

MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE COUNCIL
FEBRUARY 21, 2001
AGENDA**

CALL TO ORDER

ROLL CALL

**SUMMARIES OF THE JANUARY 31, AND FEBRUARY 7, 2001
COUNCIL MEETINGS**

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

- Executive Director's Report
- Renovations: Status Report
- Fiscal Update
- Migration Project Status
- Interim Studies: Status Report

REPORTS FROM COUNCIL COMMITTEES

- Personnel Committee
- Space Committee
- Technology and Migration Committee
- Time and Attendance Subcommittee

OLD BUSINESS

NEW BUSINESS

Item #1: Legislature's FY 2002-2003 "Part I" Budget Request

Item #2: Submission of Study Report:

- Task Force on Educational Programming At Juvenile Correctional Facilities
(pursuant to P.L. 1999, Chapter 770).

Item #3: After Deadline Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

JAMES A. CLAIR
EXECUTIVE DIRECTOR

**MEETING SUMMARY
JANUARY 31, 2001**

CALL TO ORDER

The Chair, Speaker Saxl, called the Council meeting to order at 1:15 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Acting 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 Paul Mayotte, Director, Legislative Information Services

MEETING SUMMARIES

Motion: That the Summaries of December 19, 2000, and January 23, 2001 be accepted and placed on file. Motion by Sen. Bennett; second by Sen. Davis; unanimous).

NEW BUSINESS

Item #1: After Deadline Requests

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

Item #2: Percent for Art Committee Update

Senator Abromson addressed the Council as the Senate member of the State House Renovations' "Percent for Art Committee". The item was before the Council in compliance with the Maine Arts Commission Rules which require that the contracting agency's approval for the Percent for Art Committee's recommendations be secured. Sen. Abromson informed the Council that they are the contracting agency and it is their job to select the artists and works of arts in accordance with the rules established under Section 458 in consultation with the Commission. Sen. Abromson referred members to: the 1 page summary of the committee process that had brought the committee to the selection decision; a list of the Committee members and the sequence of meetings; and the Maine Arts Commission fact sheet that briefly explains the Percent for Art law. He introduced people in the audience who support the Percent for Art Committee and who served on the Committee, who were also at the meeting for information. He introduced Rick Burt, the architect; Earle Shettleworth, Director, Maine Historic Preservation Commission; and Paul Faria, Public Art Associate with the Maine Arts Commission.

The Percent for Art Committee met 9 times. Under statute the Committee can have any number of kinds of competition for this job. The Committee elected to carry out an open competition to engender the widest possible participation among Maine's artistic community. They drafted a competition prospectus that described the project and stated the Committee's intent to consider works of art in all medial, styles, and formats appropriate to public settings. The goal was to consider work that would represent the graphic and cultural diversity of the State of Maine.

Following a statewide advertisement, 95 artists responded with letters of interest and proposals. The Committee, after reviewing all letters and slide of each artists, selected 10 to interview. Following the interviews, the Committee voted unanimously to request detailed proposals from 6 finalists. The 119th Legislative Council was kept informed about the Committee's process.

Sen. Abromson told members that later in the process the Committee will review the 5 finalists' proposals for the 1st floor areas in the West Wing. He asked Rick Burt to show the drawings and renderings to the Council members for the purpose of giving them an idea of what the areas were that was the job of the Percent for Art Committee to fill. Sen. Abromson said the area being discussed today, and requesting Council approval is the Committee's recommendation regarding Evan Haynes' proposal for the Connector. There are 4 or 5 areas that will be under future consideration.

Mr. Burt told Council members that the Committee determined the areas within the newly renovated building for the art should be considered would be limited to the new public entrance area. He had a floor plan of the new public entrance showing the areas

being considered for art include the very important views coming through the entrance, the inner lobby, Hall of Flags and also a recessed wall to the Computer Room. Mr. Burt pointed out to the Council members where Evan Haynes' work will be located.

Senator Abromson told members that Mr. Haynes' work will be in Deer Isle granite. The Council's approval of the first artist is a very critical step which is required prior to the Maine Arts Commission's approval in order for the process of creating and installing the art work to move forward with the progress of the construction.

Senator Small questioned the other type of art that would be presented from the group and who had final approval. Representative Watson explained that she and Sen. Abromson had been appointed to the Committee by Speaker Rowe and President Lawrence. Richard Entel, who resides in Manchester, is also on the Committee. He is a painter and sculptor. Sen. Abromson in response to Sen. Small's questions, yes the Percent for Art Committee makes the final selection and makes the recommendation to the Legislative Council for its approval. The Legislative Council is the contractor.

Speaker Saxl asked Sen. Abromson if he could tell the members how many pieces of art the Committee is looking at for the plan, what the time frame for acquisition is, and what the maximum price per piece would be. Sen. Abromson said that there is a general budget, which is 1% of the project. The particular piece that they are looking at today, will be in the vicinity of \$50,000. The overall budget is approximately \$240,000. There is no limit on a particular piece. Speaker Saxl asked if there was a plan so that the resources had been spread around so that all of the public showing spaces will have art. Sen. Abromson said that they cannot use all the public showing places, some are not part of the project, but the Committee has taken into account the prime viewing areas.

Rep. Watson said that during the meetings, the Committee's discussion had centered on several concerns regarding the appropriateness of the work to be chosen, the work would be compatible and resonate with the character and dignity of the State House. The Committee held that it was necessary for the work to bear relevance, not only to the building's design, but should be respectful to the importance of the activity that takes place, and to the significance that the State House represents. Also they wanted it to possess the aesthetics longevity corresponding to its physical permanence, timelessness and quality of design that would be sustained over time. The work needed to define a sense of space and would have to be an installation of the collective vision of the Committee and the artists. The Committee believes that the work by Evan Haynes fulfilled all of the criteria and had concluded that he presented art work that the Committee wanted for the Connector. Mr. Haynes' proposal connect with the themes of communication and Maine's ethnic and cultural roots, and he had done extensive research with the Committee in developing his work and has employed a very thorough process to consider the variety of interest groups to be considered.

Evan Haynes was introduced and thanked the Percent for Art Committee. Mr. Haynes said that he was interested in creating work that responded specifically to the site, both where the physical characteristics of the connector and also the historical and cultural contexts of the State House and the functions of government. He tried to create an amenity that integrates well with the existing structure that Weinrich + Burt had designed, and that would not only add to the immediate visual experience of the space, but also something that would sustain an intellectual interest over time.

Mr. Haynes said that the source of the text that are shown on the plan, the excerpts are from dictionaries that were written back in the late 1600's and early 1700's by the French Jesuit Missionaries who came to Maine. They have been copied over time and most recently one had been translated into English. He was very interested in how they reflected the routes of Maine, at least part of it, and felt that the process of translating and looking at dictionaries revealed the commonalities that were shared by all. The Committee said that communication was a key element in government, and that was what he tried to work with. Mr. Haynes said that he had met both with Representatives Soctomah and Loring about the accuracy of the text and they both suggested that perhaps the work be modified to contemporize the language so that it be translated into Passamaquoddy and also Penobscot. That process is presently going on with the Maine Folk Life Center, and the Penobscot and Passamaquoddy Tribes. It represents the diversity of Maine, and also tries to emphasize the commonalities that is shared by all.

Rep. Colwell asked about the granite being used and Mr. Haynes referred to the sample that he brought to the meeting for the members to see. He said that the stone will not have a polished surface, except for a band on the top and one through the middle, approximately 5 1/2 inches. It is a rough texture, a thermal finish.

Rep. Norbert asked about the color. Mr. Haynes said that he was not applying any color to the granite. The lighting is critical for the work and the lighting runs along both edges of the connector, and the skylight is particularly helpful. The combination will provide sharp shadows. The work will be in the Connector where the Dioramas will also be located.

Sen. Bennett said that the Legislature had spent an inordinate amount of money on preserving the dioramas, that the project was already over budget. Experts on dioramas presented testimony to the Council about the artistic quality of the work of Klir Beck. He asked if of the cost of the Klir Beck work could also be incorporated and accommodated by the Percent for Art. It is money that has already been expended, it would not interfere with the work that is ongoing with the Committee or Commission, but he thought it was something that should be put on the table for consideration. Sen. Bennett asked Sen. Abromson if the Committee reviewed that at all, that we had spent \$1 million plus on preserving the dioramas, precisely because they are art. Sen. Abromson said that the more that is spent under the statute, the Committee had to spend a percentage. One of the problems is, that regardless of the bona fides of Klir Beck, that under the law it has to be a living Maine artist. The monies must be used for the work of living Maine artists. The other question, would it possible to spend that money for restorations and fixing up, one would think that could go through the whole State House, start restoring. Sen. Abromson did not think it was the intent of the law, but obviously it is open to discussion or interpretation. Paul Faria noted that restoration of existing works had specific exclusion under the law and rules. Sen. Bennett said he had read the statute and did not see any exclusion in the statutes. He requested that the Committee review that as a Committee, to satisfy his concerns.

Speaker Saxl thanked Mr. Haynes for joining the Council and the members appreciate the hard work that both he and the Committee have done. He said he believed what Sen. Bennett was requesting is to have the Committee prospectively report back to the Council whether they believed it appropriate, within their jurisdiction to adopt or change the rules under which they operate and chose the artist. It is not to deviate on your recommendation on this occasion, but whether there is the potential to change the rules and if there is consensus from other Council members, then will give them that charge.

Sen. Treat said that she did not necessarily agree with the premise in terms of where it is going, but did think all the information was needed to make a decision on it. Sounds that the Art Committee has looked at it and it needs to be put into a format for the next Council meeting, in writing, perhaps that just double checks their conclusion.

Sen. Daggett said that the proposed piece was beautiful and a wonderful idea for a variety of reasons. It was precisely why, might be statutory, but could be rule making, that the Percent for Arts has been put forward as it has been. The arts are a major way that children learn, and this is a place, where many children come and to have things at the State House that reach out to members of the public and particularly children, is an absolutely important gesture. She believes it is a bad area to scrimp, that we are making changes in this building that will last for many years.

Sen. Bennett said that when he raised the question, he did not mean to discuss at all the work before the Council today. The Legislature is spending a lot of money on the connector, it is appropriate to make the most of it aesthetically, and as a learning devise. He concurred with everything Sen. Daggett had said. They were the very arguments that were made in the previous Council for saving the dioramas. It was the artistic component of the dioramas that lead to the previous Council deciding to appropriate over \$1 million to save them. He also said he understood Sen. Abromson's point entirely, the whole building is a work of art. Architecture is great art and public buildings deserve, and particularly the central public building in the State, which the State House represents, ought to be place that is remarkable.

Rep. Bruno addressed Sen. Abromson's statement that they had received \$240,000 for the Percent for Art. As there are cost overruns, does the Committee get more money. Is it of the original price?

Rep. Colwell, said the members should focus on what is being talked about here today and should talk about the dioramas later. He asked what the bottom line price including the materials and the art would be. Sen. Abromson replied \$50,000. He said that granite does not stain, doesn't require maintenance, and once the piece is in place it will not require maintenance.

Speaker Saxl thanked the Percent for Art Committee stating they had done a tremendous job, concurred with everything that had been stated. It will be very enduring and is a wonderful piece of art.

Motion: To support the Percent for Art Committee's recommendation concerning the artwork of Evan Haynes that has been presented before us. (Motion by Sen. Treat, second by Sen. Daggett, 9-0 unanimous).

Rep. Watson asked for clarification for Sen. Abromson and herself, had Sen. Bennett asked them to come back to the Council with some information about the parameters that they are working under presently? Did he also ask for recommendations for changes? Speaker Saxl said that he believed the charge from the Council for the Percent for Art Committee is what kind of flexibility they have, whether they are restricted by rule or by statute and what their recommendation would be if they have any recommendations for changes.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- Executive Director's Report

James Clair, Executive Director of the Legislative Council, reported to the Council that they should be seeing their first quarterly budget reports in their offices. Attached to that report is a status report on the interim studies from the most recent interim. He said that it was disturbing that, although there was savings overall, some of the projects did go over budget. Rose Breton and he are working on an early warning system so that does not continue.

Mr. Clair said that he owed the Council drafts on a number of different policies. The most important draft is the security card policy.

The other item Mr. Clair had for the report was LD 169, a bill sponsored by Rep. Julie O'Brien, that would amend some statutes governing the Legislative Council's authority and the State House and Capitol Park Commission. The LD was being heard on Monday, February 5, 2001, before the State and Local Government Committee.

Sen. Treat asked what the current status was on the eating and drinking policies of committees. Mr. Clair said the Space Committee talked about that policy recently and their recommendation was that there be 2 rooms in the State House, the Council Chamber and the Appropriations Committee Room where food would be allowed at events. If someone needed a room for that type of function, those would be the rooms that would be reserved. In the Cross State Office Building, he was working with the Administration on whether there is opportunity to have functions like that on the 1st floor where there are meeting rooms and in the back part of the cafeteria. Rep. Colwell said that he is Chair of the Space Committee and did agree that current policy, as far as committee members and Legislators, using their committee rooms to eat lunch in was fine at the discretion of the Chairs. As far as the public, the Committee had hoped that they could limit public eating to the Council Chamber, the Appropriations Room and the larger function room in the Cross State Office Building, but they were willing to take the issue up again if it did not prove to be workable. Sen. Treat asked if it could be communicated to the membership, and to make sure at the Council's next meeting, that the policy is finalized.

Speaker Saxl asked if members could go back to the previous item, LD 169. It changes the powers to the Legislative Council and he thought the Council needed to take some kind of action to endorse, to oppose or affirmatively not testify either for or against. It was Speaker Saxl's understanding that the legislation would take the power from the Legislative Council to make changes to Capitol Park without actions by both the House and the Senate. He asked if that was right, and how it would impact the Council's oversight of Capitol Park. Mr. Clair stated that the bill proposed that any action that was endorsed by the Legislative Council had to be consistent with the Capitol Park plan that was developed in the 1920's. Speaker Saxl asked who determines if that is consistent. Mr. Clair said he did not know.

Sen. Daggett said that the genesis of the legislation had to do in part with the way the State House building project proceeded. There was a feeling that if what was going to happen was known, then there could be some degree of public input, or input from even other members of the Legislature. She said that she in fact had a friendly amendment to the LD, but in the interest in getting it printed, decided not to have it rewritten with that in it, but that there be notice of any changes or anything done to the Park, so anyone that has

a concern has an opportunity to raise it. As far as who makes the decision, the way she read the bill, that the Council, in making decisions about what will happen in the Park, would have those actions be consistent with the plan. Certainly if there is an interest by other members of the group as whole, to be involved in a way to protect the Park, that would be terrific.

Rep. Schneider said that he did not know why it would not subject the Legislative Council, perhaps to a lawsuit, if someone believed that the Legislative Council had taken action that was not consistent with the Olmstead Brothers design from 1920, seeking specific performance, a remedy that would require the Legislative Council to do that. Sen. Treat said that someone would have to have a standing to challenge it. Sen. Bennett said that, in the last Council, there were a number of issues that came before them that were not properly dealt with. It was unfortunate, the Council and the Legislature, overall felt a brunt of public concern they did not work very well with neighbors in the greater Augusta community, particularly concerning Capitol Park, but did believe that that Legislative Council learned from that experience and created some good mechanisms that furthered the comity between the host city and the Legislature. He thought this action as being a bit of an over reaction to those concerns. Sen. Bennett said that although he respected the plan that was developed by the Olmstead Brothers, believed that there was a better approach than amending statutes to put restrictions on the Legislative Council to address past grievances, and that the Council had a responsibility, not to be told by the Legislature with the Governor's signature that the Council behaved badly, and now needed a restriction to be placed upon us, but rather affirmatively move to, if appropriate, have some standards developed by the Council. Cannot bind future Legislatures, they could always amend, change it, but what we can do, is take responsibility for our own actions. He said that he would support that, in advance of supporting a motion which tells the Legislative Council they are not doing a good job and need oversight by the Executive Branch, as well as the rest of the Legislature. First should try to accommodate the concern before Council supports that kind of statute.

Speaker Saxl noted that there were many mistakes made that impacted the Capitol Park, one of notice, one of unilateral action, one of having no positive form of input. Sen. Daggett's friendly amendment seems the correct way to proceed, the question is what the correct vehicle to make that happen. There was an Advisory Committee of Augusta area, rules should be amended to have an Advisory Committee of the host community to the Council regarding the Park and the State House Complex. Should have public notice of any changes that are planned, regardless if they complicate or deviate from the Olmstead Plan. The question is whether it is the prerogative of the Council, and the responsibility of the body to make final decisions or whether the statutes are going too far. A decision has to be made on whether to oppose, support or offer an alternative and asked for comments.

Rep. Colwell said that there are two issues. First, looking at the Olmsted Plan, there are no plans for drainage at all. If we are going to be lock into Olmsted Plan, we are actually locking into something that is perhaps an inadequate plan. Second, why stop at Capitol Park. The State House is as much a treasurer as everything else. He said he did not think it was a good idea to limit themselves, it is about being responsible, understands that some decisions in the past were not, and understands why this legislation came forward, but perhaps a better position, and one that the Speaker was advocating, was an alternative that would insure greater sensitivity and responsibility on the part of the Council.

Sen. Daggett said that she chaired the Advisory Committee from citizens in the area and said it was a valid thing to have. A number of issues that came before the Committee were after the fact and were simply informational after the direction, everything had already happened. She believed that one of the problems was we, as a group, had not been "we" in the past. The unpredictability of the Council, who is going to be on it, and the difficulty at this time of institutional memory, leads her to see something that is statutory. It says consistent with, does not say identical to, and would certainly consider, for example, drainage to be consistent with the Olmsted Plan. She said that is why she was leaning toward the direction of notice before something would happen, not that necessarily prevented that from happening, but an opportunity to hear from people who might have a sensitivity to the Park. Sen. Daggett said that this was the second Capitol Park issue that she had been involved with. The first was back in the late 80's and involved having the Supreme Judicial Court being put at end of the Park. Speaker Saxl asked if Sen. Daggett had a recommendation as to how the Council should proceed. She said that she was not opposed to putting something in statute, maybe not being as restrictive, something softer about the Olmsted Plan as guidance. She considered herself quite open, but would like to see something statutory, even though that does not always guarantee that we get what we want, but thinks it would be more permanent than a guideline.

