives:	Speaker Rowe, Rep. Saxl, Rep. Murphy, Rep. Shiah, Rep. Campbell
Legislative Officers:	Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House Millicent MacFarland, Assistant Clerk of the House Sally Tubbesing, Executive Director, Legislative Council James Clair, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian

SUMMARY OF DECEMBER 3, 1998, COUNCIL MEETING

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

REPORTS

Item #1: State Compensation Commission: Request for Extension of Reporting Deadline

Sally Tubbesing stated that the Commission had met the prior week and had requested an extension of its reporting deadline. Several members of leadership had attended this meeting; and Senate President Lawrence stated that he had filed a bill prior to cloture to accomplish this.

This item required no further Council action.

Item #2: Interim Studies: David Boulter

David Boulter drew Council members' attention to a summary report in their packets, noting that many study commissions had issued their final reports and that several others were nearing completion of their work. He stated that one, the Task Force to Develop Plans to Enhance Enforcement of Civil and Criminal Penalties, was going to request a one-year extension.

This item required no Council action.

OLD BUSINESS

Item #1: Legislative Video

Ms. Tubbesing drew Council members' attention to a memo in their packets that had been prepared at Senator Kontos' request regarding the copy right registration for the new legislative video. The Legislature's ability to reproduce and distribute the video requires passage of legislation that specifically authorizes the Legislature to administer the copyright on the video and on other materials that are deemed to be intellectual property. In discussion, it was clarified that Sen. Kontos had already filed this legislation and that the purpose of the memo was to provide the Council with an update on this item.

No further Council action was required.

LEGISLATIVE COUNCIL: ROLES AND RESPONSIBILITIES

The Chair, Senate President Lawrence, noted that the primary purpose of this Council meeting was to provide new members with an orientation to the Council's statutory roles and responsibilities.

Sally Tubbesing drew members' attention to a set of materials that had been distributed that included the statutory provisions related to the Council's authority and responsibilities. She then asked the Director of each of the staff offices that operate under the Council's

jurisdiction to briefly describe the primary duties and responsibilities of their respective offices. The Chair, Senate President Lawrence, encouraged Council members to ask questions throughout the presentation. Council members' questions and the ensuing discussion are summarized below.

Office of the Revisor of Statutes: Margaret Matheson, Director

- Availability of text of bills and amendments on the Legislative WEB site this session (Rep. Shiah)

This will be available in the near future; the Information Services Office is in the process of resolving final technical issues.

- Issue of Duplicate Bills and the Use of Concept Drafts (Rep. Campbell)

Ms. Matheson responded that her office had begun drafting bills well before cloture and described the difficulty in identifying all duplicates in a dynamic environment. She added that several members had requested concept drafts this session, but that it is still too early to know how many bills will finally be drafted in concept form.

- Explanations for the significant increase in the number of bills filed by cloture (Rep. Campbell)

Ms. Matheson noted that many legislators indicated that they were filing bills at the request of constituents, and added that the filings appear to be pretty evenly split between new and returning members.

Office of Fiscal & Program Review: Jim Clair, Director

- Staffing Priorities (Speaker Rowe)

Acknowledging the Office's efforts to make its information and expertise more broadly available to all members of the Legislature, Speaker Rowe stressed that it is important for legislators who aren't members of the Appropriations or Taxation Committees to understand what the Office's priorities have to be given the resources available.

- Policy Committees' Use of OFPR Staff/Information (Sen. Bennett)

Senator Bennett added that the Policy Committees need to make better use of the Office of Fiscal and Program Review, noting that some of these committees rely too heavily on executive departments for fiscal information. Mr. Clair noted that his staff are available to work with Committees on an informal basis before the final fiscal note on a committee amendment is prepared so that the Committee understands the potential fiscal impact of its proposals and the OFPR staff have a fuller understanding of the Committee's intent. He stated that OPLA staff do a good job of keeping his office apprised of the policy committees' intentions.

Speaker Rowe suggested that Council members need to emphasize to Chairs the importance of using OFPR as a resource. Sen. Bennett concurred, noting that legislative rules of procedure could be amended to provide that policy committees will not consider information of a fiscal nature unless the report from the Legislature's non-partisan fiscal office has been issued. Sen. Bennett agreed that OPLA staff are in the best position to know when to bring OFPR staff in to committee deliberations.

- How to isolate bills with fiscal notes (Rep. Campbell)

Mr. Clair responded that the broad subject listing of bill titles helps in the identification of bills that will potentially have fiscal notes and added that if the Council were to engage in a policy priority - setting process, it would be even more helpful.

- Staffing the Transportation Committee (Senate President Lawrence)

The Chair, Senate President Lawrence, noted that the Personnel Committee had talked specifically with Mr. Clair during the interview process about strengthening the information resources that we provided to the Transportation Committee.

Law & Legislative Reference Library: Lynn Randall, State Law Librarian

- Level and nature of the Legislature's use of the Library (Senate President Lawrence & Speaker Rowe)

Ms. Randall reported that the Legislature, including members and staff, account for 30-35% of the Library's active users during the session. The Attorney General's Office and the legal counsels assigned to executive branch departments are the largest single group of users.

Speaker Rowe asked if other states combined the State Law Library and the Legislative Reference Library; and Ms. Randall replied that Maine is unique. Senator Rand asked who contributed to the support of the Law Library; and Sally Tubbesing responded that the General Fund appropriation under the Legislative Council's jurisdiction represents the sole funding source.

David Boulter, Director, Office of Policy and Legal Analysis and Paul Mayotte, Director, Legislative Information Services Office, also provided overviews of the organization and primary functions of their offices.

The Chair, Senate President Lawrence, concluded this discussion by noting that the Legislative Council had been created by a prior legislature and encouraged Council members to be forthcoming with ideas to improve its structure and operations. Rep. Campbell suggested that the Council as the Board of Directors organize a retreat with its employees, designed to establish an open dialogue. Chair Lawrence said that he would pursue this.

KEY ISSUES AND INITIATIVES: OVERVIEW

Item #1: Proposed Schedule for the 1st Regular Session

The Chair, Senate President Lawrence, noted that in order to meet its budget reduction targets the 118th Legislature had reduced the length of the First Regular Session by 3 weeks, which would require adjournment sine die by May 28, 1999. He then led members through a tentative schedule for the entire session, noting that it is still tentative. Senator Bennett suggested that perhaps the Legislature is at a point where it needs to establish a limit on the number of bills a legislator can introduce, adding that legislators cannot fully participate in their assigned committees and shepherd a large number of bills through the process at the same time. He continued, suggesting that, especially in view of term limits, the Legislature need "to look at the whole way we do business. We have the quantity problem and it's going to affect quality." He encouraged the Council to think creatively about how to deal with the workload. Sen. Pingree agreed with the need to think creatively for the future, but added that it would be very difficult to reduce the number of bills this session retrospectively. In discussion, Council members asked Meg Matheson to analyze sponsor data in terms of the sponsor's length of legislative service.

The discussion turned again to a topic raised earlier: whether there is a way to separate those bills that have fiscal impact from those that don't. Ms. Matheson and Mr. Clair agreed that they could work together to try and isolate this subset of bills with the information that was filed. They noted that Legislators are asked when they file bills if the bill is going to have a fiscal impact; but some don't know, and others are intent on finding ways to avoid a fiscal impact. Rep. Murphy, recalling that the budget had been passed 2 years ago before some bills had even been heard, advocated either "fast tracking" all bills with fiscal notes or leaving a large table so that funds are left. Senator Bennett advocated passing a Current Services budget by April 1 that would guarantee the continuation of "base line" programs and services. In response to a question from Senate President Lawrence as to whether this "base line" budget would include GPA, Sen. Bennett responded that it would allow the 3% increase currently provided in statute but that any additional increase would have to be done in the Part 2 budget unless there were bipartisan support for doing more within the Part I framework.

Discussion then turned to the impact of the workload on legislative staff. Senator Bennett stated that the Council needs to look at the whole process and try to find a way to pace the process better. Sen. Pingree asked whether Sen. Bennett would support increasing the legislative budget to allow the Legislature to do its work over a longer period of time; and Sen. Bennett responded that his priority would be increasing the efficiency of members' time within the existing legislative schedule first. Rep. Campbell reiterated his earlier suggestion that the Council schedule a retreat with

employees to explore ideas and opportunities; and there was consensus that a committee be established to look at this. Council members raised the following specific questions and concerns:

- What percentage of the bills filed are generated by lobbyists? by constituents? (Senate President Lawrence)
- Some Committees schedule too many bills on a single day; members of the public who come to Augusta to testify are often short-changed. (Rep. Campbell)
- Some Committees do not schedule enough work days. (Sen. Rand)

Item #3: Budgets Under the Council's Jurisdiction

Item #4: Renovations

The discussion of these items was deferred to a future meeting, based on time considerations.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 5:09 p.m., on the motion of Speaker Rowe (second by Rep. Murphy).

FISCAL BRIEFING FOR THE LEGISLATIVE COUNCIL:

JANUARY 1999

- Preliminary General Fund Status; after LD 50, as amended (see attachment # A)
- Preliminary Highway Fund Status; after recent \$5.1 million transfer (see attachment # B)
- Joint Budget Hearings: EFY 99 (LD 50) and 2000-2001 Part 1 (LD 618) (see attachment # C)
- Next Meetings of the Consensus Economic Forecasting Commission and the Revenue Forecasting Committee (see attachment # D)
- Preliminary December 1998 General Fund revenues (see attachment # E)
- Question - and - Answer

2000-2001 "PART 1" BUDGET SUMMARY

GOVERNOR'S LD 618 PROPOSALS

(in millions)

1. GENERAL FUND "STRUCTURAL GAP"

	1/8/99 Gov.'s Overview			With LD 50, as amended		
	FY 00	FY 01	BIENNIUM	FY 00	FY 01	BIENNIUM
> Estimated Balance Forward	\$117.7		\$117.7 *	\$140.5		\$140.5
> Adjustments to Balance	4.5	0.1	4.6	4.5	0.1	4.6
> Section A-25, Base Revenues	2,147.7	2,230.8	4,378.5	2,147.7	2,230.8	4,378.5
> Subtotal: Resources	2,269.9	2,230.9	4,500.8	2,292.7	2,230.9	4,523.6
> Section A-25, "Current Services" Appropriations	2,166.1	2,257.5	4,423.6	2,166.1	2,257.5	4,423.6
> PROJECTED BALANCE	103.8	(26.6)	77.2 **	126.6	(26.6)	100.0

* Based on LD 50, as amended by Committee Amendment "A" (EFY99 Budget).

** The final estimate of the "structural gap" will depend on the balance forward referred to above.

2. GOVERNOR'S PROPOSED 2000-2001 "PART 1" GENERAL FUND BUDGET SUMMARY

> Estimated Balance Forward*	\$117.7		\$117.7	\$140.5		\$140.5
> Adjustments to Balance	\$4.8	\$0.9	\$5.7	\$4.8	\$0.9	\$5.7
> Revenue						
• Section A-25, Base Revenue	\$2,147.7	\$2,230.8	\$4,378.5	\$2,147.7	\$2,230.8	\$4,378.5
• "Current Services Adjustments" to Revenue	1.9	5.4	7.3	1.9	5.4	7.3
> Subtotal: Resources	\$2,272.1	\$2,237.1	\$4,509.2	\$2,294.9	\$2,237.1	\$4,532.0
> Appropriations						
• Section A-25, "Current Services" Appropriations	\$2,166.1	\$2,257.5	\$4,423.6	\$2,166.1	\$2,257.5	\$4,423.6
• "Current Services Adjustments" to Appropriations	(14.3)	(28.3)	(42.6)	(14.3)	(28.3)	(42.6)
> Subtotal: Appropriations	\$2,151.8	\$2,229.2	\$4,381.0	\$2,151.8	\$2,229.2	\$4,381.0
> PROJECTED BALANCE	120.3	7.9	128.2 **	143.1	7.9	151.0

* Based on Governor's Draft "Emergency FY99" Budget.

