

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL  
MAY 30, 2001  
AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**SUMMARIES OF THE APRIL 25, AND MAY 7, 2001 COUNCIL MEETINGS**

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

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

**REPORTS FROM COUNCIL COMMITTEES**

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

**OLD BUSINESS**

Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests

Item #2: Proposal for Direct Legislative Internet Access

Item #3: Proposed Drafting Guidelines of Legislative Studies-120<sup>th</sup> Legislature

**NEW BUSINESS**

Item #1: After Deadline Requests

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

REP. MICHAEL V. SAXL  
CHAIR

SEN. RICHARD A. BENNETT  
VICE-CHAIR



120<sup>th</sup> 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**  
**APRIL 25, 2001**

**CALL TO ORDER**

The Chair, Speaker Saxl, called the Council meeting to order at 1:25 p.m. in the Legislative Council Chambers.

**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

**SUMMARY OF THE MARCH 28, 2001 COUNCIL MEETING**

**Motion:** That the Summary of the March 28, 2001 meeting be accepted and placed on file.  
(Motion by Rep. Bruno, second by Rep. Colwell, unanimous).

## NEW BUSINESS

### Item #2: After Deadline Requests

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

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

James Clair had 3 items on the Executive Director's Report.

1. The North Wing Planning Process. The offices affected by the North Wing renovations had been involved in a review of both the furnishings design plan, and the architectural, structural, electrical, etc. review. The furnishings design is virtually completed with some minor changes. It is dove-tailing with the architectural changes that need to take place. The reason for bringing it to Legislative Council members' attention now was the design team and construction team this week want to send out to bid the services that are going to be required for the North Wing. Hopefully, responses will be back in early June. There will be an opportunity to assess the bid to the budget scenario, and should the bids come in higher than the budgeted resources, there will be an opportunity for the Legislative Council to weigh in on changes that need to be made. The ultimate goal, is to kick off the renovations for the North Wing by mid-June. That would allow us, with a certain degree of confidence, to say that the Second Regular Session would start on schedule in the first week in January. Stan Fairservice had a conversation with someone from Granger Northern that indicated if they started sometime in July, even early July, that would push it into January, and that was trying to be avoided if at all possible.

Rep. Bruno asked if renovations started in mid-June, could they start with the Legislature still in session? Mr. Clair thought that would be really difficult. He thought there would be an opportunity for some offices to move out, the Executive Director's Office could move out, but he would let the other offices speak for themselves. The construction process always takes longer than one plans, so if we are budgeting on a fairly strict basis to be done by late December, it has been spilling over, and we are trying to avoid that.

No Council action required.

2. Certain events in the Cross Office Building had been an issue in the past few weeks. The Clerk's Office schedules the reservations for the Hall of Flags and the 3<sup>rd</sup> floor Rotunda. We had an event where a group wanted a press conference, could not find room in this building, so asked about the 2<sup>nd</sup> floor Lobby in the CSOB. Mr. Clair asked that it be run by Chief Suitter to make sure that the building could accommodate the number of people, etc. The Press Conference went smoothly. Since then, there have been a number of requests to use that area for more press conferences. Deputy Commissioner Jacobs called Mr. Clair with concerns about using the space for them. He said it was designed to be an entryway, and meet and greet area, the kiosk, etc. and not designed for press conferences. Mr. Clair said the legislation that was enacted said the Legislature, the Legislative Council, was to

receive 33,000 gross square feet. The 33,000 feet is essentially all of the 2<sup>nd</sup> floor space and includes the Lobby. What the Administration is offering is to open up and even reserve for Press Conference Room 107, which is on the 1<sup>st</sup> Floor. Mr. Clair was seeking guidance as to whether the Legislative Council wanted to designate, which is in their purview, the use of the Lobby for press conferences and other events.

Rep. Norbert believed the 2<sup>nd</sup> floor in the CSOB was the Legislature's space and felt strongly that it was something that worked well and needed the Legislature to keep their domain over it. A message should be sent that it is the Legislature's area. Sen. Treat agreed with Rep. Norbert. She also thought the space in the CSOB was better designed for people to get in and out of with disability and mobility issues for press conferences. It is legislative committees in that area and not executive branch offices, so if complaints are to be had, they should be from committees.

**Motion:** That Mr. Clair give an oral communication to the Administration to inform them that the Legislative Council believes the 2<sup>nd</sup> floor in the CSOB to be Legislative space and will use the area as the Legislature sees fit. (Motion by Rep. Bruno, second by Sen. Treat, unanimous 9-0).

3. Margaret Matheson and Mr. Clair came across old information on printing costs for the Laws of Maine. Information from 1990 talks about the costs for the Laws of Maine as single copies having no charge, but additional copies being charged at \$20 each, and believed that to still be the policy. He said they could determine that the cost to produce it is at least \$40 per copy. He was not looking for any immediate action, but given what was learned about the printing costs, wanted a review of items the Legislative Council had purview over in terms of what should be charged. He did a markup of the fee recommendations from the Clerk and the fees set by the previous Council. If there are items like that that have not kept up with the times, he would have a recommendation for the Legislative Council at a subsequent meeting.

Rep. Bruno asked if anything had gone up from the 119<sup>th</sup> and whether there was anything built in for automatic increases or should it come to the Legislative Council every session and have someone inform them of the new proposed rates for the Session. Mr. Clair deferred to the Clerk of the House. Clerk MacFarland said there were 2 separate fee schedules. One was legislative document service and the other was Legislative Council publications. It was built around not making money but covering the cost of postage and printing and believed the only session they may have lost money was a couple years ago when there were over 2,300 bills presented, but thought they may have actually made a little bit of money this year.

Sen. Bennett asked if there was a consensus of the Legislative Council that Mr. Clair report back to them at the next meeting regarding the printing costs.

No Council action required.

- **Renovations: Status Report**

Stan Fairservice gave an update on the West Wing. They were currently putting the finishes on the 1<sup>st</sup> floor, the Snack Bar, Interpreter Center and the main lobby. The stairs to the connector had been poured and you can walk across to the CSOB. Today the finishing touches on the roof of the Connector itself, the diorama area are being done. They will be pouring about 80% of it on Friday, April 27<sup>th</sup>, weather permitting and will be lowering the dioramas into the Connector on Monday, April 30<sup>th</sup>, building protective

walls for the dioramas. On May 4<sup>th</sup> should put the last piece of the concrete into the Connector. They have started drilling for the elevators and that installation has started. Also, sometime this week, they will be receiving from the Architect, the landscaping plan that will be used, and it will be issued it out for bidding immediately and hopefully bids will be received within 3 to 4 weeks.

Rep. Norbert asked Mr. Fairservice the date a citizen would be able to walk from the Cafeteria to the State House underground in the new Connector. Mr. Fairservice said there had been a problem with the granite. The granite was from Deer Isle and was delivered about a month or two late. It is now in the artist's hands and need to have the granite completed. If looking at a complete Connector he said mid-June.

No Council action required.

- **Fiscal Update**

Grant Pennoyer reported he had 3 items on the fiscal update.

1. A review of the progress on the fiscal note production. For printed bills they had completed fiscal notes on approximately 80% and bills scheduled for hearing approximately 82%. The real interest now, is how amendments are being turned around. Over the course of the session they had requests for 635 fiscal reviews, which also included some floor amendments and have completed work on 484 of them. During the week of April 17<sup>th</sup> they had concentrated on turning around amendments and have completed work on 186, and had been passed on to the Office of Policy and Legal Analysis and the Revisor's Office for final completion.

Sen. Small inquired as to the number of bills printed in relation to previous years. Speaker Saxl said they were about 11% ahead of the last Legislature presently. Sen. Small was concerned about the service to the public, were committees trying to hear to many bills in an afternoon. She had noticed a difference in the committee procedure this year and asked if other legislators had concerns. Speaker Saxl said, in his perspective, at least in the House, they had 13 of 17 chairs that are new, and in the Senate, at a minimum, 8 chairs are new. He thought it would be incumbent to have a training book for chairs and rank and file members that would be more extensive on the basics. Sen. Small said the committee she attended had to many bills scheduled. First they heard legislators and then the public. The public had to wait for a long period of time, and it was very confusing. Speaker Saxl suggested participating with the Rules Committee. The last Rules Committee suggested capping the number of bills a legislator could bring in and while there are fewer number of bills this year, than last session, this year is still 2<sup>nd</sup> most bills ever introduced. Some of the challenges are just volume.

Speaker Saxl referred back to Mr. Pennoyer to continue his fiscal update.

2. Mr. Pennoyer gave an update of the variances for the month of March revenue. The Commissioner of the Administration and Financial Services, would be releasing the March revenue reports soon. The General Fund, while ahead for the month of March \$1/2 million, the area of concern was the Corporate Income Tax, which was down by \$9.6 million in the month of March, which was a big month for Corporate Income Tax payments. Speaker Saxl asked what percentage it was down. Mr. Pennoyer said they were expecting \$25 million of budget for revenue, so is a sizable variance. Corporate profits were down, but believed the actual experience had been even worse than expected. Speaker Saxl asked if the Revenue Forecasting Committee had a

meeting scheduled and Mr. Pennoyer said no. There were not any plans to meet right away. They thought after the close of the year, they would meet and evaluate performance. Speaker Saxl asked if that size of a variance was reason to think that they might downgrade their projections. Mr. Pennoyer said some variances are expected to be up and down, and some may recover over the next few months. He had talked with the Maine Revenue Service, and the April revenue shows the Corporate Income Tax was ahead a little, but believed for the year, it would still be down given the rather unfavorable experience in March. Rep. Bruno noted that a lot of the corporations work on a calendar year so the quarterly report was not due until April, and asked if a rebound was expected in April. Mr. Pennoyer said corporations are required to file their final return for the prior calendar year of March 15, unlike individual income taxes. He said the next big month for corporate tax collections was June, and usually not quite as large a month as March. Instead of \$25 million, the budgeted amount expected was \$21.2 million. June is another large payment month that will need to be watched.