Sen. Treat said she agreed. She would not want to have a letter that said the bill was opposed, but maybe a better approach would be to say that the bill is a response to legitimate concerns, that consistency with the Olmsted Plan is certainly one of a number of considerations that the Council should take into consideration and there may be other issues, such as notice and having some involvement of the local community on a continuing basis, advising the Legislative Council. She has faith in the committee process to take a look at a bill, give certain amount of input and public testimony and come out with a bill that is not identical to what went in, therefore would like to see the Council take a positive approach towards giving them suggestions. Rep. Saxl asked if there was authority to make changes in Capitol Park by one chamber or the other chamber. Mr. Clair said he did not believe so. Mr. Clair said the present statute certainly vests the authority with the Legislative Council.

Rep. Bruno said that he did not understand the one chamber thing, asked if there was order passed in the Senate alone?

Sen. Daggett said that Earle Shettleworth, Chair of the State House and Capitol Commission, had given his blessing to that plan, being the group that was to be involved. She believed that part of that revolved around the fact that it was not a permanent change and there was some feeling that it was a temporary solution and usage and therefore was okay. It was not a permanent change and the drainage would be a part of it in the final analysis. For many who had looked at the plans early on, the modulars were originally to be where they are now, another temporary change was they would be put on the lawn close to the building and then the bulldozers were working in the Park. We are just trying to make sure it does not happen again, the first thing you see is the bulldozer in the Park.

Sen. Bennett said that he thought it was a management problem, and thought that the bill overreacts and tells us to solve a problem in statute, thinking we can solve the problem, when we can't. He said that he cannot support the bill and hoped the Council did not. If there are ways of giving comfort and improving our process, we ought to take those up directly. He said if the question of whether the Council should support this bill, or not, take no position on it, his vote would be to oppose the bill. He said that he would like to review the rules and see if there are ways to improve the relationship with the host city.

Rep. Colwell said that he though the Speaker's recommendations made a better point. He said that whenever you bring any kind of legislative action, it goes through a process of notification, public hearing, public input and then it would be worked. Rep. Colwell thought the same standards should be applied to any attempt to modify Capitol Park. He believed that would address Senators Daggett and Treat's concerns. He asked if that was what the Speaker was suggesting. The Speaker said yes. Rep. Colwell said that he could support that.

Sen. Daggett said that it was her understanding that the Chair was willing to make that statutory as opposed to just rules of this Council. Speaker Saxl said that his suggestion was two part. One part which would clarify that any temporary or permanent change to the Park must be approved by the entire Legislative Council, and that in the rules it would require public notification and that we adopt a permanent standing advisory committee to the Legislative Council for public input on what we do in organized fashion.

Sen. Treat said it was unclear to her, who this was going to, and if the bill was off on its own track, when we do something here, or if this part of a communication that goes to that committee concerning the bill. She said that she would be more comfortable instead of writing off the bill having a statement saying the language is confining and to narrow and would like to have the legitimate concerns at rest in the ways you have outlined.

Sen. Daggett said she believe it did and did not think there was any need to put something in statute that is severely limiting. She thinks the public notice piece and in writing a letter, there does not need to be any mention of anything in the past, but just to look to the future.

Motion: That the Legislative Council send a letter to the State and Local Government Committee recognizing that we appreciate the concern that has been identified that any change to Capitol Park has to be done by the full Legislative Council; that the Council will amend its rules to create a standing, advisory committee for the Capitol Park area; and that the Council adopt rules for public notice provisions before any change is considered to invite public comment about those changes. (Motion by Speaker Saxl; second by Rep. Norbert; 8-0 unanimous).

Mr. Clair said he had one more item: the interim eating and drinking policy. We are in the midst of trying to finalize something. Mr. Clair said that he had suggested to the Chair and Vice-Chair earlier that if there was another meeting in the near future, a number of these policy issues will be before the Council and will be able to move forward, security cards, eating and drinking, hopefully the Fine Arts policy that Earle Shettleworth and J.R. Phillips are working on. Mr. Clair was directed to bring these policy drafts to the next meeting.

- Renovations: Status Report

Stan Fairservice gave a renovations update. Odds and ends of work in the building will be done over the next month. The plan was to open the corridor, ladies and men's restroom on the first floor on Tuesday, February 6, 2001. Also, work was continuing in the Connector. Mr. Fairservice said that he had asked Granger to work with him on putting together a plan that would show work from both the State House toward the CSOB and also work coming back from where the work had stopped in the tunnel. The schedule reflects a completion date of April 30th. The process was being slowed down approximately two weeks with the Percent for Art, so could be an opening of May 15th. He said there was something before the Council as to which plan they would prefer to go with, the April 30th or May 15th opening date.

Rep. Norbert asked why the two week delay and Mr. Fairservice said it was the two weeks for the installation of art work that had been discussed earlier in the Council meeting. Rep. Saxl said that he would like to see what the original time line was.

Mr. Fairservice continued with his update and told members that 7 of the 8 committee tables had been installed in the State Office Building, a lot have been wired, are sound active now. There is one more to go in and would expect within the next 2 weeks every hearing room in the State House and the CSOB to be able to project sound through the entire system, and also within the next 2 weeks will have the exterior malt box ready for the live trucks.

No Council action was required.

- Fiscal Update

Grant Pennoyer, Interim Director, Office of Fiscal and Program Review, drew members attention to the fiscal update package provided earlier. He said that he had attached the General Fund revenue and Highway Fund revenue for December, and was not sure why the Executive's report had not been received as of yet, but the Commissioner said it was forthcoming. Mr. Pennoyer told members he believed the budget information they had received is consistent with the numbers the Executive Department will present. He said the general fund was up \$2.4 million overall for the month of December, the year to date however, are still down \$2.3 million. The major lines that have negative variances are the sales tax line, \$3.4 million down and the estate tax line. Remembering from the previous Council meeting, corporate income tax was down significantly by \$4.6 million, that have almost completely reversed that negative variance, it was just a timing issue, they are only \$.8 million down year to date, and talking to Revenue Services earlier today, said January looked very good for corporate income tax. The sales and inheritance taxes are the areas where there are negative variances. The Highway Fund was up \$2.8 million year to date through the end of December, and a 1.7 positive variance overall for the month of December. Mr. Pennoyer wanted the Council to know that the Revenue Forecasting Committee will be meeting February 26, at 10 a.m. at the State Planning Office. He also said that the Consensus Economic Forecasting Commission, when it did the more detailed forecast, reforecast the personal income growth, for not only calendar year 2001, but they also reprojected the calendar year 2000 base by the same 1/2% reduction in the growth. That will represent even a greater effect on what will be presented by Maine Revenue Services when they run it through the model. Mr. Pennoyer said they thought that when the detailed projections are run through the model, that it has the potential to reverse the amount of the upper reprojection that was done in November and December of last year. Their recommendations are just one thing that the Revenue Forecasting Committee will be looking at. Looking at the revenue sheets, there does not appear to be any problems to date, other than sales tax.

Speaker Saxl asked Mr. Pennoyer the status of getting the performance based budget information from the Executive Branch and he said that part of the December 19, 2000 motion, the Council authorized Fiscal and Program Review to produce the current services bills, the Highway Fund bill will also be produced in the traditional format, however the Council was silent with respect to other bills, such as the Part II bill and how will they be drafting other appropriation and allocation section throughout the 1st Regular Session of the 120th Legislature. He said that they have had fairly good luck in turning

around from the spreadsheets that were presented by the Executive, were able to produce those in LD 300. Part B of LD 300 is a slightly modified format of the old traditional format.

Motion: Concerning the drafting of appropriation and allocation section for performance budgeting purposes, that the Legislative staff is directed to produce all appropriation and allocation sections for the 120th Legislature's 1st Regular Session in the traditional format to receive what ever other performance budgeting data that the Governor may wish to transmit and further that the State Budget Officer be directed to submit budget data in a format that can be produced in the Wang format. (Speaker Saxl)

Discussion: Margaret Matheson said that when they did Part B, it did appear to be in a slightly different format. It was not in the old format as known, it did have a different look for folks dealing with it. When Mr. Pennoyer spoke earlier about getting a spreadsheet and then getting that to convert over, that was the format that was used, it was not what we were used to seeing prior to this point, but it is more like that than the whole performance based budget. She inquired if that was what the Speaker's motion entailed? Speaker Saxl said that the motion was brought by the Executive Director on behalf of the Office of Fiscal and Program Review. The intention is to make sure that the Executive cooperates with the Legislative Branch, so that the computer system we have now in as traditional a format as possible in order to produce the budget document. It is not to under mine your existing efforts to accommodate the Executive to a degree, but only to request that they collaborate and cooperate with you in getting out a budget document that can be read effectively and be manipulated by the Office of Fiscal and Program Review. Speaker Saxl asked for comments.

Mr. Pennoyer said that since the modified traditional formatting that is used to produce the Part B was the quickest way that we could produce it from the spreadsheets that were received. Macros were used to eliminate certain items, and was able to be produced as close to the old format as they could get it. There are some modifications in the way where you affectionately refer to as the "blippie" where that appears is now called the new initiative, but has the same substance. All the key elements are there of the traditional format, it just appears a little differently. He was not sure if the motion needed to be amended to clarify that it would encompass a modified traditional format. Speaker Saxl asked the Executive Director to comment. Mr. Clair asked if he could try to rephrase the motion.

Speaker Saxl withdrew the original motion.

Motion: Concerning the drafting of appropriation and allocation sections for Performance Budgeting purposes, the Legislative staff is directed to produce all appropriation and allocation sections for the 120th Legislature's 1st Regular Session in a format compatible with the Wang system and to receive what ever other performance budgeting data that the Governor may wish to transmit and further that the State Budget Officer be directed to submit budget data in a format that can be produced in the Wang format. (Motion by Speaker Saxl, second by Sen. Bennett, 8-0 unanimous).

Sen. Bennett asked if only the critical issues left on the agenda be dealt with at the meeting.

NEW BUSINESS

Item #4: Request for an Extension of Reporting Deadline

- Committee to Study Access to Public and Private Lands in Maine

Motion: Move that the Extension request be granted. (Motion by Speaker Saxl, second by Sen. Davis, unanimous).

Item #2: Legislature's FY 2002-2003 "Part I" Budget Request

Mr. Clair said that as a function of the Joint Rules, you will meet in a joint public hearing with the Appropriation's Committee on Wednesday, February 7, at 9:00 a.m. We had submitted in September 2000, based on a vote by the 119th Legislative Council the information that the Governor needed with which to submit a recommendation for the Legislative budget. It was in the members' packets, and he said he would like to go through it with the members quickly. Pages 2 - 5 have the highlights. Rose Breton, Richard Sawyer and he, going back to August, pulled together the Part I budget requests, due by September 1st, submitted September 30th including all motions that had been made previously by the Legislative Council, including orders, rules, House, Senate or joint, etc., including the statutory deadline for adjournment. Page 2 shows the reasons why the numbers yielded an increase for the biennium of approximately \$7 million. The lion's share of that \$6.2 million are in personal services items. The biggest ticket items, are in four areas: the collective bargaining agreement that was enacted 2 years ago and extended to all Legislative employees; the NCSL Compensation Study implementing that study was approximately \$1 million for the biennium; health insurance costs and their projected increase, using data from the administration of about \$1.8 million; and increases in retirement costs of approximately \$1 million. In addition there are the lesser items, merit increases to members' salaries, etc. but wanted to give Council members some sense of where the budget was going. Sen. Treat asked if Mr. Clair knew or had the information of what percentage of the healthcare was related to prescription drugs? He said that he did not have it available, but would be asking the State Employee Health Insurance Commission. Sen. Treat said she would like that information at some point. She said that the Legislature was probably the same as other state employees and Mr. Clair said that we were paying the same rate, it is a universal coverage, paying a per person rate. Page 3 showed an overview summary, 4th column in total FY 2000-2001 biennium, comparing it to the proposed biennium request, \$47 million is in the budget presently that was the appropriation. We think that the projected costs are \$41.7 million. If you remove the major 1 time items, including the migration costs and the State House renovation supplemental appropriation, then compare a \$34.2 million present budget to a \$41.2 million estimate, that was the \$7 million on the previous page. It shows how it breaks down to major accounts and other commissions and subgroups. Everything else is just the nitty-gritty of how everything else comes together. We have been requested by the Appropriations Committee to provide them with series of background pieces, including the B forms, expense data, etc., and are in the midst of preparing it and will have it ready for the public hearing.

Sen. Bennett said that he would want to review the information before supporting it or act upon it and would like to put the budget in context, both to understand it, the amount of increase in this budget as it relates to increases in the general fund overall and also to see the Legislature's budget overall that is proposed in this document as it

relates to the average of other states and the cost of the Legislature is part of the general fund in other states, so we can have a bench mark to see whether our cost, which are growing rapidly, are inline what is being seen elsewhere.

Rep. Bruno said that a 20% increase in the Legislative budget, seems steep on a comparative basis and wanted to know the procedure to go through line by line or does the Council just accept the \$41 million and say that is the budget. Speaker Saxl said they would be given choices including accepting the costs the last Council adopted for your staff people or cut their pay, eliminate or achieve savings, and other ways you can achieve substantial savings.

Sen. Bennett wanted to know why the retirement costs were going up \$1 million. Mr. Clair said that with the amortization schedule as it was, the ability of that change to be implemented in FY 01 was largely due to the favorable returns received, but the projected costs for the remaining period of the schedule divided out in a way that is done on a percentage basis for each employee yields that number. Sen. Bennett said it was a lot of money and asked how many employees. Mr. Clair answered a little over 200. Sen. Bennett said that the Legislature was paying, over the biennium, an increase cost of about \$5,000. per employee, and that is just the margin of increase. Mr. Clair said yes. Sen. Treat said that the \$1 million is related to change in the amortization schedule so that we are paying shorter periods of time, so it is front loading the expenses. It is just not the Legislature, it is the same issue that is in the Governor's budget that he wants to change to a longer period of spending it out? Mr. Clair said the amounts in the budget meet the lower amortization schedule. It is not only to help the insurance issue, it is every state employee is being charged that rate, regardless if it is for retirement or health insurance. Rep. Colwell said that he would think that the Compensation Study and the Collective Bargaining would also impact the increase for retirement costs. Mr. Clair clarified that it does: to increase staff salaries increases our retirement costs.

Speaker Saxl talked about the costs of new hires, NCSL Compensation Study, collective bargaining, retirement costs and health care. Said what he would advise is that to have time to reflect on this, meet again before the Council take any formal action. Sen. Bennett said that he had served on the Council and had also served on the Appropriations Committee, this goes to extraordinary circumstances to other agency proposals, because the Legislature is a separate branch of government, and in the past, this budget document is the product of the previous Council's work and he thought it could be presented to the Appropriations Committee and inform them that the Council is reviewing it. He did not think any member would be advocating more money, so the solution would be to identify savings and given that, present it to the Committee and tell them it is a product of the old Council and the new Council is looking at it and welcomes input from the Appropriations Committee. Speaker Saxl said that no one advocates increasing the spending.

Mr. Clair said that to Rep. Colwell's point, he was right, it was not the new amortization schedule per se; it is the normal component of the retirement costs applied to budgeted salaries.

Mr. Clair said the request also does not include any of the organizational changes that were made in the 120th. Rose and he are looking at that and prior to Wednesday, if you would like, or certainly after the hearing, the Council will want to have some sense of saying that there are some incremental costs affiliated with it and how you want to handle it is an open question.

Speaker Saxl asked if there was agreement to adjourn without changes and then get back together briefly on Monday, we will continue to review this document, identify savings.

No Council action required.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

Speaker Saxl moved that the Council adjourn at 4:56 p.m., second by Rep. Colwell, unanimous.

REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

JAMES A. CLAIR
EXECUTIVE DIRECTOR

120th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY FEBRUARY 7, 2001

CALL TO ORDER

The Chair, Speaker Saxl called the Council meeting to order at 1:12 p.m., in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Absent: Rep. Schneider
Legislative Officers:	Pamela Cahill, Assistant Secretary of the Senate David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Acting 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 Paul Mayotte, Director, Legislative Information Services

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

James Clair asked if he could defer so Stan Fairservice, who has another appointment, could give an update on the Connector.

- **Renovations: Status Report**

Mr. Fairservice said that the last time the Council met, the date for the completion of the Connector was discussed: one date being April 30th without the inclusion of the Percent for Art, the second date was approximately May 15th, which includes the inclusion of Percent for Art work. One item needed direction on was how the Council wanted to proceed and do the Percent for Art installation and extend the opening date to the Connector. The dates projected by Granger for the opening of the Connector was April 30th without the Percent for Art installed, or May 15th with art installed, a 2 1/2 week extension.

Council members had discussion about whether they needed to walk through the Connector in April or if it would be warm enough to walk outside so that the Percent for Art could be installed while session was still in. Rep. Norbert said he would like to get the job done right, and Rep. Colwell concurred. Mr. Fairservice said that he would encourage the May 15th date.

Motion: The Connector work be done with the Percent for Art work approved at the January 31, 2001 meeting be installed such that it will be done by May 15th as opposed to without the Art work on April 30th. (Motion by Rep. Norbert, second by Rep. Bruno, 9-0 unanimous).

- **Executive Director's Report ("security card" policy)**

Mr. Clair told members they had before them an interim security card policy which grants to the Senate President the authority to sign off on security for Senators and Senate staff, it grants to the Speaker of the House the authority to sign off on security access for Representatives and House staff. It grants to the Chair of the Legislative Council the authority to sign off on access to Legislative Council employees. It is done on an interim basis because there are more details to be worked out.

Speaker Saxl asked if this was an item that the Council needed to act on and Mr. Clair said that it is put before them as something they would adopt. Were they to adopt it, we will have a subsequent presentation, hopefully by the February 21st meeting that talks about how we are going to handle lost cards, some of the details that the members have not yet been discussed. Speaker Saxl asked if there were comments from the Secretary or Clerk's Office? There were none. It was explained that this would be an interim policy, for the purpose of getting cards into everyone's hands. It will be a two-part process, getting the cards out with the most basic access and then the further refinement of presenting to those decision makers what kind of access they want a certain person to have.

Motion: That the Council adopt the interim security card policy. (Motion by Sen. Bennett, second by Sen. Treat, 9-0 unanimous)

Mr. Clair informed the Council that he did attend the public hearing on LD 169 and the staff from the State and Local Government Committee said that they were planning a work session on that LD for February 21st, the next date the Council meets. Speaker Saxl asked Mr. Clair if he had prepared the proposed Rule change for the Legislative Council and Mr. Clair answered in the affirmative.