** The final estimate of the "structural gap" will depend on the balance forward referred to above.

2000-2001 "PART 1" AND "PART 2" HF BUDGET SUMMARY

~~~~~ GOVERNOR'S *DRAFT* PROPOSALS (in millions)

	1/8/99 Gov.'s Overview			After \$5.1 million BAC Transfer		
	FY 00	FY 01	BIENNIUM	FY 00	FY 01	BIENNIUM
1. HIGHWAY FUND 2000-2001 "STRUCTURAL GAP"						
> Balance Forward	\$10.4		\$10.4	\$5.3		\$5.3
> Base Revenues	226.5	229.8	456.3	226.5	229.8	456.3
> Current Services Allocations	261.5	260.8	522.3	261.5	260.8	522.3
> Projected Balance	(\$24.6)	(\$31.0)	(\$55.6)	(\$29.7)	(\$31.0)	(\$60.7)
2. GOVERNOR'S PROPOSED "2000-2001 PART 1 AND PART 2" HIGHWAY FUND BUDGET SUMMARY						
> Balance Forward	\$10.4		\$10.4	\$5.3		\$5.3
> Revenues						
• Base Revenues	\$226.5	\$229.8	\$456.3	\$226.5	\$229.8	\$456.3
• Fuel Tax increases	27.9	\$38.7	\$66.6	27.9	\$38.7	\$66.6
Total Revenues	\$254.4	\$268.5	\$522.8	\$254.4	\$268.5	\$522.8
> Allocations						
• Part 1; net	\$233.7	\$232.9	\$466.7	\$233.7	\$232.9	\$466.7
• Part 2	31.0	35.1	66.1	31.0	35.1	66.1
Total Allocations	\$264.8	\$268.0	\$532.7	\$264.8	\$268.0	\$532.7
> PROJECTED BALANCE	0.0	0.5	0.5	(5.1)	0.5	(4.6)

B-1

PUBLIC LAWS OF MAINE

Second Regular Session of the 118th

PL 1997, c. 674, PART C

Sec. C-1. PL 1997, c. 25, Pt. R is repealed.

Sec. C-2. Lease-purchase authorized for engineering vehicles or equipment. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Highway Fund, is authorized to establish lease-purchase contracts for the procurement of engineering vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$10,000,000. The interest rate may not exceed 6% and the total interest may not exceed \$2,400,000.

Sec. C-3. Lease-purchase authorized for vehicles or equipment. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Motor Transport Service, is authorized to establish lease-purchase contracts for the procurement of vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$12,000,000. The interest rate may not exceed 6% and total interest costs may not exceed \$2,880,000.

Sec. C-4. Retiree health; lapsed balances. Notwithstanding any other provision of law, \$98,558 of unencumbered balance forward from fiscal year 1996-97 in the Highway Fund, Statewide-Retiree Health account in the Department of Administrative and Financial Services lapses to the Highway Fund in fiscal year 1997-98.

Sec. C-5. Transfer authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 1998 and June 30, 1999, the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approved by the Governor, identified Personal Services Highway Fund savings to any other program or line category within the Highway Fund to cover any nonrecurring program costs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report to the members of the Joint Standing Committee on Transportation detailing the financial adjustments to the Highway Fund.

Sec. C-6. Transfer to the Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Controller shall transfer an amount up to 75% from the balance remaining in the Highway Fund at the end of fiscal year 1997-98 after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized in statute but not exceeding \$5,100,000 to the Highway Fund account within the Department of Transportation's Highway and Bridge Improvement Program. The Commissioner of Transportation is authorized to allot these funds, by financial order, upon approval of the Governor and the State Budget Officer, within the Highway and Bridge Program's Highway Fund account. Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge

B-2

Improvement Program.

Sec. C-7. Creation of project positions. Notwithstanding any other provision of law, the Secretary of State may establish Highway Fund limited-period, project or any other temporary positions within the Bureau of Motor Vehicles by financial order. The end date for these positions may not be later than June 30, 1999. The Secretary of State shall identify funds available, within any line category within the Bureau of Motor Vehicles, necessary for the funding of those temporary positions. The Secretary of State shall provide a report to the members of the Joint Standing Committee on Transportation detailing the number of project positions created as well as final adjustments to the Highway Fund.

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Augusta, Maine 04333
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Contact the Office of the Revisor of Statutes

B-3

PUBLIC HEARING SCHEDULE: WEEK 3

The Joint Standing Committee on Appropriations and Financial Affairs, in conjunction with the Joint Standing Committees on Criminal Justice; Taxation; Natural Resources; Business and Economic Development; Transportation; State and Local Government; Labor; and Agriculture, Conservation and Forestry; and the Legislative Council has scheduled public hearings in Room 228 of the State House on LD 618, the Governor's "Current Services" budget proposals for the 2000-2001 biennium.

with the Joint Standing Committee on Criminal Justice:

Monday
2/1/99

9:00 a.m.

Department of Corrections

- Administration - Corrections
- County Jail Prisoner Support and Community Corrections Fund
- Correctional Program Improvement
- Correctional Services
- Departmentwide - Overtime
- Justice - Planning, Projects & Statistics
- Office of Advocacy
- Bangor Pre-Release Center
- Charleston Correctional Facility
- Central Maine Pre-Release Center
- Correctional Center
- Downeast Correctional Facility

Monday
2/1/99

1:00 p.m.

Department of Corrections (Cont'd.)

- Parole Board
- Maine State Prison
- State Prison - Farm Program
- Probation & Parole
- Maine Youth Center
- Northern Maine Juvenile Detention Facility

Maine Criminal Justice Commission

Department of Public Safety

- Administration - Public Safety
- Emergency Medical Services
- Bureau of Capitol Security
- Maine Criminal Justice Academy
- Maine Drug Enforcement Agency

with the Joint Standing Committee on Taxation:

Tuesday
2/2/99

9:00 a.m.

State Board of Property Tax Review

Department of Administrative and Financial Services

- Personal Property Tax Reform
- Elderly Householders' Tax Refund
- Maine Resident's Property Tax Program
- Bureau of Revenue Services
- Tree Growth Tax Reimbursement
- Veterans' Tax Reimbursement
- Homestead Property Tax Exemption Reimbursement
- Homestead Property Tax Exemption - Mandate Reimbursement

with the Joint Standing Committee on Natural Resources:

Tuesday
2/2/99

11:00 a.m.

Department of Environmental Protection

- Administration - Environmental Protection
- Air Quality
- Land and Water Quality
- Remediation & Waste Management

Saco River Corridor Commission

St. Croix International Waterway Commission

with the Joint Standing Committee on Business and Economic Development:

Tuesday
2/2/99

1:00 p.m.

Department of Economic and Community Development

- Administration - Economic and Community Development
- Maine Economic Growth Council
- International Commerce
- Business Development
- Energy Conservation Division
- Office of Energy Resources
- Regional Development
- Maine Small Business Commission
- Community Development Block Grant Program
- Maine State Film Commission
- Office of Tourism

Finance Authority of Maine

- Business Development Finance
- Natural Resources & Marketing
- Student Financial Assistance Programs

Maine State Housing Authority

- Housing Opportunities for Maine Fund
- Temporary Housing Assistance Program

Maine Science & Technology Foundation

Tuesday (Cont'd.) 1:00 p.m. Maine International Trade Center
2/2/99

with the Legislative Council

Wednesday 11:00 a.m. Law and Legislative Reference Library
2/3/99

Legislature

- Legislature
- Study Commissions - Funding
- State House and Capitol Park Commission
- Commission on Interstate Cooperation
- Commission on Uniform State Laws

with the Joint Standing Committee on Transportation:

Wednesday 1:00 p.m. Department of Public Safety
2/3/99

- State Police

Department of Transportation

- Administration - Aeronautics
- Administration - Ports & Marine Transportation
- Railroad Assistance Program
- Transportation Services

with the Joint Standing Committee on State and Local Government:

Wednesday 2:30 p.m. Department of Administrative and Financial Services
2/3/99

- Office of the Commissioner
- Bureau of Accounts and Control
- Bureau of Accounts and Control - Systems Project
- Bureau of the Budget
- Bureau of Employee Relations
- Division of Financial and Personnel Services
- Buildings and Grounds Operations
- Capital Construction/Repairs/Improvements - Administration
- Public Improvements - Planning, Construction - Administration
- State Police Headquarters Building Maintenance
- Division of Safety and Environmental Services
- Division of Purchases
- Administration - Human Resources
- Salary Plan

Department of Audit

- Departmental Bureau

Executive Department

- Administration - Executive - Governor's Office
- Blaine House
- State Planning Office

with the Joint Standing Committee on State and Local Government:

Wednesday (Cont'd) 2:30 p.m. Maine Municipal Bond Bank
2/3/99 • Maine Rural Water Association

Department of Secretary of State

- Administration - Archives
- Bureau of Administrative Services and Corporations
- Elections and Commissions
- Office of the Secretary of State

Office of Treasurer of State

- Administration - Treasury
- Debt Service - Treasury

with the Joint Standing Committee on Labor:

Thursday 1:00 p.m. Department of Labor
2/4/99 • Rehabilitation Services

- Administration - Labor
- Blind & Visually Impaired - Division for the
- Maine Centers for Women, Work and Community
- Employment Services Activity
- Governor's Training Initiative Program
- Administration - Bureau of Labor Standards
- Regulation and Enforcement
- Maine Labor Relations Board

Maine State Retirement System

- Retirement Allowance Fund
- Teacher Retirement

with the Joint Standing Committee on Agriculture, Conservation and Forestry:

Friday 9:00 a.m. Department of Agriculture, Food & Rural Resources
2/5/99 • Office of Agricultural, Natural And Rural Resources

- Division of Animal Health and Industry
- Office of the Commissioner
- Harness Racing Commission
- Division of Marketing and Production Development
- Division of Plant Industry
- Food Assistance Program
- Office of Planning, Policy, Legislation and Information Services
- Seed Potato Board
- Division of Quality Assurance and Regulation
- Potato Quality Control - Reducing Inspection Costs

Friday
2/5/99

1:00 p.m.

Department of Conservation

- Administrative Services - Conservation
- Administration - Forestry
- Forest Practices
- Forest Fire Control - Municipal Assistance Grants
- Division of Forest Fire Control
- Division of Forest Policy and Management
- Division of Insect and Disease Management
- Land Use Regulation Commission
- Geological Survey
- Natural Areas Program
- Parks - General Operations



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TO: Honorable Mark W. Lawrence, Chair
Honorable G. Steven Rowe, Vice-Chair
Members of the Legislative Council

FROM: Jim Clair *[Signature]*

DATE: January 21, 1999

RE: **ECONOMIC FORECASTING COMMISSION & REVENUE FORECASTING
COMMITTEE MEETINGS**

We just got word that the Economic Forecasting Commission and the Revenue Forecasting Committee are scheduled to meet again on:

ECONOMIC FORECASTING COMMISSION

Thursday
January 28, 1999
10:00 a.m. to noon
State Planning Office Conference Room

REVENUE FORECASTING COMMITTEE

Monday
February 8, 1999
9:00 a.m. to 4:00 p.m.
Governor's Cabinet Room
State House

You might recall that our December 1998 Revenue Forecasting Committee report mentioned that we would be interested in revisiting some of the economic assumptions and revenue forecasts in early 1999. This meeting was scheduled by the chair of the committee, Laurie Lachance, in compliance with that interest.

Please call or stop by if you have any questions or need additional information.

cc: Members, Joint Standing Committee on Appropriations and Financial Affairs
Members, Joint Standing Committee on Taxation
Members, Joint Standing Committee on Transportation
Sally Tubbesing
Grant Pennoyer
Julie Jones

BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
Fund.....: 010 GENERAL FUND

Page: 1

DATE: 01/27/99

Program: c01.sqr

	RSRC	DECEMBER			YEAR-TO-DATE			Source Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance	
PROP TAX TRANS UNORGAN	0108				8,726,219	7,852,783	-873,436	
INT REAL EST TAX UNORGAN	0161				2,621	227	-2,394	
REAL ESTATE TRANSFER TAX	0170	809,103	828,014	18,911	5,533,139	6,022,900	489,761	
COMM FORESTRY EXCISE TAX	0175		6,040	6,040		-55,202	-55,202	
EXCISE TAX NON RES M V	0186	69,000	100,409	31,409	299,000	387,468	88,468	
01 PROPERTY TAXES		878,103	934,463	56,360	14,560,979	14,208,176	-352,803	
ESTATE TAX	0212	1,479,462	2,371,032	891,570	8,876,772	10,600,878	1,724,106	
INHERIT TAX COLLATERAL	0221					6,020	6,020	
INT INHERITANCE TAXES	0241					731	731	
INTEREST ON ESTATE TAX	0242	12,499	1,281	-11,218	74,997	83,997	9,000	
02 INHERITANCE, ESTATE		1,491,961	2,372,313	880,352	8,951,769	10,691,626	1,739,857	
USE FUEL TAX	0311		-879	-879		-5,151	-5,151	
TAX INT COMB ENGINE FUEL	0321	6,074	11,194	5,120	26,890	33,440	6,550	
GAS TAX REFUNDS	0322					-174	-174	
TAX AERONAUTICAL GAS	0331	56,446	57,938	1,492	485,862	583,081	97,219	
GAS TAX REFUNDS AERONAUTI	0332	-3,321	-4,828	-1,507	-15,913	-14,783	1,130	
03 GASOLINE TAX		59,199	63,425	4,226	496,839	596,413	99,574	
INDIV STATE INCOME TAX	0401	1,975,288	2,580,214	604,926	12,248,529	12,270,263	21,734	
INDIV INCOME WITHHOLDING	0402	62,279,555	57,387,489	-4,892,066	325,388,729	325,678,269	289,540	
INDIV INCOME 1040 ESTIMATE	0403	16,257,148	21,232,887	4,975,739	66,061,833	71,274,190	5,212,357	
INDIVIDUAL FIDUCIARY	0404	589,156	368,197	-220,959	3,126,179	2,580,056	-546,123	
INT & PEN IND INC TAX	0406							
REFUNDS INDIV INCOME TAX	0408	-1,337,107	-1,240,202	96,905	-10,218,053	-14,600,408	-4,382,355	
IND INCOME TAX TRANS	0409							
EXCISE TAX BEER	0411	472,534	452,040	-20,494	3,370,590	3,404,400	33,810	
EX TAX TBL WINE ME PRDTS	0412	44	386	342	933	2,456	1,523	
EX TAX TBL WINE OUT STAT	0413	65,158	52,289	-12,869	468,286	403,943	-64,343	
EX TAX SPARKLING WINES	0414	29,804	25,191	-4,613	140,804	134,635	-6,169	
CORPORATE INCOME TAX	0415	19,799,583	20,298,473	498,890	60,683,190	59,768,159	-915,031	
REFUNDS CORP INCOME TAX	0418	-11,461,019	-6,109,541	5,351,478	-16,050,612	-10,162,119	5,888,493	
CORP INCOME TAX TRANS	0420							
MALT PREMIUM	0451	189,011	180,816	-8,195	1,214,080	1,341,343	127,263	
TABLE WINE PREMIUM	0452	65,674	51,535	-14,139	371,218	420,153	48,935	
SPARKLING WINE PREMIUM	0453	7,153	6,046	-1,107	33,792	31,942	-1,850	
LOW ALCOHOL SPIRITS TAX	0455	1,349	913	-436	11,342	9,666	-1,676	
04 INCOME TAX		88,933,331	95,286,733	6,353,402	446,850,840	452,556,948	5,706,108	
TAX ON CIGARETTES	0511	24,973,441	20,507,027	-4,466,414	42,610,896	38,144,482	-4,466,414	
TAX ON TOBACCO PRODUCTS	0512	249,653	247,161	-2,492	1,406,575	1,462,227	55,652	

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PRELIMINARY!
SUBJECT TO
CHANGE

BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
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	RSRC	DECEMBER			YEAR-TO-DATE			Source	Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
05 TOBACCO PRODUCTS TAX		25,223,094	20,754,188	-4,468,906	44,017,471	39,606,709	-4,410,762		
SALES TAX	0621	68,690,967	68,784,621	93,654	363,205,246	361,881,155	-1,324,091		
USE TAX	0623	5,257,633	5,520,669	263,036	36,454,966	39,026,031	2,571,065		
SALES TAX REFUNDS USE FU	0625	70,718	88,282	17,564	399,786	341,632	-58,154		
SALES TAX ABATEMENT	0631	-271,609	-177,595	94,014	-1,686,941	-2,247,741	-560,800		
USE TAX ABATEMENT	0633	-5,963	-10,606	-4,643	-63,042	-105,780	-42,738		
SALES TAX TRANS (REV SHARING)	450								
SALES TAX TRANS (36 MRSA 180)	452				-23,218,014	-22,595,032	622,982		
06 OTHER SALES TAX		73,741,746	74,205,371	463,625	375,092,001	376,300,265	1,208,264		
CERT EXCISE CORP	0726	150	240	90	900	895	-5		
CERT ORG NEW CORPS	0731	7,334	12,950	5,616	44,000	42,965	-1,035		
CHANGES CERT ORGANIZATION	0733	2,709	14,528	11,819	16,250	96,085	79,835		
REG FOREIGN CORPS	0735	19,167	47,945	28,778	164,998	203,840	38,842		
ANNUAL LIC FEES FOREIGN C	0737	11,500	2,460	-9,040	117,000	146,860	29,860		
ASSUMED NAME	0740	4,291	7,520	3,229	25,750	42,820	17,070		
RESERVED NAME	0742	1,334	1,450	116	8,000	7,330	-670		
DISSOLVED	0744	1,668	2,751	1,083	9,000	11,260	2,260		
RESUMED	0746	168	396	228	1,000	956	-44		
07 CORPORATIONS TAX		48,321	90,240	41,919	386,898	553,011	166,113		
TAX R R COMPANIES	0801				-150,000	-150,000			
08 PUBLIC UTILITIES TAX					-150,000	-150,000			
INSURANCE COMPANIES TAX	0901	27,520	3,494	-24,026	6,484,837	6,310,780	-174,057		
UNAUTHORIZED INS CO TAX	0903		3,015	3,015	175,000	159,756	-15,244		
SELF PROC INS PREM TAX	0904	-1,000	70,862	71,862	74,800	75,934	1,134		
PURCHASING GROUP PREM TAX	0905		1,509	1,509	2,500	5,890	3,390		
ADJUSTERS LICENSES-REN	0921					12,092	12,092		
ASSESSMENT INS CO	0941								
09 INSURANCE		26,520	78,880	52,360	6,737,137	6,564,452	-172,685		
SEC AGENTS ORIG LIC FEES	1006	43,000	34,400	-8,600	259,000	306,080	47,080		
SEC AGENTS REN LIC FEES	1007					-120	-120		
SEC DEALERS ORIG LIC FEES	1008	2,000	3,550	1,550	13,600	17,650	4,050		
SEC DEALERS REN LIC FEES	1009		2,080	2,080		3,430	3,430		
SEC ISSUERS REG FEES	1010	425,000	572,100	147,100	2,450,000	3,010,400	560,400		
SEC ISSUERS EXEMPT FEES	1011	6,300	3,900	-2,400	37,500	33,000	-4,500		
SEC INVEST ADV ORIG	1019	1,000	1,100	100	6,000	5,850	-150		
SEC INVEST ADV REN	1020	25,000	29,700	4,700	25,000	37,800	12,800		

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

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	RSRC	DECEMBER			YEAR-TO-DATE			Source Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance	
10 BANKING		502,300	646,830	144,530	2,791,100	3,414,090	622,990	
CLASS I	1101	80,260	70,200	-10,060	351,161	311,435	-39,726	
CLASS A RESTAURANT/LOUNGE	1105	9,600	21,000	11,400	134,100	145,800	11,700	
CIVIC ORGANIZATIONS	1107		100	100	750	900	150	
AGENCY LIQ STORE FULL TIME	1108	7,400	4,200	-3,200	21,200	47,201	26,001	
CLASS I-A	1110	7,900	12,300	4,400	58,670	47,500	-11,170	
SMALL MAINE BREWERY	1113	100	100		250	300	50	
DIST & BREWERS	1114	1,000	1,000		7,000	5,000	-2,000	
CLASS X	1115	35,200	37,300	2,100	165,400	144,731	-20,669	
AUXILIARY LICENSE	1116	100	100		400	300	-100	
MAINE FARM WINERY	1117				100	150	50	
MANUFACTURER WINERY	1119					1,000	1,000	
CLASS II	1120	1,650	2,200	550	2,750	3,300	550	
B Y O B FUNCTION PERMIT	1129	170	90	-80	500	650	150	
BOTTLE CLUB REGISTRATION	1130	300	200	-100	1,170	800	-370	
SPEC CATER OFF PREM S & V	1131	540	600	60	4,010	5,660	1,650	
CLASS III	1132	5,280	3,740	-1,540	24,740	28,160	3,420	
CLASS IV	1138	10,120	6,380	-3,740	42,030	45,100	3,070	
CLASS V	1140	7,425	5,445	-1,980	17,820	12,925	-4,895	
WHOLESALE TABLE WINE	1153		2,400	2,400	3,600	6,000	2,400	
WHOLESALE WINE ONLY SPEC	1154	600		-600	600	600		
CLASS VI	1155	34,800	32,200	-2,600	214,200	188,200	-26,000	
MALT LIQ CERT OF APPROVAL	1158	3,000	2,400	-600	19,200	13,800	-5,400	
WINE CERT OF APPROVAL	1159	8,400	9,000	600	43,200	46,800	3,600	
WHOLESALE MALT LIQUOR	1161	3,600	2,400	-1,200	6,600	6,000	-600	
WHOLESALE SPECIAL	1162	600		-600	600	600		
CLASS VII	1176	25,800	26,200	400	167,200	152,600	-14,600	
VESSEL SPIRITS	1198				1,820		-1,820	
11 ALCOHOLIC BEVERAGES		243,845	239,555	-4,290	1,289,071	1,215,512	-73,559	
LICENSES HARNESS HORSE RA	1221					4,534	4,534	
PULL EVENT PERMIT	1255				390	190	-200	
12 AMUSEMENTS TAX					390	4,724	4,334	
COMM PARI MUTUELS HARNESS	1301	87,968	69,607	-18,361	533,102	646,429	113,327	
TRACK REIMB JUDGES	1303		8,584	8,584	75,000	13,735	-61,265	
CONCEALED LICENSE PERMIT	1378		7,715	7,715		44,610	44,610	
13 BETTING TAXES		87,968	85,906	-2,062	608,102	704,774	96,672	
BOTTLERS LICENSES	1401	200	200		19,020	7,200	-11,820	
MILK LICENSES	1402	450	125	-325	3,225	483,318	480,093	
NURSERY LICENSES	1403	10,000	5,725	-4,275	12,500	6,500	-6,000	

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
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	RSRC	DECEMBER			YEAR-TO-DATE			Source Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance	
SARDINE PACKERS LICENSE	1404					250	250	