Mr. Pennoyer said the numbers do reflect the most recent revenue reprojected, and have reduced the estimates for general fund revenue for the fiscal year 2001 by \$11.4 million. The sales tax was the primary area where revenue estimates were reduced. Reduced the yearly estimate in FY 01 for sales tax by \$10.2 million and February sales were \$4.7 million under budgeted revenues for the month of March, which reflect February sales. That will be watched as well. The other area of concern was the estate tax. A large settlement in the last quarter would result in a recovery and bring it back into alignment with budgeted revenues. The highway fund was doing well, \$1.4 million ahead for the month and \$3.7 million ahead year to day.

3. Mr. Pennoyer reported the general fund cash balances went negative for the first time since 1996. That was of interest to the Appropriations Committee and had the Commissioner and his office do presentations for the Committee trying to explain this. He furnished the Legislative Council members information to look at the historical trends of the monthly averages for general fund cash balances. Note that the beginning of this fiscal year we had reached the peak, which coincides with the expectation they had based on the actions taken during the 119<sup>th</sup> Legislature where there was a balance of approximately \$300 million and by the end of the Fiscal Year 01 and the expectation was that balance would be reduced to almost zero. That was primarily from the spending that was authorized last year and various tax reductions that were authorized during the 2<sup>nd</sup> Regular Session of the 119<sup>th</sup> Legislature. This information was being provided as an update. Mr. Pennoyer informed members that the Commissioner of Administration and Financial Services would be doing a presentation to the Appropriations Committee the afternoon of April 26, 2001 on their cash position, and said they may want to listen.

Rep. Bruno asked if Mr. Pennoyer could give an explanation on how the rainy day fund balances work into the cash balance pool. Mr. Pennoyer said as of now the balance in the Maine rainy day fund is \$143.7 million. Another major reserve within the general fund is the reserve for general fund operating capital. Combining those 2 reserves contribute to the General Fund cash balance. Right now they are contributing \$153.2 million to that cash balance. When they went to negative numbers in April, we were actually \$153.2 million worse off than those numbers actually indicated because the reserves are part of that cash position. They are using the reserve for general fund working capital and the Maine rainy day fund as working capital reserve. Keeping the general fund from having to borrow from either the cash

pool from other funds. He said as of that morning, they had an \$85.6 million positive general fund cash balance, which improved over the last few days. Without the 2 reserve funds they would be negative by \$60 million.

- **Revisor's Report**

Margaret Matheson reported that much of their work has shifted to committee amendments. Also, some work from Joint Orders requiring bills to come out of committee, working on 8 of those now. They had 3 pursuant to statute that are going to be major substantive rules and those will be emerging within the next day, and 2 after deadline bills were still in progress. From the Revisor's point of view, as far as production of committee amendments, there has been great progress within the last week and a half. More than 330 committee amendments have been completed. Approximately 100 were out Monday afternoon, April 23, as a result of the prior week and another 70 on April 24 and today. There are about 200 that are currently in the production loop where the 3 offices have conjoined and have been through the first loop of review, teching and proof reading.

Sen. Treat thanked Ms. Matheson for all the hard work they have done.

No Council Action required.

- **Migration Project Status**

Paul Mayotte reported that Compaq had installed the bill drafting system application software on April 2<sup>nd</sup>. They had completed the technical testing on the software application on April 13<sup>th</sup>. There was one remaining item open as a result of a technical item, which relates to the statutes database and they were working on it. Actual user acceptance testing, with thanks to Ms. Matheson's organization, started on April 17<sup>th</sup> and the goal is to complete the user acceptance testing in mid-May. Compaq is making fixes to the software as the user is finding them and on a weekly basis the minor fixes are being corrected. Overall user acceptance testing is well underway and working well. International Roll Call has also had their personnel on site for the past 2 weeks working on the Legislative Management System and his staff has been supporting that effort on an intense basis since they have been here.

Speaker Saxl asked Mr. Mayotte if there was anything the Legislative Council should be worried about, any time period, was everything on schedule and on budget. Mr. Mayotte said he was a little worried about the integrating the statutes database with the application software. He said he would like to see them a week or two further into it than they are currently. They had 1 title they were using and he would like to see them having more than 1 title being used and followed by the application software. Working with Compaq he believed there would be many more titles in place within 2 weeks or so, but it does put it kind of late into the session.

No Council action required.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Technology and Migration Committee**

Sen. Treat said they had a great meeting with full attendance and careful attention to detail. The overall picture was that they were not ready to ask the entire Council for a



policy decision on any of the items the Committee has been working on but they had been quite diligent about getting to where that would happen. There is a lot of complicated issues and additional information has had to be obtained before they could make a recommendation based on price, policy, etc. They had received updates from Mr. Mayotte on the status of the new bill drafting system implementation and are trying to understand better how the committee pieces and other parts will all fit together. That relates very directly to the Part II requests as it has been outlined.

An update on the State's Chief Information Officer was provided and the Legislative Council does not need to take action on that item.

The Committee talked about the Executive branch's budget and financial management system, which had been talked about before, whether it should be adopted. The Executive Director, OFPR Director and Information Services Director are meeting with the Budget Office to look into the status of it. She said it was not going well in terms of the Executive Branch's experience, and they already had concerns. The Committee will be getting a recommendation to the Legislative Council members.

The Committee also spent a lot of time talking about the proposal that have the Legislature establish its own direct internet access. As of now access is through the Bureau of Information Services and is based on a per computer charge of \$34.75 a month. Compared to how many computers the Legislature may have in the future (when legislators are connected), now there is a fairly limited number, Paul Mayotte and the staff gave figures that were quite comprehensive that essentially showed a savings in Fiscal Year 2002 of \$131,000. There are issues about it, such as access to data which is currently in the data repository which we have access to and there are issues related to BIS' concern about the Legislature pulling out, \$110,000 right now. We are a drop in the bucket right now for their total number of accounts. The Committee was leaning in a direction, but was not ready to recommend anything because they were still trying to get the cost. BIS said their estimates were not accurate that it was going to cost more. Because the Committee wanted to make a decision based on good information asked BIS how the cost was determined. They were trying to determine what additional cost had not been anticipated. What Mr. Mayotte had presented, was that investing in the technology could be done out of the savings so there would not be an additional cost that would be recouped later, it would be recouped within this budget cycle, which is significant. It also could be done with the present amount of staff. They will have more discussions with BIS, the proposal was made that the data issue could be resolved by having a certain number of dedicated computers that we do pay the monthly fee to BIS that would be connected to the data that we need to get. The material she was referring to was budgetary data, revenue forecasting data, etc., and there was a statute that mandated they get us the information. It may be something we update the language on so the format of the information is also required to be provided. They will be getting that information and may be able to come back to the full Legislative Council before another month goes by if there is another meeting before then. They have also been continuing to review the Part II Requests and get additional data to make specific recommendations at the next meeting.

Rep. Norbert said the Technology Committee had been working very hard. What was exciting was the direct internet project. He believed the Bureau of Information Services would need to come forward with hard data or more compelling reasons. The Committee is trying to lay the groundwork so they can save money, get quicker access, and exert Legislative independence on the matter. Sen. Treat clarified that the direct access would improve the usability of the system for legislators as well as the capability to broadcast over the internet, would ensure that capability into the future. Speaker Saxl said if the

Committee thought they could get better service going independently, that would be great. He congratulated them for pursuing it and asked that the Committee and Mr. Mayotte review the Part II Budget, and come back with some of their priorities. He said that would be helpful, they were not as optimistic they would be able to afford all the requests in the Part II Budget for technology.

No Council action required.

- **Personnel Committee**

Speaker Saxl said the Personnel Committee had several motions to present to the Legislative Council. If at any point during the discussion they wished to go into Executive Session, they will honor that to discuss the details of those.

**Motion:** On behalf of the OFPR Director Search Committee, that Grant Pennoyer be appointed as Director of the Office of Fiscal & Program Review for a 3-year term commencing on April 26, 2001, at grade 14 step 6, and as provided in Title 3, Section 162, Subsection 6 of the Maine Revised Statutes, that reappointment be based on performance and in accordance with policy and procedures established by the Legislative Council. (Motion by Speaker Saxl, second by Sen. Small, unanimous 9-0).

Speaker Saxl said, Mr. Pennoyer, on behalf of the Legislative Council, congratulations to you. It was a very competitive search. We had national candidates, people who had established these offices in other legislatures, others from private and public sector experience and had a great group of finalists, but Mr. Pennoyer was head and shoulders above and did a great job.

**Motion:** That Income Protection for two legislative employees be granted as reviewed and accepted by the Personnel Committee at our April 25, 2001 meeting. (Motion by Speaker Saxl, second by Rep. Bruno, unanimous).

Speaker Saxl informed the Legislative Council members that the Personnel Committee had completed its personnel review of Paul Mayotte's work at the Legislature and as a result of that review, have recommended that he receive his annual step increase which is for a job well done.

No Council action required.

Speaker Saxl said the Personnel Committee was committed to talking about deferred compensation for legislators and legislative employees and will do that at a subsequent Personnel Committee meeting but if any member of the Council had any special expertise, insight, or would like to be part of that discussion, he would be very interested in having their input.

No Council action required.

- **Space Committee**

Rep. Colwell reported that the Space Committee met and worked diligently on the issue of smoking areas on Legislative property. The Space Committee came up with the following recommendations: Since the West side of the Capital will be the main entrance to the building once construction was completed, all foot traffic, children, everyone would be entering through that area. The Space Committee determined there would be

no smoking on the West side of the Capital, between here the Cross State Office Building and on the East side of the Capital. The areas where smoking will be allowed will be on either end of the building. On the North side it is where the concrete slab with a picnic table on the lawn. The other area for smoking will be on the South entrance of the building inside the granite wall where the fence is. The Committee proposed building another concrete picnic table and walkway. That area would be a secured entrance there will not be public access through that entrance. The Space Committee also recommended that the Executive Director find outside ashtrays.

Sen. Treat asked if the idea of the new concrete slab and walkway had already been vetted with Capitol Planning Commission and the Historic Preservation Commission. Rep. Colwell said that Earle Shettleworth, Director, Maine Historic Preservation Commission, was in the room during the discussions. He said there was a table in the area now, on the other side of the fence, and he asked Mr. Clair to address that question. Speaker Saxl asked if they should ask the new Capitol Area Advisory Subcommittee, whether they want a slab there and Mr. Clair said both groups, the Capitol Area Advisory Committee and the State House and Capitol Park Commission, played a role in that space. The timing for doing something in that area was a ways away and there was time to bring it to both those groups. Speaker Saxl thought that would be a good idea.