- **Fiscal Update**

Grant Pennoyer gave members an update on fiscal items, but said that he did need to research some items further, particular individual income tax, it seemed to be way up for the month of January. He had a conversation with Mike Allen from the Maine Revenue Services, and he said other states were experiencing a revenue bump up in January, 2001. Mr. Pennoyer said that he would keep the Council informed, particularly as they get closer to February 26 Revenue Forecasting Committee meeting.

Speaker Saxl asked Mr. Pennoyer if things were going well with the transmission of information of the Part II Budget and Mr. Pennoyer said that there was a concern by the Executive Department. They wanted to include certain highway fund allocations in the

Part II for information purposes. That was unusual, it had not been done in the past and he was still trying to resolve that issue with the Budget Office. They wanted to present it all together so it might appear in the Highway Fund "Part 2" bill, and would also appear in the General Fund "Part 2" bill. They were trying to qualify it as for informational purposes only. The Committee will decide, what appears to be duplicate allocations presented. Speaker Saxl asked Mr. Pennoyer to keep the Council informed of how it is resolved.

No Council action required.

- **Migration Project Status**

Paul Mayotte referred members to material in their packets. First item is bill drafting implementation update. Shortly he said he would go over with the Council members the \$300,000 proposed scope reduction and a proposal back from Compaq. Note that Compaq understands and the Legislature is holding their progress payments until this item is resolved. Mr. Mayotte said that there is an ongoing list of tasks for the Migration Project, it remains on track for an April implementation of the software. The actual development of the software may be completed within the next 3 to 4 weeks and will go into a testing phase. Lastly, his office is providing technical and direct support to International Roll Call on their implementation of the Legislative Management System, started last week.

Mr. Mayotte said that the 119th Legislative Council directed the Executive Director and him to go back to Compaq and reduce the contract value \$4.5 million to \$4.2 million. The negotiation level has reached the components of a \$300,000 scope reduction, which includes \$35,000 in damages that Compaq will absorb. At this point, we would like to ask the Council's permission to proceed with the actual negotiation of a change order, which would be brought back to the Council for its final approval before having signatures and proceeding.

Motion: That the Legislative Council grant permission for Paul Mayotte to proceed with the negotiation of a change order with Compaq. (Motion by Sen. Bennett, second by Sen. Treat, 9-0 unanimous).

Mr. Mayotte said the last item was just an update from either the December or January Council meeting, where action was taken to begin preparing a draft "service level agreement" between the Legislative Council, the Legislature and InformMe. We have started work on that and it is their intent to provide a draft of the service level agreement to Sen. Treat's Technology Committee meeting and let the Technology Committee review it.

No Council action was required.

- **Interim Studies: Status Report**

David Boulter said there was no action required of the Council today, it was just to bring the Council up to date on the Studies. There are 5 studies that remain, one of which has been granted an extension to February 26, 2001, the Committee to Study Access to Private and Public Lands in Maine. There are 4 other multi year studies, anticipate that all 4 will be suspended during the session, from now until the end of the session, so legislators can focus on the more pressing matters of session and staff can support them in their work.

Sen. Bennett asked if the Environmental Leadership Program ever convened and Mr. Boulter said that it had never convened. Speaker Saxl asked if it was ever appointed? Mr. Boulter said that some appointments were made, and then was asked who were the Chairs. He said he believed Sen. Michaud, but did not recall who else. Sen. Bennett asked if they were to have a report by January 15th, 2001? Speaker Saxl asked if they wanted to continue the study and Mr. Boulter said that it has not lapsed. Speaker Saxl again said, it has never convened, but didn't have a full membership and then asked what the goal of the Committee was? Speaker Saxl asked what the balance was in the Special Studies table. Mr. Clair said \$80,000 to \$90,000. Speaker Saxl said that has not been expended, can it be carried into the Part 2 Budget? Mr. Clair said that \$85,000 carried over. Speaker Saxl asked if it was carried into the Emergency Budget that was just passed, the next Legislature, to convene studies during the next summer. Mr. Clair said that the balance that was taken in the Emergency Budget was from previous years, because this is a carrying account. The amount that is left over now is from all the studies that received appropriations for which they were not fully expended, that is the \$85,000 from FY 01.

Speaker Saxl asked if there was consensus of the Council about whether they should continue or not continue this Study. Mr. Boulter said it was passed in the form of a Resolve as opposed to a joint order, so it is something the Council may not want to act on. Sen. Bennett said the matter should be tabled and the Chair and Vice-Chair of the Legislative Council meet with the two Presiding Officers to discuss it before the next Council meeting.

Speaker Saxl moved to Table, second by Sen. Bennett, 9-0 unanimous.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl said that the Personnel Committee met prior to the last Council meeting and agreed to start a Search Committee. The Committee would be the Directors of the individual offices, unless they were applicants for the position, a representative from the Clerk and Secretary's Office, and the Executive Director, who will go through the resumes. The members of the Personnel Committee would separately go through the resumes and the Executive Director, who is going to help with the process, will also go through the resumes. The Committee adopted the time line of April 28, 2001 to hire a new, permanent Director for the Office of Fiscal and Program Review. They also adopted a time line for interviews and advertising and discussed advertising to gain national attention. It was brought to the Speaker's attention that the Wall Street Journal, is the end all and be all of national advertising menus for issues with people dealing with fiscal matters, and had asked Mr. Clair to explore less expensive manners, so would not have to spend \$2,000 - \$5,000 to advertise it. The search for the Director of the Office of Fiscal and Program Review is well underway with a process, advertising and a time line adopted.

Also agreed that during the summer, the Committee would review the personnel policies of the Legislature and try to modernize that booklet, but recognize that there may be challenges to doing it during the Legislative session.

No Council action required.

- **Space Committee**

Rep. Colwell said that the Space Committee met and had a thorough discussion of a multitude of issues, but have come forward today to the Council with 3 recommendations. The first being the sound broadcast over the LAN Network broadcast points. The Committee voted unanimously for the following broadcast points: House Chamber; Senate Chamber; State House Room 228, Appropriations Committee Room; State House Room 126, Transportation Committee Room; State House Room 127, Taxation Committee Room; State House Room 334, Legislative Council Chamber; State House Hall of Flags; CSOB Room 208, Business and Economic Development Committee Room; and CSOB Room 209, Utilities and Energy Committee Room.

Motion: That the Legislative Council approve the Space Committee's recommendations regarding the LAN Network Broadcast Points. (Motion by Sen. Treat, second by Sen. Bennett, 8-0 unanimous).

The second item that the Committee recommended was that the Lobbyist Services be located on the 3rd floor of the State House. Rep. Colwell said they had researched the prior Legislative Council's minutes and it seemed clear that that is where they intended it to go. This was also a unanimous recommendation from the Committee.

Motion: That the Lobbyist Services be located on the 3rd floor of the State House. (Motion by Sen. Bennett, second by Sen. Treat - no vote taken)

Discussion: Speaker Saxl asked if that was the access point to the members' retiring room. Rep. Colwell said that he was located toward the back of the Clerk's Office, well removed from the doorway, the access is not restrictive to either of the areas. Speaker Saxl asked if anyone investigated the possibilities of having it located on either side before the porch. If computers, fax machines and phone lines could be hooked up for the use of the general public, as well as the use of the Lobbyist Service provider. Mr. Clair said that the 119th Space Committee did review that, but that renovation work will be part of the North Wing scope of work, and never came to any kind of consensus. The Lobbyist Service Provider may be in a different place in the future, but for this session, for data, phone, and power hookup, one of the spots, as they discussed it and ultimately agreed on is in the West Wing and is probably the best place they could find. Speaker Saxl said that they could reserve that judgment for the future, after those renovations had been done.

Rep. Bruno asked if the Provider was charged rent? Mr. Clair said Mr. Melendy paid his own phone service, which included the phone fax, and believed that everything else was provided gratis. Rep. Colwell said it was now even more inconvenient, given the fact the phones had been taken out. Speaker Saxl said for recent historic perspective, there was extensive discussions in the last Space Committee, and his recommendation was that there is going to be a new Legislative Interpreter Center in the former Labor Committee Room, in which it was their recommendation that photo copying, fax, etc. would be available. He said that the Council should revisit where the Lobbyist Service provider should be placed, perhaps there would be a temporary space there available either for the new office of that individual and that person, given a fee, paying a fee, from the individual members of the private lobby and any member of the public who is here for the day, could receive and forward messages and that there be some kind of a messaging system on one of the computers. He said the Space Committee upon the renovations becoming complete, could look at that policy again and make further recommendations.

He said he did share some of the reservations, but did know there is a long historical support for the individual being there. The Secretary and Clerk's Offices felt that if there was not some sort of alternative that they would be asked to forward messages and to provide services, so it would be better to have this alternative. Given the state of renovations, that the Council adopt this policy but ask the Space Committee to continue to review it and to see what kind of broader alternatives there are.

Motion: That Item 2 the Lobbyist Services location on the 3rd floor be moved but also charge the Space Committee with continuing to look at the long term location of the lobbyist service and whether there should be some kind of fee rent proposal and have a report back from the Space Committee. (Motion by Sen. Bennett, second by Sen. Treat, 9-0 unanimous).

Rep. Colwell said the third item is the food and beverages policy. The Committee felt it was important to have at least 2 large rooms available in the State House for use for caucuses where food could be available and also those rooms would be available for groups interested in holding public meetings with food or beverages, with the permission of the Chair of the Legislative Council in advance. The other issue of food and drink in the other Committee Rooms, the Committee felt was already addressed in the model rules of procedure that all the Committees operate under, which essentially meant that if the Co-Chairs of those Committees approved the use of food and beverages during work sessions, fine, but the public would not be able to eat in the Committee Rooms, although water would be appropriate. Rep. Colwell said that the Committee felt that that left some flexibility as the session goes further, and it would be difficult to do business without members being able to eat in Committee Rooms.

Speaker Saxl asked if Rep. Colwell had spoken with Charles Jacobs about access to the meeting room in the cafeteria, could it be used for legislative meetings requiring food. Rep. Colwell said the Executive Director was looking into that and asked Mr. Clair to respond. Mr. Clair said he has had one conversation with Mr. Jacobs and he is actually trying to find two sites in the Cross Office Building. One is as the Speaker mentioned, but they were reluctant to give it out during breakfast and lunch hours because they open it up. He is going to get back to us with a way to use it, especially in off hours. He also thinks there is another room there, that will not be used a lot and that could be reserved for those kinds of functions. It is in the works.

Motion: That the Council adopt the recommendations of the Space Committee in respect to food and beverages in Committee Rooms. (Motion by Sen. Bennett, second by Davis, 8-0 unanimous).

Rep. Colwell said regarding the hanging of art work and other items on the walls in space controlled by the Legislative Council there are two areas. One area is the historical significance, fine arts, which the Maine Historic Preservation Commission and the Museum are working on. That is not available for the Council at this time. The other piece that was discussed and recommended on was if Committees wanted to display art work, get permission from the Chair of the Legislative Council. Once that had been approved, all requests should be forward to the Executive Director's Office to be scheduled for installation. Rep. Colwell said that there is a lot of wiring and infrastructure in the walls, so the Committee wanted to make it clear to everyone that it was not a good idea to pound nails into the walls.

Motion: That the Council adopt the recommendations of the Space Committee in regarding to Hanging Art Work and Other Items on the Walls in space controlled by the Legislative Council. (Motion by Sen. Bennett, second by Bruno, 8-0 unanimous).

Pamela Cahill, Assistant Secretary of the Senate made the comment that maybe the permission to display art work should be given from both the Chair and Vice-Chair of the Legislative Council and then all requests forward to the Executive Director.

Motion: The Council moved to accept the amendment. 8-0 unanimous.

There was discussion on exactly what was being approved, content of what could be hung or who would do the actually hanging. Rep. Colwell said that there was some level of appropriateness and the Committee was not sure how to decide. The discussion was more informal than requiring action. It has been moved and seconded, 8-0 unanimous.

- **Technology and Migration Committee**

Sen. Treat said that the Technology and Migration Committee is scheduled to meet February 14, 2001.

- **Time and Attendance Subcommittee**

Sen. Treat said the goal was better record keeping, better keeping track of the time and attendance as one moves from job to job, better reporting for management purposes. Questions are whether it will be kept confidential, etc. Mr. Clair and other staff are going to be looking into how other Legislatures handle it, what would be appropriate for us.

OLD BUSINESS

Item #1: 120th Maine Legislative Council Rules of Procedure

Speaker Saxl said during the first organizational meeting of the Legislative Council, we adopted rules by which we would conduct the Legislative Council's meetings. During the last meeting, we discussed Rep. Julie O'Brien's legislation regarding Capitol Park and about formalizing an Advisory Committee from our host community the Capital Area Advisory Committee. The Rules of Procedures are identical as the ones adopted at the first meeting. Items 16 and 17 are new proposed rules. He said the first is to formalize the Capitol Area Advisory Committee to include members of the Council in a formal way to get recommendations and input from the Capitol area so that we are in constant formal communication with our host city. The second part is to formalize within the Council rules whether any action, whether it be temporary or permanent, which changes the nature of Capitol Park, must require a vote of the entire Legislative Council.

Rep. Colwell asked for clarification on entire Legislative Council, would it be a quorum from the members in attendance. Speaker Saxl said that it would require a vote of six members of the Legislative Council in order to take action, whether it be by ballot or in person, but that one member or one branch of the Legislative Council could not take action that might temporarily or permanently change the nature of Capitol Park.

Sen. Daggett asked how many votes would it take? Speaker Saxl said "I believe the words consistent with these rules would indicate that it needs to be the entire Council and that a vote of at least 6 to take any action of the Council".

Sen. Daggett asked if that was clear. Speaker Saxl inquired if any action of the Council requires the affirmative votes of not less than 6 members is not sufficiently clear? Sen. Daggett said she did not think it was clear that it needed to be an affirmative vote.

Sen. Bennett asked if he could suggest that instead any proposal that would be temporary or permanent change must require action by the Legislative Council. Speaker Saxl asked, requires an act by? Sen. Bennett said then it refers back to its conduct of business and any action under Rule 4 requires affirmative vote by at least 6 members. He said that there may be things the Council would want to consider that will not require action, but anything impacting the Park ought to take action upon which would require a vote. Speaker Saxl said a friendly amendment would be to change the word "consider" to "requires an act by". Rep. Norbert said why not just say "must be approved by". Sen. Bennett said that once it has been approved it is no longer a proposal, the substance of that sentence should be any action in fact in Capitol Park, a temporary or permanent change, must be approved by the Legislative Council. This will only apply to this Council, hopefully it will set a precedent, we should try to word it correctly, but we are the final arbiters of whether or not this is consistent. Sen. Daggett said she would appreciate not having to make a decision at this time.

Sen. Bennett moved to table, second by Sen. Davis, 8-0 unanimous.

Speaker Saxl said it was his intention to circulate by ballot at the end of this week a opportunity to vote on this. He said he would circulate a ballot by the end of the week, would like to take action quickly on this matter, but respected the Senator's need for reflection.

Sen. Bennett asked if that would require a 2/3 vote and Speaker Saxl answered in the affirmative. He said revisions of rules, the Council may amend these rules with the exception of Rule 4, upon a two-thirds vote of the Council members present and voting, provided that the vote to amend is by at least six affirmative votes. So if circulated by a ballot it would require two-thirds of the entire Council, which would be 7 votes.

Sen. Daggett inquired about the draft for review. Speaker Saxl asked if there was motion to remove from the Table and Colwell made the motion, Sen. Bennett seconded, 8-0 unanimous.

Speaker Saxl said Mr. Clair had drafted this yesterday evening and he saw it for the first time today too. He asked Mr. Clair to address the members on the Rules. It was asked how the old Capitol Advisory Committee was made up. Mr. Clair said it was a 13 member group, Sen. Daggett may have been on it. In response to the new draft, it seemed like a big group, so a proposal of 7 was put forth to the Speaker. Speaker Saxl asked if there were questions or concerns from the members of the Council from the Capital area. Rep. Colwell said that if you looked at the makeup there are 4 public members, so they would have a controlling vote on the Advisory Council, he thinks that is probably appropriate. They would be local input, the Mayor would appoint 2 and the County Commissioners 2, if you go to the final line of the Rule 17 under Capitol Park, the Council must first receive a recommendation on any proposal from this Advisory Committee prior to a final vote. That is what we are after, being a local legislator living through what occurred, it is important to have that input and that is what was lacking before. He commended Mr. Clair on his attempt to get at that, because it is a serious issue and by formalizing this it is, on the right track. The local piece, 4 representatives, they do have a controlling vote, he was sure that the Mayor and County Commissioners would take that seriously. Speaker Saxl asked if there were

friendly amendments that would like see made before we circulate a ballot. Speaker Saxl asked that Sen. Daggett either go see him or Mr. Clair by the end of the business day tomorrow with any changes that she would like to see and we will have the motion prepared.

Rep. Bruno said the 4 members of the public, should it be specified that they need to be in the Augusta area or residents of Augusta. Speaker Saxl said 2 residents of Augusta, appointed by the Mayor of Augusta. Rep. Colwell said his constituents were very concerned about what happened in Capitol Park and perhaps they should say the Commissioners had to appoint residents of Kennebec County. Mr. Clair asked for a clarification - was that 4 members of the public who are residents of Kennebec County? Speaker Saxl said, 4 members of the public, 2 of them residents of Augusta and 2 are to be residents of the Capital area Kennebec County.

Motion: The Speaker entertained a motion to table, tabled by Sen. Davis, second by Rep. Colwell, 8-0 unanimous).

Item #2: Legislature's FY 2002-2003 "Part I" Budget Request

Mr. Clair gave a summary on the FY 2002-2003 budget. The public hearing was at 9:00 a.m. that day and that Sen. Davis and Speaker Saxl had attended parts of the hearing. The Committee had asked a lot of follow up questions and we are providing that information. We promised them the updated organizational charts, which are still under review in some offices. They want information on how the 120th organized itself and other questions that are fairly standard for the Committee to ask of an agency.

Sen. Small asked why the budget data referred to Senate Minority and Senate Majority. Mr. Clair answered that was the way the Appropriations Committee asks for the data, to support what was submitted back in September and what was submitted in September, was the organization of the 119th. That data is an example of why they have asked to provide updates.