PRODUCT REGISTRATION FEE	1405	25,000	9,926	-15,074	25,708	14,126	-11,582	
REG OF FEEDING STUFFS	1406	40,500	20,265	-20,235	43,500	30,065	-13,435	
LIVESTOCK AND POULTRY LIC	1409	25	11	-14	400	150	-250	
FOOD INSPECT LIC-PERMIT	1410	10,500	6,216	-4,284	44,015	59,317	15,302	
GARBAGE FEEDING LICENSE	1414				10	2	-8	
TOBACCO PRODUCTS LICENSE	1415				150	525	375	
CIGARETTE DISTR LIC	1416		250	250	7,310	7,500	190	
CIGARETTE WHOLESALE LICEN	1418				1,250		-1,250	
RES COMMERCIAL FISH LICEN	1420	18,000	22,136	4,136	29,521	30,064	543	
ORIG OCC/PRO LICENSES 5	1425	200	3,006	2,806	5,452	5,344	-108	
RENL OCC/PRO LICENSES 5	1431	1,150	800	-350	4,650	4,800	150	
ORIG APPRENTICE LICENSES	1435	8,500	20,629	12,129	30,881	39,124	8,243	
HOSPITAL LICENSES	1440	13,000	40,045	27,045	112,000	126,342	14,342	
AIRCRAFT LICENSES	1444	6,995	701	-6,294	9,270	2,141	-7,129	
RETAIL SEAFOOD DEALERS LI	1445	20,000	425	-19,575	44,281	9,945	-34,336	
LICENSE APPLICATION FEES	1446							
SPECIAL LICENSES & LEASES	1448	8,061	19,399	11,338	67,594	118,644	51,050	
STAMP SALES BEDDING ETC	1449	8,620	23,315	14,695	46,880	49,660	2,780	
LOBSTER CRAB FISH LICENSE	1452	100,000	129,670	29,670	286,707	216,742	-69,965	
WHOLESALE SEAFOOD DEALERS	1455	22,959	1,203	-21,756	38,575	16,991	-21,584	
INTERSTATE LOBSTER TRANS	1456	12,000	303	-11,697	21,100	7,968	-13,132	
LOBSTER MEAT PERMITS	1458	9,650		-9,650	12,570	880	-11,690	
RES INTERSTATE SHELLFISH	1462	6,000	52	-5,948	9,003	1,424	-7,579	
SEA MOSS LICENSES	1463	33	296	263	181	672	491	
TREE SURGEONS LICENSES	1468					-10	-10	
SCHOOL LICENSES/PERMIT	1470		1,200	1,200		1,500	1,500	
BOAT REGISTRATION TRANSF	1472	2		-2	313	482	169	
LIC ROADSIDE EAT LODGE HOU	1474	50,000	77,744	27,744	337,500	271,467	-66,033	
COMMERCIAL SHELLFISH LICE	1478	2,000	736	-1,264	11,142	13,503	2,361	
MAHOGANY QUAHOG LICENSE	1479		801	801	623	979	356	
REG OF BOATS OVER 10 HP	1480	888		-888	213,005	381,882	168,877	
BOAT OPERATORS LICENSE	1482	39		-39	55	30	-25	
MUSSEL LICENSE	1485	200	913	713	1,636	1,698	62	
BOAT DUPLICATE STICKERS	1487	173		-173	373	318	-55	
DUPLICATE LICENSES	1488	141	4	-137	616	517	-99	
BOAT LOCAL TEMP REG	1490	460		-460	14,286		-14,286	
BOAT DEALER TEMP PLATES	1491	409		-409	1,015	876	-139	
BOAT DEALER REGISTRATION	1496	1,363		-1,363	1,695	262	-1,433	
14 OTHER TAX SPECIAL		377,518	386,096	8,578	1,458,012	1,913,198	455,186	
LICENSE RESTORATION FEES	1503				125,000	70,080	-54,920	
FEES TEMP DEALERS PLATES	1507	92		-92	1,301	996	-305	
DUP CERTIFICATE	1511	16		-16	35	31	-4	
SNOWMOBILE DUP STICKERS	1513	9		-9	12	5	-7	
DRIVER REHAB COURSE	1515	78,399	78,705	306	470,394	471,367	973	

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

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		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
TRANSFER FEE	1533	39		-39	72	12	-60		
NON-RES 3 DAY SNOWMOBILE REG	1565	1,500		-1,500	3,450	17	-3,433		
NON-RES 10 DAY SNOWMOBILED	1566	600		-600	1,380	79	-1,301		
NON-RES SEASON SNOWMOBILED	1567	7,700		-7,700	17,710	6,150	-11,560		
SNOW LOCAL TEMP REG	1572	7,320		-7,320	14,058		-14,058		
SNOW REPLACE DEALER PLATE	1573	38		-38	76	40	-36		
SNOW DEALER PLATE	1574	287		-287	1,851	2,064	213		
SNOWMOBILE REGISTRATION	1575	61,843		-61,843	91,279	29,131	-62,148		
SNOWMOBILE DEALERS REGIS	1576	470		-470	2,324	1,725	-599		
ATV-DEALER REGISTRATION	1577	17		-17	867	555	-312		
ATV DEALER PLATES	1578	8		-8	564	455	-109		
ATV REPLACEMENT PLATES	1579	13		-13	166	130	-36		
ATV REGISTRATIONS	1580	5,547		-5,547	128,728	173,285	44,557		
ATV LOCAL TEMP REG	1581				44,063		-44,063		
ATV DUP REG	1582	7		-7	62	78	16		
ATV DUPLICATE STICKER	1583	6		-6	56	35	-21		
ATV REGISTRATION TRANSFER	1584	61		-61	266	314	48		
ATV DEALER TEMP PLATES	1585	177		-177	1,205	1,506	301		
15 M/V LICENSE RELATED FEES		164,149	78,705	-85,444	904,919	758,055	-146,864		
RES JUNIOR TRAP LICENSE	1701	75		-75	840	1,120	280		
1-DAY FISH EXCHG COMB	1705				1,330	936	-394		
3-DAY FISH EXCHG COMB	1706				300	462	162		
NON RES SM GAME LIC	1708	25,378	1,595	-23,783	96,297	4,949	-91,348		
BREED LIC FOR WILD ANIMAL	1709	1,312		-1,312	2,029	600	-1,429		
RES SERVICEMANS COMBO	1710	769	80	-689	5,184	4,010	-1,174		
FALCONRY LICENSE	1711	14		-14	63	24	-39		
WILDLIFE EXHIBITORS	1712				851	803	-48		
NON RES HIDE DEALERS LIC	1715	125		-125	997	432	-565		
RES HIDE DEALERS LIC	1716	54		-54	5,889	1,914	-3,975		
BAIT WHOLESALEERS	1717	2,320		-2,320	3,288	480	-2,808		
SMELT WHOLESALEERS	1718	1,471		-1,471	1,471		-1,471		
LIVE BAIT RETAILERS	1719	1,488		-1,488	1,752	84	-1,668		
ALIEN COMBINATION	1720				1,155	1,936	781		
ALIEN FISHING	1721				1,472	3,570	2,098		
ALIEN SMALL GAME	1722	452	70	-382	6,100	910	-5,190		
ALIEN ARCHERY	1723		70	70	3,500	210	-3,290		
SPEC HIDE DEALER'S LICENSE	1724	18		-18	580	310	-270		
WILDLIFE IMPORT/POSS PERMIT	1725	83		-83	498	325	-173		
UNDISTR F&W COLLECTIONS	1726	1,000,000	1,781,022	781,022	-200,000	3,453,267	3,653,267		
LICENSE TO PROPAGATE FISH	1727	164		-164	226	25	-201		
RES TRAP LIC STATEWIDE	1736	3,296		-3,296	54,505	50,820	-3,685		
NON RES TRAP LIC	1739				2,568	7,392	4,824		
TAXIDERMY TRAINEE	1740	25,000	160	-24,840	200,000	17,200	-182,800		
TAXIDERMY TRAINEE RENEWAL	1741	5,000	160	-4,840	40,000	800	-39,200		
RES TAXIDERMIST LICENSES	1742				9,000	6,430	-2,570		

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	RSRC	DECEMBER			YEAR-TO-DATE			Source	Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
ONE DAY BASS TOURN LICENS	1743		24	24	100	341	241		
COMB FISH AND ARCHERY	1744				2,274	2,381	107		
FISHING DERBY PERMIT	1747	186		-186	419	144	-275		
NON-RES 3 DAY SM GAME HUNT	1748	4,765	480	-4,285	21,755	1,202	-20,553		
SMALL GAME HUNTING LIC	1749	2,400	12	-2,388	11,310	324	-10,986		
RESIDENT JR HUNT LICENSE	1750		25	25	40,463	13,767	-26,696		
RES COMBINATION LICENSE	1751		432	432	407,000	289,732	-117,268		
RES HUNTING LICENSE	1752		304	304	557,000	193,718	-363,282		
RES FISHING LICENSE	1753		228	228	788,000	673,185	-114,815		
RESIDENT ARCHERY LICENSE	1754	21,505	114	-21,391	219,848	19,030	-200,818		
NON RES JUN SMALL GAME	1755	5,181	325	-4,856	12,763	4,525	-8,238		
EEL PERMITS	1756		84	84	1,388	1,302	-86		
NON RES BIG GAME LIC	1757		53,720	53,720	1,178,010	788,279	-389,731		
NON RESIDENT ARCHERY LIC	1758	12,108	770	-11,338	69,895	12,394	-57,501		
ALIEN BIG GAME HUNT LIC	1759	53,125	1,625	-51,500	174,848	17,275	-157,573		
LICENSE TO SELL INLAND FI	1760	1,318		-1,318	1,338	25	-1,313		
DUPLICATE LICENSE FEES	1761	8	48	40	77	152	75		
ONE DAY FISHING	1762	6,961	54	-6,907	139,075	89,724	-49,351		
ONE DAY FISHING EXCHANGE	1763				1,000	3,844	2,844		
DOG TRAINING AREA LICENSE	1764	121		-121	161	25	-136		
NON RES 7 DAY FISH LIC.	1765		1,394	1,394	449,378	365,824	-83,554		
NON RES SEASON FISH LIC	1766	2,000	800	-1,200	425,000	395,290	-29,710		
NON RES 15 DAY FISH LIC	1767	520	380	-140	132,004	130,155	-1,849		
NON RES EXCHANGE FISH LIC	1768				119	1,824	1,705		
3 DAY FISHING LIC	1769		336	336	375,000	298,267	-76,733		
BOYS GIRLS CAMP FISH LIC	1770				362	304	-58		
NON RES FISH LIC JUNIOR	1771	113	91	-22	43,201	26,672	-16,529		
NON RES COMBO FISH & HUNT	1772	2,199	3,567	1,368	93,662	134,001	40,339		
COMM SHOOTING AREA LIC	1774				389	333	-56		
LIC TO HUNT COMM SH AREA	1775	36		-36	100	380	280		
RESIDENT GUIDE LICENSE	1778	6,795	1,738	-5,057	23,883	16,382	-7,501		
WHITEWATER GUIDE LICENSE	1779		1,044	1,044		2,610	2,610		
COYOTE PERMIT	1782	232		-232	232		-232		
FUR SEALS	1785				50		-50		
MUZZLE LOADING LICENSE	1786	6,480		-6,480	8,917	2,400	-6,517		
NON-RES MUZZLE LD LIC	1787	8,075	66	-8,009	8,775	2,595	-6,180		
ALIEN MUZZLE LD LIC	1788	357		-357	357	116	-241		
RESIDENT MOOSE PERMIT	1789				8,659	34,249	25,590		
NONRESIDENT MOOSE PERMIT	1792				23,260	51,590	28,330		
SALE OF PY GAME STAMPS	1793	33		-33	105		-105		
COM WH WATER OUTFIT LIC	1794				347	350	3		
CAMP TRIP LEADERS PERMIT	1795	9	90	81	2,884	4,290	1,406		
RES BEAR HUNT PERMIT	1796	242	10	-232	24,575	6,945	-17,630		
NON-RES BEAR HUNT PERMIT	1797	790	1,710	920	65,529	22,337	-43,192		
RESIDENT MOOSE APP	1799					-20	-20		
17 HUNTING AND FISHING		1,202,578	1,852,628	650,050	5,553,407	7,167,272	1,613,865		

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
Fund.....: 010 GENERAL FUND

Page: 7
DATE: 01/27/99
Program: c01.sqr

	RSRC	DECEMBER			YEAR-TO-DATE			Source	Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
POTATO TAX	1901		60	60		230	230		
MAHOGANY QUAHOG TAX	1903	1,830	2,507	677	7,588	23,029	15,441		
WEIGHTS AND MEASURES FEES	1909	10,000	30,956	20,956	35,935	65,644	29,709		
FRANCHISE RECORDING FEE	1914	325		-325	1,800		-1,800		
CONTAINER REGIST. FEE	1915					50	50		
COMM FOR JUSTICE PEACE ET	1916	7,084	6,415	-669	42,500	49,690	7,190		
AIR & SEAPLANE BASE LICEN	1935	234	455	221	1,400	455	-945		
AIRCRAFT DEALERS LICENSE	1936	434	1,875	1,441	2,600	2,375	-225		
LIC OPER WATER TREAT PLAN	1950		65	65	3,000	3,065	65		
19 OTHER TAXES		19,907	42,333	22,426	94,823	144,538	49,715		
MISCELLANEOUS FINES	2001	2,039,947	2,512,431	472,484	12,704,012	13,022,626	318,614		
DOT FINES	2002	-76,000	-149,122	-73,122	-994,240	-966,009	28,231		
RECOUNT FEES	2003					1,590	1,590		
ESCHEATED BANK DEPOSITS	2008	477		-477	820		-820		
IFW FINES	2012	-4,908		4,908	-21,821		21,821		
PUC FINES	2017	-65,600	-47,116	18,484	-329,594	-354,813	-25,219		
KEEP MAINE SCENIC FINES	2020	-102	-100	2	-612	-750	-138		
LOCAL ORDINANCE FINES	2021	-10,600	-9,396	1,204	-48,400	-58,241	-9,841		
SURCHARGE FUND	2076	-31,200	-34,337	-3,137	-214,848	-234,625	-19,777		
SURCHARGE-COURT ADMIN	2077	-12,000	-15,115	-3,115	-98,085	-102,981	-4,896		
COLLECTION EXPENSE	2078	175	98,230	98,055	-4,025	357,762	361,787		
SURCHARGE-PUBLIC SAFETY	2079	-12,000	-15,115	-3,115	-98,085	-102,982	-4,897		
DEP FINES	2081		29,744	29,744	281,837	520,456	238,619		
IFW FINE WATERCRAFT	2082	-4,523	-871	3,652	3,823	-7,527	-11,350		
FIRE RESTITUTION FINES	2083		15	15		342	342		
RESTITUTION	2085					858	858		
TOBACCO ENFORCEMENT	2086	-5,530	-4,309	1,221	-13,180	-25,245	-12,065		
TOBACCO LICENSING VIOLAT	2087	-1,020		1,020	-6,120		6,120		
LATE FEES	2090		709	709		1,199	1,199		
CHARGE FOR RETURNED CHECKS	2094	5,000	620	-4,380	30,000	20,180	-9,820		
20 FINES, FORFEITS AND PENALTIES		1,822,116	2,366,268	544,152	11,191,482	12,071,840	880,358		
INT BANK BALANCES	2101		22	22		63	63		
EARNINGS ON INVESTMENTS	2105	1,374,984	1,374,984		8,171,428	8,171,428			
21 REVENUE FROM USE OF MONEY		1,374,984	1,375,006	22	8,171,428	8,171,491	63		
FED GRANTS HWYS BRIDGES	2201					8	8		
DISTRIBUTED REVENUE-FED	2223	24,900	59,351	34,451	152,400	106,115	-46,285		
FED GRANTS FOR OTHER PURP	2226	936,000	45,811	-890,189	4,472,000	742,086	-3,729,914		
ANTI-DRUG ACT 1986 BLOCK	2260					-377	-377		
SERV FEES FEDERAL GOVERN	2296	34,708	23,101	-11,607	208,443	154,435	-54,008		

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
Fund.....: 010 GENERAL FUND

Page: 8
DATE: 01/27/99
Program: c01.sqr

	RSRC	DECEMBER			YEAR-TO-DATE			Source	Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
22 FEDERAL		995,608	128,263	-867,345	4,832,843	1,002,267	-3,830,576		
SERV FEES COUNTIES	2397		4,761	4,761	3,000	22,009	19,009		
23 COUNTY			4,761	4,761	3,000	22,009	19,009		
PRO RATA SHARE OF ADMIN C	2461	417		-417	2,502		-2,502		
24 CITIES AND TOWNS		417		-417	2,502		-2,502		
AUDIT FINDINGS	2513					2,799	2,799		
CHILD SUPPORT COLLECTION	2520	39,833	111,977	72,144	239,000	306,276	67,276		
PRIV CONTR FOR OTHER PURP	2526	23	5,558	5,535	262	27,991	27,729		
O A S I PAYMENTS	2543	104,166	286,290	182,124	624,999	840,635	215,636		
25 PRIVATE SOURCES		144,022	403,825	259,803	864,261	1,177,701	313,440		
RENT OF LANDS	2601	500		-500	1,000	6,406	5,406		
RENT OF BLDGS	2602	950		-950	4,800	2,466	-2,334		
RENT OFFICES ROOMS	2603	1,458	1,605	147	8,748	9,627	879		
USE OF CONCESSIONS	2604		600	600	16,000	15,099	-901		
RECREATIONAL USE OF PARKS	2610	50	-1,347	-1,397	1,189,250	1,190,419	1,169		
JURY DUTY REIMB	2611	80	190	110	160	975	815		
CARE AND TREATMENT ARC	2614	41,417	30,954	-10,463	248,502	210,443	-38,059		
MISC RENTS & LEASES	2616		152	152	1	1,272	1,271		
ENTRANCE FEES	2618		10	10		10	10		
APPLIC & EXAM FEES	2619	5,000	10,215	5,215	20,000	34,764	14,764		
INSPECTION SERVICES	2621					312	312		
LAB SERVICES RENDERED	2622	100		-100	600		-600		
LEGAL SERVICES RENDERED	2623	11,500		-11,500	69,000	20,230	-48,770		
HOSP SERV RENDERED AUGUST	2625					743	743		
MEDICAL SERVICES RENDERED	2627		33	33		363	363		
HOSP SERV RENDERED PINELA	2629	30,006	36,352	6,346	180,032	231,267	51,235		
REC'VNG FILNG RECORD DEEDS	2630	41,004	66,577	25,573	236,680	309,117	72,437		
REGISTRATION FEES	2631	18,375	2,135	-16,240	24,339	13,988	-10,351		
FILING FEES	2632	90,599	91,131	532	589,645	591,994	2,349		
MEDICAID ADVOCATES	2633				153,000	78,094	-74,906		
HOSP SERV RENDERED LEVSON	2634	100,583	101,946	1,363	603,500	609,818	6,318		
TUITION FEES	2635		1,200	1,200		7,000	7,000		
WITNESS FEES	2636	1,250	64	-1,186	7,550	392	-7,158		
MISC SERVICES & FEES	2637	99,283	132,216	32,933	351,238	521,135	169,897		
MEDICAID CRISIS WORKERS	2639	20,601	1,442	-19,159	123,606	128,462	4,856		
CERTIFIED DOCUMENT FEES	2642	2,917	3,097	180	17,500	20,336	2,836		
EMPLOYEE MAINTENANCE	2645		7,795	7,795		37,399	37,399		
CARE OF CHILDREN	2646	7,002		-7,002	42,012		-42,012		
TESTING FEES	2647	200	800	600	1,200	9,739	8,539		

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
Fund.....: 010 GENERAL FUND

Page: 9
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	RSRC	DECEMBER			YEAR-TO-DATE			
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance	Source Acct
SALE OF EGGS	2652					140	140	
SALE OF MAPS	2657	63	18	-45	744	485	-259	
SALE OF BOOKS	2658	6,421	42	-6,379	47,952	18,845	-29,107	
SALE OF PRINTS	2660	374		-374	2,124	662	-1,462	
SALE OF SUPPLIES	2663	425	582	157	5,482	3,205	-2,277	
SALE INDUSTRIAL PRODUCTS	2667					280	280	
SALE CONFISCATED ARTICLES	2668				10,000	14,093	4,093	
SALE MAILING LISTS	2669	2,350	12,992	10,642	14,793	29,635	14,842	
SALE GREASE TALLOW	2671	500	87	-413	3,500	1,379	-2,121	
SALE OF MEALS	2674	160	188	28	961	961		
SALE OF LODGING AND MEALS	2676	7,317	18,000	10,683	46,472	80,435	33,963	
CLAIMS AGAINST VENDORS	2678				880	484	-396	
AUDIT RETURNS	2680	12,500		-12,500	75,000	406,444	331,444	
OVERPAYMENTS TO BE REFUND	2681		994	994	154	1,246	1,092	
SALE OF PUBL/COPIES/CERTS	2685	624	126	-498	4,123	3,343	-780	
MISCELLANEOUS INCOME	2686	45,657	40,642	-5,015	80,002	202,638	122,636	
CASH OVER SHORT FORGN EX	2689		-336	-336		2,545	2,545	
RECOVERED COST	2690	1,666	3,620	1,954	10,000	55,636	45,636	
SERV AND FEES CHG OTHER D	2691	10,384	7,008	-3,376	56,854	58,820	1,966	
RECOVERED CLAIM PAYMENTS	2694	1,125		-1,125	6,250		-6,250	
MR MED WAIVER-CASE MGMT	2695	472,500	2,411,924	1,939,424	2,835,000	2,412,503	-422,497	
NON-WAIVER CASE MGMT	2696	25,218	29,157	3,939	151,313	189,129	37,816	
MEDICAID PROF SUPPORT SER	2697	25,500	13,652	-11,848	153,000	139,731	-13,269	
ADMIN/COST ALLOCATION	2698				1,068,435	522,715	-545,720	
26. SERVICE CHARGES FOR CURR. SERV		1,085,659	3,025,863	1,940,204	8,461,402	8,197,224	-264,178	
INDIVIDUAL INCOME TAX	2702	-4,067,966	-4,096,758	-28,792	-20,226,968	-20,257,321	-30,353	
CORPORATE INCOME TAX	2703	-425,267	-723,636	-298,369	-2,276,262	-2,529,908	-253,646	
SALES TAX TRANSFER TO REVENUE SHARING	2704	-3,760,829	-3,784,474	-23,645	-19,129,691	-19,191,314	-61,623	
TRANSFER ALCOHOL PREMIUM	2705	205,530	130,000	-75,530	880,710	740,436	-140,274	
TRANS FROM LIQUOR COMM	2706	2,720,874	1,957,199	-763,675	11,657,186	10,665,620	-991,566	
TRANS FROM LOTTERY COMM	2707	3,466,120	3,616,066	149,946	20,613,112	20,372,869	-240,243	
CONTRIBUTION FROM HWY FUN	2717	130,395		-130,395	260,789		-260,789	
STACAP - FROM HIGHWAY FND	2718	68,742	143,649	74,907	395,166	1,161,218	766,052	
CONT FROM OTHER SPEC REV	2719	25,000	33,494	8,494	50,000	43,984	-6,016	
STACAP - OTH SPCL REV FND	2721	137,484	153,232	15,748	790,329	1,034,025	243,696	
FED BLOCK GRANT ST CAP	2728	13,748	22,048	8,300	79,033	108,152	29,119	
STACAP - FEDRL EXPEND FND	2729	201,929	220,420	18,491	1,160,796	1,346,047	185,251	
STACAP - ENTERPRISE FUNDS	2730	14,608	23,087	8,479	83,973	220,596	136,623	
STACAP - INTRAGOVMTL FUNDS	2731	42,964	51,060	8,096	246,978	311,484	64,506	
STA-CAP HIGHWAY BOND FUND	2736		41	41		819	819	
27. CONTRIB AND TRANSFERS		-1,226,668	-2,254,572	-1,027,904	-5,414,849	-5,973,293	-558,444	
SALE OF BUILDINGS	2801		116,450	116,450		356,956	356,956	
SALE OF EQUIPMENT	2806	600	9,253	8,653	4,600	16,266	11,666	

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BUDGET MANAGEMENT SYSTEM

REVENUE VARIANCE REPORT FOR DECEMBER 1998

FORM.....: E Undedicated Revenues
Fund.....: 010 GENERAL FUND

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	RSRC	DECEMBER			YEAR-TO-DATE				Source Acct
		Estimated Collections	Actual Receipts	Monthly Variance	Estimated Collections	Actual Receipts	Year-to-Date Variance		
SALE OF STUMPAGE	2816	1,000		-1,000	2,500	11,117	8,617		
SALE OF AUTOS	2821		32,824	32,824	15,000	125,048	110,048		
OTHER SETTLEMENTS	2830	500		-500	500	32,466	31,966		
INSURANCE SETTLEMENT OTHE	2832				500		-500		
28 SALES AND COMP LOSS OF PROP		2,100	158,527	156,427	23,100	541,853	518,753		
**** Total ****	9999	197,198,778	202,325,607	5,126,829	937,778,927	941,460,855	3,681,928		

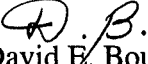


Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
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To: The Honorable Mark W. Lawrence, Chair
119th Legislative Council

And Honorable Members of the Legislative Council

From: 
David E. Boulter, Director

Date: January 4, 1999

Re: Legislative Studies: Proposed Drafting Guidelines

Attached for your consideration are proposed guidelines relating to preparing study legislation. Under Section 8 of Joint Rule 353, the Legislative Council is directed to develop guidelines for the drafting of study orders and legislation. These guidelines are consistent with and implement the applicable provisions of Joint Rule 353. Furthermore, the guidelines are intended to give guidance to committees, sponsors and legislative staff in preparing study orders and bills, and to promote consistency in language used to establish study committees.

Prior to finalizing these guidelines for presentation to the Council, I provided draft guidelines to Legislative Council staff offices and the House Clerk and Senate Secretary for their review and comment.

I recommend that the Legislative Council adopt the guidelines, and would be happy to answer any questions you may have at the Council meeting.

DEB/law

\\GENESIS\\DATA\\OPLA\\OPLAADM\\DIRECTOR\\PRSPstud.DOC (12/28/98 11:42 AM)

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

Legislative Studies: Drafting Guidelines

**Adopted by the 119th Legislative Council
Pursuant to Joint Rule 353(8)**

January ____, 1999

**Prepared by the Office of Policy and Legal Analysis
Maine Legislature**

Guidelines for Legislative Studies

Introduction. Each session the Maine Legislature considers numerous bills that would enact new law or amend or repeal existing laws. While the vast majority of legislation is considered and finally acted upon by the Legislature in the session in which it is introduced, some legislation warrants further study before a final decision is made. When additional time or information is needed to fully evaluate issues, the Legislature may establish a special commission or committee to study the matter by gathering information, evaluating options and making recommendations to the Legislature for its consideration. Conducting legislative studies is an important way that legislators may better inform themselves about complex issues affecting public policy. Conducting legislative studies also is an important way for the Legislature to seek information from interested persons and members of the general public and to help educate the public on matters affecting state policy.

Consistent with the historic legislative purpose of conducting studies to develop information to assist legislators in making policy decisions, Joint Rule 353 and these guidelines enhance the ability of the Legislature to efficiently establish and independently direct the scope and course of legislative studies in ways that best meet its needs.

Authority. Joint Rule 353, section 8 that were adopted by the 119th Legislature on December 2, 1998 directs the Legislative Council to adopt guidelines for drafting legislation that create studies.