Rep. Schneider said he objected to the plan because it did not provide any kind of a covered place for someone to smoke. The comments heard that someone could smoke in their car actually was not possible for someone who was parked in the parking garage. The plan did not allow for any place under cover for someone to have a smoke. Sen. Treat did not think it was their responsibility to provide a covered area for smokers.

Speaker Saxl asked Mr. Clair if a motion and vote was needed or could they refer the relevant parts to the Capital Area Advisory Commission. Mr. Clair said with the exception of the new concrete pad, and the walkway, the rest of the policy was ready to be implemented with a motion and vote.

**Motion:** That smoking be abolished anywhere West of the State House, leading up to the Cross Building; that two smoking spots be located Northwest and Southwest of the State House; that the Executive Director be tasked with finding better receptacles for cigarette butts in these two locations that can handle the elements; and that smoking be banned from the entire East side of the State House, continuing the current ban on the 3<sup>rd</sup> floor porch but now extending the ban to the 2<sup>nd</sup> floor porch as well. (Motion by Rep. Colwell, second by Sen. Davis, 8-2).

Mr. Clair will prepare a draft memo to the Capital Area Advisory Committee for a recommendation.

- **Time and Attendance Subcommittee**

None

## **OLD BUSINESS**

### **Item #1: Proposed Drafting Guidelines for Legislative Studies-120<sup>th</sup> Legislature**

David Boulter gave a presentation to the Legislative Council for adoption pursuant to Joint Rule 353, which requires that at the start of each legislative biennium the Council adopt rules to guide the drafting of legislative studies and studies should be in

accordance with those guidelines as approved by the Council. He had a few major points. First the guidelines are consistent with the Joint Rules as adopted by the 120<sup>th</sup> Legislature. They serve two major purposes: to provide consistency in drafting legislation to assure that important elements of establishing study commissions are included to allow legislators to easily discern what is being proposed; and that all key elements for a successful study and study commission are included. The second reflects a legislative intent as expressed by the 119<sup>th</sup> and this Legislature to allow legislators to better maintain control over legislative studies and to shape the scope and direction of studies. In the past, it had been, even though they were legislative studies, largely controlled by external forces. These guidelines in the Joint Rules, expressly allow the control and shaping of that to be done by the Legislative branch. Key provisions of the guidelines themselves, looks very much like a working or staff document and is designed specifically so all major elements are included in each study proposal. There is standardized language for a consistency in drafting, and for easy review by legislators. There is model language, and explanatory comments to help people, particularly staff, to be guided in certain circumstances. The elements include the appropriate legislative instrument to be used in times when variations are appropriate, composition of the study commissions, appointment process, both in terms of members and chairs, compensation, reporting requirements, extensions, requirement to have some explanation as to what the study would involve in major duties. Each of those are included. You may have seen study legislation coming before members already with many of those elements. It does reflect the general policy of the Legislature that the Joint Order is the preferred legislative instrument to be used in most cases, that the Joint Order being within the purview of the Legislature solely and not subject to veto. It is also a very efficient way of convening a study, do not need to wait until 90 days following adjournment before studies could convene. For example, if a Resolve was passed as non-emergency, it would probably be late September perhaps October before a study began and the deadline for the submission of the report would be about 5 weeks later, so there would not be much opportunity in the ordinary course to do a thorough study. The Joint Order allows for a speedier beginning to those studies. He drew the Legislative Council members' attention to the compensation of members on a study commission. The Joint Rules require, and these guidelines are consistent with the Joint Rules, that specify that legislative members are entitled to receive the Legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings. Public members on the commission, who are not, otherwise compensated by their employers, are entitled to reimbursement of necessary expenses and a per diem equal to the legislative per diem. Although that is what the joint rules say, the actual practice has been in odds with that. In most cases, at the study table time, the Council, and ultimately the Legislature, had deemed that public members not otherwise compensated were entitled to reimbursement of expenses, but not entitled to a legislative per diem. He pointed that out because he wanted to be consistent with the Joint Rules, but if the Legislative Council wanted to vary, and if adopted, there would not be study language that was consistent with that which would include a per diem for all members. If the Legislative Council wished to vary from that, it could either do it by a floor amendment or if you wish to vary as a matter of policy, this might be the appropriate time to do that. With that exception Mr. Boulter did not see any conflicts from what he understood the intent this Council had with respect to the studies and the guidelines themselves.

Speaker Saxl speaking on institutional memory said it had been the tradition of the Council, when reviewing special study committees, to try to set identical parameters, whenever possible, for all the study committees. They are allowed to convene for 3 or 4 meetings and exclusively reimbursed legislators the per diem. That was the past practice. The reason being, was to maximize the limited budget for legislative studies

so they could allow each committee 1 or 2 studies and then choose 1 or 2 studies the Council themselves as a group believed was important for the next legislative session. Sen. Treat commented on the compensation issue. She believed it had been the general practice, that some committees, with outside members, who want to encourage participation, had recommended a small budget for compensation for members who had a financial need. She said there ought to be room in the policy that the Council adopts to make sure that is an option in cases where it was important to have citizen members that may not be able to take off from work or may need help with transportation costs. Speaker Saxl said they may want to make the language around that and believed it was permissive to reimburse those designated members when there was merit, but might not want to create the expectation of reimbursement for all public members. It was a question of policy for the Council. Sen. Treat suggested to include language to have it on a case-by-case basis, committees would know it is something they could request if they had a reason for it.

Speaker Saxl asked Mr. Boulter to draft an option for the Council's consideration. It was the Speaker's suggestion that instead of adopting this as a whole today, they take a week or so to review it and see if there were other concerns upon review. Sen. Treat did not have a problem with the specific recommendations of the proposal, but in practice, the joint order had not worked well for a couple of reason and until those items were fixed, she had concern about requiring studies to be done by joint order. She recognized that it does not make sense to have the Governor sign legislative study committees, so did not know how to correct it and believed there was a relationship between the computer issue and this. She had two joint orders in the past that were studies that were completely off the information systems, did not have her name on them or anyone else as sponsors. It was not showing up that she had sponsored it, so when the hearing was scheduled she was not notified. The problem was it was on a different computer system than the bills, and that is a problem. A political problem in the Senate was that joint orders are not clear. Some Senators had been voting against them because they did not realize they went to the Revisor's Office and were appropriate. They thought someone just stuck them in and they were being expected to vote on it. Until they could resolve those two problems to mandate that people had to do it that way was a concern to her

Rep. Bruno asked Mr. Boulter to refresh his memory, did every study come to the Legislative Council for approval.

Mr. Boulter said a joint standing committee could actual do a study. There were ways in the policy that allowed that to be expedited, but in general there was an opportunity for the Council to look at all the studies before they go forward. Occasionally, a study that was part of a bill or resolve that sits on the Appropriation's Table. Sometimes the Appropriation's Committee will act independently, but typically, in the last 4 years many studies had gone through joint orders on special studies and had come to the Council. What the Council basically did was rubber stamp the committee of jurisdiction's 1<sup>st</sup> and 2<sup>nd</sup> proposals and occasionally, one recommended as a priority for the committee of jurisdiction.

Speaker Saxl asked that someone make a tabling motion so the Council could hold it for final approval until the next Council meeting. Moved by Rep. Bruno, second by Rep. Schneider, unanimous.

## **NEW BUSINESS**

### **Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests**

Mr. Clair told Legislative Council members they had seen the Budget Requests in a couple different forms over the past few months. It is the most recent update as of April 23<sup>rd</sup>, is broken up by office, data by line category and by fiscal year 02 and 03. The lion's share of the request, \$3.4 million is in Information Services related issues, some being from migration part 2, positions, software upgrades, etc. He asked that members read through the information. The Technology Committee had taken it on as a task to try and take another look at it before the Council meets again.

There were requests for new positions and some upgrades in the Senate. Mr. Clair said after the recent discussion on miscellaneous studies, although the Joint Rules call for a specific legislative account, there had never been one. The way studies had been funded in the past had either been the Appropriations Committee had set aside \$50,000 or \$100,000, or the Legislature could determine there was sufficient resources within the legislative budget for the next fiscal year such that \$50,000 or \$100,000 worth of studies could be "absorbed". The Joint Rules do say it should be a specific account, may have some flexibility in how you go about doing it, but if you looked at the budget and 100% of the costs had already been committed in the Part I Budget and what would be needed for studies, thought \$85,000 per year would fund approximately 15 studies. There was flexibility in that number but at least wanted it before you.

Lastly the Law Library had some issues and Mr. Clair wanted to make sure that the Legislative Council understood them. The temporary shelving for that unit was never budgeted as a move issue. It needs to be taken care of, he would like to talk to them in more detail, along with relocation expenses, including the rent, etc, for Capitol Street. Speaker Saxl asked if there were questions for Mr. Clair and asked the Council to take about a week, Mr. Clair would organize a Council meeting for next week, so they can make a recommendation of what the Legislative Council would like to ask the Appropriations Committee to include in their Part 2 Budget, if anything, and reconvene the entire Council to ask questions of Directors and the Chambers themselves, regarding their requests. Members directed Mr. Clair to contact their respect offices and try to set up a Council meeting next week exclusively about the Part 2 Budget.

No Council action required on this matter.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

Sen. Bennett moved that the Council adjourn at 3:05 p.m. (Motion by Sen. Bennett, second by Sen. Treat, unanimous).

REP. MICHAEL V. SAXL  
CHAIR

SEN. RICHARD A. BENNETT  
VICE-CHAIR



120<sup>th</sup> 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**  
**MAY 7, 2001**

**CALL TO ORDER**

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 12:42 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:	Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, 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

Speaker Saxl said the purpose of the Council Meeting was to review the "Part II" Budget for the Legislative Council.

Speaker Saxl asked that everyone join with him in a moment of silence in memory of Julie Read-Marsh, an Analyst in the Office of Policy and Legal Analysis, who passed away Saturday evening, May 5, in Belfast. Ms. Marsh was diagnosed with cancer shortly after giving birth to a son three months ago.

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

None.