Mr. Clair said just as a reminder that the Joint Rules speak to sending a report back time and Appropriations set one for the Legislative Council of February 15th, at 4:00 p.m. in the Appropriations Committee Room. He and Rose will be working on ~~the~~ that updated package of information, the various questions they have asked and then we will put that forth to you so you can review it at some amount and then make some kind of decision. Speaker Saxl asked Mr. Clair that before that February 15 meeting does it require action by the Council, an endorsement of the Legislative Budget or is that left to the last Council? Mr. Clair said that he thought it would be something that they would want to support the amount as it goes forward. Technically, they will be asking you to make a recommendation to them on the funding level for FY 02 and FY 03. Speaker Saxl said it may be appropriate to have a brief meeting next week before the February 15 Appropriations hearing so the Council could review any changes due to the new organizational structure of the Legislature that will occur in this budget and to take a vote if we are not successful in circulating a ballot.

No Council action required.

Item #3: Establishing An Early Deadline for Submission of Major Substantive Rules

David Boulter said the question he was posing to the Council was whether the Council would like to establish an early deadline for the filing of major substantive rules by

questions or comments before we entertain a motion to table the motion, or any other friendly amendments that would like see made before we circulate a ballot. Speaker Saxl asked that Sen. Daggett either go see him or Mr. Clair by the end of the business day tomorrow with any changes that she would like to see and we will have the motion prepared.

Rep. Bruno said the 4 members of the public, should it be specified that they need to be in the Augusta area or residents of Augusta. Speaker Saxl said 2 residents of Augusta, appointed by the Mayor of Augusta. Rep. Colwell said his constituents were very concerned about what happened in Capitol Park and perhaps they should say the Commissioners had to appoint residents of Kennebec County. Mr. Clair asked for a clarification - was that 4 members of the public who are residents of Kennebec County? Speaker Saxl said, 4 members of the public, 2 of them residents of Augusta and 2 are to be residents of the Capital area Kennebec County.

Motion: The Speaker entertained a motion to table, tabled by Sen. Davis, second by Rep. Colwell, 8-0 unanimous).

Item #2: Legislature's FY 2002-2003 "Part I" Budget Request

Mr. Clair gave a summary on the FY 2002-2003 budget. The public hearing was at 9:00 a.m. that day and that Sen. Davis and Speaker Saxl had attended parts of the hearing. The Committee had asked a lot of follow up questions and we are providing that information. We promised them the updated organizational charts, which are still under review in some offices. They want information on how the 120th organized itself and other questions that are fairly standard for the Committee to ask of an agency.

Sen. Small asked why the budget data referred to Senate Minority and Senate Majority. Mr. Clair answered that was the way the Appropriations Committee asks for the data, to support what was submitted back in September and what was submitted in September, was the organization of the 119th. That data is an example of why they have asked to provide updates.

Mr. Clair said just as a reminder that the Joint Rules speak to sending a report back time and Appropriations set one for the Legislative Council of February 15th, at 4:00 p.m. in the Appropriations Committee Room. He and Rose will be working on that updated package of information, the various questions they have asked and then we will put that forth to you so you can review it at some amount and then make some kind of decision. Speaker Saxl asked Mr. Clair that before that February 15 meeting does it require action by the Council, an endorsement of the Legislative Budget or is that left to the last Council? Mr. Clair said that he thought it would be something that they would want to support the amount as it goes forward. Technically, they will be asking you to make a recommendation to them on the funding level for FY 02 and FY 03. Speaker Saxl said it may be appropriate to have a brief meeting next week before the February 15 Appropriations hearing so the Council could review any changes due to the new organizational structure of the Legislature that will occur in this budget and to take a vote if we are not successful in circulating a ballot.

No Council action required.

Item #3: Establishing An Early Deadline for Submission of Major Substantive Rules

David Boulter said the question he was posing to the Council was whether the Council would like to establish an early deadline for the filing of major substantive rules by State agencies. The rules require legislative review. It is relevant only if the Legislature anticipates an adjournment earlier than the statutory date of June 20th. Mr. Boulter knew there has been discussion of an early adjournment, sometime around the 1st of June and if that was the case, or you anticipate that to be case, than you may want to entertain an earlier deadline for agencies. By way of background, certain rules have been designated by the Legislature as major substantive, in which case before they can be implemented they have to be presented to the Legislature for review and it is particularly significant because if it is presented and not acted upon by the Legislature, then the rules can go into effect without further action by the Legislature. It is unlike any other proposal, if the Legislature does not act, it does not go into effect, this is just the opposite. If it is an early adjournment, of around 3 weeks, that would cut the minimum review time for the Legislature from 45 to 28 days, which in his estimation is significant when you think about advertising. Virtually all of the proposals get a public hearing and the public has an opportunity to comment on them. Given the waning days of the session it seems very busy with a lot of session time, it would really potentially crimp the amount of time agencies could look at those rules, particularly if they were complex. The Council has two choices, one is to leave the deadline as it is now, which is May 4 or you could accelerate that deadline and set any time between, by statute, April 6 and May 4.

Speaker Saxl said clearly an earlier deadline needs to be set but asked Mr. Boulter to speak to the Executive Branch to find out what would be practical. Let them know our goal would be to set the deadline as April 6, and ask if that would be feasible for the Executive Branch. If not, what would be.

Moved by Sen. Bennett, second by Sen. Daggett, 8-0 unanimous.

Item #3: Submission of Study Reports

- Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine (pursuant to Resolve 1999, chapter 82)
- Citizens Advisory Committee to Secure the Future of Maine's Wildlife and Fish (pursuant to Resolve 1999, chapter 86)
- Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multi-agency Cooperation (pursuant to Resolve 1999, chapter 127, Part B)
- Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-Terrain Vehicles and Watercraft (pursuant to Resolve 1999, chapter 131)
- Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry (pursuant to P.L. 1999, Chapter 773)

- Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens (pursuant to H.P. 1857)
- Joint Select Committee on School-Based Health Care Services (pursuant to H.P. 1864)
- Committee to Study Further Decriminalization of the Criminal Laws of Maine (pursuant to H.P. 1914, as amended by Senate Amendment "A", S-722)
- Task Force to Study Growth Management (pursuant to Joint Order, S.P. 1090)
- Task Force on the Maine Learning Technology Endowment (pursuant to P.L. 1999, Chapter 731, Part FFF, Sec. FFF-2)

Motion: Move for acceptance of the Committee Reports. (Motion by Sen. Bennett, second by Sen. Daggett, 8-0 unanimous).

NEW BUSINESS

Item #1: Submission of Study Report

- Committee to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State (pursuant to H.P. 1755)

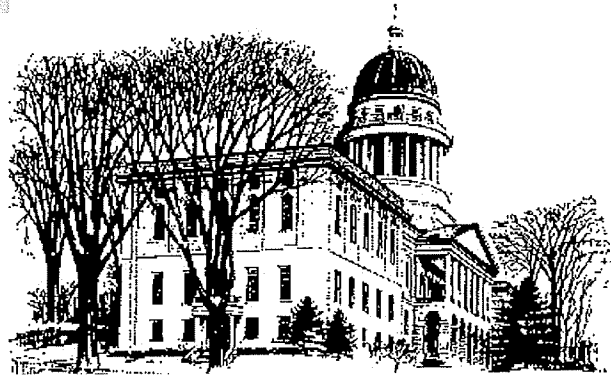
Motion: Move for acceptance of the Committee Report. (Motion by Sen. Bennett, second by Rep. Bruno, 8-0 unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Speaker Saxl moved that the Council adjourn at 2:37 p.m. (Motion by Sen. Bennett, second by Sen. Davis, unanimous).