Scope. These guidelines apply to legislative studies. Legislative studies are studies established by action of the Legislature that are conducted by a joint standing or select committee of the Legislature, a subcommittee of a joint standing committee or by a special legislative study commission or committee and which report its findings, conclusions and recommendations to the Legislature or some component of the Legislature. Usually, membership on a legislative study committee or commission consists wholly or primarily of legislators, and non-partisan staff of the Legislature provide staffing assistance to the study commission or committee.

Legislative studies are distinguished from non-legislative studies which include studies that direct an executive department or agency, the Executive or the Judiciary to study the matter and make a report. Study committees or commissions established by Executive Order of the Governor are also non-legislative studies even if they invite appointment of legislators or make a report to the Legislature.

Purpose and use of the guidelines. These guidelines implement provisions of Joint Rule 353 as they relate to the preparation of study orders and legislation. These guidelines also incorporate many of the recommendations of the Special Committee on Legislative Rules contained in its final report issued in November 1998 and the Special Commission to Review the Study Commission Process contained in its final report issued on January 16, 1998. The guidelines identify the major elements that should be included in each proposed joint order, resolve or law that establishes a study committee, offer suggested language for each element and comment on or generally explain the purpose for the language.

These guidelines provide assistance to non-partisan staff who prepare orders, resolves or bills proposing legislative studies. The guidelines will insure inclusion of standardized language for core elements of study orders and legislation, promote efficient drafting and encourage drafting consistency among committees and drafters.

The Legislative Council recognizes that from time to time committees or sponsors of study orders and legislation will need flexibility to address unique aspects of proposed studies not encompassed within the suggested language in these guidelines. The guidelines are sufficiently flexible to accommodate those unique circumstances.

These guidelines may also assist in preparing joint standing committees' requests for approval from the Legislative Council for studies proposed to be conducted by joint standing committees or their subcommittees. In addition to legislative studies, these guidelines should be applied to the drafting of legislation for non-legislative studies when inclusion of particular elements and language is appropriate.

Key provisions of the guidelines. These guidelines incorporate the following principles.

1. Joint orders (study orders), resolves or law may be used to establish legislative studies. However, the Legislative Council strongly encourages the use of study orders for all legislative studies except when studies will: (a) be conducted by a blue ribbon commission or other group created by the Legislature that includes substantial membership by non-legislators; or (b) extend beyond the current legislative biennium.
2. Proposed study orders will be referred to joint standing committees for consideration and reported out in the same manner as legislation. Committees also may initiate and report out study orders on their own initiative consistent with Joint Rule 353, section 1.
3. Ordinarily, the presiding officers appoint the members of a study committee, including its chair or co-chairs. In most cases, chairs should be legislators.
4. Ordinarily, the size of a study committee is between 3 and 13 members and should consist entirely or mostly of legislators. In most cases, the presiding officers will not directed to make their appointments jointly.
5. Legislative members, and non-legislative members (if any) who are not otherwise compensated for their time serving on the study committee, are entitled to receive a per diem and reimbursement of necessary expenses, as authorized by their respective presiding officers.
6. Study committees are required to complete their work before the start of a legislative session or to curtail their work during the session if it spans two or more sessions.
7. The Legislative Council may grant limited extensions to the report date for a study committee.

8. All study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or in the House and reviewed by the Legislative Council for coordination with legislative priorities and allocation of staffing and budgetary resources to support the study request.
9. Ordinarily, non-partisan employees of the Legislature provide staffing services for legislative studies.

LEGISLATIVE STUDIES**DRAFTING GUIDELINES****Element of Study Order or Legislation****Sample Language****Comments****1. Selection of Legislative Vehicle**

- ◆ Five types of document may be used

A. Joint Study Order

(This is the preferred method of legislative study and is adaptable for most legislative studies.

Particularly appropriate for a limited term study of a specific issue by a committee consisting wholly or mostly of legislators that reports back to the Legislature within the legislative biennium. A joint order study may include a minority of non-legislators as members who participate at the request of the Legislature.)

“Ordered, the (Senate or House) concurring, that the Joint Select Committee on Substance Abuse is established as follows.”

or “...that the Joint Standing Committee on Fisheries and Wildlife (or a subcommittee) is directed to study the issue of the recodification of the state hunting and fishing laws as follows.”

or...that the Legislative Study Committee on the Integration of Social Security and Maine State Retirement System Benefits is established as follows.”

- ◆ Must pass in each chamber only once
- ◆ Governor’s approval not needed
- ◆ Effective immediately
- ◆ Appropriation/Fiscal Note not needed at time of passage
- ◆ Chair and all or most members are legislators
- ◆ Public and agency members may be invited but not compelled to serve
- ◆ Orders are printed in Calendar and are referred to committee.
- ◆ Introduction of legislation into another biennium requires legislative sponsor

B. Resolve

(Appropriate for limited-term studies for which the participation of a large proportion of non-legislators is necessary, when outside members may need to be compelled to participate or when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members. Also appropriate for non-legislative studies to be conducted by agencies with a report back to the Legislature.)

“Resolve, to Establish the Commission to Study Rate Setting and the Financing of Long-term Care Facilities”

NOTE: Unless otherwise noted in these guidelines, the term “study group” means, study committee, study commission, task force, work group, blue ribbon commission or study group.

- ◆ Governor’s approval or veto override needed
- ◆ Unless passed as an emergency, takes effect 90 days after adjournment
- ◆ May compel participation, assistance or other action by non-legislators
- ◆ May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor
- ◆ Appropriation/ Fiscal Note required

Element of Study Order or Legislation

Sample Language

Comments

C. Public Law

(Appropriate for ongoing, periodic studies established in statute [e.g., judicial compensation], for studies that are an integral part of a bill creating a new program [e.g., learning results, electric utility deregulation] and when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members such as workers' comp reform.)

"An Act to Establish the State Compensation Commission"

- Governor's approval or veto override needed
- Unless passed as an emergency, takes effect 90 days after adjournment
- May compel participation, assistance or other action by non-legislators
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor
- Appropriation/ Fiscal Note required

D. Letter request to Legislative Council

(Appropriate for use by joint standing committees or their subcommittees only. Use for limited duration studies.)

See Appendix I for the procedure to request approval from the Legislative Council for study.

E. Special Committees established pursuant to the presiding officer(s) order

(Appropriate for use by the presiding officers to establish special committees to meet the study needs of the House and Senate, individually or jointly. Neither the Presiding Officers nor Legislative Council may establish Joint Select or Joint Standing Committees. That authority is reserved to the full Legislature.)

See sample order.

2. Establishment of Study Group

A. Order or Resolve

"The (study group), referred to in this (order/resolve/bill) as the (committee/commission/ task force/blue ribbon commission/etc.) is established."

Not necessary when the study is proposed to be assigned to an existing joint standing committee or a sub-committee of a joint standing committee. (See Appendix I)

Element of Study Order or legislation

Sample Language

Comments

B. Public Law

“The (study group) established in Title 5, section____, subsection____, (boards and commission law) and referred to in this section as the “(committee/commission/ task force/blue ribbon commission/etc.)”, consists of (#) members appointed as follows:...”

3. Appointment of Study Group Members

- ◆ Specify total number of members, usually ranging from 3-13 members

“The (study group) consists of (#) members appointed as follows.”

Conduct of studies by joint standing committees or their subcommittees or by joint select committees consisting entirely of legislators is the method preferred by the Legislative Council

- ◆ Describe the method of appointment or selection of members

A. Joint study order

“The President of the Senate shall appoint (#) members and the Speaker of the House of Representatives shall appoint (#) members to the (study group).”

Unless specific circumstances warrant, the Presiding Officers should be the appointing authority for all members

Element of Study Order or Legislation

Sample Language

Comments

B. <u>Resolve or bill</u>		
◆ Specify qualifications or affiliations of members	“The (President of the Senate and Speaker of the House of Representatives, the Governor or other appointing authority) shall appoint (#) members to the (study group).” (Describe broad qualifications or other eligibility criteria, if any, e.g. membership on a joint standing committee, professional affiliation, or residency.)	Avoid appointment procedures that include narrow restriction to very specific membership slots or appointment by outside organizations
◆ Establish deadline for appointments	“All appointments must be made no later than 30 days following the effective date of this (order, resolve or bill).”	
◆ Establish terms and provide for filling vacancies	“All members must be appointed for (# of years or to coincide with the legislative biennium). A vacancy must be filled (specify manner).”	Ordinarily applies only to on-going study group established in statute
◆ Specify notification of appointments to administering authority	“The (appointing authorities) shall notify the (Executive Director of the Legislative Council or other administering authority) upon making their appointments.”	

4. Selection of Chair

◆ Designate the selection process or appointing authority	“The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.” <u>(Alternatives to preferred approach:)</u> “The (Governor, the President of the Senate, Speaker of the House of Representatives or other authority) shall appoint the chair of the (study group).”	Unless there is some compelling reason, appointment of study chair or co-chairs is by the presiding officers and is made at the same time the member appointments are made. If the study group consists of 5 or fewer members, one chair should be appointed by the presiding officer of the body in which the study order or legislation originates; otherwise the Senate President should appoint the Senate Chair and the Speaker the House Chair.
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Element of Study Order or Legislation

Sample Language

Comments

or

“At its first meeting, the (study group) shall select a chair from among its members. Notice of selection of the chair must be given to the Executive Director of the Legislative Council.”

5. Convening of Study Group

◆ Specify who is to call first meeting

“When appointment of all members of the (study group) is completed, the (chair of the study group or chair of the Legislative Council) shall call and convene the (study group) for the first meeting...”

Ordinarily, the chair will do this. However, if the chair is to be selected by the members of the study group, the chair of the Legislative Council shall call the first meeting.

◆ Establish deadline for first meeting

“...which must be no later than (date).”

All study groups should, ordinarily, be convened by August 1 in the first session and by June 1 in the second session. However, studies should not be convened prior to legislative adjournment.

6. Study Subject & Tasks

◆ State subject of study

“The (study group) shall study (subject of study)”

Unlike other legislation, study orders, resolves and legislation should include greater narrative description as to the purpose and scope of the matter to be studied. The charge of the study group should be specific enough for members to readily understand the nature and scope of the study and expected work products.

◆ Specify issues to be studied

“The (study group) shall examine the following issues: (list issues)”

Listing specific issues to be studied will facilitate planning and preparation by the chairs and staff before the first meeting. It will also provide a clear legislative charge to the study group.

Element of Study Order of Legislation

Sample Language

Comments

- ◆ Specify tasks to be performed when studying the issue

“In examining these issues, the (study group) may:

- Hold (#) public hearings in (places);
- Hold informational sessions for discussions with (list of experts by generic identification); or representatives of programs undertaken in (list states or other jurisdictions) on (topics); etc.”
- Conduct, a (telephone survey or other interview) of (people or groups) on (information sought);
- Identify and summarize the legislative actions or governmental programs undertaken in (list states or other jurisdictions) on (topics); etc.”

“The (study group) shall (invite the participation of or offer the opportunity for) (entity) to submit comments on proposed recommendations of the study group.”

Listing specific tasks to be performed will facilitate planning and preparation by the chairs and staff before the first meeting. Only those tasks that are essential to the charge of the study group should be mentioned.

Use with study orders when outside participation is necessary to direct the study group to invite the participation of entities that may assist the study group in its work.

7. Staffing

- ◆ Utilize staff from the Legislative Council for legislative studies; (for non-legislative studies, executive agency or other personnel should be directed to staff the study group)

“Upon approval of the Legislative Council the (non-partisan office or offices) shall provide necessary staffing services to the (study group).”

Ordinarily, non-partisan staff will be assigned as primary staff to a study group only if the study is a legislative study.

or

- ◆ Direct another state agency to provide primary staff

“The (state agency) shall provide staff assistance to the (study group).”

Non-partisan staff resources ordinarily should not be committed to non-legislative studies. If they are, they should be committed only during times when the Legislature is not in session.

- specify who is to provide assistance in drafting study legislation

“The (state agency) shall prepare any legislation recommended by the (study group).”

Element of Study Order or Legislation

Sample Language

Comments

or (For non-legislative studies)

“If the (study group) requires assistance with the preparation of any recommended legislation, it may request, and upon approval from the Legislative Council, receive such assistance from (non-partisan staff office or offices) staff.”

- Specify who is to provide clerical assistance

“The (non-partisan staff office) or (state agency) shall provide clerical support to the (study group).”

or

- ◆ Permit the employment of consultants or other staff assistance

“The (study group), with the approval of the Legislative Council, may contract with a (consultant or expert) to provide professional services for the following study activities: (designate as primary staff or cross-reference the pertinent study issues, tasks and products).”

8. Compensation of Members

- ◆ Specify which members are eligible to receive per diem

“Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the study group. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.”

This is the preferred approach.

Element of Study Order or legislation

Sample Language

Comments

9. Report & Study Group Termination

- ◆ Specify work products to be prepared by the study group

“The (study group) shall submit a report that must include its findings, together with any recommended legislation, to the (specify which) Session of the (specify which) Legislature no later than (date).”

Reports and legislation are submitted by the first Wednesday in November preceding a 1st Regular Session or the first Wednesday in December preceding a 2nd Regular Session.

or

“The (study group) shall submit a report with any accompanying legislation to the (joint standing committee) by (date). Following receipt of the report the (joint standing committee) may introduce legislation to the (specify which) Session of the (specify which) Legislature.”

Ordinarily, the reports should be submitted to the “Legislature.” If, however, the scope of the study is so narrow as to affect only a joint standing committee, then the report may be submitted to that joint standing committee. If that is the case, then neither the study group or the joint standing committee has authority to introduce legislation. If such authority is desired, it should be specifically granted.

- ◆ Specify date for submission of products to the Legislature and to whom the report is to be submitted

(If the work product is not a report). “The (study group) shall submit (a questionnaire or survey summary, an informational booklet, legislation only, etc.) by (date).”

- ◆ Study Group Termination

“Upon submission of its required report(s), the study group terminates.”

- ◆ Extension of reporting deadline

“If the (study group) requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.”

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
10. Funding and management of study expenses.		
◆ Seek appropriation lines and figures from OFPR		Only if study is a Resolve or legislation.
◆ Specify the authority to administer the study group budget	<p>“The chair(s) of the (study group), with assistance from the (study group) staff shall administer the study budget. Within 10 days after its first meeting the (study group) shall present a work plan and proposed budget to the Legislative Council for approval. The (study group) may not incur expenses that would result in the study group exceeding its approved budget.”</p> <p>“Upon request from the (study group), the Executive Director of the Legislative Council or the Executive Director’s designee shall promptly provide the (study group) chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.”</p>	Although the projected number of meetings will be a factor in determining the study budget, avoid specifying in the study instrument the specific number of meetings authorized. Allow the study group flexibility to operate within its budget.