## NEW BUSINESS

### Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests

Mr. Clair was asked by the Speaker to lead the Legislative Council through the budget discussion. Mr. Clair said back in the fall they initiated a process to develop, not only the Part I Budget proposals, but also any Part II proposals that offices might have for the Council's consideration. That list had been amended many times, the most recent of which, was last week. The Technology Committee met and reviewed approximately \$3.5 million in proposals. He referred Council members to the information in their packet, which represented \$4.3 million for the next biennium over a series of different requests, including two different looks from the Technology Committee. A "Priority A" list that sums to \$2.5 million and a "Priority B" list that sums to about \$400,000. Those amounts are about \$2.9 million of the \$4.3 million. The Technology Committee met last week, reviewed the "Priority A" list and of the members present, endorsed it. They did not endorse the "Priority B" list. The Committee believed those items could wait. What follows is about \$1.4 million of other requests from various offices. There are session positions, upgrades, and expenses related to the Law Library's move. The rent being paid for that move and some shelving needed in the new facility. That is how it rounds off to \$4.3 million in total.

Speaker Saxl asked if members wanted to move through the information item-by-item in an expedited fashion to see whether they wanted to move anything out. He said that they would assume that everything in the information is in, then if they want to move it out, that can be done, have a discussion, and take a vote. Speaker Saxl asked if that was the preferred way to go through the information or did Mr. Clair have any suggestions. Mr. Clair said that was fine, he wanted to let them know that Mr. Mayotte was distributing information from the Technology Committee that gave more detail on the "Priority A" items. Sen. Bennett agreed but wanted to make sure it required an affirmative vote to approve the supplemental budget requests. Rep. Bruno asked if the plan was to go line by line as to what the Technology Committee already had? Speaker Saxl answered they did not have to. Rep. Bruno was concerned they would hear the same thing over again and he understood that to be the purpose of the Subcommittee, for the subcommittee to make recommendations and thought a quick explanation of where they were going would be sufficient. Speaker Saxl asked Sen. Treat to take them through the Technology recommendations.

Sen. Treat said the Technology Committee met and the information before the Legislative Council is the unanimous position of the Committee. She referred members to information in their packet. The first 3 pages were the first priority items, the last page was a lower priority which the Committee was recommending not to fund. She said they could go through any item if someone had specific questions. There were 2 positions being requested, the rest deal with automating the committees, the



legislative bill status program, and the migration from the WANG. The Committee moved items around to postpone some items into a future year because they would not be able to do it all over the summer. For example, automating the Chambers, had been pushed to the 121<sup>st</sup> legislative session in terms of individual Senators being automated at their desks. It was the Committee's judgment that the items in "Priority A" are really needed and the items in "Priority B" could wait. One item discussed as possible being on the "Priority A" was Legislative staff remote access, the ability to dial in and do things on the State computer. The Committee determined it would be making a recommendation for the Legislature's own Internet connection. We would have better access without having it directly on the computer and you could go through a Web-base. Rep. Bruno convinced the Committee they did not need to fund that piece because they would have the functionality they wanted without spending extra money. With the changes both in the technology outside the State House and also the changes recommended in the "A" part, that would be happening even without the additional spending, so concluded to put that in the "B", for not funding at all or consider it later.

Sen. Bennett asked if everything under "A" had been determined by the Subcommittee as absolutely necessary to do now? Sen. Treat said some had been pushed out to the 2<sup>nd</sup> year of the biennium, but it was an integrated program and all the members had agreed to what was listed. He thought it was a lot of money, that phase one of the migration had not yet been finished yet, and he believed they needed to look closer before putting \$1.6 million in for phase 2 and he could not support the additional funding request.

Speaker Saxl asked Rep. Bruno if he was part of Subcommittee, Rep. Bruno replying that he was. He supported the request because thought it was the intent of the Legislature to become automated, and it could not get there unless some of the requested items were funded. If the Legislature did not want to be automated, that was okay, it had functioned for over 100 years without being automated, and could continue, but if it wanted to move into the 21<sup>st</sup> Century, the request was needed. There were places to cut in the "A" recommendation, and funding could also come from other sources. Look at the entire Legislative budget, make cuts, and arrive somewhere close to that number. He believed that in order to move forward, they had to at least fund Fiscal Year 02 to keep moving in the right direction. If it were the goal to get a laptop for every legislator, it would cost \$900,000. Every Legislative Council, for the past 3 or 4 years had been saying the Legislature needed to automate, and this would be the direction they need to go.

Speaker Saxl then asked about broadcasting on the Internet, why it was put in B priority items, do you have any plans to do broadcasting and how does that impact the Chamber?

Sen. Bennett asked the status of moving the Legislature off from the Bureau of Information Services system on to its own. At a previous Legislative Council meeting, that was talked about as a way of saving money because the Bureau was charging \$35 - \$36 a month to get a service that had not functioned for the last 4 or 5 days, and believed it is outrageous to be paying that amount of money. Sen. Treat said the Legislature needed to migrate off the Wang, they don't sell parts for it anymore, they were missing deadlines for advertising. At their last meeting, recommendations about getting off from BIS, was the direction they were going, but BIS wanted the opportunity to return with additional information showing it would be to our financial disadvantage to make that change. The Committee did not see that, asked them to get information to us before this meeting, and she asked if that had been provided. Mr. Clair said he and Mr. Mayotte met with Commissioner Waldron and the Director of

Information Services, last Friday and did have their estimate. He felt it important to point out that he disagreed with part of their analysis, and believed Mr. Mayotte did as well. He maintained they could do it at the same costs they told the Technology Committee. They wanted to identify the staff resources that would be applied towards it, considered it an incremental exercise, and approached it differently than they did. The Administration was not going to fight the issue of breaking away from the Wide Area Network, but professionally thought we were making a mistake in doing that because we would not have the same level of service, and it would be more expensive than we were estimating. We believed we had options that preserved the kind of Wide Area Network connections that we needed, especially for fiscal purposes. Sen. Treat explained where the Committee was going, unless they got new and persuasive information from BIS that indicated our numbers were wrong, we would be recommending to the entire Council that they go ahead with the earlier proposal to have a direct access and believed members of the Committee agreed. They needed to look at the information and make sure it did not change their minds, but they were pretty clear on making that recommendation and was in the "Part A" recommendations given to the Legislative Council today. Speaker Saxl asked what the timeline was of the Council's decision on leaving BIS, and Mr. Clair said it could be at any time. The Speaker said the Part II Budget decisions were not contingent upon confirming that day they would be leaving BIS and Mr. Clair agreed. Speaker Saxl said although he agreed and appreciated the work of the Subcommittee, they could defer the final decision. He asked if there was further discussion about the Part II, Part A priority recommendations of the Technology Committee. Sen. Treat wanted to clarify the Committee agreed it was a "B" priority. Speaker Saxl recognized that and was the reason he asked Clerk MacFarland whether it was a priority of the Chambers and she agreed the Legislature needed to automate before that was done.

**Motion:** To accept the targeted "A" increases for the Part II Budget for Technology. (Motion by Sen. Treat, seconded by Rep. Bruno, 8-2 in favor).

Sen. Bennett had concerns about items in the request. Speaker Saxl had concerns as well, and also had concern about some that were not included. He asked Mr. Clair to coordinate with the Senate and House to schedule another meeting for later in the week to finish the Part II recommendations.

**Item #2: Authorization for the Executive Director to enter in an agreement with Cost Management, Inc., licensed construction economists, for estimating services in connection with the State House/North Wing renovations.**

Speaker Saxl asked Mr. Clair to explain to the Council, his and the Speaker's recommendation. Mr. Clair said they were in a very critical phase in the renovations project overall, and they had been undergoing a process with the design team and the construction team of reviewing where they were to date with the South and West Wing projects. As the North Wing project is kicked off, hopefully in late June, the most important thing to him was where they stood financially. With the guideline as expressed by Stan Fairservice, the construction team and the design team, it would be approximately \$5.50 million. Mr. Clair estimated the resources right now were below that amount. Cobbled together with the way the reserved fund would be used we could get to an amount that approached the \$5.50 million, but it spoke about the problems keeping on schedule and if there needed to be some rethinking of the North Wing project - not that it would look dramatically different, but if they needed to find ways to make sure the project stayed on scope - it was brought to his attention that the Bureau of General Services had used a firm called Cost Management, Inc. They refer to themselves as construction economists, were used on the Psychiatric

Treatment facility to make sure, as the bids came in, there was a way to have a second opinion, to take a look at the architectural design work, the systems work, etc. in order to see where you could cut back and have plans like that make sense, look at the schedule to make sure the 2<sup>nd</sup> Regular Session process would go smoothly, etc. This person was recommended to Mr. Clair and he asked him to put together a response to a request for services which he had done. He also asked him to estimate the maximum cost for an intensive effort to have him go over the construction documents page-by-page and then meet with both the design team and construction team to poke holes in the documents before us and this firm was willing to do that.

Speaker Saxl asked if there were questions.

**Motion:** The Legislative Council authorize the Executive Director to enter an agreement with Cost Management, Inc. (Motion by Sen. Bennett, second by Rep. Schneider, unanimous).

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 1:07 p.m. (Motion by Sen. Bennett, second by Rep. Colwell, unanimous).



# Executive Director's Report *May 30, 2001*



1. North Wing Planning Process
  - Bid-to-budget update
  - mid-June 2001 moves?
  - late-June 2001 kick-off?
2. Part 2 Requests
  - *See attached*
3. State House & Capitol Park Commission results
  - tentative agreement to access \$650K from FY 02 Reserve Fund amount
  - will be reviewing bid-to-budget data at next SHCPC meeting;
  - Proposing that South Wing smoking site be moved outside of granite wall  
(*see attached*)
4. Cost Center Budgeting: An Update
5. ISDN Line in the 4th floor "Press Room"
  - access is requested
  - how many lines?
  - who pays?

JAMES A. CLAIR  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL




MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

May 29, 2001

TO: Members, Legislative Council

FROM: Jim Clair 

RE: PART 2 BUDGET: Executive Director's Recommendations

It is my understanding that there may be some interest in asking the 2002-2003 "Part 1" Legislative budget to absorb some of the "Part 2" requests presently before you. Recall that I sent an updated Part 2 request list to you last week that totaled approximately \$3.5 million for the biennium.