Executive Director's Report

February 21, 2001

~~~~~

### **1. Capital Area Advisory Committee Update**

- Updated Legislative Council Rules;
- Letters to appointing authorities

### **2. LD 169 Update**

- Worksession scheduled for Wednesday,  
Feb. 28, 2001 at 1 pm

# **Fiscal Briefing for the Legislative Council**

**February 21, 2001**

*Prepared by the Office of Fiscal & Program Review*

- 1. Fiscal Note Production Update**  
*(see Attached Green Sheet)*
- 2. January Revenue Reports**  
*(see Attached Yellow Sheets)*
- 3. Schedule Reminder: Revenue Forecasting  
Committee Meeting - February 26, 2001**
- 4. Question-and-Answer**

Office of Fiscal and Program Review  
120th Legislature, First Regular Session  
Fiscal Note Production - Update

Original Bills - Printed LD's - Status of Fiscal Note Memos - As of 2/16/01

|                                                              |            |                   |
|--------------------------------------------------------------|------------|-------------------|
| Total LD's Printed                                           | <u>#'s</u> | <u>% of Total</u> |
| Number of LD's Printed                                       | 883        | 100.0%            |
| Fiscal Note Memos Completed                                  | 239        | 27.1%             |
| LD's with Public Hearing on or before 2/16/01                | <u>#'s</u> | <u>% of Total</u> |
| LD's Already Heard                                           | 169        | 100.0%            |
| LD's Already Heard - Fiscal Note Completed *                 | 135        | 79.9%             |
| LD's Already Heard - Not Completed                           | 34         | 20.1%             |
| * Includes LD's with No Fiscal Note Memo ("ONTP" or Amended) | 7          | 4.1%              |

Amendments - Requests for Fiscal Reviews - As of 2/16/01

|                                                     |            |                   |
|-----------------------------------------------------|------------|-------------------|
|                                                     | <u>#'s</u> | <u>% of Total</u> |
| Total Requests                                      | 24         | 100.0%            |
| Total Fiscal Reviews Completed                      | 16         | 66.7%             |
| Total Requests - Outstanding                        | 8          | 33.3%             |
| "Late" Fiscal Reviews (>5 working days to complete) | 2          | 8.3%              |

## Legislative Council - Fiscal Briefing - February 21, 2001

| <b>General Fund Revenue Variance Summary<br/>For the Month of January 2001</b> |                     |                                      |
|--------------------------------------------------------------------------------|---------------------|--------------------------------------|
| <b>Revenue Source</b>                                                          | <b>In Millions</b>  |                                      |
|                                                                                | <b>January 2001</b> | <b>Year-to-Date<br/>January 2001</b> |
| Sales and Use Tax                                                              | (\$7.5)             | (\$10.9)                             |
| Individual Income Tax                                                          | \$27.1              | \$27.9                               |
| Corporate Income Tax                                                           | (\$0.7)             | (\$1.3)                              |
| Cigarette and Tobacco Tax                                                      | (\$0.9)             | (\$0.9)                              |
| Public Utilities Tax                                                           | \$0.0               | \$0.1                                |
| Insurance Companies Tax                                                        | \$0.0               | \$0.7                                |
| Inheritance and Estate Tax                                                     | (\$1.6)             | (\$3.4)                              |
| Property Tax - Unorganized Territories                                         | \$0.0               | \$0.8                                |
| Income from Investments                                                        | (\$0.3)             | \$0.0                                |
| Transfer to Municipal Revenue Sharing                                          | (\$1.0)             | (\$0.8)                              |
| Transfer from Liquor                                                           | \$0.4               | \$1.5                                |
| Transfer from Lottery                                                          | (\$1.0)             | (\$0.5)                              |
| Other Revenues                                                                 | (\$0.3)             | (\$1.3)                              |
| <b>Total General Fund - Variances</b>                                          | <b>\$14.3</b>       | <b>\$12.0</b>                        |

| <b>Highway Fund Revenue Variance Summary<br/>For the Month of January 2001</b> |                     |                                      |
|--------------------------------------------------------------------------------|---------------------|--------------------------------------|
| <b>Revenue Source</b>                                                          | <b>In Millions</b>  |                                      |
|                                                                                | <b>January 2001</b> | <b>Year-to-Date<br/>January 2001</b> |
| Fuel Taxes                                                                     | \$0.8               | \$3.6                                |
| Motor Vehicle Registration and Fees                                            | \$0.7               | \$1.4                                |
| Inspection Fees                                                                | (\$0.2)             | (\$0.3)                              |
| Other Revenues                                                                 | \$0.0               | (\$0.6)                              |
| <b>Total Highway Fund - Variances</b>                                          | <b>\$1.4</b>        | <b>\$4.2</b>                         |

*Prepared by the Office of Fiscal and Program Review  
Based on Preliminary Data; Subject to Change*



STATE OF MAINE  
Undedicated Revenues - General Fund  
For the Seventh Month Ended January 31, 2001

Jan-01

|                                       | Month        |              |                          |                         | Year to Date  |               |                          |                         | Total Budgeted<br>Fiscal Year<br>Ending 6-30-2001 |
|---------------------------------------|--------------|--------------|--------------------------|-------------------------|---------------|---------------|--------------------------|-------------------------|---------------------------------------------------|
|                                       | Actual       | Budget       | Variance<br>Over/(under) | Percent<br>Over/(under) | Actual        | Budget        | Variance<br>Over/(under) | Percent<br>Over/(under) |                                                   |
| Sales and Use Tax                     | 72,078,581   | 79,564,807   | (7,486,226)              | (9.4%)                  | 446,780,079   | 457,705,313   | (10,925,234)             | (2.4%)                  | 833,200,000                                       |
| Individual Income Tax                 | 183,342,931  | 156,239,155  | 27,103,776               | 17.3%                   | 649,486,549   | 621,595,043   | 27,891,506               | 4.5%                    | 1,121,314,159                                     |
| Corporate Income Tax                  | 463,326      | 1,131,214    | (667,888)                | (59.0%)                 | 44,884,149    | 46,130,262    | (1,246,113)              | (2.7%)                  | 113,548,431                                       |
| Cigarette and Tobacco Tax             | 4,664,363    | 5,583,103    | (918,740)                | (16.5%)                 | 44,696,588    | 45,543,338    | (846,750)                | (1.9%)                  | 77,466,005                                        |
| Public Utilities Tax                  | -            | -            | -                        | -                       | (82,754)      | (150,000)     | 67,246                   | (44.8%)                 | 29,800,000                                        |
| Insurance Companies Tax               | 12,928       | 30,970       | (18,042)                 | (58.3%)                 | 7,357,823     | 6,658,828     | 698,995                  | 10.5%                   | 39,993,634                                        |
| Estate Tax                            | 1,070,351    | 2,712,102    | (1,641,751)              | (60.5%)                 | 11,457,826    | 14,809,712    | (3,351,886)              | (22.6%)                 | 32,753,971                                        |
| Property Tax - Unorg Territory        | -            | -            | -                        | -                       | 8,399,884     | 7,622,802     | 777,082                  | 10.2%                   | 9,213,301                                         |
| Income from Investments               | 933,903      | 1,200,841    | (266,939)                | (22.2%)                 | 9,508,558     | 9,495,613     | 12,945                   | 0.1%                    | 17,000,000                                        |
| Transfer to Municipal Revenue Sharing | (13,050,127) | (12,083,694) | (966,433)                | 8.0%                    | (58,198,690)  | (57,396,967)  | (801,723)                | 1.4%                    | (105,471,192)                                     |
| Transfer from Liquor Commission       | 1,701,102    | 1,291,513    | 409,589                  | 31.7%                   | 15,171,341    | 13,623,963    | 1,547,378                | 11.4%                   | 21,477,758                                        |
| Transfer from Lottery Commission      | 2,164,863    | 3,162,210    | (997,347)                | (31.5%)                 | 21,824,119    | 22,341,913    | (517,794)                | (2.3%)                  | 37,975,384                                        |
| Other Revenues                        | 10,774,217   | 11,012,625   | (238,408)                | (2.2%)                  | 73,571,013    | 74,871,196    | (1,300,183)              | (1.7%)                  | 133,033,766                                       |
| Total General Fund Revenues           | 264,156,437  | 249,844,846  | 14,311,591               | 5.7%                    | 1,274,856,485 | 1,262,851,016 | 12,005,469               | 1.0%                    | 2,361,305,217                                     |

NOTES: (1) Included in the above is \$13,050,127 for the month and \$58,198,690 year to date, that was set aside for Revenue Sharing with cities and towns.

(2) In addition to the amounts above, \$1,152,347 was transferred from the Maine Rainy Day Fund to Municipal Revenue Sharing in accordance with PL 1999 Chapter 528, October 1999.

(3) Figures reflect revised estimates of the Revenue Forecasting Committee as of November 1999.

(4) This report has been prepared from preliminary month end figures and is subject to change.

(Data Source: Bureau of Accounts & Control)

**HIGHWAY FUND**  
**UNDEDICATED REVENUE**  
**MONTH ENDING January 31, 2001**

|                                           | <u>CURRENT MONTH</u> |                      |                     | <u>YEAR TO DATE</u>   |                       |                     | <u>%<br/>REC'D<br/>TO<br/>DATE</u> | <u>TOTAL<br/>BUDGETED</u> |
|-------------------------------------------|----------------------|----------------------|---------------------|-----------------------|-----------------------|---------------------|------------------------------------|---------------------------|
|                                           | <u>ACTUAL</u>        | <u>BUDGET</u>        | <u>MORE/LESS</u>    | <u>ACTUAL</u>         | <u>BUDGET</u>         | <u>MORE/LESS</u>    |                                    |                           |
| Fuel Taxes                                | \$ 15,520,534        | \$ 14,682,639        | \$ 837,895          | \$ 94,781,567         | \$ 91,135,896         | \$ 3,645,671        | 53.4%                              | \$ 177,634,606            |
| Motor Vehicle<br>Registration<br>and Fees | 5,391,131            | 4,657,350            | 733,781             | 41,134,909            | 39,740,406            | 1,394,503           | 56.9%                              | 72,356,030                |
| Inspection<br>Fees                        | 141,521              | 282,191              | (140,670)           | 1,115,868             | 1,395,681             | (279,813)           | 46.1%                              | 2,421,945                 |
| Other Revenue                             | 711,838              | 781,935              | (70,097)            | 6,151,221             | 6,722,541             | (571,321)           | 53.8%                              | 11,443,386                |
| <b>TOTAL</b>                              | <b>\$ 21,765,024</b> | <b>\$ 20,404,115</b> | <b>\$ 1,360,909</b> | <b>\$ 143,183,565</b> | <b>\$ 138,994,524</b> | <b>\$ 4,189,041</b> | <b>54.3%</b>                       | <b>\$ 263,855,967</b>     |
| <b>Variance<br/>MORE/&lt;LESS&gt;</b>     |                      |                      | <b>6.7%</b>         |                       |                       | <b>3.0%</b>         |                                    |                           |

MAINE STATE LEGISLATURE  
Report to the Legislative Council  
Office of Legislative Information Services  
February 21, 2001

Migration Project:

- The process to convert the WANG Statutes database to the new client/server database has been finalized and is in final development.
- Defining bill drafting systems security levels and security management process is in process.
- Development of the interface between the drafting system and the Legislative data repository is more than 50% complete.
- During the week of March 19<sup>th</sup>, Compaq will install the "production" version of the bill drafting application. Technical systems and application integration testing will start at that time.
- OIS is working with IRC on the development of the interface between the LDR and IRC's Legislative Management System.
  - The transfer process from the Wang to the LDR to LMS has been developed and is now being tested/tuned
  - The transfer process from LMS to the LDR is awaiting action
  - OIS is also providing Java Script development support to IRC

Compaq Contract Amendment:

- Directed by the 119<sup>th</sup> Legislative Council to reduce the contract fixed price from \$4.5 million to \$4.2 million
- Contract Amendment 1
  - Reduces contract scope of work - \$223,000
  - Reduces vendor provided software licenses - \$42,000
  - Price adjustment re: delay - \$35,000
- AG's Office has reviewed the proposed contract amendment with the resulting AG's Office recommendations reflected in the document.
- Compaq has reviewed and approved the proposed contract amendment.




**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

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

**MEMORANDUM**

**TO:** The Honorable Michael V. Saxl, Chair  
The Honorable Richard A. Bennett, Vice-Chair  
Legislative Council  
And Honorable Members of the Legislative Council

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

**DATE:** February 21, 2001

**RE:** Legislative Studies Update

---

I have attached a summary of the legislative study commissions authorized by the 119<sup>th</sup> Legislature during its Second Regular Session and their status. I am pleased to report that all legislative studies have now concluded, with the exception of 4 studies that were authorized for a 2-year period. These 4 studies, noted in the attachment, are scheduled to conclude in December, 2001.

I would be happy to answer any questions at the Legislative Council Meeting.

Attachment

c: The Honorable Michael H. Michaud, Senate President  
Jim Clair, Executive Director, Legislative Council

FEB 21 2001

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

## **Progress Report on Legislative Studies**

(Studies authorized or undertaken during 119th Legislature, 2nd Regular Session)

Status as of Wednesday, February 21, 2001

| <u><b>Study Commission</b></u>                                                                                                                                                                                                        | <u><b>Date First Convened</b></u> | <u><b>Date, Time &amp; Location of Next Meeting</b></u> | <u><b>Report Date</b></u>                                           | <u><b>Status/Progress of Study Commission</b></u>                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Access to Private and Public Lands in Maine,</b><br>Committee to Study (HP 1951)                                                                                                                                                   | 8/14/00                           | no more meetings                                        | 12/15/00<br>2 <sup>nd</sup> extension<br>requested until<br>2/26/01 | Draft report complete. Final edits & printing.                                                                                                                                                                        |
| <b>Bomb Threats in Maine Schools,</b> Joint Study<br>Committee to Study (HP 1938)                                                                                                                                                     | 8/17/00                           | no more meetings                                        | 11/01/00                                                            | Study completed. Report issued 11/00.                                                                                                                                                                                 |
| <b>Child Abuse,</b> Commission on the Study and Prevention of<br>(HP 1930)                                                                                                                                                            | 9/5/00                            | no more meetings                                        | 11/01/00                                                            | Study completed. Report issued 11/01/00.                                                                                                                                                                              |
| <b>Council on Children and Families</b> and the Governor's<br>Children's Cabinet (on-going) (LD 2679) PL 1999, c. 785                                                                                                                 | N/A                               | N/A                                                     | Annually                                                            | On-going. Meets 3 times a year                                                                                                                                                                                        |
| <b>Decriminalization of the Criminal Laws of Maine,</b><br>Committee to Study Further<br>(HP 1914)                                                                                                                                    | 9/12/00                           | no more meetings                                        | 12/15/00                                                            | Study completed. Report issued 1/5/01. Legislation filed.                                                                                                                                                             |
| <b>Domestic Violence,</b> Commission to Study (LD 2651)<br>Resolves 1999, c. 126                                                                                                                                                      | 9/27/00                           | TBA                                                     | 12/05/01                                                            | Fourth meeting was held on 01/29/01; discussion regarding<br>further meetings during session – unsure of scope of work.                                                                                               |
| <b>Economic Development Incentive Commission</b> (5<br>MRSA §10370-L, §§5)                                                                                                                                                            |                                   |                                                         | 12/1/00 target;<br>deadline not<br>specified                        | Report to be issued shortly.                                                                                                                                                                                          |
| <b>Educational Programming at Juvenile<br/>Correctional Facilities,</b> Improve (LD 2608)<br>[a: Task Force on Educational Programming at Juvenile<br>Correctional Facilities; b: Policy Review Council]<br>(LD 2608) PL 1999, c. 770 | 9/15/00                           | no more meetings                                        | 12/15/00                                                            | Study completed. Report issued 1/31/01.                                                                                                                                                                               |
| <b>Environmental Leadership Program,</b> Commission to<br>Study the Establishment of an (LD 1562) Resolves 1999, c.<br>134                                                                                                            | New appointments<br>required      | not scheduled                                           | 12/01/01                                                            | Not convened. Chair appointments need to be made, due to<br>resignations This is a 2-year study.                                                                                                                      |
| <b>Foreign Investments and Foreign Purchasing by<br/>the State,</b> Commission to Study Economically and<br>Socially Just Policies for (LD 2461) Resolves 1999, c. 135                                                                | 9/25/00                           | no more meetings                                        | 12/31/00                                                            | Study completed. Report issued 1/31/01.                                                                                                                                                                               |
| <b>Forest Products Industry,</b> Round Table to Study<br>Economic and Labor Issues Relating to the (LD 2005)<br>Resolves 1999, c. 124                                                                                                 | 10/25/00                          | no more meetings til 7/9/01                             | 12/05/01                                                            | The Round Table will take a temporary hiatus during session and<br>reconvene in July. Next, will hold 2 public hearings during<br>summer to gather feedback on recommendations. Will prepare<br>final report in fall. |

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken during 119th Legislature, 2nd Regular Session)**  
**Status as of Wednesday, February 21, 2001**

| <b><u>Study Commission</u></b>                                                                                                                                               | <b><u>Date First Convened</u></b> | <b><u>Date, Time &amp; Location of Next Meeting</u></b> | <b><u>Report Date</u></b>                  | <b><u>Status/Progress of Study Commission</u></b>                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft</b> , Commission to Study Equity in the Distribution of (LD 2645) Resolves 1999, c. 131 | 8/29/00                           | TBA<br>if authorized                                    | 12/06/00                                   | Current study concluded and report issued. Legislation to reauthorize this Commission (LD 28) was voted unanimous OTP by IFW Committee. |
| <b>Gasoline and Fuel Prices</b> , Committee on (HP 1774)                                                                                                                     | 9/7/00                            | no more meetings                                        | 12/15/00                                   | Study completed. Report issued in December, 2000.                                                                                       |
| <b>Governor Baxter School for the Deaf</b> , Committee to Develop a Compensation Program for Victims of Abuse at the (LD 1620) Resolves 1999, c. 127                         |                                   | no more meetings                                        | 11/01/00<br>Received extension to 12/1/00  | Study completed. Report issued in December, 2000.                                                                                       |
| <b>Growth Management</b> , Task Force to Study (JO SP 1090)                                                                                                                  | 8/31/00                           | no more meetings                                        | 11/01/00<br>Received extension to 12/15/00 | Study completed. Submitted report.                                                                                                      |
| <b>Home-Heating Costs</b> , Reduce Burden of (Resolves 1999, c. 132)                                                                                                         | 8/30/00                           | N/A                                                     | 11/1/00                                    | Study completed. Submitted report.                                                                                                      |
| <b>Income Tax Exemptions</b> (36 MRSA §197-199)                                                                                                                              | 8/24/00                           | Not scheduled                                           | 1/1/01                                     | Submitted report.                                                                                                                       |
| <b>Internet Policy</b> , Blue Ribbon Commission to Establish a Comprehensive (LD 2557) PL 1999, c. 762                                                                       | 1999                              | no more meetings                                        | 11/15/00                                   | Study completed. Report issued in December, 2000. 3 bills submitted (LDs 270, 298, 299)                                                 |
| <b>Judicial Compensation Commission</b> (4 MRSA §1701)                                                                                                                       |                                   | no more meetings                                        | 12/1/00                                    | Study completed. Report issued in November, 2000.                                                                                       |
| <b>Learning Technology Endowment</b> , Task Force on the Maine (LD 2510), PL 1999, c. 731, Part FFF                                                                          | 9/7/00                            | no more meetings                                        | 1/15/01                                    | Study completed. Report issued 1/31/01.                                                                                                 |
| <b>MCJUSTIS/MEJIS</b> - Errors and Inconsistencies in the Laws of Maine, Correct (LD 2334) PL 1999, c. 790                                                                   | 1998                              | no more meetings                                        | 01/31/01                                   | Study completed. Legislation completed. Final Report submitted by MCJUSTIS.                                                             |
| <b>Performance Budgeting</b> , Commission on (5 MRSA c. 1510C)                                                                                                               |                                   |                                                         | 1/15/01                                    | New appointments required, not yet made.                                                                                                |
| <b>Psychiatric Treatment Initiative</b> , Joint Select Committee on the (JO - HP 1955)                                                                                       | 9/11/00                           | no more meetings                                        | 11/1/00                                    | Study completed. Report issued 11/1/00.                                                                                                 |
| <b>Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens</b> , Joint Select Committee to Study the Creation of a Public/Private (HP 1857)               | 9/19/00                           | no more meetings                                        | 12/01/00                                   | Study completed. Report issued 12/00; legislation drafted for introduction.                                                             |

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken during 119th Legislature, 2nd Regular Session)**  
**Status as of Wednesday, February 21, 2001**

| <b><u>Study Commission</u></b>                                                                                                                                    | <b><u>Date First Convened</u></b> | <b><u>Date, Time &amp; Location of Next Meeting</u></b> | <b><u>Report Date</u></b>                                 | <b><u>Status/Progress of Study Commission</u></b>                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Retail Rate Reimbursement for Parts &amp; Labor</b> (PL 1999, c. 766)                                                                                          | 8/10/00                           | no more meetings                                        | 11/1/00<br>Requested extension to 12/1/00                 | Study completed. Submitted report.                                                                                                                                                                                                                                                            |