◆ Indicate alternative ways the study group may be funded and whether it is precluded from using General Fund dollars	<p>“The chair(s) of the study group may seek and accept outside funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to Executive Director and an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The (Executive Director of the Legislative Council or other administering authority) administers any funds received. Expenses that have an effect on the General Fund may not be incurred by the (study group).”</p>	<p>The general policy generally is not to allow solicitation or use of funds other than those appropriated or allocated by the Legislature. However, in the event that use of outside funding is appropriate and necessary, this language should be used.</p> <p>G:\ARCHIVES\STUDIES\Studyguid.DOC (01/04/99 1:54 PM)</p>

Legislative Council-Authorized Studies

Requests for Studies

The joint standing committees of the Legislature may request authorization from the Legislative Council to conduct studies during the interim. These studies offer committees the opportunity to carryout research and evaluation on legislative matters of a scope and depth that is not possible during the sessions given legislator time constraints and availability of staff resources.

Limitations

Within the Legislature's budgetary and staff resources, the Council's general policy is to authorize interim studies to be conducted by a subcommittee of the joint standing committee. If appropriate, studies may be conducted by the full committee or by committee staff.

Staffing assistance to Committees

Studies conducted by joint standing committees or their subcommittees are staffed by members of the nonpartisan staff. The appropriate Office Director, in consultation with the Executive Director makes specific staffing assignments. Frequently, co-staff are assigned to draw on the expertise of various staff members and to provide adequate staffing levels during a study.

Procedures to Request Studies

Study requests must be made in writing to the Legislative Council and must follow applicable portions of the Drafting Guidelines for Legislative Studies approved by the Council, including those relating to study charge, convening of study groups, administration and reports.

Study requests must include the following (as applicable):

- Topic, policy area or nature of the problem to be studied
- Description of the tasks to be completed
- The proposed chair or chairs
- Number and identification of the members who will serve on the study
- Proposed study budget and workplan
- Number of and anticipated location of any public meeting(s) to be held
- Anticipated convening and completion dates of the study

Decisions by the Legislative Council

Ordinarily, the Council will decide requests for committee studies when it considers other requests for studies pursuant to Joint Rule 353(8) [study table]. The Council will convey its decision regarding committee study requests in writing to the chairs of the joint standing committee and committee staff in a timely manner.

SAMPLE

LEGISLATIVE INSTRUMENTS

FOR AUTHORIZING STUDIES

SAMPLE JOINT ORDER CREATING A STUDY

STATE OF MAINE

In House _____

WHEREAS, the Legislature finds there exists an extremely dangerous group of sexually violent predators who have a mental abnormality or personality disorder and who have a significant likelihood to engage in repeat acts of sexual violence unless the State provides an effective intervention mechanism; and

WHEREAS, the Legislature finds that the current criminal justice system inadequately addresses the special needs of sexually violent predators and the risks they present to society; and

WHEREAS, the Legislature finds that there is an urgent need for a program that provides for the control, care and treatment of sexually violent predators; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators is established as follows.

1. Committee established. The Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows.

A. The President of the Senate shall appoint 3 members from the Senate who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent predators.

B. The Speaker of the House of Representatives shall appoint 10 members from the House of Representatives who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent predators.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening committee. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 1998.

5. Duties. The committee shall develop a plan to implement a program to provide for the control, care and custody of sexually violent predators. The plan must include at least the following: a description of proposed facilities; appropriate treatment modalities; personnel requirements; legal and practical procedures for using the program; estimated population of sexually violent predators that would be eligible to participate in the program; and costs and funding estimates. In developing the plan, the committee shall:

- A. Request, as appropriate, the assistance of the Department of Corrections, the Department of Mental Health, Mental Retardation and Substance Abuse Services and other state agencies;
- B. Examine programs for the control, care and treatment of sexually violent predators in other jurisdictions;
- C. Review legal parameters applicable to such programs;
- D. Examine the financial implications of program options;
- E. Review the potential sexually violent predator population estimates; and
- F. Invite the participation of experts and interested parties, including the Maine Police Chiefs Association.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and legal Analysis shall provide necessary staffing services to the committees.

7. Compensation. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Report. The committee shall submit a report on the plan developed along with any recommended legislation to the Joint Standing Committee on Judiciary by October 15, 1998. Following receipt of the report, the Joint Standing Committee on Judiciary may introduce legislation to the First Regular Session of the 119th Legislature. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. Resolved: That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its

approval. The committee may not incur expenses that would result in the committee exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the Executive Director's designee shall provide the committee chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

SPONSORED BY: _____
(Representative THOMPSON)

TOWN: Naples

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Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the commission; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate, one representing the majority party and one representing the minority party;
2. Four members of the House of Representatives, appointed by the Speaker of the House, one representing the majority party and one representing the minority party; and
3. Five other members appointed by the Governor as follows:
 - (1) One member who has experience with rate setting;
 - (2) One representative of the Department of Human Services;
 - (3) One representative of the Maine Human Care Association; and
 - (4) One representative of the Maine Health and Higher Educational Facilities Authority; and
 - (5) One member representing consumers of long-term care services who is familiar with the principles of reimbursement; and be it further

Sec. 3. Chairs. Resolved: That the first named Senate member is the Senate chair of the commission and the first named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine the following issues concerning long-term care facilities:

1. The setting of rates for the different payers within the long-term care system, including monthly charges and charges for resident services and supplies, and ensuring affordability;
2. The levels of profit guaranteed by the rate of reimbursement, a comparison of rates among the different states and financial stability within the system;
3. The advisability of rate equalization between private and public payers, implementation of rate equalization and what the possible benefits and detriments might be for nursing facility residents;
4. The case mix payment system for private paying patients;
5. The possibility of regulating the long-term care industry in the manner of regulating public utilities; and
6. The relationship between staffing levels and quality of care and maintaining high-quality care; and be it further

Sec. 6. Public hearings. Resolve: That in examining these issues, the commission shall hold three regional public hearings to receive comments and collect data from the public. One of the public hearings must be held in Northern or Downeast Maine, one in central or western Maine and one in southern Maine; and be it further

Sec. 7. Staff assistance. Resolved: Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 8. Compensation. Resolved: That the members of the commission are entitled to receive legislative per diem, as defined in Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings of the commission; and be it further

Sec. 9. Report. Resolved: That the commission shall submit its report, together with any recommended implementing legislation, to the Second Regular Session of the 119th Legislature no later than December 1, 1999. If the commission requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission exceeding its approved budget.

Upon request from the commission, the Executive Director of the legislative Council or the Executive Director's designee shall promptly provide the commission chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SUMMARY

This resolve establishes the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities to examine the financial stability of the long-term care industry in Maine, compare rates of reimbursement and profits for such facilities between Maine and other states, examine the advisability of equalizing rates for public and private payers, analyze the relationship of rates to quality care and examine alternative methods of rate-setting. The commission is to report to the Legislature by December 1, 1999.

An Act to Reestablish the State Compensation Commission

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §2-B is enacted to read:

§2-B. State Compensation Commission

1. State Compensation Commission established membership. The State Compensation Commission, established in Title 5, section 12004-G, subsection 26-D and referred to in this section as the "commission," consists of 5 members appointed as follows:

A. Two members, not from the same political party, appointed by the President of the Senate;

B. Two members, not from the same political party, appointed by the Speaker of the House; and

C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission.

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is a Legislator at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

2. Appointments; meetings. The 4 appointments by the presiding officers must be made no later than 15 days following the effective date of this section. The Executive Director of the Legislative Council must be notified once the selections have been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

3. Duties of commission. The commission must issue its first report no later than January 1, 1998. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

A. A description of the commission's activities;

B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:

(1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and

(2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;

C. The reasons for its recommendations;

D. Drafts of any legislation required to implement its recommendations; and

E. Any other material and recommendations that commission members may wish to submit.

Before submitting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to submitting its report, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

4. Staff assistance.

5. Compensation. The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

Sec. 2. 5 MRSA §12004-G, sub-§26-D is enacted to read:

<u>26-D.</u>	<u>State</u>	<u>Legislative</u>	<u>3 MRSA</u>
<u>Legislature</u>	<u>Compensation</u>	<u>Per Diem and</u>	<u>§2-B</u>
	<u>Commission</u>	<u>Expenses</u>	

SUMMARY

This bill reestablishes the State Compensation Commission to periodically review and make recommendations to the Legislature on the level of compensation for legislators, the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor.

**SAMPLE ORDER OF PRESIDING OFFICERS
CREATING A STUDY**

**President of the Senate
&
Speaker of the House of Representatives**

STATE OF MAINE

Whereas, the financial services industry has undergone considerable change and consolidation in recent years as services provided by banks, insurance companies, investment firms, and other financial sector institutions have evolved; and

Whereas, many legal and regulatory barriers traditionally dividing banking institutions and other financial service providers have been removed; and

Whereas, banks in Maine, as well as across the nation, now can market lines of insurance, annuities and securities products, and securities underwriting firms and insurance companies are acquiring or establishing financial institutions to engage more directly in banking activities; and

Whereas, Maine's tax laws applicable to entities that provide financial services to Maine customers have not undergone comprehensive legislative review in recent years in light of the changes within the financial services industry; and

Whereas, such a review is needed in order to ensure that Maine's tax structure is fair and equitable, and to ensure that the State of Maine is competitive with other states in attracting and maintaining businesses providing financial services; now, therefore, be it

Established, that the Special Commission on Financial Services Taxation is established as follows:

1. Commission established. The Special Commission on Financial Services and Taxation, referred to as the "commission," is established.

2. Membership. The commission consists of 10 members appointed as follows:

A. The President of the Senate shall appoint three members from the Senate who serve on the Joint Standing Committee on Taxation, the Joint Standing Committee on Banking and Insurance or the Joint Standing Committee on Business and Economic Development.

B. The Speaker of the House of Representatives shall appoint seven members from the House of Representatives who serve on the Joint Standing Committee on Taxation, the Joint Standing Committee on Banking and Insurance or the Joint Standing Committee on Business and Economic Development.

3. Chairs. The first Senate member named is the Senate chair; the first House member named is the House chair.

4. Convening of special commission. When the appointment of all members is complete, the chairs of the commission shall, after notice to the Presiding Officers, meet and convene the first meeting of the commission, which must occur no later than August 12, 1998.

5. Duties. The commission shall review Maine's tax laws applicable to entities that provide financial services in this State and make recommendations to ensure that Maine's tax structure is fair and equitable and to ensure that the State is competitive with other states in attracting and maintaining businesses providing financial services.

6. Meetings. In conducting its duties, the commission shall endeavor to coordinate its meeting schedule with the Financial Services Taxation Advisory Group established by Executive Order No. 3 FY 97/98. In addition, the commission may meet with any individuals, departments or institutions it considers appropriate, at times and locations approved jointly by the President of the Senate and Speaker of the House of Representatives. Meetings of the Commission are public meetings under 1 MRSA §401 et seq. and are subject to public notice.

7. Staff assistance. Upon approval from the Legislative Council, the Office of Policy and Legal Analysis and Office of Fiscal and Program Review shall provide necessary staffing services to the commission.

8. Reimbursement. Members of the commission are entitled to receive the legislative per diem, as defined in the Maine revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the commission.

9. Report. The commission shall prepare and submit a report on its findings and recommendations relating to the taxation of financial services, along with any suggested legislation, to the President of the Senate and the Speaker of the House of Representatives by March 4, 1998, a copy of which shall be provided to the Legislative Council.

BY:

**Mark W. Lawrence, President
Maine Senate**

BY:

**Elizabeth H. Mitchell, Speaker
Maine House of Representatives**

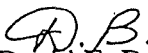
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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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

To: The Honorable Mark W. Lawrence, Chair
And Members of the Legislative Council

From: 
David E. Boulter, Director

Date: December 15, 1998

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

Policy Question: If the Legislative Council anticipates an adjournment of the First Regular Session that is earlier than the statutory adjournment date of June 16, 1999, 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. Agencies will be filing new major substantive rules with the Legislature when it reconvenes in January.

The Council is authorized by statute [5 MRSA §8072(7)] 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 75 days before statutory adjournment (April 2, 1999) if early adjournment is anticipated. Agencies should 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 First Regular Session of the 119th Legislature the statutory adjournment date is June 16 so the current deadline for filing at this time is Monday, May 3rd. It is my understanding that a late May, rather than June, adjournment date is being considered since the legislative session is currently budgeted only through the end of May.

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 or the Legislature accepts late-filed 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
December 14, 1998

Policy Options: Several options are available to the Council.

If adjournment is to be early--by the end of May-- 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 25 calendar days (18 work days); or
- B. Establish an earlier deadline that is anytime between April 2nd and May 3rd.

A reduction in legislative review time from 45 days to 25 days is significant when considering the lead-time necessary for advertising and holding public hearings on the rules. Committee work on rules review typically consists of publication of notice, public hearing and at least one work session and a committee report. The Legislative Council may want to consider establishing a filing deadline of Friday, April 2, 1999 which should allow the committees to complete their review by April 16th when work on other bills is scheduled for completion.

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

xc: Sally Tubbesing, Exec. Dir.
Office Directors
Joe Mayo, Clerk of the House
Joy O'Brien, Secretary of the Senate

Legislative Review of Agency Rules

In 1995, the 117th Legislature amended the Maine Administrative Procedure Act to establish a new process for the review of major rules proposed by state agencies. This legislation, enacted as P.L. 1995, Chapter 463, became effective January 1, 1996, and proposed rules that are subject to the new law began to be filed in January 1997. This new process is designed to provide the Legislature with an opportunity to review major rules proposed by an agency before they become effective. This increased level of review will allow the Legislature to satisfy itself that executive agencies are developing rules to implement provisions of law that are in keeping with the legislative policy direction, are readily understandable and reasonable, and accomplish the objectives stated in the law.