Although I will be providing you with more information at tomorrow's Legislative Council meeting, it is important to remind you that the State House Renovations budget is extremely challenged. Preliminary data indicates that we will need to find *more than \$1 million* to keep the present scope funded. Any "extra" funds within the Legislature's "Part 1" budget needs to be reserved to help fund the North Wing renovations. Keep in mind that I do not think that there will be a lot of excess funds, given the "operating budget" commitments that have been spelled out for the next two years. That said, any operating balances will need to be applied toward renovations-related items.

I recommend the following actions on the Part 2 requests:

- The \$217,775 request for the Law and Legislative Reference Library's relocation expenses (lease payments, moving expenses, temporary shelving, etc.) is the single most important Part 2 item before you. Should the Part 1 budget be asked to absorb any of the Part 2 items, this is the highest priority for the institution;
- Priority 1 of "Technology "A" Priority Items" results in minor *cost savings* over the biennium. I recommend that this item be approved; and
- Action on all other Part 2 items should be deferred at this time, followed with instructing your "management team" to come up with an amended plan that would allow for the renovations expenses to be absorbed within our 2002-2003 existing resources.

I stand ready to discuss this with you in more detail at tomorrow's meeting. Please call or stop by if you have any questions or need additional information.

Enclosure

cc: Michael H. Michaud, President of the Senate  
Joy O'Brien  
Pamela Cahill  
Millie MacFarland  
David Shiah  
Office Directors

g:\budget\2002-2003\Part 2 02-03 ED recommendations.doc



STATE HOUSE  
DESIGNATED  
SMOKING AREAS

SEWALL STREET



NASH  
SCHOOL



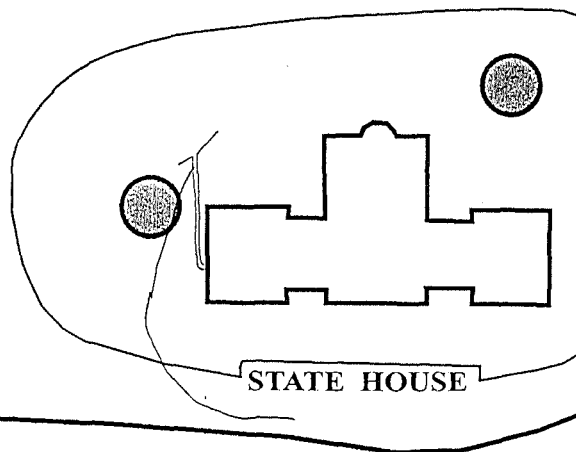
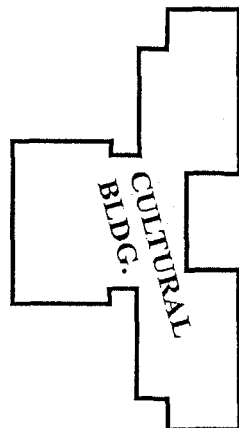
PARKING  
GARAGE



BANK

CAPITOL ST.

GROVE ST.



THE  
BLAINE  
HOUSE

STATE ST.

STATE ST.



UNION ST.

CAPITOL PARK

CAPITOL ST.

CHILD ST.

# CAPITOL COMPLEX

# **Fiscal Briefing for the Legislative Council**

**May 30, 2001**

*Prepared by the Office of Fiscal & Program Review*

- 1. Fiscal Note Production Update**
- 2. April Revenue Variances**
- 3. General Fund Cash Balances**
- 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 5/29/01

Total LD's Printed	<u>#'s</u>	<u>% of Total</u>
Number of LD's Printed	1816	100.0%
Fiscal Note Memos Completed	1810	99.7%
LD's with Public Hearing on or before 5/29/01	<u>#'s</u>	<u>% of Total</u>
LD's Already Heard	1780	100.0%
LD's Already Heard - Fiscal Note Completed *	1775	99.7%
LD's Already Heard - Not Completed	5	0.3%
* Includes LD's with No Fiscal Note Memo ("ONTP", Amended & Carry-overs)	577	32.4%

Amendments - Requests for Fiscal Reviews - As of 5/29/01 11:00PM

	<u>#'s</u>	<u>% of Total</u>
Total Requests	1045	100.0%
Total Fiscal Reviews Completed	1034	98.9%
Total Requests - Outstanding**	11	1.1%
"Late" Fiscal Reviews (>5 working days to complete)	385	36.8%
** Note: Includes 5 Requests received 5/29/01		

Source: Legislature's WANG Bill Status, Bill Tracking and Fiscal Note Systems



## Revenue Update

General Fund Revenue Variance Summary		
For the Month of April 2001		
(Note: Includes effects of March 2001 Downward Revenue Reprojection of \$11.4 Million in FY01)		
In Millions		
Revenue Source	April 2001	Fiscal Year-to-Date April 2001
Sales and Use Tax	(\$7.1)	(\$10.9)
Individual Income Tax	\$36.9	\$46.9
Corporate Income Tax	\$2.8	(\$8.2)
Cigarette and Tobacco Tax	(\$1.6)	(\$0.5)
Public Utilities Tax	\$0.0	\$0.1
Insurance Companies Tax	(\$0.7)	\$3.7
Inheritance and Estate Tax	\$1.9	(\$0.4)
Property Tax - Unorganized Territories	\$0.0	\$0.8
Income from Investments	(\$0.4)	\$0.4
Transfer to Municipal Revenue Sharing	(\$1.7)	(\$1.4)
Transfer from Liquor	\$0.2	\$2.1
Transfer from Lottery	(\$1.0)	(\$1.6)
Other Revenues	\$1.4	\$2.6
<b>Total General Fund - Variances</b>	<b>\$30.8</b>	<b>\$33.6</b>

Highway Fund Revenue Variance Summary		
For the Month of April 2001		
In Millions		
Revenue Source	April 2001	Fiscal Year-to-Date April 2001
Fuel Taxes	\$0.1	\$3.3
Motor Vehicle Registration and Fees	\$0.4	\$1.0
Inspection Fees	(\$0.1)	\$0.0
Other Revenues	\$0.1	(\$0.1)
<b>Total Highway Fund - Variances</b>	<b>\$0.5</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 Tenth Month Ended April 30, 2001

Apr-01

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2001
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Sales and Use Tax	54,397,178	61,535,324	(7,138,146)	(11.6%)	606,102,125	616,975,011	(10,872,886)	(1.8%)	823,000,000
Individual Income Tax	226,494,647	189,602,207	36,892,440	19.5%	935,484,682	888,591,644	46,893,038	5.3%	1,121,964,159
Corporate Income Tax	13,208,130	10,437,211	2,770,919	26.5%	74,362,405	82,537,946	(8,175,541)	(9.9%)	113,548,431
Cigarette and Tobacco Tax	4,471,935	6,071,417	(1,599,482)	(26.3%)	62,187,782	62,694,996	(507,214)	(0.8%)	77,466,005
Public Utilities Tax	584,950	550,000	34,950	6.4%	504,028	400,000	104,028	26.0%	29,800,000
Insurance Companies Tax	5,379,907	6,060,599	(680,692)	(11.2%)	25,232,637	21,490,210	3,742,427	17.4%	39,993,634
Estate Tax	4,227,990	2,284,075	1,943,915	85.1%	21,736,873	22,089,965	(353,092)	(1.6%)	31,041,869
Property Tax - Unorg Territory	-	-	-	-	8,399,884	7,622,802	777,082	10.2%	9,213,301
Income from Investments	887,965	1,300,455	(412,490)	(31.7%)	13,561,176	13,197,749	363,427	2.8%	17,000,000
Transfer to Municipal Revenue Sharing	(14,999,098)	(13,340,312)	(1,658,786)	12.4%	(82,413,410)	(80,993,335)	(1,420,075)	1.8%	(104,984,142)
Transfer from Liquor Commission	1,736,618	1,513,287	223,331	14.8%	20,242,325	18,143,647	2,098,678	11.6%	21,477,758
Transfer from Lottery Commission	2,430,637	3,389,425	(958,788)	(28.3%)	30,222,056	31,814,902	(1,592,846)	(5.0%)	37,975,384
Other Revenues	11,961,643	10,593,314	1,368,329	12.9%	111,627,704	109,058,541	2,569,163	2.4%	133,467,400
<b>Total General Fund Revenues</b>	<b>310,782,503</b>	<b>279,997,002</b>	<b>30,785,501</b>	<b>11.0%</b>	<b>1,827,250,266</b>	<b>1,793,624,078</b>	<b>33,626,188</b>	<b>1.9%</b>	<b>2,350,963,799</b>

- NOTES: (1) Included in the above is \$14,999,098 for the month and \$82,413,410 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 March 2001.
- (4) This report has been prepared from preliminary month end figures and is subject to change.