| <b>Retirement System</b> , Study Pension Plan Design and Benefits Under the Maine State ( <u>Labor Committee's interim work</u> ) (LD 835)                        | 6/26/00                           | no more meetings                                        | N/A                                                       | Recommendations presented to 120 <sup>th</sup> Labor Committee.                                                                                                                                                                                                                               |
| <b>Joint Rules</b> , Joint Select Committee on                                                                                                                    | 9/7/00                            | none scheduled                                          | 09/29/00                                                  | Study completed. Joint Rules for 120 <sup>th</sup> Legislature adopted.                                                                                                                                                                                                                       |
| <b>Salmonoid Sport Fish in Maine</b> , Commission to Study the Needs and Opportunities Associated with the Production of (LD 986) Resolves 1999, c. 82 (on-going) | 1999                              | TBA                                                     | 9/30/00<br>Received extension to 12/31/00                 | Study completed. Report issued on 12/00. Legislation to be introduced to reauthorize for additional 2 years..                                                                                                                                                                                 |
| <b>School-based Health Care Services</b> , Joint Select Committee on (HP 1864)                                                                                    | 8/15/00                           | no more meetings                                        | 12/01/00                                                  | Study completed. Report issued 12/00; legislation drafted for introduction                                                                                                                                                                                                                    |
| <b>Solid Waste Hauling and Disposal Industry</b> , Task Force to Study Market Power Issues Related to the (LD 2442) PL 1999, c. 773                               | 8/28/00                           | not scheduled                                           | 12/6/00<br>Interim Report<br><br>12/5/01<br>Final Report  | Interim report issued on 1/26/01. Task Force not authorized to submit legislation. Study continues next interim, with data collection occurring during session.                                                                                                                               |
| <b>State Compensation Commission</b> (3 MRSA §2-B)                                                                                                                |                                   | not scheduled                                           | 1/1/02                                                    | No plans to meet                                                                                                                                                                                                                                                                              |
| <b>Veterans of the Vietnam War</b> , Resolve to Recognize in the State House Hall of Flags (LD 2471) Resolves 1999, c. 113                                        | 9/25/00                           | next meeting TBA                                        | 11/1/00<br><br>12/01/01<br>Proposed new final report date | Report completed as required by original legislation in November. However, the Department of Defense, Veterans and Emergency Management is submitting legislation to extend the deadline for the Commission to make its recommendation on a design for a plaque and flag to December 1, 2001. |
| <b>Wildlife and Fish</b> , Citizens Advisory Committee to Secure the Future of Maine's Resolves 1999, c. 86 (on-going)                                            | 10/99                             | no more meetings                                        | 12/15/00                                                  | Study completed. Report issued on 1/25/01.                                                                                                                                                                                                                                                    |
| <b>Year 2000 Computer Problem</b> , Joint Select Committee on the Year (JO SP 190) (continuation)                                                                 | 1999                              | no more meetings                                        | none                                                      | Study completed. Interim report issued 12/99. No more meetings planned. Completed as of December 6, 2000.                                                                                                                                                                                     |

G:\STUDIES\STATSTUDIES01-01.DOC 2/21/01 9:08 AM

**Manager's Savings Ideas - To - Date**  
**(In Response to the Budget Subcommittee Discussion)**

1. Limit staff in-state and out-of-state travel.
2. Lengthen replacement policy on certain equipment.
3. Longevity bonuses.
4. Review step increase policy.
5. WAN changes.
6. Reducing hours of operation.
7. Limit mailings.
8. Review/limit certain publication costs.
9. Review non-Chamber session staff.
10. Have "frequent flyer" miles accrue to the Legislature for future use.

02/21/01





**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

**TASK FORCE ON EDUCATIONAL PROGRAMMING  
AT JUVENILE CORRECTIONAL FACILITIES**

February 2001

The Honorable Michael V. Saxl, Chair  
The Honorable Richard A. Bennett, Vice-Chair  
Legislative Council  
115 State House Station  
Augusta, ME 04333

Dear Representative Saxl and Senator Bennett:

This letter is to inform you that the Task Force on Educational Programming at Juvenile Correctional Facilities has submitted the attached report including recommended legislation to the 120<sup>th</sup> Maine Legislature, pursuant to P.L. 1999, chapter 770. Copies of the report have been transmitted to the Joint Standing Committees on Education and Cultural Affairs, Criminal Justice and Health and Human Services. Copies of the report have also been placed on the file with the Law and Legislative Reference Library.

Sincerely,

*Robert E. Murray, Jr.*

Sen. Robert E. Murray, Jr., Co-chair

*Shirley K. Richard*

Rep. Shirley K. Richard, Co-chair

cc: Senate President Michael H. Michaud  
Jim Clair, Executive Director, Legislative Council  
Members of the Legislative Council  
David E. Boulter, Director, Office of Policy and Legal Analysis

**FEB 14 2001**

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

MARGARET E. MATHESON  
Revisor of Statutes

JUZANNE M. GRESSER  
Principal Attorney

EDWARD A. CHARBONNEAU IV  
MARK A. SWANSON  
Legislative Attorneys



MAINE STATE LEGISLATURE  
OFFICE OF THE REVISOR OF STATUTES  
STATE HOUSE STATION 7  
AUGUSTA, MAINE 04333-0007  
(207) 287-1650  
FAX: (207) 287-6468

KIM M. ALLEN  
JUDITH L. PAQUETTE  
JAY SELBERG  
Paralegals

**Date:** February 21, 2001

**To:** Michael V. Saxl, Chair of the Legislative Council  
Richard A. Bennett, Vice Chair of the Legislative Council  
Members of the Legislative Council

**Cc:** Michael H. Michaud, Senate President

**From:** Margaret E. Matheson, Revisor *MEM*

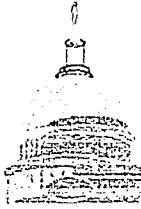
**RE:** DRAFTING STATUS REPORT

As of this morning, drafting statistics for live requests are as follows:

- More than 1130 have been sent to the chambers for introduction;
- About 365 are out for review and signature, more than 300 of which are still subject to the change cycle;
- About 380 are in production in the Revisor's Office, about 70 of which are undergoing the change cycle; and
- About 45 are in the drafting process.

To date, 19 after deadline requests have been accepted.

G/letters120th/stats0221



# **The Legislative Study Commission Process: Recommendations for Improvement**

## **Special Committee to Review the Study Commission Process**

### **Introduction**

Each session the Maine Legislature considers numerous bills that would make 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 same session in which it is introduced, some legislation warrants further deliberation or study before a final decision is made. When additional time or information is needed to fully evaluate issues, the Legislature often establishes a special committee or commission to: study the matter during the interim between legislative sessions; evaluate options; and make recommendations to the full legislature for consideration. Conducting legislative studies is an important way in which the Legislature can become informed on complex matters of public policy.

Over the last decade, the manner in which study commissions have been established and members appointed has changed dramatically, creating a study commission process that increasingly results in late convening study commissions and a cumbersome appointment process. As a result, study commissions often work under nearly impossible schedules to complete their work and legislators often find that they represent a minority of members on study commissions and have little ability to direct the course of legislative studies.

### **Review of current process**

- ♦ Frustrations and inefficiencies with the current study process led to a sense among legislators and others that the process can be improved significantly: improvements that will result in both an increased satisfaction with the process by study commission members and a greater sense of contribution to the legislative process through more thorough and timely study reports.
- ♦ On November 12, 1997, Speaker of the House Elizabeth H. Mitchell convened a special committee to review the study commission process and develop recommendations by January 1998 for improving the process.

### **Summary of findings**

- ♦ From 1940 until the 1980's, virtually all legislative studies were authorized through the use of a form of joint order called a study order. Study orders were directed to joint standing committees or joint select committees. Most of the members of the study committees were legislators.
- ♦ In the 1980's study orders continued to be used although most studies by joint standing committees were authorized by the Legislative Council. On rare occasions, a resolve, private and special law or unallocated public law was enacted to establish a study.
- ♦ From approximately 1987 on, the number of studies established by legislation, rather than by study order or Legislative Council authorization, increased steadily. This year over 35 studies were authorized and only 2 were pursuant to joint order.

- With the current process, there are significant procedural barriers to conducting effective and timely legislative studies. These barriers have developed over a period of a decade or so and have resulted in a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, study and report on matters in a timely fashion, and compensate members equitably.
- These barriers produce an environment that is not conducive to careful evaluation of important policy issues and options, and ultimately lead to a decline in the overall quality and relevance of legislative studies.
- Making relatively few, but important, changes to the current study commission process will dramatically improve the effectiveness of legislative study commissions, allow for efficient convening and conduct of study commissions and bring the process more in line with the process historically used by the Legislature to conduct studies.
- Foremost among the changes are the use of study orders as the primary legislative instrument to establish study committees, greater use of joint standing and select committees as study committees and greater legislative influence in the selection of study commission members.

### Recommendations for improvement

- |                                                                                                                  |                                                                                                           |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Reaffirm legislative policy on legislative studies                                      | <input type="checkbox"/> Fund studies through legislative appropriations                                  |
| <input type="checkbox"/> Return to use of joint standing & joint select committees as principal study committees | <input type="checkbox"/> Establish a formal study table                                                   |
| <input type="checkbox"/> Use study orders as principal instrument for establishing studies                       | <input type="checkbox"/> Staff legislative studies using Legislative Council staff                        |
| <input type="checkbox"/> Presiding officers should appoint members                                               | <input type="checkbox"/> Place responsibility in offices to coordinate the convening of study commissions |
| <input type="checkbox"/> Presiding officers should appoint chairs                                                | <input type="checkbox"/> Actively manage study expenses                                                   |
| <input type="checkbox"/> Keep size of study commissions manageable                                               | <input type="checkbox"/> Provide formal guidance for drafting study orders and legislation                |
| <input type="checkbox"/> Compensate members of study commissions equitably                                       | <input type="checkbox"/> Specify study commission process in Joint Rules and Legislative Council policies |
| <input type="checkbox"/> Conclude studies before start of legislative sessions                                   |                                                                                                           |

### Implementation

Implementation of some or all of the recommendations for improvement requires:

- amending Joint Rules to specify major aspects of legislative study process; and
- developing new or updated Legislative Council policies and guidance for studies.

120<sup>th</sup>Joint Rules

revenues, the policy committees shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' priorities for final passage of these bills.

**Rule 315. Interim Committee Activities.**

The chairs of a joint standing committee may request and upon finding of need the President of the Senate and the Speaker of the House are authorized to jointly grant permission to a committee to meet out of session to conduct work of the committee, including review of agencies' effectiveness under the Government Evaluation Act, review of major substantive rules and agency regulatory agendas under the Administrative Procedure Act and review of agency strategic planning and performance budgeting submissions under Title 5, chapter 151-C.

**Subpart B  
Special Legislative Committees****Rule 351. Joint Select Committees.**

A joint select committee consists of 3 Senators and 7 members of the House of Representatives, unless the order creating the committee provides a different number.

When a select committee is appointed by both chambers the Secretary of the Senate and the Clerk of the House shall inform each other of the names of the members so that the names may be entered upon the Advance Journal and Calendar of each chamber.

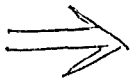
**Rule 352. Committees of Conference.**

When the chambers do not agree on an action, a committee of conference is in order. A committee of conference consists of 3 members from each chamber who voted on the prevailing side. A committee of conference shall meet and submit a report within 10 legislative days to the chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee report may be either accepted or rejected, but no other action may be had except through another committee of conference. If necessary, a new committee of conference may be formed.

**Rule 353. Legislative Study Committees.**

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and other members to conduct studies. Alternatively it may refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

- **1. Establishing study committees and commissions.** Legislative study committees may be established by joint order, law or resolve. Studies that must be established by law or resolve include those that will:
  - A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or
  - B. extend beyond the current legislative biennium.



- Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.
- **2. Appointment of members.** Unless otherwise specified, the members of study committees established by joint order must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.
- **3. Appointment of chairs.** Study committees established by joint order must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.
- **4. Committee size.** Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.
- **5. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. 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.
- **6. Reporting dates.** All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.
- **7. Extension of reporting dates.** Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.
- **8. Study table.** All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the

beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.

#### **Rule 354. Joint Select Committee on Joint Rules.**

There is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

The Joint Select Committee on Joint Rules shall review and make recommendations concerning the Legislative Council. This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council. This section of the Joint Rules may be approved by a majority vote following the report of the Joint Select Committee on Joint Rules. Any change to the title of the Legislative Council in the Joint Rules may also be changed by majority vote.

The committee shall report by October 15th, in the even numbered years with any suggested changes to the Joint Rules.



---

---

**SPECIAL COMMITTEE TO  
REVIEW THE STUDY COMMISSION PROCESS**

**FINAL REPORT**

**JANUARY 16, 1998**



## Special Committee to Review the Study Commission Process

January 16, 1998

The Honorable Elizabeth H. Mitchell, Speaker  
Maine House of Representatives  
Office of the Speaker  
State House  
Augusta, Maine 04333

Dear Speaker Mitchell:

The Special Committee to Review the Study Commission Process is pleased to submit the attached report that discusses the current legislative study process and makes recommendations for improvement. We appreciated the opportunity to study this issue and offer our suggestions for your consideration.

The committee reviewed the current study commission process and identified a number of barriers to establishing legislative study commissions and conducting timely and efficient studies. These barriers decrease the ability of the Legislature to direct the course of its own studies to meet legislative needs. The committee concluded that making relatively few, but important, changes to the current study commission process would significantly improve the effectiveness of study commissions and allow for efficient convening and conduct of the commissions. The areas where a change may improve the process are reflected in the 15 recommendations made by the committee.

We would be pleased to review our findings and recommendations with you in some detail and answer any questions you may have about the process or this report.

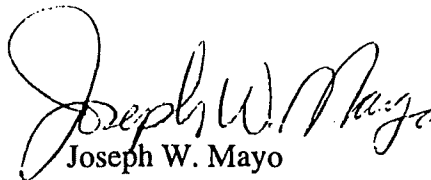
Sincerely,



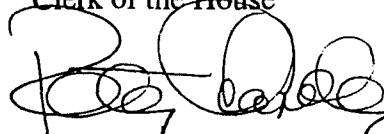
Joy J. O'Brien  
Secretary of the Senate



Peggy Schaffer, Special Assistant  
Speaker's Office



Joseph W. Mayo  
Clerk of the House



Peter Chandler, Chief of Staff  
Senate President's Office



David E. Boulter, Director  
Office of Policy and Legal Analysis

attachment

## **Table of Contents**

|                                                       |                 |
|-------------------------------------------------------|-----------------|
| <b>Executive Summary .....</b>                        | <b><i>i</i></b> |
| <b>Introduction .....</b>                             | <b>1</b>        |
| <b>Special Committee's Charge .....</b>               | <b>2</b>        |
| <b>Special Committee Meetings .....</b>               | <b>2</b>        |
| <b>Background and Historical Perspective.....</b>     | <b>2</b>        |
| <b>Authority for Studies .....</b>                    | <b>3</b>        |
| <b>Summary of Findings.....</b>                       | <b>4</b>        |
| <b>General Observations and Findings.....</b>         | <b>4</b>        |
| <b>Purposes and Goals of Legislative Studies.....</b> | <b>4</b>        |
| <b>Major Problems Identified .....</b>                | <b>5</b>        |
| <b>Recommendations for Improvement .....</b>          | <b>12</b>       |
| <b>Appendices .....</b>                               | <b>17</b>       |

**Special Committee to  
Review the Study Commission Process**

**Final Report**

**January 16, 1998**

**Special Committee Members**

**Joseph W. Mayo, Clerk of the House**

**Joy J. O'Brien, Secretary of the Senate**

**Peter Chandler, Chief of Staff, Senate President's Office**

**Peggy Schaffer, Special Assistant, Speaker's Office**

**David E. Boulter, Director, Office of Policy and Legal Analysis**

## **Executive Summary**

### **Introduction**

Each session the Maine Legislature considers numerous bills that would make 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 same session in which it is introduced, some legislation warrants further deliberation or study before a final decision is made. When additional time or information is needed to fully evaluate issues, the Legislature often establishes a special committee or commission to: study the matter during the interim between legislative sessions; evaluate options; and make recommendations to the full legislature for consideration.

Over the last decade, the manner in which study commissions have been established and members appointed has changed dramatically, creating a study commission process that increasingly results in late convening study commissions and a cumbersome appointment process. As a result, study commissions often work under nearly impossible schedules to complete their work and legislators often find that they represent a minority of members on study commissions and have little ability to direct the course of legislative studies.

On November 12, 1997, Speaker of the House Elizabeth H. Mitchell convened a special committee to review the study commission process and develop recommendations by January 1998 for improving the process.

### **Summary of findings**

From 1940 until the 1980's, virtually all legislative studies were authorized through the use of a form of joint order called a study order. Study orders were directed to joint standing or joint select committees. Most of the members of the study committees were legislators. In the 1980's study orders continued to be used although most studies by joint standing committees were authorized by the Legislative Council. On rare occasions, a resolve, private and special law or unallocated public law was enacted to establish a study. From approximately 1987 on, the number of studies established by legislation, rather than by study order or Legislative Council authorization, increased steadily. This year, over 35 studies were authorized and only 2 were pursuant to joint order.

The committee finds that there are significant procedural barriers to conducting effective and timely legislative studies. These barriers have developed over a period of a decade or so and have resulted in a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, study and report on matters in a timely fashion, and compensate members equitably. These barriers produce an environment that is not conducive to careful evaluation of important policy issues and options, and ultimately lead to a decline in the overall quality and relevance of legislative studies.

**5. Presiding officers appoint chairs.** Except in the case where a study commission is very small (e.g., 3 to 5 members), each study commission should have joint chairs, one appointed by the President and one appointed by the Speaker. The chairs should be appointed at the time of appointment of the other members. In the case of a small study commission, the chair should be appointed by the presiding officer of the body of the originating order or legislation.

**6. Keep size of study commissions manageable.** The committee recommends that the size of study commissions be at least 3 but not more than 13 members, a size consistent with that of joint standing committees.

**7. Compensate members of study commissions equitably.** The committee recommends that as a matter of policy all members of study commissions, including public members unless otherwise compensated by their employers, be entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study commission.

**8. Conclude studies prior to start of legislative sessions.** The committee recommends that all reports of study commissions which are to be submitted to the first regular session of the next or subsequent legislature be submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature, and all reports of study commissions which are to be submitted to the second regular session be submitted not later than the first Wednesday in December preceding the convening of the second regular session.

**9. Fund studies through legislative appropriations.** The committee recommends that all legislative studies be funded through an appropriation from the General Fund, and the legislative account include a study line to which studies should be budgeted and study expenses charged. If funding from other sources is determined to be necessary, the Legislative Council rather than study commission members should make the requests for funds.

**10. Establish formal study table.** The committee recommends that the Legislature establish a study table in the Senate on which all legislative study requests, regardless of their funding source, be placed. It further recommends that the Legislative Council review the proposed studies and set priorities for allocation of budgetary and staffing resources. In setting priorities for studies, the Council should consult with the joint standing committees.

**11. Staff only legislative studies using Legislative Council staff.** The committee recommends that legislative studies be staffed by non-partisan staff assigned by the Legislative Council, and that the Legislature provide staffing only for studies that are either chaired by legislators or in which legislators constitute the majority of members.

**12. Place responsibility in offices to coordinate the convening of study commissions.** The committee recommends that responsibility for the timely and orderly convening of legislative study commissions be placed in each office that is responsible for staffing the committees. The coordinating office or offices should provide the presiding officers with periodic reports on the progress being made to convene study commissions.

**5. Presiding officers appoint chairs.** Except in the case where a study commission is very small (e.g., 3 to 5 members), each study commission should have joint chairs, one appointed by the President and one appointed by the Speaker. The chairs should be appointed at the time of appointment of the other members. In the case of a small study commission, the chair should be appointed by the presiding officer of the body of the originating order or legislation.

**6. Keep size of study commissions manageable.** The committee recommends that the size of study commissions be at least 3 but not more than 13 members, a size consistent with that of joint standing committees.

**7. Compensate members of study commissions equitably.** The committee recommends that as a matter of policy all members of study commissions, including public members unless otherwise compensated by their employers, be entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study commission.

**8. Conclude studies prior to start of legislative sessions.** The committee recommends that all reports of study commissions which are to be submitted to the first regular session of the next or subsequent legislature be submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature, and all reports of study commissions which are to be submitted to the second regular session be submitted not later than the first Wednesday in December preceding the convening of the second regular session.

**9. Fund studies through legislative appropriations.** The committee recommends that all legislative studies be funded through an appropriation from the General Fund, and the legislative account include a study line to which studies should be budgeted and study expenses charged. If funding from other sources is determined to be necessary, the Legislative Council rather than study commission members should make the requests for funds.

**10. Establish formal study table.** The committee recommends that the Legislature establish a study table in the Senate on which all legislative study requests, regardless of their funding source, be placed. It further recommends that the Legislative Council review the proposed studies and set priorities for allocation of budgetary and staffing resources. In setting priorities for studies, the Council should consult with the joint standing committees.

**11. Staff only legislative studies using Legislative Council staff.** The committee recommends that legislative studies be staffed by non-partisan staff assigned by the Legislative Council, and that the Legislature provide staffing only for studies that are either chaired by legislators or in which legislators constitute the majority of members.

**12. Place responsibility in offices to coordinate the convening of study commissions.** The committee recommends that responsibility for the timely and orderly convening of legislative study commissions be placed in each office that is responsible for staffing the committees. The coordinating office or offices should provide the presiding officers with periodic reports on the progress being made to convene study commissions.

**13. Actively manage study expenses.** The committee recommends that study commissions and study staff be charged with primary responsibility for managing study budgets and be accountable to the Legislative Council for operating within budgeted resources.

**14. Provide formal guidance for drafting study orders and legislation.** The committee recommends that proposed drafting guidelines for study orders and legislation be prepared by non-partisan staff and submitted at the beginning of each first regular session for review and approval by the Legislative Council. The guidelines should provide for model orders and legislation that include all necessary elements to properly convene and carry out a study, including language for extensions of reporting dates for studies that whenever possible permit extensions to be granted without having to file legislation for that extension.

**15. Specify study commission process in joint rules and Legislative Council policies.** The committee recommends the Legislature incorporate appropriate changes to its joint rules so the rules establish the major provisions of the legislative process and policies relating to legislative studies. The committee also recommends that prior to the convening of the first regular session of the 119th Legislature, the Legislative Council adopt administrative policies necessary to implement the changes to the study commission process recommended in this report.

## **Special Committee to Review the Study Commission Process**

### **Introduction**

Each session the Maine Legislature considers numerous bills that would make 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 same session in which it is introduced, some legislation warrants further deliberation or study before a final decision is made. In addition, there are times when the legislature wishes to seek additional information or comment from others on matters of legislative interest before initiating major changes in public policy, law or governmental operations. When additional time or information is needed to fully evaluate issues, the Legislature often establishes a special committee or commission to: study the matter during the interim between legislative sessions; evaluate options; and make recommendations including proposed legislation to the full legislature for consideration. The Legislature has made extensive use of studies over the years and has coordinated the establishment and conduct of study commissions through a legislative research committee or the Legislative Council.