The Legislative review process, found at 5 M.R.S.A. §8701 et seq., establishes two categories of rules: routine technical and major substantive. All rules authorized by the Legislature under rule-making authority granted after January 1, 1996 must be assigned to one of these two categories. Routine technical rules do not require any special action by the Legislature, but fall under the normal rule-making process of the Administrative Procedure Act (APA). The APA requires public notice of a proposed rule, an opportunity for public hearing and comment and preparation of a basis statement that is responsive to public comments. Major substantive rules, however, require a higher degree of oversight by the Legislature, and the law establishes the standards for legislative review.

Major substantive rules are subject to legislative review and authorization prior to their final adoption by an agency. They are subject to all the provisions of the APA up to the point of their adoption by an agency. It is at this stage in the rule-making process that the new legislative oversight mechanism begins. Agencies may adopt major substantive rules *only provisionally*, and when so adopted the rules must be submitted for legislative review. Provisionally adopted rules are not in effect and may not be enforced. Final adoption and implementation of the rules may occur only after review and authorization by the Legislature.

As mentioned previously, rules authorized under rule-making authority granted to agencies before January 1, 1996 are not affected by the requirements of 5 M.R.S.A. §8701 et seq. Those rules may continue to be adopted and amended under the standard requirements of the APA. They are treated essentially as routine technical rules.

What is Considered a Major Substantive Rule?

Title 5 M.R.S.A. §8071 defines "major substantive rules" as those rules that in the judgment of the Legislature :

- ✓ require the exercise of significant agency discretion or interpretation in drafting; or
- ✓ due to their subject matter or anticipated impact, are reasonably expected to result in a significant increase in the cost of doing business, a significant reduction in property values, the loss or significant reduction of government benefits or services, the imposition of state mandates on units of local government as defined in the Constitution of Maine, Article IX, Section 21, or other serious burdens on the public or units of local government.

Process for Legislative Review of Major Substantive Rules

For an agency's provisional rule to be reviewed during a legislative session, the agency must submit the rule and its supporting materials at least 45 days before the date established for legislative adjournment.

Depending upon the length of the legislative session, a failure to file provisional rules in a timely manner could result in a delay of up to a year before an agency would have a rule reviewed, authorized and finally adopted.

Once a rule and supporting materials are filed with the Legislature, the rule is referred to the joint standing committee having jurisdiction over the policy area related to the rule. The policy committee reviews the proposed rule and makes a recommendation on the rule. The policy committee has until 30 days before statutory adjournment to issue a report to the full legislature.

The Legislature may then enact legislation authorizing all or part of the rule, disapproving it, or authorizing the rule with specified changes. If a provisionally adopted rule is properly filed, but the Legislature fails to act on it, the agency may go forward and adopt the provisional rule. If the Legislature authorizes the rule, the provisional rule must be finally adopted by the agency within 60 days after the effective date of the legislation approving the rule. Adopted rules may take effect no sooner than 30 days after the filing with the Secretary of State. Note: This action by the Legislature does not adopt the rule as law, but merely authorizes an agency to proceed to adopt a rule or make certain changes in a proposed rule before an agency adopts it.

The Policy Committee's Role

Each major substantive 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 its meeting.

In addition or in conjunction with its public meeting, the committee may hold a public hearing on the provisional rule. The public hearing must be advertised in the same manner as required for public hearings on proposed legislation under the Legislature's Joint Rule 305.

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

1. Whether the agency has exceeded its scope of authority in adopting the rule;
2. Whether the provisionally adopted rule is in conformity with the legislative intent of the relevant statutes;
3. Whether the provisionally adopted rule conflicts with any other provision of law or with any other rule adopted by an agency;
4. Whether the provisionally adopted rule is necessary to fully accomplish the objectives of the statute;
5. Whether the provisionally adopted rule is reasonable, especially as it affects the convenience of the general public or of persons particularly affected by it;
6. Whether the provisionally adopted rule could be made less complex or more readily understandable for the general public;
7. Whether the provisionally adopted rule was proposed in compliance with the requirements of this chapter and with the requirements imposed by any other provision or law; and
8. 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 public health, safety and welfare advanced by the rule.

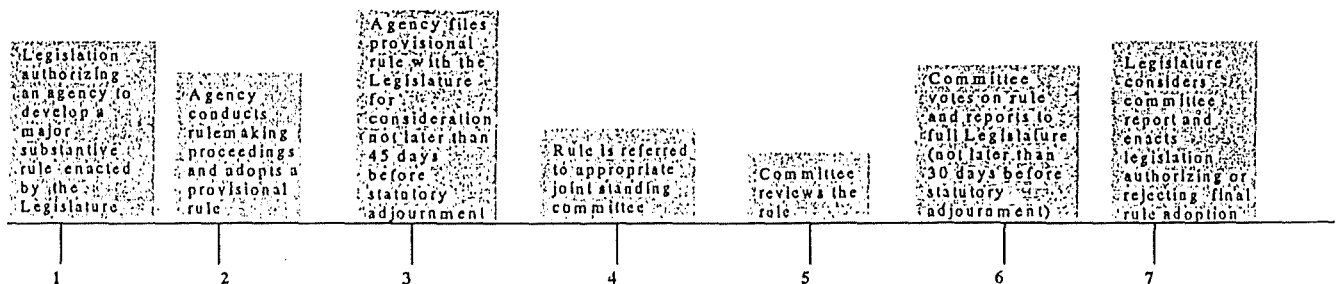
Committee reports must include necessary legislation and must recommend one of the following:

- A. That the Legislature authorize final adoption of the rule;
- B. That the Legislature authorize final adoption of a specified part of the rule;
- C. That the Legislature authorize final adoption of the rule with certain specified amendments; or
- D. That the Legislature disapprove final adoption of the rule.

The committee report is in the form of a resolve. The report must include a copy of the rule, the committee's recommendation, the reasons for a recommendation to disapprove or modify the rule and legislation to implement its 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 finally adopt and implement the rule.

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 require further rule-making proceedings so long as the final rule reflects the Legislature's decision and is properly filed with the Secretary of State.

Steps in the Legislative Review Process for Major Substantive Rules



PAUL E. MAYOTTE
DIRECTOR
LEGISLATIVE INFORMATION SERVICES

TEEN ELLEN GRIFFIN
LEGISLATIVE INFORMATION OFFICE
MANAGER



MAINE STATE LEGISLATURE
OFFICE OF LEGISLATIVE INFORMATION SERVICES

January 26, 1999

To: The Honorable Mark W. Lawrence, Chair, Legislative Council
The Honorable G. Steven Rowe, Vice-Chair Legislative Council
Members of the Legislative Council

From: Paul E. Mayotte, Director, Legislative Information Services

A handwritten signature in cursive script, appearing to read "Paul".

Subject: Year 2000, Monthly Status Report

Attached is the Year 2000 task listing and status as of January 26, 1999 for your review and comment.

During the past month, the Senate and House in coordination with International Roll-Call, Inc. began the process of certifying the IRC applications that support both Chambers.

The contract with CST2000 for correction of WANG application code is expected to be finalized before the end of January, supporting a post session test and installation schedule.

During the coming month, the goals are to complete the remaining open tasks, begin to define the issue of non-supported software, and turn a copy of the WANG application code over to CST2000.

At this time, the Legislature remains on track to complete its Year 2000 work by October 1999.

**Maine State Legislature
Year 2000 Detailed Action Log**

1/26/99	Phase of Completion					
Item	Risk	Phase I Planning & Assessment	Phase II Modification/Con version	Phase III Testing & Implementation	Completion of Effort	Notes
PC/Desktop Environment						
PC Hardware	High	complete	complete	complete	Nov-98	
Printers	High	complete	complete	complete	Nov-98	
PC BIOS	High	complete	complete	complete	Dec-98	non-Dell PCs, upgraded BIOS installed
Windows 95 O/S	High	complete	complete	complete	Nov-98	replaced Win 3.1, install patches as released
MS-Word	High	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
Word 97 - Compliant						
Word 7 - compliant with minor issues						
Word 6 - compliant with minor issues						
MS-Excel	Moderate	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
Excel 97 - compliant						
Excel 7 - compliant with minor issues						
Excel 5 - compliant with minor issues						
MS-Outlook	Low	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
Outlook 98 - compliant						Not a std. Application - eval. Only
Outlook 97 - compliant						
MS-Scheduler - compliant with minor issues	High	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
MS-Mail - compliant	High	complete	complete	complete	Nov-98	Mircosoft may continue to issue updates
MS-Access	Moderate	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
Access 97 - compliant						
Access 7 - compliant with minor issues						
Access 2.0 - not complaint						
MS-PowerPoint	Moderate	complete	4/99 to 6/99	6/99 to 8/99	Aug-99	replace Office 4.x, 95, & 97 with Office 2000
PowerPoint 97 - compliant						
PowerPoint 7.0 - compliant						
PowerPoint 4.0 - compliant with minor issues						
MS-Project	Low	complete	complete	complete	Jul-98	using Y2K compliant releases of the application
MS-Publisher	High	complete	complete	complete	Dec-98	using Y2K compliant releases of the application
MS-FrontPage 98	Low	complete	complete	complete	May-98	using Y2K compliant releases of the application
PageMaker	High	in process				
RealPlayer (sound)	Moderate	complete	complete	complete	Dec-98	using Y2K compliant releases of the application
West Law	Low	in process				
PC Anywhere	Moderate	complete	complete	complete	Jun-98	using Y2K compliant releases of the application
Virus detection	High	complete	complete	complete	Jun-98	using Y2K compliant releases of the application
PKZip	Low	complete	complete	complete	Jun-98	using Y2K compliant releases of the application

**Maine State Legislature
Year 2000 Detailed Action Log**

1/26/99	Phase of Completion					
Item	Risk	Phase I Planning & Assessment	Phase II Modification/Con version	Phase III Testing & Implementation	Completion of Effort	Notes
NetScape WEB Browser	High	complete	complete	complete	Dec-98	installed version 4.5
Non-supported Software	High	scope definition				user installed software need to develop a plan/approach on how to address nonsupported software
Law Library Network						
Network O/S	Low	complete	complete	complete	Aug-98	using Y2K compliant releases of the application
Library specific applications	Low	complete	complete	complete	Aug-98	using Y2K compliant releases of the application
CD hardware	Low	pending				vendor certification? Could be OK now
International Roll-Call Systems	High	vendor action	vendor action	vendor action		Y2K certification letter being sent to IRC
Bill Stamping application software						
Journal application software						
Calendaring application software						
Chamber Voting / Roll Call application software						
Request to Speak application software						Granger Northern certification
Request to Speak switches and supporting hardware						Granger Northern certification
Member Vote Board						
Page Board						Granger Northern certification
Message Board						
Server Environment						
IRC application servers	High	complete	complete	complete	Nov-98	replace 1999
Leg. production servers	High	complete	complete	complete	Nov-98	
Lightspeed servers	High	complete	complete	complete	Jun-98	using Y2K compliant releases of the application
Development servers	Moderate	complete	complete	complete	Nov-98	
Sound System servers	Moderate	complete	complete	complete	Oct-98	
Novell operating system software	High	complete	complete	complete	Nov-98	
MS-NT operating system software	Moderate	completed	completed	completed		
MS-SQL database software	Moderate	completed	completed	completed	Dec-98	using Y2K compliant release of the application
Mail Server software	High	in process				

**Maine State Legislature
Year 2000 Detailed Action Log**

1/26/99	Phase of Completion					
Item	Risk	Phase I Planning & Assessment	Phase II Modification/Con version	Phase III Testing & Implementation	Completion of Effort	Notes
CD-ROM tower	Low	pending				
Tape back up system	High	pending				
UPS hardware	Low	complete	complete	complete	Nov-98	
UPS software	Low	complete	complete	complete	Nov-98	
Mail Server	High	complete	complete	complete	Jun-98	
Local Area Network Environment						
Operating/management software	High	complete	complete	complete	Dec-98	using Y2K compliant releases
Cajun P550	High	complete	complete	complete	Dec-98	using Y2K compliant releases
Local switches	High	complete	complete	complete	Dec-98	using Y2K compliant releases
Local hubs	High	in process				not date based
BIS interface	Moderate	in process	BIS action	BIS action		Y2K certification letter being sent to BIS
WANG Environment						
VS hardware	High	complete	complete	complete	Sep-98	
VS operating system software	High	complete	complete	complete	Sep-98	
PACE database software	High	complete	complete	complete	Sep-98	
COBOL	High	complete	complete	complete	Sep-98	
Lightspeed	High	complete	complete	complete	Jun-98	
Winloc	High	complete	complete	complete	Jun-98	no impact
Application software	High	complete	1/99 to 7/99	8/99 to 10/99		contract not in place
Backup software	High	complete	complete	complete	Oct-98	
Backup hardware	High	complete	complete	complete	Jun-98	no impact
Dirty Little Databases	High to Mod.	in process				
WP	High	pending				WANG no longer supports
WP+	High	complete	post session	post session	Aug-99	no known issues, WANG to address/support
Bureau of Information Services						
Wide area network e-mail access	High	BIS action	BIS action	BIS action		Working with directly with BIS on each item
Internet access						

**Maine State Legislature
Year 2000 Detailed Action Log**

1/26/99	Phase of Completion					
Item	Risk	Phase I Planning & Assessment	Phase II Modification/Con version	Phase III Testing & Implementation	Completion of Effort	Notes
WEB page						
MFASIS						
Budget						
Local and long distance telephone access						
GIS						
Information Systems Office						
Help Desk application software	Moderate	complete	post session	post session		
Development software tools	Moderate	complete	post session	post session		
PCDocs	Moderate	complete	post session	post session		
ODBC	Moderate	complete	post session	post session		
MultiEdit	Moderate	complete	post session	post session		
HTML Transit	Moderate	complete	post session	post session		
Norton Tools	Moderate	complete	post session	post session		
DataBoss	Moderate	complete	post session	post session		
V-B 5.0	Moderate	complete	post session	post session		
Delphi 3.0	Low	complete	post session	post session		
PowerDesigner	Moderate	complete	post session	post session		
C++	Low	complete	post session	post session		
Visi-O	Low	complete	post session	post session		
FlowCharter	Low	complete	post session	post session		
Other						
Copiers	High	complete				Working with BGS
FAX machines	Very Low	complete				Working with BGS
Scanners	Very Low	complete	complete	complete	Jan-99	HP certification in hand
Cellular telephones	Low	complete				US Cellular certification
Desk telephones	High	complete				Working with BGS
TTY equipment	Moderate	complete				Working with BGS
Combination units (FAX, copier, printer)	High	complete				Working with BGS
Elevators	High	complete				Granger Northern certification
Sound systems	High	complete				Granger Northern certification
Recording systems	High	complete				tbd
Alarm/Security systems	High	complete				Granger Northern certification

**LEGISLATIVE PART I BUDGET REQUESTS: FY 2000 - 2001
SUMMARY OF GOVERNOR'S RECOMMENDATIONS**

	FY 99 Adjusted Approp.	LEGISLATIVE REQUEST			GOVERNOR'S RECOMMENDATION	
		FY 2000	FY 2001	FY 2000	FY 2001	
Legislative Account						
Personal Services	\$ 11,332,532	\$ 11,084,549	\$ 11,958,613	\$ 11,084,549	\$ 11,958,613	
All Other	3,748,445	3,861,352	4,646,827	3,861,352	4,646,827	
Capital	<u>55,000</u>	<u>55,000</u>	<u>75,000</u>	<u>55,000</u>	<u>75,000</u>	
Total	\$ 15,135,977	\$ 15,000,901	\$ 16,680,440	\$ 15,000,901	\$ 16,680,440	
Interstate Cooperation Commission	\$ 145,966	\$ 151,401	\$ 155,724	\$ 151,401	\$ 155,724	
Comm/Uniform State Laws	\$ 19,200	\$ 20,000	\$ 20,600	\$ 20,000	\$ 20,600	
State House & Capitol Park Commission	\$ 131,600	\$ 135,400	\$ 139,350	\$ 135,400	\$ 139,350	
Misc. Studies/Legislative	\$ 44,075	\$ 24,760	\$ 20,480	\$ 24,760	\$ 20,480	
Education Research Institute	\$ 150,000	---	---	---	---	
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Total/Legislative Department	\$ 15,626,818	\$ 15,332,462	\$ 17,016,594	\$ 15,332,462	\$ 17,016,594	
Reserve Fund/Preservation & Maintenance	\$ 850,000	\$ 850,000	\$ 850,000	(statutory transfer)		
> > > > > > > > > > > > > >						
Law & Legislative Reference Library	\$ 775,694	\$ 803,793	\$ 816,609	\$ 803,793	\$ 816,609	
Personal Services						
All Other	318,616	326,809	334,806	326,809	334,806	
Capital	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>	
Total	\$1,104,310	\$1,140,602	\$1,161,415	\$1,140,602	\$1,161,415	

LEGISLATIVE PART II BUDGET REQUESTS: FY 2000 - 2001
SUMMARY OF GOVERNOR'S RECOMMENDATIONS

	LEGISLATIVE REQUEST		GOVERNOR'S RECOMMENDATION	
	FY 2000	FY 2001	FY 2000	FY 2001
LEGISLATIVE ACCOUNT				
Personal Services	\$ 151,079	\$ 158,568	-0-	-0-
All Other	<u>140.800</u>	<u>137.600</u>	<u>-0-</u>	<u>-0-</u>
Total	\$ 291,879	\$ 296,168	-0-	-0-
Productivity Initiatives Migration Project	<u>\$1,424,000</u>	<u>\$ 656,000</u>	<u>\$1,424,000</u>	<u>\$ 656,000</u>
Total Legislative Account	\$1,715,879	\$ 952,168	\$1,424,000	\$ 656,000
 LAW & LEGISLATIVE REFERENCE LIBRARY				
Personal Services	\$ 27,809	\$ 27,902	-0-	-0-
GRAND TOTAL/ALL ACCOUNTS	<u>\$1,743,688</u>	<u>\$ 980,070</u>	<u>\$1,424,000</u>	<u>\$ 656,000</u>

**Maine State Legislature
Computer Migration Project
Project Cost Projection**

	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>3 Year Total</u>
Funded or Requested Funding	<u>\$ 1,165,000</u>	<u>\$ 1,424,000</u>	<u>\$ 656,000</u>	<u>\$ 3,245,000</u>
Year 2000	\$ (130,000)	\$ (25,000)	\$ -	\$ (155,000)
Office Suite Upgrade	\$ -	\$ (70,000)	\$ -	\$ (70,000)
User Training	\$ -	\$ (50,000)	\$ (75,000)	\$ (125,000)
Data Conversion	\$ -	\$ (50,000)	\$ (50,000)	\$ (100,000)
Application Installation	\$ -	\$ (10,000)	\$ (10,000)	\$ (20,000)
KPMG - Drafting/Status	\$ (910,000)	\$ (919,000)	\$ (371,000)	\$ (2,200,000)
Chamber Support	\$ (75,000)	\$ (200,000)	\$ (50,000)	\$ (325,000)
Contingency	\$ (50,000)	\$ (100,000)	\$ (100,000)	\$ (250,000)
Chamber Automation - design/software	\$ -	\$ -	tbd	tbd
	<u>\$ (1,165,000)</u>	<u>\$ (1,424,000)</u>	<u>\$ (656,000)</u>	<u>\$ (3,245,000)</u>

**Maine Legislative Process Review
Estimated Hours and Hourly Rates By Labor Category**

Estimated Hours By Labor Category

Projects

	Project Manager	Team Member	Total
<i>Project Initiation</i>	44	27	71
<i>Establish Project Office Management</i>	340	89	429
<i>Legislative Activities Business</i>			
<i>Process Review</i>	8	547	555
<i>Information Systems Review</i>	32	246	278
<i>Develop High-Level Conceptual Design</i>	72	176	248
<i>Develop High Level Migration Strategy</i>	80	225	305
Total	576	1311	1887

Estimated Hourly Rates By Labor Category

	Estimated Hourly Rate
Project Lead	\$250.53
Team Member	<u>\$183.89</u>
Blended Rate	\$204.23



MAINE STATE LEGISLATURE
Augusta, Maine 04333

January 6, 1999

The Honorable Mark W. Lawrence, Chair
Legislative Council
119th Maine Legislature
State House
Augusta, ME 04333

Dear Chair Lawrence:

This letter is to inform you that the Joint Select Committee on Research and Development has submitted the attached report to the Executive Director of the Legislative Council and to the Law and Legislative Reference Library, pursuant to Joint Order, Senate Paper 831.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary R. Cathcart".

Sen. Mary R. Cathcart
Senate Chair

A handwritten signature in black ink, appearing to read "G. Steven Rowe".

Rep. G. Steven Rowe
House Chair

Attachment

cc: Members of the Legislative Council
Sally Tubbesing, Executive Director, Legislative Council