OFPR  
G:\OFPR\HWYFUND\REVENUE\MONTHEND.XLS  
5/01

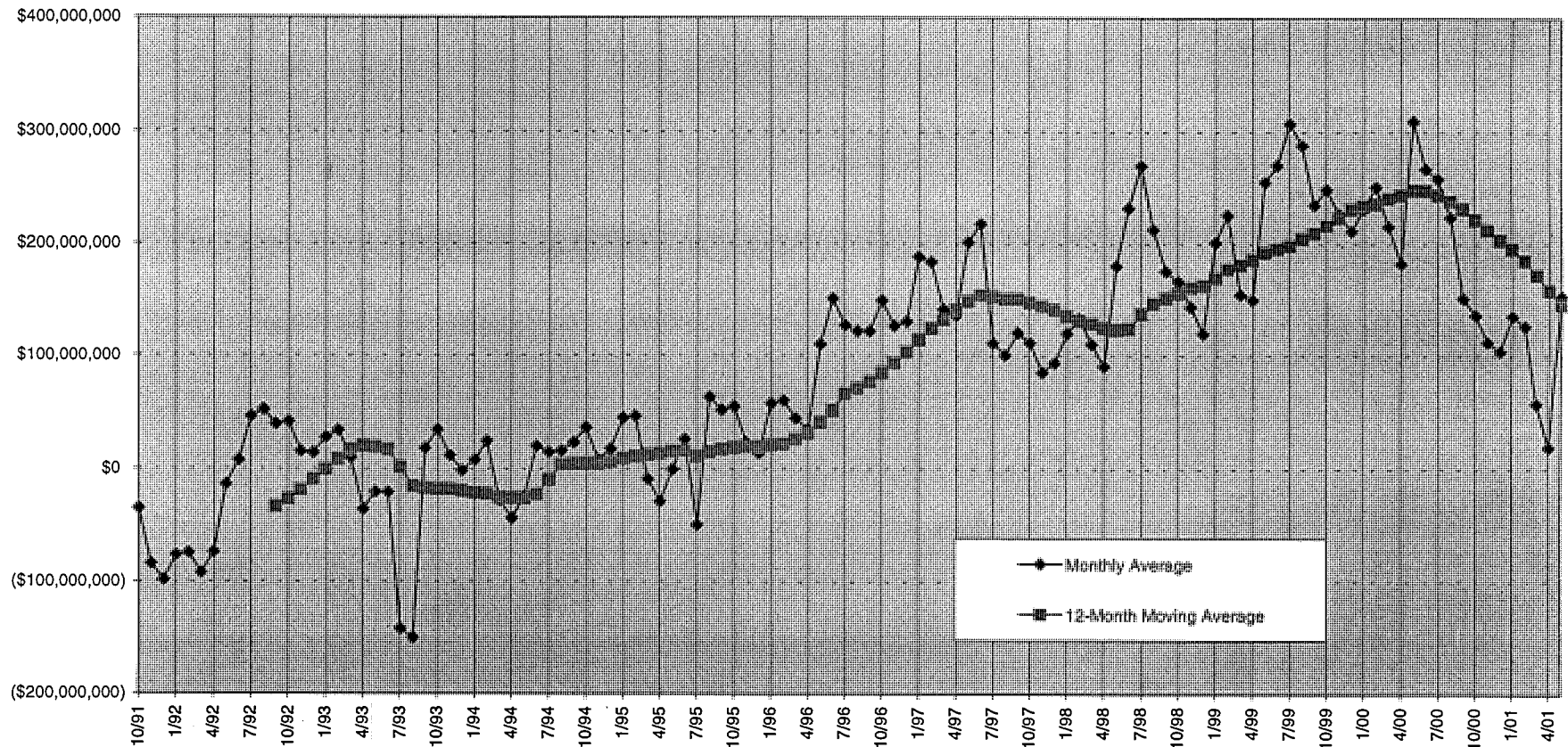
(Data Source: Bureau of Accounts & Control)

HIGHWAY FUND  
UNDEDICATED REVENUE  
MONTH ENDING April 30, 2001

	<u>CURRENT MONTH</u>			<u>YEAR TO DATE</u>			<u>% REC'D TO DATE</u>	<u>TOTAL BUDGETED</u>
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>MORE/LESS</u>	<u>ACTUAL</u>	<u>BUDGET</u>	<u>MORE/LESS</u>		
Fuel Taxes	\$ 14,125,928	\$ 13,986,005	\$ 139,923	\$ 135,798,807	\$ 132,484,405	\$ 3,314,402	76.4%	\$ 177,634,606
Motor Vehicle Registration and Fees	5,973,374	5,591,284	382,090	60,022,301	58,999,001	1,023,300	83.0%	72,356,030
Inspection Fees	186,239	244,604	(58,365)	1,969,575	1,968,222	1,353	81.3%	2,421,945
Other Revenue	1,115,405	1,057,699	57,706	9,462,945	9,568,248	(105,303)	82.7%	11,443,386
<b>TOTAL</b>	<b>\$ 21,400,945</b>	<b>\$ 20,879,592</b>	<b>\$ 521,353</b>	<b>\$ 207,253,628</b>	<b>\$ 203,019,876</b>	<b>\$ 4,233,752</b>	<b>78.5%</b>	<b>\$ 263,855,967</b>
 Variance MORE/<LESS>			2.5%			2.1%		

Prepared by the Office of Fiscal and Program Review

# GENERAL FUND DAILY STARTING CASH BALANCES



## TAX ANTICIPATION NOTES <sup>(1)</sup> FY 1990-91 to FY 1997-98

Fiscal Year	Amount Authorized	Amount Issued	Reference
1997-98	\$100,000,000 <sup>(2)</sup>	\$0	PL 1997, c. 24, §F-1
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 665, §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

Notes: <sup>(1)</sup> 5 MRSA, §150 authorizes up to \$30,000,000 of Tax Anticipation Notes, special increases are detailed in this schedule.

<sup>(2)</sup> Authorization subsequently repealed by PL 1997, c. 643, §E-5.

## July-00

August-00

September-00

October-00

November-00

December-00

January-01

February-01

March-01

April-01

May-01

June-01

Day of Week		Week		Week		Week		Week		Week		Week		Week		Week		Week		Week		Week		Week			
Mo.	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance	Day	Beg.	Balance
1	S			T	250,695,744	F	190,079,062	Su		W	106,647,257	F	111,513,870	M	Holiday	Th	141,482,380	Th	73,120,629	Su		T	129,070,474	F			
2	Su			W	259,094,084	S		M	195,926,685	Th	100,040,050	S		T	122,604,208	F	151,508,862	F	80,632,231	M	25,930,181	W	123,459,001	S			
3	M	295,782,946		Th	252,119,024	Su		T	195,655,146	F	109,443,123	Su		W	103,556,748	S		S		T	(265,778)	Th	147,658,335	Su			
4	T	Holiday		F	262,570,419	M	Holiday	W	172,049,616	S		M	110,967,084	Th	72,035,357	Su		Su		W	(5,129,951)	F	157,883,880	M			
5	W	288,006,832		S		T	158,407,798	Th	170,493,841	Su		T	114,426,490	F	105,482,770	M	157,989,758	M	80,418,783	Th	(5,095,607)	S		T			
6	Th	280,444,001		Su		W	153,825,964	F	164,645,667	M	109,201,503	W	100,123,754	S		T	150,082,469	T	Snow Day	F	1,390,695	Su		W			
7	F	260,852,327		M	258,082,605	Th	118,866,331	S		T	112,253,416	Th	95,107,064	Su		W	121,601,137	W	71,661,392	S		M	147,930,096	Th			
8	S			T	233,169,023	F	128,136,834	Su		W	123,086,142	F	99,380,655	M	112,968,338	Th	121,660,557	Th	57,173,229	Su		T	167,853,230	F			
9	Su			W	239,796,162	S		M	Holiday	Th	103,823,498	S		T	119,109,967	F	128,868,961	F	51,569,417	M	(3,914,288)	W	144,205,503	S			
10	M	286,475,120		Th	225,302,241	Su		T	159,017,400	F	Holiday	Su		W	122,622,455	S		S		T	(5,467,802)	Th	138,960,346	Su			
11	T	293,989,030		F	231,225,592	M	131,467,091	W	163,432,299	S		M	91,298,221	Th	123,703,625	Su		Su		W	(1,263,644)	F	152,093,524	M			
12	W	298,408,421		S		T	128,090,421	Th	152,784,419	Su		T	104,276,172	F	126,773,860	M	130,696,485	M	51,849,662	Th	(10,585,466)	S		T			
13	Th	301,038,997		Su		W	127,209,823	F	128,885,868	M	107,731,503	W	92,508,243	S		T	135,841,063	T	61,099,762	F	(13,443,454)	Su		W			
14	F	301,794,042		M	230,529,334	Th	126,859,714	S		T	106,883,295	Th	95,273,680	Su		W	122,296,814	W	48,160,326	S		M	150,747,059	Th			
15	S			T	243,706,514	F	128,480,032	Su		W	104,314,946	F	100,054,945	M	Holiday	Th	113,407,922	Th	41,563,254	Su		T	158,154,427	F			
16	Su			W	231,883,292	S		M	130,918,126	Th	112,207,724	S		T	122,347,661	F	115,688,386	F	38,749,006	M	Holiday	W	142,789,483	S			
17	M	271,184,067		Th	225,977,784	Su		T	131,252,599	F	120,003,044	Su		W	133,954,686	S		S		T	(11,239,965)	Th	160,618,125	Su			
18	T	274,554,273		F	222,203,856	M	140,582,191	W	127,417,979	S		M	103,040,404	Th	124,955,805	Su		Su		W	(14,805,167)	F	173,751,584	M			
19	W	256,597,083		S		T	149,750,696	Th	124,696,485	Su		T	101,484,733	F	146,131,432	M	Holiday	M	46,712,315	Th	(3,228,104)	S		T			
20	Th	195,596,052		Su		W	149,994,765	F	135,783,363	M	135,038,747	W	115,232,057	S		T	127,595,487	T	69,099,407	F	20,601,226	Su		W			
21	F	196,004,071		M	242,120,501	Th	149,003,163	S		T	144,259,804	Th	111,863,437	Su		W	138,659,405	W	59,954,128	S		M	184,423,370	Th			
22	S			T	250,763,505	F	118,832,941	Su		W	103,653,967	F	93,853,280	M	154,164,343	Th	116,026,316	Th	68,795,861	Su		T	192,889,568	F			
23	Su			W	205,447,267	S		M	113,818,974	Th	Holiday	S		T	171,189,194	F	146,349,964	F	94,836,438	M	(21,332,159)	W	191,030,446	S			
24	M	221,349,603		Th	167,245,776	Su		T	91,223,410	F	Holiday	Su		W	179,375,424	S		S		T	25,999,325	Th	169,281,773	Su			
25	T	232,314,939		F	184,644,162	M	175,225,570	W	88,186,656	S		M	Holiday	Th	172,935,949	Su		Su		W	85,628,703	F	128,356,789	M			
26	W	225,976,963		S		T	180,104,597	Th	91,351,145	Su		T	97,441,927	F	151,654,082	M	92,362,951	M	51,416,531	Th	96,168,620	S		T			
27	Th	216,830,148		Su		W	198,383,953	F	101,576,249	M	105,125,050	W	114,515,489	S		T	95,813,630	T	51,339,894	F	113,880,439	Su		W			
28	F	244,546,079		M	188,037,713	Th	185,656,396	S		T	113,033,899	Th	114,480,643	Su		W	98,018,047	W	43,256,847	S		M	Holiday	Th			
29	S			T	193,798,940	F	193,304,607	Su		W	110,792,221	F	115,462,707	M	165,943,851			Th	40,722,898	Su		T	129,118,991	F			
30	Su			W	186,513,887	S		M	104,800,944	Th	115,610,330	S		T	165,096,212			F	35,910,956	M	124,156,301	W	130,264,845	S			
31	M	238,015,789		Th	181,047,162	T		T	122,972,657	Su		W	155,025,773				S					Th					

Average	258,988,039
FY Ave.	#DIV/0!