Over the last decade, the manner in which study commissions have been established and members appointed has changed dramatically. This change and other factors have contributed to a study commission process that increasingly results in late convening study commissions and a cumbersome appointment process. As a result, study commissions often work under nearly impossible schedules to complete their work and frequently have to narrow the scope of their study in spite of their legislative charge in order to present their report in time for the Legislature to consider it. Legislators often find that they represent a minority of members on study commissions and have little ability to direct the course of legislative studies. In addition, the current process results in inequities in funding of studies and in compensation of study commission members.

These factors have led to a sense among legislators and others involved with legislative study commissions that the process can be improved significantly: improvements that will result in both an increased satisfaction with the process by study commission members and a greater sense of contribution to the legislative process through more thorough and timely study reports.

On November 12, 1997, Speaker of the House Elizabeth H. Mitchell convened a special committee to review the study commission process and develop recommendations by January 1998 for improving the process.



### **Special committee's charge**

The committee was charged with examining the current legislative process for establishing interim study commissions and recommending ways to improve the process. Specifically, the committee was to examine:

1. the legislative instrument(s) used to establish study commissions and committees, particularly the use of joint orders and legislation (enactment of a bill);
2. commission membership and appointing authority;
  - ♦ joint appointments
  - ♦ representation of non-legislative groups and organizations and sources of authority for appointment
3. staffing of study commissions;
4. compensation of members; and
5. funding of study commissions.

### **Special committee meetings**

The committee met on November 24, December 2, December 8, December 18 and December 23, 1997 and January 16, 1998. It reviewed various study commission-related materials, current statutes, joint rules of the Legislature and past study orders and bills. The following represents the findings of the special committee and its recommendations for improvement.

### **Background and historical perspective**

In 1940, the Legislature enacted a bill that established the Legislative Research Committee. The research committee consisted of 10 members: 3 senators and 7 representatives. It was charged with providing the legislature with impartial and accurate information and reports. The committee coordinated all studies internal to the legislature and also required agencies to conduct studies. It is of some interest that the bill became law when the Legislature overwhelmingly overrode the Governor's veto of the bill. The research committee existed until 1973 when the Legislative Council was established.

From 1940-1973, virtually all legislative studies were authorized through the use of a form of joint order called a study order. Study orders directed joint standing committees or the Legislative Research Committee to study and report on certain matters, and established joint select committees. Members of these committees were legislators. Some study orders requested or directed the participation of others, notably executive branch agencies.

From 1973 to approximately 1987, virtually all legislative studies were conducted through joint standing or joint select committees, again the members being legislators. Study orders were the principal means of establishing the studies although in the 1980's, studies by joint standing committees were authorized by the Legislative Council. On rare occasions, a resolve, private and special law or unallocated public law was enacted to establish a study. For example, according to records in the Law and Legislative Reference Library, 52 studies were authorized in 1977: 51 were established by study order and 1 by a P&S law. Studies authorized by legislation were usually associated with some longer term study commission (for example Low Level Radioactive Waste Commission).

From 1987 on, the number of studies established by legislation (rather than by joint order or Legislative Council authorization) steadily increased. This year, over 35 studies were authorized and only 2 were pursuant to joint order. It is unclear exactly why there has been such a shift from study orders to legislation as the vehicle to establish studies. An increased opportunity for interest groups to have a voting member on a study committee is one explanation that has been offered.

The Legislative Council has served as a priority-setting and coordinating entity for the Legislature with respect to legislative studies since the elimination of the Legislative Research Committee.

#### General observations:

- ♦ For nearly 50 years until the late 1980's and the 1990's, the primary vehicle used by the legislature for establishment of legislative studies appears to have been study orders (and more recently Legislative Council approval for studies by joint standing committees); extensive use of legislation to establish study commissions appears to be a recent development.
- ♦ The Legislature has a long history of authorizing a research committee or the Legislative Council to coordinate and set priorities for legislative studies.

#### Authority for studies

The general authority to establish legislative study commissions or joint committees rests with the full legislature through enactment of legislation or adoption of an order, except that the presiding officers at their discretion have authority to establish House select and Senate select committees.

Study legislation is binding on all branches of state government to which it is directed. On the other hand, study orders are binding on the legislative branch and can invite, but not compel, participation or action by another branch of state government. Even though study orders are more limited in their application, study orders may still create studies that allow participation of other branches of government or members of the

general public. For example, a study order can direct a study committee to invite the participation of certain agencies or groups in a study, including testifying before it or presenting information. Alternatively, it can direct the appointing authorities to invite a representative of an agency or group to be a member of the study committee. As with legislatively authorized studies, most if not all invited persons would likely accept the opportunity to join a study committee.

Pursuant to 3 MRSA §162(3), when the Legislature is not in session the Legislature Council is authorized to assign bills, resolves and studies to existing joint standing committees and joint select committees for consideration, request reports, studies and legislation from joint standing committees and convene meetings of joint standing committees and joint select committees.

Pursuant to 3 MRSA § 162(8), all appropriations or allocations by the Legislature for specific studies to be carried out by joint standing or joint select committees do not lapse, but are carried forward. Account balances not fully expended are refunded to the Legislature. Certain other budget requirements are specified in 3 MRSA § 165(7).

### **Summary of findings**

The committee finds that there are significant procedural barriers to conducting effective and timely legislative studies. These barriers have developed over a period of a decade or so and have resulted in a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, provide adequate staff support, study and report on matters in a timely fashion, and compensate members equitably. These barriers produce an environment that is not conducive to careful evaluation of important policy issues and options, and ultimately lead to a decline in the overall quality and relevance of legislative studies.

The committee also finds that making relatively few, but important, changes to the current study commission process will dramatically improve the effectiveness of legislative study commissions, allow for efficient convening and conduct of study commissions and bring the process more in line with the process historically used by the Legislature to conduct studies. Foremost among the changes is the use of study orders as the primary legislative instrument to establish study committees and greater legislative influence in the selection of study commission members.

### **General observations and findings**

#### **1. Purposes and goals of legislative studies**

The primary purpose of legislative studies, unlike studies conducted by executive branch agencies or non-governmental organizations, is to assist legislators directly with policy decisions they must make. Legislatively conducted studies:

- ♦ provide legislators with information to fully understand complex issues and make informed decisions on matters of public policy and operations of state government;
- ♦ present excellent opportunities to bring outside subject area experts to the legislature to share their knowledge;
- ♦ provide an important forum to educate the public on legislative issues and other matters of public policy; and
- ♦ allow the legislature to direct the areas of study to meet its own information needs and appropriately shape policy recommendations from a legislative perspective.

## **2. Major problems identified**

The committee finds that virtually all of the problems associated with the current study commission process may be grouped into four broad categories: lack of legislative control over legislative studies; cumbersome procedures for establishing study commissions; inconsistencies in funding studies and compensation for members; and inconsistencies among study commissions due to a lack of drafting guidelines for creating study commissions and establishing uniform study procedures.

### **A. Legislators are not in charge of legislative studies**

- ♦ Legislators constitute a minority of membership on most study commissions.
- ♦ The current study process does not allow legislators to be in charge of legislative studies; it merely provides a legislative seat at the table. Therefore, legislators cannot direct studies to meet legislative needs.
- ♦ The executive branch and special interests exert a great influence in determining the structure and makeup of study commissions, and the scope and manner of study.
- ♦ The process for selection of a chair is often undefined or the selection is made after the commission is convened. The presiding officers or other legislators have little direct influence in selection of the study commission chair.
- ♦ Presiding officers have limited discretion to appoint study commission members due to required joint appointments, including joint appointments with the executive branch, or through selection criteria that allow little legislative discretion.
- ♦ When legislators do not constitute a majority of membership or chair a study, the role of legislative staff who staff the studies becomes confused.
- ♦ Fiscal note concerns lead to minimizing legislative membership on studies.

- ♦ Use of legislation to establish legislative studies requires the Governor's approval.

**Discussion.** As was discussed above, the principal legislative instrument for establishing legislative study commissions over the last decade has become legislation. For example, of the 38 legislative studies authorized this session, 30 (79%) were through enactment of legislation, 5 by Legislative Council approval (including 3 staff studies), 1 by authority of the presiding officers and only 2 (5%) by joint order. As with any other law, study legislation is subject to all of the Constitutional requirements for passage, including opportunity for gubernatorial or a people's veto, and may not become effective (unless passed as emergency legislation) until 90 days after the end of the legislative session. By definition, this means that: 1) the Governor must agree that the Legislature ought to study a particular issue; and 2) studies cannot get underway until well after the end of the legislative session.

Many recent study commissions have had a membership of 15 or more individuals, with legislators comprising a minority of the membership even though they are legislative studies. It is not unusual for legislators to represent 25 % or less of a commission's membership. In some cases, there have been no legislators. Whereas in the past, departmental officials, special interest groups and members of the general public participated in legislative studies by appearing before and offering information to the study commission, in recent years they have been sitting directly on the commissions as fully participating, voting members. In some cases, they even chair study commissions. In order to minimize the fiscal impact of studies, joint standing committees and legislators sponsoring study legislation often will minimize the number of legislators on study commissions, further exacerbating the minority status of legislators on legislative studies. It is difficult for legislators to exert control over studies or final recommendations when they constitute a minority of the study commission.

Furthermore, legislative committee staff who provide staffing support to the study commissions find themselves taking primary direction from non-legislators, including executive branch officials, when legislators do not chair or constitute a majority of the commission membership. This represents an awkward role for legislative staff and limits the support staff can give to those legislators who do serve on the commissions.

Study legislation typically provides the President and the Speaker with the authority to make the legislative appointments, though study legislation often limits their appointments to either appointing the members jointly (sometimes jointly with the Governor) or appointing individuals to fill certain narrowly prescribed "slots" representing particular special interest groups. Legislation typically provides that the Governor or interest groups make the other appointments.

Selection of the chair of a study commission often is not specified in the enabling legislation. When chair selection is not specified, it is left to the study commission members to select a chair from among themselves. While other members sometimes will

defer to appointed legislators to serve as chairs, not all members will do so. In some cases, departmental officials as well as private sector individuals will chair legislative studies. By not specifying the chair or directing that the presiding officers appoint the chair of the study commission, the Legislature foregoes its opportunity to decide who should head the study to assure that legislative procedures, protocols and purposes are met.

**B. Process for establishing study commissions is cumbersome and causes delay**

- ♦ Use of legislation to create study commissions means a significant delay (90 days or more) in the startup of the studies unless the legislation is enacted as an emergency measure. For example, the Legislature adjourned sine die on June 20, 1997, but non-emergency study legislation (enacted much earlier than June 20) could not take effect until September 19, 1997 at the earliest. Delays in the actual convening of study commissions are often significantly longer than 90 days.
- ♦ Joint appointments slow appointment selection.
- ♦ The administrative process for appointing and convening study commissions is fragmented among numerous legislative offices. While those legislative offices have some involvement in the study commission process, no individual or office has overall accountability to assure that each aspect is completed in a timely manner.
- ♦ Without an early selection of a chair to provide direction, commission schedules and background information cannot be prepared to allow for an efficient start of the study process.
- ♦ The size of most study commissions is unwieldy and often too large to be effective.
- ♦ There is no formal mechanism such as a study table for setting legislative priorities and allocating resources to studies.

**Discussion.** In recent years study commissions have been established through enactment of legislation (bills) which, following passage by the Legislature and approval by the Governor, is not effective until 90 days following the close of the session.

The interim period between legislative sessions is a good time to conduct studies since legislators and committee staff can devote more time to studies. The interim between the first and second regular sessions typically is about 6 months. In most cases, however, studies created by legislation will not begin until at least 90 days following the close of the session. Allowing a little time for appointment of members of the study commission once the law is in effect, a study commission often will not be convened until at least early October, only a couple of months before the Legislature reconvenes.

Study legislation requiring the President and the Speaker to make their appointments to study commissions jointly or jointly with the Governor creates logistical difficulties. It also unduly constrains the authority of the presiding officers to make appointments as they deem appropriate. The sheer logistics of developing multiple lists of names of potential appointees and meeting to negotiate each joint appointment is time consuming and unnecessarily burdensome on the appointment process. Furthermore, requiring the presiding officers to make their appointments jointly with the Governor severely undermines the independence of the legislative branch and allows the executive branch to block appointees to which it does not agree. The Governor's appointments typically are not required to be approved by the presiding officers.

Much study legislation of late has prescribed certain qualifying requirements for study commission appointees, in effect "slots" that also limit the discretion of the presiding officers in making their appointments. Some are less troublesome, such as such as requiring a particular joint standing committee to be represented on a study commission. Others, however, relate to special interest groups or other non-legislative appointees and the criteria for appointment are so specific as to require the presiding officers to appoint an individual from a specific organization.

In at least one study (P&S 1997, c.51) this session, some of the study commission members were appointed by neither the Governor nor the presiding officers. The law called for the chair of the study commission to appoint 6 of the 14 members, once the chair was appointed from among the initial group of 8 appointees. The manner and quality of appointments determine in large measure the quality of the study and the credibility of the study commission. Legislation such as this affords the Legislature little opportunity to assure quality or credibility.

Because in many cases the selection of chair is not made at the outset of the appointment process, there is no legislator or other individual who is authorized to provide direction to staff in preparing useful background materials in advance of the first meeting, developing agendas or work plans for the study, lining up policy area experts or coordinating the scheduling of initial meetings. Without this advance planning, it is difficult for study commissions to organize themselves quickly and effectively to carry out their charge.

Study commissions that have large memberships can become unwieldy. Some recent study commissions have had in excess of 20 members. Most appointees have work, home or other obligations that create demands for their time. As a result, significant logistical difficulties are often encountered with large study commissions that slow the study process, such as trying to schedule meetings when most members can attend. In addition, very large groups may tend to divide into factions, thus creating less opportunity for full participation by all members and less opportunity to develop a strong sense of working together to find common ground on issues.

The offices of the President and the Speaker assist the presiding officers in contacting and appointing study commission members and in sending initial letters of appointment to appointed members. The Secretary of the Senate and the Clerk of the House are notified of the appointments. The Legislative Information Office then contacts members to arrange the initial meeting of study commissions and prepares a notice of the meeting for mailing to the members. The Executive Director's Office convenes study commissions in the absence of the Chair of the Legislative Council and is responsible for commission budgets. Once the appointments are completed and the initial meeting arranged, staff from the Office of Fiscal and Program Review and Office of Policy and Legal Analysis staff the study commissions. This process creates numerous opportunities for misstep, delay and lack of awareness of the status of the process by one or more offices. Each step in the process of convening a study commission needs to be coordinated so the process proceeds smoothly and expeditiously.

There is no study table or other formal mechanism by which the Legislature may set legislative priorities for studies and allocate its limited financial and staffing resources. There have been informal approaches by the Legislative Council to review proposed studies, including some this past session. However, there is no formally established, predictable process for reviewing all studies regardless of funding source to decide legislative priorities for studies.

**C. Compensation of members & funding of studies are inconsistent & inequitable**

- ♦ Compensation for legislative members has been inconsistent between study commissions, resulting in inequitable treatment of members. Some members receive per diem and expenses, others receive expenses only and some serve without compensation.<sup>1</sup>
- ♦ Compensation for public members is inconsistent and often lacking.
- ♦ Study costs are difficult to manage due to the lack of a study line in the legislative budget, and the lack of a clearly defined process for the tracking and timely reporting of costs.
- ♦ Because study costs are not budgeted in advance, sponsors attempt to avoid or minimize fiscal notes on study bills by minimizing or eliminating compensation for members.
- ♦ Studies predicated on non-legislative funding create actual funding and public perception problems.

---

<sup>1</sup> This past session, the Legislative Council attempted to establish a consistency among studies with regard to legislative compensation for study proposals it reviewed.



**Discussion.**

The current study commission process creates noticeable inequities in compensation of study commission members, wide variability in funding of studies based on funding sources, and difficulty in planning for and managing study costs. These problems are due principally to the lack of 3 things:

- ♦ uniform legislative policy on compensation of members and funding of studies that would assure consistency between studies. Absence a joint rule or other policy guidance, study proposals vary widely in how studies are to be funded and members compensated due to the preferences of particular joint standing committees to which they are referred or individual sponsors;
- ♦ a formal study table that would allow the Legislature (leadership) to: 1) budget for study costs; and 2) comprehensively review all proposed studies at one time, consult with committees about study needs, and then set priorities for studies based upon availability of budgetary and staffing resources; and
- ♦ a clearly defined process for tracking and reporting study costs that would make study commissions more accountable for their costs and allow the Legislature to actively manage study costs.

As with studies conducted by executive branch agencies or other entities, legislative studies incur costs. Those costs may include payment of a per diem and reimbursement of expenses to some or all members of a study commission to attend meetings, costs of bringing in policy area experts, costs of holding regional hearings, and printing, distribution and other report publication expenses. While costs vary widely depending on the size of study commissions and their specific needs, most legislative studies costs are relatively modest, averaging under \$4,000 per study.<sup>2</sup> These study costs are either absorbed by existing budgeted resources or more likely paid through a special appropriation associated with each study.

Regardless of the costs of studies, costs should be managed. A study line to which all study expenses are charged would help the legislature plan for study costs and fund studies within available budgeted resources. In addition, regular status reports on study costs as studies are on-going would allow the presiding officers and the Legislative Council to manage study costs, and assist them in understanding the fiscal implications of time extensions or other requests by study commissions. Study commission chairs and commission staff have an obligation to stay within their budgets, but to do that they must have frequent and timely status reports on study budgets and expenses.

---

<sup>2</sup> Because most legislative studies are staffed by Legislative Council staff, staffing costs are absorbed by existing legislative personnel budgets.

In order to avoid a fiscal note on a study bill, sponsors or committees sometimes propose that legislative studies be funded through solicitations from the private sector. This sometimes poses funding problems; private sector funding does not always materialize, resulting in unbudgeted expenses that must then be absorbed by the legislative account. In addition, solicitation of private sector funds (particularly from those interests affected by a study) can undermine the credibility of a legislative study due to public perceptions about study bias.

**D. Lack of drafting guidelines leads to inconsistency in how study commissions are established and an inefficient process**

- ♦ Purposes, goals, and scope of studies often are vague in study legislation.
- ♦ Current study language for study bills and amendments varies considerably depending on the sponsor or committee.
- ♦ Mechanisms for extension of reporting dates are cumbersome and result in after-the-fact submission of additional bills.

**Discussion.**

Study commission members and staff benefit from clear statements of purpose for studies and the scope of review expected. Current study language is often vague with respect to purpose and does not clearly state the scope of review expected. When study language is being drafted, greater attention needs to be given to clearly stating the questions to be examined and the specific tasks to be undertaken.

Study commissions should be encouraged to complete their work and file their report by the established deadlines. Currently, if a study commission will not meet its reporting deadline, it files a request for extension. Depending on the language of the study bill, extensions may be granted by the Legislative Council or may require additional legislation. The legislation is almost always after-the-fact. Ideally, if an extension becomes necessary, the mechanism for extending the reporting date should not be cumbersome or create additional work for the Legislature (such as bills). Careful attention needs to be given to preparing language in study bills to make clear that commissions do not lose their authority to submit a final report or legislation solely due to a missed reporting deadline. Whenever possible, extension language should be drafted to permit extensions to be granted without having to file additional legislation for that purpose.