David E. Boulter, Director, Office of Policy and Legal Analysis

JAN - 6 1999



MAINE STATE LEGISLATURE
Augusta, Maine 04333

SPECIAL COMMISSION ON
FINANCIAL SERVICES TAXATION

January 6, 1999

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable Steven G. Rowe, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

By Order of the Presiding Officers, the Special Commission on Financial Services Taxation is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committees on Taxation and Banking and Insurance. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

A handwritten signature in dark ink, appearing to read "Lloyd LaFountain III".

Senator Lloyd LaFountain III, Co-Chair
Special Commission on Financial Services Taxation

Sincerely,

A handwritten signature in dark ink, appearing to read "Bonnie Green".

Representative Bonnie Green, Co-Chair

cc: Members of the Legislative Council
Senate Chairs and Representative Chairs, Joint Standing Committees on Taxation and
Banking and Insurance
Sally Tubbesing, Executive Director, Legislative Council
David E. Boulter, Director, Office of Policy and Legal Analysis



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**TASK FORCE TO STUDY THE NEED FOR AN OMBUDSMAN FOR THE DEPARTMENT OF
HUMAN SERVICES AND THE DEPARTMENT OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE SERVICES**

December 21, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable Steven G. Rowe, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Resolves 1997, chapter 120, the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Health and Human Services in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

Elaine Fuller

Representative Elaine Fuller
Chair

Task Force to Study the Need for an Ombudsman for the
Department of Human Services and the Department of
Mental Health, Mental Retardation and Substance
Abuse Services

cc: Members of the Legislative Council
Senate Chair and Representative Chair, Joint Standing Committee on Health and
Human Services
Sally Tubbesing, Executive Director, Legislative Council
David E. Boulter, Director, Office of Policy and Legal Analysis



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0038

EVAN D. RICHERT, AICP
DIRECTOR

December 17, 1998

Ms. Sarah C. Tubbesing
Executive Director
Legislative Council
115 State House Station
Augusta, Maine 04333

RE: L&WRC Report: Land Use Mediation Program

Dear Ms. Tubbesing:

Attached for your review is the Land and Water Resources Council's report, pursuant to 5 M.R.S.A. §3331, sub-§5, on the State's Land Use Mediation Program. The council believes that the Program provides a low cost, dispute resolution alternative to litigation with local or State agencies on land use related matters. As such, the council endorses the Program, administered by the Court Alternative Dispute Resolution Service, as an important component of the State's regulatory framework.

Thank you for your attention to this matter.

Respectfully submitted,

Evan D. Richert, AICP

Encl:

DEC 23 1998



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 184 STATE STREET
Internet: www.state.me.us/spo

PHONE: (207) 287-3261

FAX: (207) 287-6489

REPORT OF THE LAND AND WATER RESOURCES COUNCIL REGARDING THE STATE'S LAND USE MEDIATION PROGRAM

I. Introduction

In 1995, enacting P.L. 1995 c. 537, the Maine Legislature established the Land Use Mediation Program. The Legislature directed the Land and Water Resources Council (L&WRC) to "report by December 1, 1998 and December 1, 2000 to the Governor, the Administrative Office of the Courts, the Executive Director of the Legislative Council and the Director of the Court Alternative Dispute Resolution Service on the operation and effectiveness of the land use mediation program" 5 M.R.S.A. §3331, sub-§5. The Legislature further required that the L&WRC's report must "list the number and types of mediation requests received, the number of mediation sessions conducted, the number of signed mediation agreements, a summary of the final disposition of mediation agreements, a narrative discussion of the effectiveness of the program as determined by the council, a summary of deposits and expenditures from the land use mediation fund created in Title 4, section 18-B, subsection 10 and any proposals by the council with respect to the operation, improvement or continuation of the mediation program." *Id.* The L&WRC is providing this report in fulfillment of these requirements.

II. Land Use Mediation Program Activities

Exhibits A, B, and C (attached), reports prepared by the Court Alternative Dispute Resolution Service (CADRES) for the Land and Water Resources Council, outline the number, type and disposition of land use mediation matters handled through the program from its establishment in 1995 to date.

In summary, CADRES reports that the Program handled seven applications for mediations during this period of time. Three of these seven matters were resolved through mediation and resulted in mediation agreements.

III. Land Use Mediation Program Fund

4 M.R.S.A. section 18-B, subsection 10, paragraph B provides that:

"B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II."

In accordance with 5 M.R.S.A. section 3341, subsection 2, paragraph C, CADRES has established a \$175 application fee for mediation services under the program. Having received

seven applications for mediation, CADRES has collected \$1,225 in fees to date. In the three mediations conducted to date, CADRES paid out the \$175 fee collected to the mediator that provided professional mediation services to the parties. The court system retained the \$175 fee in the four instances where an application was filed but the parties did not mediate the dispute. The court system requires no filing fee in addition to the \$175 application fee to cover mediation services.

IV. Program Assessment

A. Program effectiveness

Based on information presented in this report and discussion with CADRES Director Diane Kenty, the L&WRC believes that the Land Use Mediation Program provides a useful opportunity for efficient resolution of disputes and should be continued. The Program provides a low cost alternative to litigation with local or State agencies. CADRES has received several inquiries from researchers, agency officials, and legislative staff in other states expressing interest in establishment of a comparable program.

When used by parties to a land use conflict, the Program appears to have worked well in resolving disputes that may have otherwise resulted in litigation and attendant public and private costs. Parties resolved each of the three matters mediated to date. CADRES reports that participants in the mediation expressed satisfaction with the process and gratification that mediation had resolved the conflict.

The L&WRC believes that the only concern about the program is the level of use to date. The L&WRC suggests that a major barrier to realization of the Program's potential may be lack of public awareness about the Program. CADRES has taken steps to make the Program user friendly: there is a brief, simple application form that does not require the services of a lawyer; CADRES has developed a brief informational brochure about the Program; and there is no court filing fee in addition to the \$175 mediation fee. CADRES has developed a statewide list of skilled and trained mediators selected to mediate land use conflicts. Exhibit D lists the minimum qualifications for these mediators.

B. Suggestions for Improvement of the Program

The L&WRC has two basic recommendations for improvement of the Program.

1. Increase public awareness.

The Council recommends that additional steps be taken to increase public awareness of the Program and its availability to resolve land use disputes. CADRES Director Diane Kenty has also made presentations regarding the program to the Department of Environmental Protection, the Maine Municipal Association, and others.

The Council encourages further outreach efforts by CADRES to this end using existing budgeted resources. The L&WRC also encourages the Judicial Branch to provide additional information on the Program through its WWW site and other public information outlets.

In addition, the L&WRC suggests that the State agencies and municipalities that permit land use activities, in consultation with the Attorney General and municipal legal counsel, respectively, consider inclusion of information about the Program with the notice about rights of appeal routinely provided to license or permit applicants with a final decision. The Council notes that legal advice is suggested to ensure that inclusion of this information does not mar the notice of appellate rights necessary to trigger the time period for appeal.

2. Consider amendment of requirement to file copy of mediation agreement.

5 M.R.S.A. section 3341, subsection 12, paragraph D requires the mediator to include "a copy of any written agreement" reached through the mediation process in the report that the mediator must file with the Superior Court clerk within 90 days of the landowner's application for mediation. While the L&WRC endorses the requirement that the mediator file a report with the Court, requirement that the report contain a copy of any written agreement reached may be inconsistent with the comparatively informal nature and purposes of dispute resolution through mediation.

Exhibit A

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Report on Land Use Mediation Program
March, 1998

Pursuant to 5 M.R.S.A. § 3341(2), the Court Alternative Dispute Resolution Service (CADRES) hereby submits a report to the Land and Water Resources Council concerning the Land Use Mediation Program established in 1995.

A. Applications Received for Land Use Mediation.

In the period since February, 1997, four land use disputes were submitted to the Land Use Mediation Program, three by Application and one by order of the court.¹ Two of the disputes were in Cumberland County, one in Kennebec County and one in Somerset County.

B. Land Use Disputes Mediated.

In the period since February, 1997, two disputes were mediated, one in Kennebec County and one in Somerset County.

In Kennebec County, the dispute concerned the conditions imposed for a subdivision permit, which had been granted. The landowner objected to the conditions. This dispute was the first to be mediated with a state agency pursuant to the Land Use Mediation Program. In addition to the landowner, officials from the Departments of Environmental Protection and Inland Fisheries and Wildlife and an Assistant Attorney General participated in the mediation.

The Somerset County dispute involved the operation, use and maintenance of an automobile graveyard and/or junkyard. The participants were the landowners and two Selectmen from the Town of Harmony.

In one of the Cumberland County disputes, mediation did not occur because the City of Portland declined to participate in mediation.

In the other Cumberland County dispute, the parties reached agreement prior to mediation.

By agreement of both parties, this was treated as a dispute submitted for mediation as part of the Land Use Mediation Program.

C. Outcome of Mediation Sessions.

In both of the disputes mediated, the parties reached agreement and settled the dispute.

D. Attachments

1. Application for Land Use Mediation
Wolf et al. and Town of Falmouth et al. (Cumberland County)
2. Application for Land Use Mediation
Wolf and City of Portland (Cumberland County)
3. Application for Land Use Mediation
Sidney Estates Association et al. and Maine Department of Environmental Protection (Kennebec County)
4. Report to Clerk of Mediation Session
(same)
5. Pretrial Order
Inhabitants of Town of Harmony v. Gordon & Donna Bridges,
Docket # SKO-CV-97-65 (Somerset County)
6. Final Agreement
(same)
7. Judgment dated 3/31/98
(same)

In addition, the Application for Land Use Mediation developed for this purpose is attached. To initiate mediation, landowners may simply complete this form at a Superior Court and file it with the fee of \$175 (no additional filing fee required).

A short brochure describing the Land Use Mediation Program is also attached.

STATE OF MAINE

APR 16 9 59 AM '97

SUPERIOR COURT
CUMBERLAND, ss.

Docket No. _____

LLOYD B. WOLF and ROBERT L. ADAM

Property Owners

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. 3341(4))

and

TOWN OF FALMOUTH and THE FALMOUTH
PLANNING BOARD

Governmental Entity


We hereby apply for mediation in the above matter; and have paid the mediation fee of \$175.00 for the initial session to the Clerk of Court.

We hereby certify that we own the Property at the following location that is the subject of a dispute: A parcel of property located in the Town of Falmouth, appearing on the Tax Map as Map R-4, Lot 74, directly abutting the development known as Stapleford Farms, consisting of 45+/- acres.

We wish to mediate the following dispute concerning our property: The denial by the Falmouth Planning Board on April 1, 1997 of our preliminary subdivision plan for "Falmouth Oaks", so called.

The other parties to the dispute are: abutters in general, including those residing in the subdivisions known as Stapleford Farms and Stonecrest.

Date: 4/14/97



Ricky L. Brunette, Esq.
Attorney for Lloyd B. Wolf & Robert L. Adam
178 Middle Street
P.O. Box 7494
Portland, ME 04112-7494
(207) 879-7096

A TRUE ATTESTED COPY



CLERK

STATE OF MAINE
Cumberland, ss

SUPERIOR COURT
Docket No. _____

SA 97-006-

Geraldine Wolf,

Property Owner

and

City of Portland,

Governmental Entity

APR 30 * 3 43 PM '97

*
*
*
*
*
*

APPLICATION FOR

LAND USE MEDIATION

(5 M.R.S.A. § 3341(4))

I hereby apply for mediation in the above matter on behalf of Geraldine Wolf, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

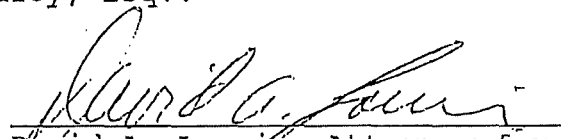
I hereby certify that Ms. Wolf owns the Property at 4 Island Avenue, Portland Maine that is the subject of a dispute, and that Ms. Wolf was finally denied relief in this dispute by decision of the Board of Appeals on March 20, 1997.

Ms. Wolf wishes to mediate the following dispute concerning the property:

What steps she can reasonably take to bring the property into compliance with City ordinances governing the shoreland zone and the interpretation of those ordinances.

The other parties to the dispute are: Building Inspector and abutters represented by Edward Bradley, Esq..

Dated: 4/30/97


David A. Lourie, Attorney for
Geraldine Wolf

189 Spurwink Avenue
Cape Elizabeth, Maine 04107
(207) 799-4922 (FAX) 767-4266

A TRUE ATTESTED COPY



CLERK

SA97-001

STATE OF MAINE

SUPERIOR COURT

KENNEBEC _____, SS.

Docket No. _____
Sidney Estates Associates,
William H. Cole and
Charles A. Flood _____ Landowner

FILED & RECORDED
MAY 19 1997
CLERK OF COURT

and

APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))

Maine Department of Environmental
Protection _____ Governmental Entity

I hereby apply for mediation in the above matter, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

I hereby certify that I own the property at the following location that is the subject of a dispute: (fill in address/city/town) Mountain Vista Drive, Sidney, Maine

We ~~I~~ wish to mediate the following dispute concerning ^{our} ~~my~~ property: (describe the nature of the dispute) Sought and failed to obtain approval to include two lots in a subdivision because they were part of a moderate value deer wintering area, thus reducing their value from \$55,000 to \$1,000.

The other parties to the dispute are: (identify) _____

DEP and Department of Inland Fisheries and Wildlife

Charles A. Blood
Name

P. O. Box 207
Street Address/P.O. Box

N. New Portland, Maine 04961
City/State/Zip

628-2941, 495-3413, or 592-7572
Daytime Tel. No.

REPORT TO CLERK OF MEDIATION SESSION
for
LAND USE MEDIATION
(5 MRSA s3341(4))

Superior Court- Kennebec County
Docket # SA97-001

Sidney Estates Associates, William H. Cole and Charles A. Blood
Landowners

and

Maine Dept. of Environmental Protection and Dept. of Inland Fisheries and Wildlife

MEDIATION SESSION: 7-11-97


NAMES OF PARTICIPANTS: Charles Blood and William Cole, Landowners/Plaintiffs;
Jeff Pidot, Attorney General's Office; Martha Kirkpatrick, DEP; and Mark Stadler, Inland
Fisheries and Wildlife.

NATURE OF AGREEMENTS REACHED: See Points of Agreement.

NATURE OF UNRESOLVED ISSUES: None. The nature of the agreement reached by
the parties is a procedural one to which all parties agreed.

ATTACHED IS A COPY OF THE WRITTEN AGREEMENT.

DATE: 7/11/97


Kathryn Monahan Ainsworth, Mediator

Copies to: Blood, Cole, Pidot, Kirkpatrick, Stadler, CADRES

STATE OF MAINE
SOMERSET, ss.

MAINE DISTRICT COURT
DISTRICT TWELVE
LOCATION: SKOWHEGAN
DOCKET # SKO-CV-97-65

INH. OF TOWN OF HARMONY
Plaintiff

vs.

PRETRIAL ORDER

GORDON & DONNA M. BRIDGES
Defendant

Pursuant to Rule 16A, Maine Rules of Civil Procedure the Court conducted a pretrial conference with counsel for all parties. In order to simplify the issues, avoid unnecessary proof and to generally aid in the disposition of the action the following pretrial order is made.

MEDIATION/DEFAULT

This matter should be mediated. The Defendants have failed to maintain contact with their attorney and should personally appear at mediation. In the event they do not appear and mediate in good faith, they shall be defaulted and relief shall be granted by judgment as sought by the Plaintiff.

The Clerk is directed to enter this order into the docket by reference.

So ordered.

December 8, 1997



Douglas A. Clapp
Judge, District Court

FINAL AGREEMENT

This Agreement is entered into this 27th day of February, 1998, by and between the INHABITANTS OF THE TOWN OF HARMONY, a municipal corporation located in Somerset County, Maine, hereinafter referred to as "the municipality" and GORDON A. BRIDGES and DONNA M. BRIDGES, both of Harmony, Somerset County, Maine, hereinafter referred to as "Bridges";

WITNESSETH:

WHEREAS, the Bridges own the property located on the South Road in Harmony, identified on the Harmony Tax Map 9 as Lot 51-2, said property being more particularly described in a deed recorded in Book 2173, Page 270 of the Somerset County Registry of Deeds, a copy of said deed being attached hereto as Exhibit A. Gordon A. Bridges and Donna M. Bridges own the property located on the South Road in Harmony, identified on the Harmony Tax Map 52 as Lot 51-2, said property being more particularly described in a deed recorded in Book 2173, page 272 of the Somerset County Registry of Deeds, a copy of said deed being attached hereto as Exhibit B; and

WHEREAS, the parties acknowledge that a land use citation and complaint under Title 30-A M.R.S.A. Secs. 3751 et seq. and Secs. 4452 is pending in the Maine District Court, District Twelve, Division of Somerset, under Docket No. SKO-CV-97-65; and

WHEREAS, the Bridges acknowledge the violation of said statutes regarding the operation, use and maintenance of an automobile graveyard and/or junkyard without a permit from the municipal officers; and

WHEREAS, the parties have reached a settlement agreement in said pending litigation, which parties desire to reduce to a written form which sets forth their respective rights and responsibilities.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions contained herein, the parties hereto agree as follows:

1. The Bridges agree that all material located on said site in violation to the above noted Maine statutes shall be or have been removed as of the date of this Agreement, with the exception of two unregistered motor vehicles, which are used for parts by the Bridges, and some building materials, which are being stored for use on their home.
2. The Bridges agree that the Code Enforcement Officer of the municipality and another individual which he designates, except George Fricke, may enter the premises to inspect the lot for compliance with the cleanup request at any reasonable time. The municipality shall have the

continued right to make inspections with reasonable notice to insure continued compliance with the Maine statutes and this agreement at reasonable times. The initial inspection shall be on June 15, 1998.