Source: MFASIS  
Updated: 5/30/01

### FY01 Daily Cash Balances

5

**120<sup>th</sup> MAINE STATE LEGISLATURE**  
**LEGISLATIVE COUNCIL**  
**May 30, 2001**

**Migration Project Status**

1. User Functionality Testing continues
2. 400 + problems logged to date, 26 open problems, no "show stoppers" found to date
3. The testing process has taken longer than planned, estimating an additional 4 weeks to complete
  - a. Need for Legislative Staff to support the needs of the session
  - b. Number of problem items found and impact of retesting fixes
  - c. Compaq's has been very responsive in resolving problems
4. Compaq has asked the Legislature for help in keeping the Compaq Project Team fully utilized while the testing process is completed
  - a. Resources are "standing by" to fix problems as they are found
  - b. Compaq has asked if they could do other work for the Legislature to better use the resources
  - c. There would be significant synergy for both the Legislature and Compaq to release the "Fiscal Note" process work to leverage the availability of the Compaq resources
  - d. Recommend the Legislative Council authorize the Executive Director to enter discussions with Compaq to establish a scope of work and cost estimates for the fiscal note module of the Bill Drafting System.

**120<sup>th</sup> MAINE STATE LEGISLATURE**  
**LEGISLATIVE COUNCIL**  
**May 30, 2001**  
**Direct Legislative Internet Access**

**Update:**

- The Bureau of Information Services has proposed providing a 100MB connection between the Legislature and the Executive Branch for \$12,000/yr.
- The Legislative Systems Office has developed an approach for providing "global address" list access. The approach is being tested now.
- The cost estimate has been updated for the added \$12,000 connection cost and BIS's proposed rate reduction of \$4.00/month/PC.
- Including the added \$12,000 cost and the \$4 rate adjustment, the Legislature saves \$35,700 in the first year, and a minimum of \$67,000 each year during the second and third years.

**Recommendations:**

1. The Maine State Legislature proceeds with establishing a direct connection with the Internet.
2. Authorize the Office of Legislative Information Services to expend up to \$31,200, funded from future savings, to establish direct Legislative Internet access.
3. The Legislature, in coordination with the Executive Branch, implements the technology to maintain a network connection between the two branches at a cost not to exceed \$12,000/yr.
4. The Executive Director's Office will insure the appropriate procurement practices are followed.
5. The Executive Director's Office provides the Technology Committee a monthly report of commitments and expenditures resulting from this effort.



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

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**Memorandum**

To: The Honorable Michael V. Saxl, Chair  
The Honorable Richard A. Bennett, Vice-Chair  
120<sup>th</sup> Legislative Council

*Dave*  
From: David E. Boulter, Director

Date: March 26, 2001

Re: Proposed Drafting Guidelines for Legislative Studies-120<sup>th</sup> Legislature

Please find attached proposed drafting guidelines for legislative studies that I present to the Legislative Council for its review and adoption, pursuant to Joint Rule 353. Under Joint Rule 353, The Legislative Council must 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.

The proposed guidelines closely track relevant provisions of the Joint Rules of the 120<sup>th</sup> Legislature and the guidelines that were adopted by the 119<sup>th</sup> Legislative Council. Some provisions have been revised somewhat or expanded to provide greater clarity, but the guidelines do not propose any major change in policy with respect to studies. The guidelines also include guidance to staff when preparing joint standing committee requests to the Legislative Council for committee studies and a sample order creating a study committee.

If you have any questions, I would be happy to answer them at the Council meeting.

Cc: Senate President Michael H. Michaud  
Jim Clair, Executive Director

G:\ARCHIVES\STUDIES\study guideline memo to council.doc (3/26/01 8:24 AM)

MAR 26 2001

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



# Legislative Studies: Drafting Guidelines

**DRAFT**

Adopted by the 120<sup>th</sup> Legislative Council  
Pursuant to Joint Rule 353(8)

March 28, 2001

Prepared by the Office of Policy and Legal Analysis  
Maine Legislature

## Guidelines for Legislative Studies

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

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

**Authority.** Section 8 of Joint Rule 353 that was adopted by the 120<sup>th</sup> Legislature on December 6, 2000 directs the Legislative Council to adopt guidelines for drafting legislation that establish studies.

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

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

In addition to legislative studies, these guidelines should be applied to the drafting of legislation for non-legislative studies as well, using standardized elements and language as appropriate.

**Purpose and use of the guidelines.** These guidelines implement provisions of Joint Rule 353 as they relate to the preparation of study orders and legislation. These guidelines also incorporate many of the recommendations of the Special Committee on Legislative Rules contained in its final report issued in November 1998 and the Special Commission to Review the Study

Commission Process contained in its final report issued on January 16, 1998. The guidelines identify the major elements that should be included in each proposed joint order, resolve or law that establishes a study committee, offer suggested language for each element and comment on or generally explain the purpose for the language.

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

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

These guidelines will also assist in preparing joint standing committees' requests for approval from the Legislative Council for studies proposed to be conducted by joint standing committees or their subcommittees.

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

1. Joint orders (study orders), resolves or law may be used to establish legislative studies. It is the Legislative Council's general policy that study orders be the legislative instrument for all legislative studies except when studies will: (a) be conducted by a blue ribbon commission or other group created by the Legislature that needs to include substantial membership by non-legislators; or (b) extend beyond the current legislative biennium.
2. Proposed study orders will be referred to joint standing committees for consideration and reported out in the same manner as legislation. Committees also may initiate and report out study orders on their own initiative consistent with Joint Rule 353, section 1.
3. Ordinarily, the presiding officers appoint the members of a study committee, including its chair or co-chairs. In most cases, chairs should be legislators. Also, in most cases, the presiding officers are not directed to make their appointments jointly.
4. Ordinarily, the size of a study committee is between 3 and 13 members and should consist entirely or mostly of legislators. In accordance with the Joint Rules, joint select committees usually consist of 10 members or less.
5. Legislative members, and non-legislative members (if any) who are not otherwise compensated for their time serving on the study committee, are entitled to receive a per diem and reimbursement of necessary expenses, as authorized by their respective presiding officers.
6. Study committees are required to complete their work before the start of a legislative session or to curtail their work during the session if it spans two or more sessions.

7. The Legislative Council may grant limited extensions to the report date for a study committee. However, studies established by joint order may not be extended beyond the current legislative biennium.
8. All study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or in the House and reviewed by the Legislative Council for coordination with legislative priorities and allocation of staffing and budgetary resources to support the study request.
9. Studies will ordinarily be funded from a study line in the legislative budget.
10. Ordinarily, non-partisan employees of the Legislature provide staffing services for legislative studies. Staff and other professional services to the committee or commission are under the direction of the director of the office that provides the primary staffing.

## LEGISLATIVE STUDIES

### DRAFTING GUIDELINES

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<b>I. Selection of Legislative Vehicle</b> ♦ Five types of document may be used		
<b>A. <u>Joint Study Order</u></b>  (This is the principal method of legislative study and is adaptable for most legislative studies. Particularly appropriate for a limited term study of a specific issue by a committee consisting wholly or mostly of legislators that reports back to the Legislature within the legislative biennium. A joint order study may include a minority of non-legislators as members who participate at the request of the Legislature.)	<p>“Ordered, the (Senate or House) concurring, that the Joint Select Committee on Substance Abuse is established as follows.”</p> <p>or “...that the Joint Standing Committee on Fisheries and Wildlife (or a subcommittee) is directed to study the issue of the recodification of the state hunting and fishing laws as follows.”</p> <p>or...that the Legislative Study Committee on the Integration of Social Security and Maine State Retirement System Benefits is established as follows.”</p>	<ul style="list-style-type: none"> <li>• Must pass in each chamber only once (unless amended on the floor)</li> <li>• Governor’s approval not needed</li> <li>• Effective immediately, unless otherwise specified</li> <li>• Appropriation/fiscal note not needed at time of passage</li> <li>• Chair and all or most members are legislators</li> <li>• Public and agency members may be invited but not compelled to serve</li> <li>• Orders are printed in the Calendar and ordinarily are referred to committee.</li> <li>• Introduction of legislation into another biennium requires legislative sponsor</li> <li>• May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator</li> <li>• Cannot authorize a committee in the next biennium to report out legislation</li> <li>• Authority terminates with the end of the biennium; Legislative Council cannot extend</li> </ul>

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<p>B. <u>Resolve</u></p> <p>(Appropriate for limited-term studies for which the participation of a large proportion of non-legislators is necessary, when outside members may need to be compelled to participate or when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members. Also appropriate for non-legislative studies to be conducted by agencies with a report back to the Legislature.)</p>	<p>“Resolve, to Establish the Commission to Study Rate Setting and the Financing of Long-term Care Facilities”</p> <hr/> <p>NOTE: Unless otherwise noted in these guidelines, the term “study group” means, study committee, study commission, task force, work group, blue ribbon commission or study group.</p>	<ul style="list-style-type: none"> <li>♦ Governor’s approval or veto override needed</li> <li>♦ Unless passed as an emergency, takes effect 90 days after adjournment</li> <li>♦ May compel participation, assistance or other action by non-legislators</li> <li>♦ May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator</li> <li>♦ Appropriation/ Fiscal Note required</li> </ul>
<p>C. <u>Public Law</u></p> <p>(Appropriate for ongoing, periodic studies established in statute [e.g., judicial compensation], for studies that are an integral part of a bill creating a new program [e.g., learning results, electric utility deregulation] and when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members [ e.g. workers’ comp reform].)</p>	<p>“An Act to Establish the State Compensation Commission”</p>	<ul style="list-style-type: none"> <li>♦ Governor’s approval or veto override needed</li> <li>♦ Unless passed as an emergency, takes effect 90 days after adjournment</li> <li>♦ May compel participation, assistance or other action by non-legislators</li> <li>♦ May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator</li> <li>♦ Appropriation/ Fiscal Note required</li> </ul>
<p>D. <u>Letter request to Legislative Council</u></p> <p>(Appropriate for use by joint standing committees or their subcommittees only. Use for limited duration studies.)</p>	<p>See Appendix I for the procedure to request approval from the Legislative Council for study.</p>	