The lack of drafting guidelines formally authorized for use by staff creates inconsistencies in drafting study language. In addition, without the guidelines, there is no formal procedure to assure that each study proposal will contain the essential administrative provisions. In the past, proposed drafting guidelines were prepared by non-partisan staff and submitted at the beginning of the first regular session for review and approval. Those guidelines included model language for each element of a study

proposal including sample language for the range of options available. Numerous potential problem areas could be avoided by re-instituting drafting guidelines for studies.

**Recommendations for improvement.**

**1. Reaffirm legislative policy on legislative studies.**

The committee recommends that the Legislature reaffirm in its joint rules that the primary purpose of legislative studies is to assist legislators in the policy decisions they must make and for that reason the Legislature should establish and fully direct the course and scope of studies in ways that will assure the studies will best meet legislative needs.

**2. Return to use of joint standing and joint select committees as principal study committees.**

The committee recommends that the Legislature return to the use of joint standing and joint select committees as the principal groups to conduct legislative studies. Legislators should constitute the membership of these legislative study commissions. Use of task forces or blue ribbon commissions that include broad representation of non-legislators with full, voting memberships should be reserved for high profile or other special occasions when participation by prestigious outside dignitaries or direct representation of another branch of government or interest groups on a study commission is essential to the success of the study.

**3. Use study orders as principal legislative instrument for establishing studies.**

The committee recommends that, in keeping with recommendation #2, study orders, approved jointly by the Senate and the House, be the principal legislative instrument for establishing legislative studies involving joint standing committees and joint select committees. Proposed study orders should be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Furthermore, the committee recommends that the joint standing committees have authority to report out joint orders requesting that a study be conducted. Joint orders should be prepared in accordance with procedures specified in the Joint Rules.

Use of legislation as a vehicle for establishing study commissions should be used only when:

- ♦ a study is to be conducted by a task force or blue ribbon or other commission involving substantial participation by non-legislators; or
- ♦ a study is proposed to extend beyond the current legislative biennium.

It is further recommended that if legislation is to be used to establish a legislative study, it first be approved for introduction by the Legislative Council.

**4. Presiding officers appoint members.**

The committee recommends that the members of a legislative study commission be appointed by the presiding officers. Study language should not require that joint appointments be made and should not narrowly prescribe membership slots to be filled for a study.

**5. Presiding officers appoint chairs.**

Except in the case where the size of a study commission is very small (e.g., 3 to 5 members) each study commission should have joint chairs, one appointed by the President and one appointed by the Speaker. The chairs should be appointed at the time of appointment of the other members. The chair of a study commission having 5 or less members should be appointed by the presiding officer of the body of the originating study order or legislation.

**6. Keep size of study commissions manageable.**

The committee recommends that the size of study commissions be at least 3 but not more than 13 members, a size consistent with that of joint standing committees.

**7. Compensate members of study commissions equitably.**

The committee recommends the following with respect to compensation of members.

For legislative members: Legislative members should be entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study commission.

For public members (when studies require such members): Public members not otherwise compensated by their employers or other entities whom they represent should be eligible to receive reimbursement of necessary expenses and a per diem equal to that of the legislative per diem for their attendance at authorized meetings of a study commission.

---

**8. Conclude studies prior to start of legislative sessions.<sup>3</sup>**

The committee recommends that all reports of study commissions which are to be submitted to the first regular session of the next or subsequent legislature be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature, and all reports of study commissions which are to be submitted to the second regular session be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports should be submitted in final draft form to the Revisor of Statutes by the reporting date. These reporting dates will allow any recommended legislation be drafted and the report distributed in a timely manner. The dates also will minimize workload conflicts with study committee staff who have bill drafting and joint standing committee staffing responsibilities in addition to study responsibilities.

**9. Fund studies through legislative appropriations.**

The committee recommends that all legislative studies be funded through an appropriation from the General Fund, and the legislative account include a study line to which studies should be budgeted and study expenses charged.

The committee further recommends that, in the event the Legislature determines that other funds should be sought to support a study, requests to provide funding be made to appropriate entities by the Legislative Council rather than by study commission members. A strict accounting should be kept of the receipt and use of such funds.

**10. Establish formal study table.**

The committee recommends that the Legislature establish a study table in the Senate on which all legislative study requests, regardless of their funding source, be placed. It further recommends that the Legislative Council review the proposed studies and set priorities for allocation of budgetary and staffing resources. In setting priorities for studies, the Council should consult with the joint standing committees.

**11. Staff only legislative studies using Legislative Council staff.**

The committee recommends that legislative studies be staffed by non-partisan staff assigned by the Legislative Council, and that the Legislature provide staffing only for studies that are either chaired by legislators or in which legislators constitute the majority of members. If, due to resource limitations or for other reasons, existing

---

<sup>3</sup> There is no recommendation regarding how soon studies may be started since that has not been a problem. With the use of study orders, studies could presumably begin prior to the end of a legislative session. The members of the select committee presume that studies would not be started until after the end of a session due to time constraints of an on-going session on legislators and staff.

legislative staff will not be staffing a study commission, the Legislative Council should approve any non-legislative personnel hired to provide the staffing.

**12. Place responsibility in offices to coordinate the convening of study commissions.**

The committee recommends that responsibility for the timely and orderly convening of legislative study commissions be placed in each office that is responsible for staffing the committees. The coordinating office or offices should provide the presiding officers with periodic reports on the progress being made to convene study commissions.

**13. Actively manage study expenses.**

The committee recommends that study commissions and study staff be charged with primary responsibility for managing study budgets and be accountable to the Legislative Council for operating within budgeted resources. In order to achieve that accountability:

- ♦ study committee chairs and staff should be provided with frequent status reports on study budgets, expenditures incurred and available funds;
- ♦ while the studies are on-going, the presiding officers and directors of offices that staff the studies should receive weekly status reports of study commission budgets, expenditures incurred and available funds;
- ♦ study orders establishing studies should allow the chairs flexibility in determining the number of meetings to be held for each study based upon the individual needs of the study commission so long as the commission does not exceed its authorized budget; and
- ♦ each study commission should prepare a work plan and proposed budget for the study, consistent with 3 MRSA § 165(7).

**14. Provide formal guidance for drafting study orders and legislation.**

The committee recommends that proposed drafting guidelines for study orders and legislation be prepared by non-partisan staff and submitted at the beginning of each first regular session for review and approval by the Legislative Council. The guidelines should provide for model orders and legislation that include all necessary elements to properly convene and carry out a study, including but not limited to:

- ♦ study purpose statements stating the questions to be examined and the specific tasks to be undertaken;

- ♦ model language for each element of a study proposal including sample language for the range of options available; and
- ♦ language for extensions of reporting dates for studies that whenever possible permit extensions to be granted without having to file legislation for an extension and that makes clear that commissions do not lose their authority to submit a final report or legislation solely due to a missed reporting deadline.

**15. Specify study commission process in joint rules and Legislative Council policies.**

The committee recommends the Legislature incorporate appropriate changes to its joint rules so the rules establish the major provisions of the legislative process and policies relating to legislative studies. Recommended joint rule changes reflecting the committee's recommendations are attached as Appendix 2 for consideration. The committee also recommends that prior to the convening of the first regular session of the 119th Legislature, the Legislative Council adopt administrative policies necessary to implement the changes to the study commission process recommended in this report.

## **Appendices**

- Appendix 1**      **Summary of legislative studies authorized during the First Regular and First Special Sessions of the 118th Legislature**
- Appendix 2**      **Recommended changes to the Joint Rules**
- Appendix 3**      **November 12, 1997 letter convening the Special Committee**

G:\OPLAADMSTUDY\STUDFIN2.DOC (01/16/98 2:07 PM)



# Interim Study Commissions Authorized by the 118th Legislature

| Name of Legislative Study                                                                                                               | Legislative Instrument | Authorizing Legislation        | Number of Members | Number/Percent of Legislators | Staffing                  | Convening Date     | Selection of Chair                     | Joint Appointments  |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|-------------------|-------------------------------|---------------------------|--------------------|----------------------------------------|---------------------|
| Jt. Select Committee on Research and Development                                                                                        | Joint Order            | S.P. 669                       | 14                | 14 (100%)                     | OPLA                      | September 24, 1997 | among the members                      | President & Speaker |
| Jt. Select Committee to Oversee Maine Yankee Atomic Power Company                                                                       | Joint Order            | H.P. 345                       | 13                | 13 (100%)                     | OPLA                      | August 27, 1997    | chairs of Utilities & Energy Committee | President & Speaker |
|                                                                                                                                         |                        |                                |                   |                               |                           |                    |                                        |                     |
| Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine            | Legislation            | Resolves 1997, c. 85 (LD 1905) | 12                | 3 (25%)                       | OPLA                      | December 1, 1997   | among the members                      | no joint appts.     |
| Commission to Determine the Adequacy of Services to Persons with Mental Retardation                                                     | Legislation            | Resolves 1997, c. 79 (LD 581)  | 17                | 3 (18%)                       | OPLA                      | September 29, 1997 | among the members                      | President & Speaker |
| Commission to Examine the Rate Setting and the Financing of Long-term Care Facilities                                                   | Legislation            | Resolves 1997, c. 81 (LD 657)  | 15                | 4 (27%)                       | OPLA                      | November 3, 1997   | appointed by the Governor (NL)         | President & Speaker |
| Commission to Study Certificate of Need Laws                                                                                            | Legislation            | Resolves 1997, c. 29 (LD 998)  | 15                | 2 (13%)                       | DHS                       | October 28, 1997   | among the members                      | President & Speaker |
| Commission to Study Insurance Fraud                                                                                                     | Legislation            | Resolves 1997, c. 77 (LD 933)  | 12                | 2 (17%)                       | Bureau of Insurance, OPLA | October 17, 1997   | among the members                      | no joint appts.     |
| Commission to Study the Development of Maine's Franco-American Resource                                                                 | Legislation            | Resolves 1997, c. 83 (LD 1603) | 27                | 4 (15%)                       | University of Maine       | October 15, 1997   | among its members (NL)                 | no joint appts.     |
| Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities | Legislation            | Resolves 1997, c. 72 (LD 944)  | 13                | 3 (23%)                       | OPLA                      | December 5, 1997   | among the members                      | President & Speaker |

## Interim Study Commissions Authorized by the 118th Legislature

| Name of Legislative Study                                                                                                                          | Legislative Instrument | Authorizing Legislation        | Number of Members | Number/Percent of Legislators | Staffing               | Convening Date     | Selection of Chair                       | Joint Appointments              |
|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|-------------------|-------------------------------|------------------------|--------------------|------------------------------------------|---------------------------------|
| Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine               | Legislation            | P.L. 1997, c. 557 (LD 1897)    | 20                | 4 (20%)                       | contracted             | October 17, 1997   | among the members (NL)                   | President & Speaker             |
| Commission to Study the Unemployment Compensation System                                                                                           | Legislation            | Resolves 1997, c. 65 (LD 332)  | 11                | 4 (36%)                       | OPLA                   | September 24, 1997 | among the legislative members            | no joint appts.                 |
| Commission to Study the Use of Pharmaceuticals in Long Term Care Settings                                                                          | Legislation            | Resolves 1997, c. 71 (LD 146)  | 10                | 3 (30%)                       | OPLA                   | January 5, 1998    | among the members (NL)                   | Governor, Speaker and President |
| Committee to Study Tax Relief and Tax Reform                                                                                                       | Legislation            | P.L. 1997, c. 557 (LD 1897)    | 13                | 13 (100%)                     | OFPR                   | August 28, 1997    | chairs of Taxation Committee             | no joint appts.                 |
| Maine Commission on Children's Health Care                                                                                                         | Legislation            | P.L. 1997, c. 560 (LD 1904)    | 16                | 7 (44%)                       | SPO, OPLA              | October 14, 1997   | Jointly by Governor, President & Speaker | President & Speaker             |
| Maine Commission on Outstanding Citizens                                                                                                           | Legislation            | Resolves 1997, c. 64 (LD 1610) | 8                 | 1 (12%)                       | Legislative Council    | January 5, 1998    | among the members                        | President & Speaker             |
| State Compensation Commission                                                                                                                      | Legislation            | P.L. 1997, c. 506 (LD 1391)    | 5                 | 0 (0%)                        | OFPR                   | not yet convened   | among the members (NL)                   | no joint appts.                 |
| Study Group to Assess the Needs of the State Fire Marshal                                                                                          | Legislation            | Resolves 1997, c. 10 (LD 359)  | 13                | 1 (8%)                        | Dept. of Public Safety | August 1997        | among the members (NL)                   | President & Speaker             |
| Subcommittee on Legislative Review of DEP's Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act | Legislation            | Resolves 1997, c. 57 (LD 1651) | 5                 | 5 (100%)                      | OPLA                   | September 26, 1997 | n/a                                      | n/a                             |
| Subcommittee on Legislative Review of Revisions to the State's Clean Air Strategy                                                                  | Legislation            | P.L. 1997, c. 531 (LD 1058)    | 5                 | 5 (100%)                      | OPLA                   | no meetings        | n/a                                      | n/a                             |

## Interim Study Commissions Authorized by the 118th Legislature

| Name of Legislative Study                                                                                                            | Legislative Instrument | Authorizing Legislation        | Number of Members | Number/Percent of Legislators | Staffing               | Convening Date     | Selection of Chair                                                 | Joint Appointments               |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|-------------------|-------------------------------|------------------------|--------------------|--------------------------------------------------------------------|----------------------------------|
| Subcommittee Progress Meetings with DMHMR/SAS and DHS on Design of Comprehensive Mental Health Services Delivery System for Children | Legislation            | Resolves 1997, c. 80 (LD 1744) | 3                 | 3 (100%)                      | OPLA                   | June 23, 1997      | n/a                                                                | n/a                              |
| Task Force on Improving Access to Prescription Drugs for the Elderly                                                                 | Legislation            | P.L. 1997, c. 560 (LD 1904)    | 9                 | 4 (44%)                       | OPLA                   | December 4, 1997   | jointly by President & Speaker                                     | joint appt. of chair only        |
| Task Force on Information Technology in the Public Sector                                                                            | Legislation            | P.L. 1997, c. 554 (LD 1589)    | 24 minimum        | 2 (8%)                        | DAFS, SPO              | not convened       | a legislator and the Commissioner of DAFS                          | no joint appts.                  |
| Task Force on Production and Issuance of Registration Plates                                                                         | Legislation            | P.L. 1997, c. 311 (LD 260)     | 11                | 4 (36%)                       | Sec. of State          | September 12, 1997 | among the members                                                  | no joint appts.                  |
| Task Force on Regional Service Center Communities                                                                                    | Legislation            | Resolves 1997, c. 78           | 13                | 3 (23%)                       | SPO                    | November 13, 1997  | among the members                                                  | no joint appts.                  |
| Task Force on State and Federal Tax Filing                                                                                           | Legislation            | Resolves 1997, c. 66 (LD 1368) | 11                | 3 (27%)                       | Maine Revenue Services | November 24, 1997  | among the members                                                  | no joint appts.                  |
| Task Force to Review the Applied Technology Centers and Applied Technology Regions                                                   | Legislation            | Resolves 1997, c. 74 (LD 1048) | 11                | 2 (18%)                       | DOE                    | November 20, 1997  | among the members (NL)                                             | President & Speaker              |
| Task Force to Study Equal Economic Opportunity for All Regions of the State                                                          | Legislation            | P&S 1997, c. 51 (LD 1452)      | 14                | 5 (33%)                       | OPLA                   | October 30, 1997   | among the legislative members                                      | President & Speaker <sup>1</sup> |
| Task Force to Study Strategies to Support Parents as Children's First Teachers                                                       | Legislation            | Resolves 1997, c. 68 (LD 1832) | 16                | 2 (13%)                       | DHS                    | November 3, 1997   | among the members                                                  | President & Speaker              |
| Task Force to Study the Cost Effectiveness of the Child Development Services System                                                  | Legislation            | P.L. 1997, c. 534 (LD 1581)    | 16                | 4 (25%)                       | OPLA                   | November 21, 1997  | among the legislative members                                      | President & Speaker              |
| Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits                | Legislation            | Resolves 1997, c. 63 (LD 350)  | 15                | 4 (27%)                       | OPLA                   | October 28, 1997   | one member of House and one member of Senate to serve as co-chairs | no joint appts.                  |

# Interim Study Commissions Authorized by the 118th Legislature

| Name of Legislative Study                                                                                                       | Legislative Instrument | Authorizing Legislation        | Number of Members | Number/Percent of Legislators | Staffing | Convening Date                 | Selection of Chair                        | Joint Appointments  |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|-------------------|-------------------------------|----------|--------------------------------|-------------------------------------------|---------------------|
| Task Force to Study the Feasibility of Creating a Maine Mobility Fund                                                           | Legislation            | Resolves 1997, c. 73 (LD 1377) | 19                | 4 (21%)                       | OPLA     | December 19, 1997              | among the members (NL)                    | President & Speaker |
| Work Group to Examine the Legal Rights of Children Who Testify in cases in which they have been alleged Victims of Sexual Abuse | Legislation            | P.L. 1997, c. 548 (LD 803)     | 9                 | 2 (11%)                       | DHS, AG  | not yet convened               | among the members                         | no joint appts.     |
| Staff Study of Privatization of State Liquor Stores                                                                             | Legislative Council    | n/a                            | n/a               | n/a                           | OPLA     | n/a                            | n/a                                       | n/a                 |
| Staff Study of the Citizen Initiative Process                                                                                   | Legislative Council    | n/a                            | n/a               | n/a                           | OPLA     | n/a                            | n/a                                       | n/a                 |
| Staff Study on Worker's Compensation and Occupational Disease Law                                                               | Legislative Council    | n/a                            | n/a               | n/a                           | OPLA     | n/a                            | n/a                                       | n/a                 |
| Subcommittee on Privacy of Genetic Information                                                                                  | Legislative Council    | n/a                            | 5                 | 5 (100%)                      | OPLA     | August 19, 1997                | chairs of Banking and Insurance Committee | n/a                 |
| Subcommittee on Scope of Juvenile Justice Problems and Services in Maine                                                        | Legislative Council    | n/a                            | 5                 | 5 (100%)                      | OPLA     | 9/24/1997 (full committee met) | n/a                                       | n/a                 |
| Task Force to Study the Health Effects of Reformulated Gasoline                                                                 | Presiding Officers     | n/a                            | 5                 | 5 (100%)                      | OPLA     | n/a                            | n/a                                       | no joint appts.     |

<sup>1</sup> 6 of the 14 members were appointed by the chair of the study commission.

NL indicates a non-legislator was selected as chair of the study commission.

**Rule 353. Legislative Study Committees**

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and others members to conduct studies. Alternatively it may refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

**1. Establishing study committees and commissions.** Legislative study committees may be established by joint order only unless otherwise authorized by the Legislative Council. Studies that must be established by law or resolve include those that will:

- A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or
- B. extend beyond the current legislative biennium.

Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.

**2. Appointment of members.** Unless otherwise specified in legislation creating a study committee, the members of study committees must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.

**3. Appointment of chairs.** Study committees must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.

**4. Committee size.** Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.

**5. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. 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.

**6. Reporting dates.** All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.

**7. Extension of reporting dates.** Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the

reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.

**8. Study table.** All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

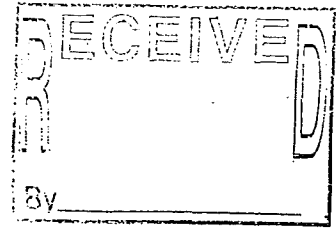
The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.



ELIZABETH H. MITCHELL  
SPEAKER

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002  
(207) 287-1300



November 12, 1997

David Boulter, Director  
Office of Policy & Legal Analysis  
13 State House Station  
Augusta, Maine 04333

Dear David:

Following our brief discussion at the Legislative Council meeting regarding the way we currently establish interim study commissions, I am appointing a special committee to examine our current process and develop recommendations for review by both the presiding officers and the Council and am appointing you to serve on this committee. Specific issues that need to be addressed include:

- The instrument used to establish legislative study committees and commissions.
- Membership and Appointing Authority
  - a. Joint appointments
  - b. Representation by outside groups and organizations and the authority for appointment of these.
- Staffing
- Compensation of Members
- Funding
- Use of order vs. statutes

Please establish an initial report to be presented to the Council during the January meeting.

Sincerely,

Elizabeth H. Mitchell  
Speaker of the House

EHM/cp