3. If the Bridges fail to complete the clean up of the site to the municipalities' specifications within ten days after the inspection, the municipality shall have the right to enter the premises to clean up the site at their expense, and the cost of said clean up shall be paid by the Bridges. Said costs shall be treated as a special assessment against the property and shall be subject to collection under the municipal tax lien statutes.

4. The Bridges agree to refrain from using, maintaining and operating an automobile graveyard and/or junkyard as defined in 30-A M.R.S.A. Sec. 3752 on the above-noted property without benefit of a permit from the municipal offices as required by 30-A M.R.S.A. Sec. 3753.

5. The Bridges agree to pay \$500 of costs incurred by the municipality in connection with this action. These costs shall be subject to the same collection process as the costs referred to in paragraph 3 of this Agreement. This sum shall be paid to the municipality on the 10th of each month, starting April 1998.

6. The parties agree that this Agreement will be incorporated in a Stipulation to Judgment which shall be presented to the Court in the above-noted civil action.

IN WITNESS WHEREOF, we, the undersigned, hereunto set our hands and seals on the date first above written.

INHABITANTS OF THE TOWN OF
HARMONY

DATED: *MARCH 18/98*

[Signature]
Witness

[Signature]
BY: Richard Carr
Its Selectman

DATED: *MARCH 18/98*

[Signature]
Witness

[Signature]
BY: George Fricke
Its Selectman

DATED: 3/12/98

[Signature]
Witness

[Signature]
Gordon A. Bridges

DATED: 3/12/98

[Signature]
Witness

[Signature]
Donna M. Bridges

Why Try Mediation?

- You have a chance to present your ideas in an informal, private setting, with the support and advice of your lawyer if you have one. It is a time to be heard and to listen to others.
- You have an opportunity to control the outcome of your dispute.
- The mediator is impartial and trained to help you talk about your needs and differences so that you can work things out yourselves.
- You may discover choices you did not know you had.
- Mediation may help you improve communication and find new ways to deal with your differences.
- Mediation may help you reach an agreement that will let you get on with your life and possibly keep you out of court in the future.
- You make the decisions in mediation and you are under no obligation to reach an agreement. You do not give up your right to file a lawsuit within the time allowed by law.

Land Use Mediation Program

State of Maine

Judicial Branch

**Court Alternative
Dispute Resolution Service
(CADRES)**

RR 1, Box 310
West Bath, Maine 04530-9704
Tel. 207-442-0227
Fax. 207-442-0228

October, 1997

Background and Purpose

In 1995, the Maine Legislature enacted a law, 5 M.R.S.A. § 3341, creating the land use mediation program. Its purpose is to provide eligible private landowners with a "prompt, independent, inexpensive and local forum for mediation of governmental land use actions as an alternative to court action."

The Court Alternative Dispute Resolution Service (CADRES) of the State of Maine Judicial Branch has selected a group of qualified, experienced mediators from all around the State to mediate land use disputes.

How Much Does It Cost?

The application fee for land use mediation is \$175.00 for up to four (4) hours of mediation. There is no additional court filing fee.

After the initial fee is paid, the cost of further mediation may be shared by the other mediation participants.

The landowner also pays the cost of sending the notice about the mediation to the people who will participate.

Who Can Mediate?

- private landowners
- municipalities
- state agencies and boards

Mediation must be initiated by a private landowner.

To be eligible for mediation, the landowner must have suffered "significant harm as a result of a governmental action regulating land use."

The landowner must also request mediation in a timely manner during the period when the governmental action could have been reviewed by a judge.

The landowner must have either:

- sought and failed to obtain a permit, variance or special exception from a municipality, or
- sought and failed to obtain approval for a land use from a state agency.

Municipalities are not required to participate in mediation if they choose not to do so. State entities must participate.

How Does It Work?

■ The landowner applies for mediation and pays the fee at the Superior Court for the county where the land is located.

■ The Clerk of Court sends the landowner's application for mediation to CADRES.

■ The Director of CADRES contacts the landowner and the governmental entity to help select a mediator and decide who will participate in mediation.

■ The mediator schedules the time and place for mediation with the parties, and the mediator or CADRES sends out the notice of mediation.

■ If an agreement is reached, it must be put in writing and signed. A copy of the mediated agreement is later submitted to the court with the mediator's report.

■ If no agreement is reached, the landowner may decide what other action to take, including litigation or other steps.

■ Conduct and statements made during mediation are confidential for most purposes. The land use mediation law calls for the written agreement to be included in the court's file.

■ Even if you try mediating first, you can still litigate. Applying for mediation may extend the time for filing a lawsuit up to 120 days.

Exhibit B

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Supplement to Report on Land Use Mediation Program

November, 1998

For the report of the Land and Water Resources Council to the Maine Legislature, the Court Alternative Dispute Resolution Service (CADRES) hereby supplements the Report on Land Use Mediation Program dated March, 1998 as follows:

A. Applications Received for Land Use Mediation.

In the period since March, 1998, one application for Land Use Mediation has been received. This Application was filed in Cumberland County.

B. Land Use Disputes Mediated.

No further mediation has occurred. A mediator was selected, but the parties elected to delay the mediation pending anticipated further local action.

C. Outcome of Mediation Sessions.

None to report.

D. Attachments.

1. Application for Land Use Mediation
Ferguson et al. and Town of Long Island (Cumberland County)

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
JUDICIAL DEPT.
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
Docket #SA-98-006 ✓

AUG 12 3 12 PM '98

* * * * *
PAUL FERGUSON, AMY FERGUSON *
DAVID McCOOL and CATHERINE *
McCOOL of Long, Island, Maine *

Applicants

v.

TOWN OF LONG ISLAND
Maine

Respondent

* * * * *

APPLICATION FOR

LAND USE MEDIATION

(5 M.R.S.A. § 3341(4))

I hereby apply for mediation in the above matter on behalf of Applicants, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court.

I hereby certify that Applicants own property on Ocean Avenue, Long Island, Maine to which they have access rights over a proposed street which lies within the shoreland zone and is the subject of a dispute as to whether reasonable alternative access exists, and that Applicants were finally denied relief in this dispute by decision of the Planning Board on July 21, 1998.

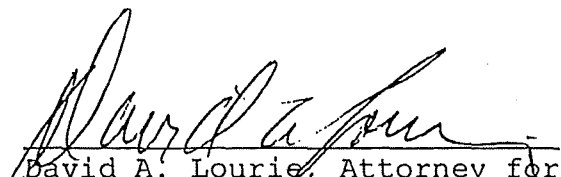
Applicants wish to mediate the following dispute concerning the property:

What reasonable physical and legal access they can have to their properties so that they may use them as permitted by law.

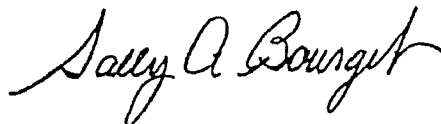
The other parties to the dispute are: Long Island Planning Board, Rolf Moller and Joseph McDonough of Island Avenue, Long Island.

Dated:

8/12/98


David A. Lourie, Attorney for
Applicants

189 Spurwink Avenue
Cape Elizabeth, Maine 04107
(207) 799-4922 (FAX) 799-7865



STATE OF MAINE

SUPERIOR COURT

_____, ss.

Docket No. _____

_____ Landowner

and

**APPLICATION FOR
LAND USE MEDIATION
(5 M.R.S.A. § 3341(4))**

_____ Governmental Entity

I hereby apply for mediation in the above matter, and I have paid the mediation fee of \$175.00 for the initial mediation session to the Clerk of Court .

I hereby certify that I own the property at the following location that is the subject of a dispute: (fill in address/city/town) _____ .

I wish to mediate the following dispute concerning my property: (describe the nature of the dispute) _____ .

The other parties to the dispute are: (identify) _____ .
_____ .

Name

Street Address/P.O. Box

City/State/Zip

Daytime Tel. No.

Exhibit C

STATE OF MAINE
JUDICIAL BRANCH
COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

Report on Land Use Mediation Program
March, 1997

Pursuant to 5 M.R.S.A. § 3341(2), the Court Alternative Dispute Resolution Service (CADRES) hereby submits a report concerning the Land Use Mediation Program established in 1995.

A. Applications Received for Land Use Mediation

To date, one land use dispute was submitted to the Land Use Mediation Program. Through their attorney, private landowners in Cumberland County filed an Application for Mediation to the Cumberland County Superior Court dated January 2, 1997.

B. Land Use Disputes Mediated

To date, one land use dispute has been mediated through the Land Use Mediation Program. The mediation session was held on February 21, 1997.

The dispute in Cumberland County concerned a denial of a variance to the landowner by the Town of Sebago Zoning Board.

C. Outcome of Mediation Session

The dispute was resolved through mediation in one session.

D. Attachments

The following documents are attached from the one land use dispute that was submitted to mediation and mediated:

1. Application for Mediation
Andrews et al. and Town of Sebago et al. (Cumberland County)
2. Memorandum of Jacqueline K. Hewett, Mediator, dated March 7, 1997
(same matter)
3. Points of Agreement
(same matter)

CADRES 3/97

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT

Civil Action

Docket No. ~~CV-96~~- 2 & 97- (204)

PATTI ANDREWS,
RAYMOND C. NELSON and
FRAN NELSON
(Landowners)

 γ

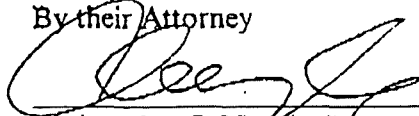
TOWN OF SEBAGO
SEBAGO ZONING BOARD OF APPEALS
(Municipality)

APPLICATION FOR MEDIATION

1. Landowners applied to the Zoning Board of Appeals for the Town of Sebago seeking a variance in connection with their property on Route 114, North Sebago, Maine.
2. At its December 3, 1996 meeting, the Town of Sebago Zoning Board of Appeals denied their application for a variance as reflected in its December 13, 1996 Findings and Decision.
3. Due to this denial, Landowners have suffered significant harm as a result of the governmental action regulating their land use.
4. Landowners have exhausted all reasonable avenues of administrative appeal of that decision within the Town of Sebago.

Dated: January 2, 1996

Patti Andrews
Raymond C. Nelson
Fran Nelson, Landowners
By their Attorney



Christopher S. Neagle, Esq.

VERRILL & DANA
One Portland Square
P.O. Box 586
Portland, Maine 04112
(207) 774-4000
P: CSN:NELSONMEDIATN.APP

A TRUE ATTESTED COPY




Clerk

-2-

Raymond, Maine 04071

MEMORANDUM

TO: Diane Kente, Director, Court Alternative Dispute Resolution Service

FROM: Jacqueline K. Hewett 

DATE: March 7, 1997

SUBJECT: Land Use Mediation between the Town of Sebago and Patti Andrews, Raymond Nelson and Fran Nelson

On February 21, 1997 I conducted a mediation session between the Town of Sebago and Patti Andrews, Raymond Nelson and Fran Nelson. The participants at this mediation were as follows:

Town of Sebago:

Glen Haynes, CEO
Maurice Geoffrey, Chairman BOA
George Tinkham, Selectman
Robert Adams, Selectman

Applicants:

Patti Andrews
Raymond Nelson
Frances Nelson
Christopher Neagle, Attorney for the applicants

An agreement was reached at this mediation session. All mediation participants were party to this agreement. The agreement specified that the applicants would be permitted to build a 10 foot by 20 foot deck/porch at the rear of their house. Prior to the construction of this structure the applicants must obtain a building permit from the Town CEO.

It was further agreed that the terms of this agreement would not be disclosed by the applicants.

There were no other unresolved issues in this mediation.

Exhibit D



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMITTEE TO REVIEW THE GOVERNANCE STRUCTURE OF
THE GOVERNOR BAXTER SCHOOL FOR THE DEAF

December 28, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable G. Steven Rowe, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to P.L. 1995, chapter 676 §11, subsections 11 & 12, the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Education and Cultural Affairs in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Watson R.D.M.", written in dark ink.

Representative Elizabeth Watson
Chair
Committee to Review the Governance Structure of the
Governor Baxter School for the Deaf

cc: Members of the Legislative Council
Senate Chair and House Chair, Education and Cultural Affairs
Sally Tubbesing, Executive Director, Legislative Council
David E. Boulter, Director, Office of Policy and Legal Analysis



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMITTEE TO STUDY THE OPENING OF A DISCOUNT
LIQUOR STORE IN FORT KENT**

December 30, 1998

The Honorable G. Steven Rowe, Chair
Legislative Council
119th Maine Legislature
State House
Augusta, ME 04333

Dear Chair Rowe:

Pursuant to P.L. 1997, chapter 755, the Committee to Study the Opening of a Discount Store in Fort Kent is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Legal and Veterans' Affairs in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

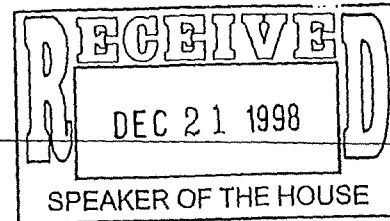
Sincerely,

A handwritten signature in cursive script that reads "Judy Paradis Joseph Driscoll".

Senator Judy Paradis, Co-Chair
Representative Joseph Driscoll, Co-Chair
Committee to Study the Opening of a
Discount Liquor Store in Fort Kent

cc: Members of the Legislative Council
Senate Chair and House Chair, Legal and Veterans' Affairs
Sally Tubbesing, Executive Director, Legislative Council
David E. Boulter, Director, Office of Policy and Legal Analysis

DEC 31 1998



Hanley, Lynn

From: joeb1@bangornews.infi.net
To: Hanley, Lynn
Subject: To Legislative Council
Date: Monday, December 21, 1998 9:00AM

Received by:

Nancy _____

Jeannie _____

Patrick _____

David _____

Chuck _____

Jane _____

Karen _____

Dec. 21, 1998

President Mark Lawrence
Speaker Steven Rowe, Chairs,
And other members of the Legislative Council

During the 118th Legislature, L.D. 1975 created a Commission on Eating Disorders to "study methods of providing education, prevention services and support to persons with eating disorders" (in Maine).

Section 7 of the Resolve specifically set January 1, 1999, as the report date for the Commission. However, noting the complexity of the study and the prediction that data on the prevalence of eating disorders in Maine would be lacking, the same Section allowed the "Commission may request an extension of the report date...if it is unable to complete its work by January 1, 1999."

We, the Chairs of the Commission, notify you that we have not yet been able to fully complete our task and respectfully request the Commission on Eating Disorders be granted a 60-day extension, with a new report date to the Joint Standing Committee on Health and Human Services of March 1, 1999.

We further advise the Legislative Council that the Commission Chairs will conduct meetings on the same days as regular session days for the 119 Legislature and that the Legislative members of the Commission will continue to serve without expenses or per diem as was provided during the summer and fall of 1998.

We appreciate your attention to this request and look forward to your response.

Sincerely:

Rep. Joe Brooks and Rep. Lois Snow-Mello
Co-Chairs, Commission on Eating Disorders

cc: Rep. Snow-Mello, Sen. Betty Lou Mitchell

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSIONFIRST REGULAR SESSION
January 21, 1999

Action

SPONSOR: Rep. Bull, Thomas

LR 2927 An Act to Allow Fire and Rescue Emergency Vehicles
to Display a Blue Light Toward the Rear of the Vehicle

SPONSOR: Rep. Chick, Howard A.

LR 2931 An Act to Allow the York County Commissioners to Hold
a Referendum Vote in November 1999

SPONSOR: Rep. Davidson, Thomas M.

LR 2942 An Act to Enhance Access to Technology for Maine
Schools and Libraries

SPONSOR: Rep. Desmond, Mabel J.

LR 2930 An Act to Exempt from Registration Agricultural
Motor Vehicles

SPONSOR: Rep. Perry, Joseph C.

LR 2957 Resolve, Authorizing a 2-Day Holiday for the New
Millennium

SPONSOR: Sen. Ruhlin, Richard P.

LR 2929 An Act to Exempt Merchandise Converted to Uses Other
Than Resale and Gifted to a Nonprofit Organization
Be Exempt from Use Tax

SPONSOR: Rep. Trahan, A. David

LR 2928 An Act to Amend the Posting Requirements of Harvested
Wood Lots

JOINT RESOLUTIONS

SPONSOR: Rep. Gagne, Rosita

LR 0798 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

SPONSOR: Rep. Joy, Henry L.

LR 0684 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REPEAL THOSE LAWS IN VIOLATION OF THE 10TH AMENDMENT OF THE UNITED STATES CONSTITUTION

SPONSOR: Rep. Joy, Henry L.

LR 0685 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ABIDE BY THE FEDERAL LAND OWNERSHIP REQUIREMENTS OF THE UNITED STATES CONSTITUTION

SPONSOR: Sen. Lawrence, Mark W.

LR 0913 JOINT RESOLUTION MEMORIALIZING THE FEDERAL COMMUNICATIONS COMMISSION TO SUPPORT A SINGLE AREA CODE FOR THE STATE

SPONSOR: Sen. Lawrence, Mark W.

LR 1447 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS IN SUPPORT OF A WORLD WAR II MEMORIAL

SPONSOR: Sen. Lawrence, Mark W.

LR 2956 JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROTECT AND PRESERVE SOCIAL SECURITY

SPONSOR: Sen. Mills, S. Peter

LR 2506 JOINT RESOLUTION MEMORIALIZING CONGRESS PERTAINING TO SOCIAL SECURITY REFORM

SPONSOR: Rep. Perkins, Royce W.

LR 0732 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO AMEND THE GUN CONTROL ACT OF 1968,
AS AMENDED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT,
TO ONLY INVOLVE HANDGUNS

SPONSOR: Sen. Pingree, Chellie

LR 2678 JOINT RESOLUTION MEMORIALIZING CONGRESS TO COMMIT TO
IMMEDIATE REDUCTIONS OF DOMESTIC GREENHOUSE GAS

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 27, 1999**

Action

SPONSOR: Rep. Daigle, Robert A.

LR 2972 Resolve, to Create a Stakeholder's Group to Work
 on Alternatives for Reformulated Gas

SPONSOR: Sen. Ruhlin, Richard P.

LR 2976 An Act to Amend the Circuit Breaker Program

SPONSOR: Rep. Shiah, David C.

LR 2970 An Act to Amend the Charter of the Richmond
 Utilities District

SPONSOR: Rep. Skoglund, James G.

LR 2966 An Act to Stop the Construction of the Prison at
 South Warren

JOINT RESOLUTIONS

SPONSOR: Rep. Daigle, Robert A.

LR 2973 JOINT RESOLUTION URGING THE UNITED STATES CONGRESS
 TO INTERVENE WITH THE ENVIRONMENTAL PROTECTION AGENCY
 AND DROP THE 2% OXYGENATE BY WEIGHT REQUIREMENT

SPONSOR: Rep. Daigle, Robert A.

LR 2974 JOINT RESOLUTION DIRECTING THE BUREAU OF ENVIRONMENTAL
 PROTECTION TO ACCEPT THE LOW RVP OF 7.8 FUEL

SPONSOR: Rep. Daigle, Robert A.

LR 2975 JOINT RESOLUTION ENCOURAGING THE ENVIRONMENTAL
PROTECTION AGENCY'S BLUE RIBBON PANEL TO MEET
IN MAINE

SPONSOR: Sen. Harriman, Philip E.

LR 0250 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF
THE UNITED STATES TO GRANT NATIONAL GAME FISH
STATUS TO STRIPED BASS

SPONSOR: Rep. McKee, Linda Rogers

LR 2961 JOINT RESOLUTION MEMORIALIZING CONGRESS TO SECURE
A NUCLEAR WEAPONS ABOLITION TREATY

SPONSOR: Sen. Rand, Anne M.

LR 2968 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
PRESIDENT OF THE UNITED STATES TO SUPPORT A NUCLEAR
WEAPONS ABOLITION TREATY

SPONSOR: Sen. Rand, Anne M.

LR 2969 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO DIRECT THE DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT TO RELEASE AN AMOUNT OF FUNDS
COMMENSURATE WITH THE EXTENT OF THE DEVASTATION
INCURRED BY MAINE'S ELECTRIC UTILITIES AND THEIR
CUSTOMERS FROM THE FUNDS APPROPRIATED BY PUBLIC
LAW 105-174

ADDENDUM II

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSIONFIRST REGULAR SESSION
January 27, 1999

Action

JOINT RESOLUTION

SPONSOR: Rep. Stevens, Kathleen Alicia

LR 2977 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO RATIFY THE UNITED NATIONS CONVENTION ON THE
RIGHTS OF THE CHILD