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<p>E. <u>Special Committees</u> established pursuant to the presiding officer(s) order</p> <p>(Appropriate for use by the presiding officers to establish special committees to meet the study needs of the House and Senate, individually or jointly. Neither the Presiding Officers nor Legislative Council may establish Joint Select or Joint Standing Committees; That authority is reserved to the full Legislature.)</p>	See sample order.	Note: Joint standing committees may also study an issue during interim committee authorized by Joint Rule 315.
<b>2. Establishment of Study Group</b>		
A. <u>Order or Resolve</u>	"The (study group), referred to in this (order/resolve) as the (committee/commission/ task force/blue ribbon commission/etc.) is established."	Not necessary when the study is to be assigned to an existing joint standing committee or a sub-committee of a joint standing committee. (See Appendix I)
B. <u>Public Law</u>	"The (study group) established in Title 5, section____, subsection____, (boards and commission law) and referred to in this section as the "(committee/commission/ task force/blue ribbon commission/etc.)", consists of (#) members appointed as follows:..."	
<b>3. Appointment of Study Group Members</b>		
♦ Specify total number of members, usually ranging from 3-13 members	"The (study group) consists of (#) members appointed as follows."	Conduct of studies by joint standing committees or their subcommittees or by joint select committees consisting entirely of legislators is the method preferred by the Legislative Council See Joint Rule 353 (2).
♦ Describe the method of appointment or selection of members		
A. <u>Joint study order</u>	"The President of the Senate shall appoint (#) members and the Speaker of the House of	Unless specific circumstances warrant, the Presiding Officers should be the appointing

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
	Representatives shall appoint (#) members to the (study group)."	authority for all members, but should not make appointments jointly.
B. <u>Resolve or bill</u>	"The (President of the Senate and Speaker of the House of Representatives, the Governor or other appointing authority) shall appoint (#) members to the (study group)."	
♦ Specify qualifications or affiliations of members	(Describe broad qualifications or other eligibility criteria, if any, e.g. membership on a joint standing committee, professional affiliation, or residency.)	Avoid appointment procedures that include narrow restriction to very specific membership slots or appointment by outside organizations
♦ Establish deadline for appointments	"All appointments must be made no later than 30 days following the (effective date of this resolve or Act/passage of this order)."	
♦ Establish terms and provide for filling vacancies	"All members must be appointed for (# of years or to coincide with the legislative biennium). A vacancy must be filled (specify manner)."	Ordinarily applies only to on-going study group established in statute
♦ Specify notification of appointments to administering authority	"The (appointing authorities) shall notify the (Executive Director of the Legislative Council or other administering authority) upon making their appointments."	
4. Selection of Chair		
♦ Designate the selection process or appointing authority	<p>"The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair."</p> <p><u>(Alternatives to preferred approach:)</u></p> <p>"The (Governor, the President of the Senate, Speaker of the House of Representatives or other authority) shall appoint the chair of the (study group)."</p>	Unless there is some compelling reason to do otherwise, appointment of study chair or co-chairs is by the presiding officers and is made at the same time the member appointments are made. If the study group consists of 5 or fewer members, one chair should be appointed by the presiding officer of the body in which the study order or legislation originates; otherwise the Senate President should appoint the Senate Chair



Element of Study Order or Legislation

Sample Language

Comments

and the Speaker the House Chair. See Joint Rule 353 (3). Avoid joint appointment of a chair.

or

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

Use this method of chair appointment only for blue ribbon commissions or similar groups where there is a compelling reason for the group members to select the chair.

**5. Convening of Study Group**

- ◆ Specify who is to call first meeting

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

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

- ◆ Establish deadline for first meeting

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

All study groups should, ordinarily, be convened by August 1 in the first session and by June 1 in the second session. However, studies should not be convened prior to legislative adjournment in order to avoid scheduling conflicts for legislators and staff.

**6. Study Subject & Tasks**

- ◆ State subject of study

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

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

- ◆ Specify issues to be studied

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

Listing specific issues to be studied provides a clear legislative charge to the study group. It also will facilitate planning and preparation by

## Element of Study Order or Legislation

## Sample Language

## Comments

- ◆ Specify tasks to be performed when studying the issue

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

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

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

the chairs and staff before the first meeting.

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

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

### 7. Staffing

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

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

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

or

- ◆ Direct another state agency to provide primary staff

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

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

- specify who is to provide assistance in drafting study legislation

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

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u> or (For non-legislative studies)	<u>Comments</u>
	"If the (study group) requires assistance with the preparation of any recommended legislation, it may request, and upon approval from the Legislative Council, receive such assistance from (non-partisan staff office or offices) staff."	
- Specify who is to provide clerical assistance	"The (non-partisan staff office) or (state agency) shall provide clerical support to the (study group)."	
♦ Permit the employment of consultants or other staff assistance	"The (study group), with the approval of the Legislative Council, may contract with a (consultant or expert) to provide staffing or other professional services."	Ordinarily, staffing will not be contracted, but will be provided by nonpartisan legislative staff for study activities. (designate as primary staff or cross-reference the pertinent study issues, tasks and products).
<b>8. Compensation of Members</b>		
♦ Specify which members are eligible to receive per diem	"Legislative members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the study group. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of (a study committee)."	This is consistent with Joint Rule 353 (5).

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
9. Report & Study Group Termination		
♦ Specify work products to be prepared by the study group	<p>“The (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, to the (specify which) Session of the (specify which) Legislature no later than (date). The (study group) is authorized to introduce legislation related to its report to the (specify session) Session of the (specify legislature) Legislature at the time of submission of its report.”</p> <p>Alternative: “The (study group) is not authorized to introduce legislation.”</p> <p>or</p> <p>“The (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on (joint standing committee) and the Legislative Council by (date). The (study group) is not authorized to introduce legislation.” “Following receipt and review of the report, the (joint standing committee) may report out a bill to the (specify which) Session of the (specify which) Legislature.”</p> <p>or</p> <p>“The (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on (joint standing committee) and the Legislative Council by (date). The (study group) is authorized to introduce legislation related to its report to the (session ) Session of the (specify) Legislature at</p>	<p>Reports and legislation are to be submitted by the first Wednesday in November preceding a 1st Regular Session or the first Wednesday in December preceding a 2nd Regular Session. These dates are to assure that the report will be prepared and submitted for review by Legislators before the start of the legislative session and to allow for timely preparation of any accompanying legislation. Due to the their committee responsibilities, legislative analysts do not ordinarily staff study commissions during legislative sessions. See Joint Rule 353 (6) and (7).</p> <p>Ordinarily, the reports should be submitted to the “Legislature.” The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. The deadline for submission of legislation should be concurrent with submission of the study report.</p> <p>If, however, the scope of the study is so narrow as to affect only a joint standing committee, then the report may be submitted to the joint standing committee having jurisdiction over the relevant policy area. The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. Furthermore, the language should be specific as to whether the joint standing committee has authority to report out a bill.</p> <p>Authority to introduce legislation should not be</p>

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
	the time of submission of its report”	granted to both the study group and the joint standing committee. In addition, it should not be granted to joint standing committees jointly.
♦ Specify date for submission of work products to the Legislature and to whom the report or other work product is to be submitted	(If the work product is not a report). “The (study group) shall submit (a questionnaire or survey summary, an informational booklet, legislation only, etc.) no later than (date)).”	
♦ Study Group Termination	“Upon submission of its required report(s), the study group terminates.”	
♦ Extension of reporting deadline	“If the (study group) requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.”	A report date should not be extended into a legislative session. A study group created by a joint study order cannot extend beyond the biennium because the authority granted by the Legislature for the joint study order lapses with the convening of the new legislature.

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

# Legislative Council-Authorized Studies

## Requests for Studies

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

## Limitations

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

## Staffing assistance to Committees

Studies conducted by joint standing committees or their subcommittees are staffed by members of the nonpartisan staff. The appropriate Office Director, in consultation with the Executive Director makes specific staffing assignments. Frequently, more than 1 committee analyst is assigned in order to draw on the expertise of various staff members and to provide adequate staffing levels during a study.

## Procedures to Request Studies

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

Study requests must include the following (as applicable):

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

## Decisions by the Legislative Council

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

**SAMPLE**

**LEGISLATIVE INSTRUMENT**

**FOR AUTHORIZING STUDIES**



# SAMPLE JOINT ORDER (STUDY ORDER) CREATING A STUDY

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND ONE

In House \_\_\_\_\_

H. P. 1951

## Joint Study Order to Establish the Committee to Study Access to Private and Public Lands in Maine

**WHEREAS**, this joint study order establishes the Committee to Study Access to Private and Public Lands in Maine; and

**WHEREAS**, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

**WHEREAS**, the spring and summer months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to study access issues; now, therefore, be it

**ORDERED**, the Senate concurring, that the Committee to Study Access to Private and Public Lands in Maine is established as follows.

- 1. Committee established.** The Committee to Study Access to Private and Public Lands in Maine, referred to in this order as the "committee," is established.
- 2. Committee membership.** The committee consists of 6 members appointed as follows. The President of the Senate shall appoint 2 Senators; the Speaker of the House shall appoint 3 members of the House; and the Commissioner of Conservation is invited to participate as an ex officio member. When making the appointments, the President of the Senate and the Speaker of the House shall appoint at least one member of a party that does not hold the majority of seats in that body and shall give preference to members who serve the Joint Standing Committee on Agriculture, Conservation and Forestry.
- 3. Committee chair.** The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee
- 4. Appointments; convening of committee.** All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the

Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than August 1, 2001.

**5. Duties.** The committee shall hold its meetings at various locations in the State, to be determined by the chairs. Geographic locations of meetings must be chosen to accommodate maximum participation by landowners and people using lands that are the subject of this study. The committee shall gather information and request necessary data from public and private entities in order to:

- A. Estimate the number of acres of land owned or controlled by landowners or landowner associations to which access is controlled by checkpoints, gates or other means and estimate the number of people accessing those lands, categorize the various uses of those lands and assess environmental damage and costs to landowners associated with public access to those lands;
- B. Determine the number of acres of land managed by the Bureau of Parks and Lands within the Department of Conservation or the Department of Inland Fisheries and Wildlife that are commonly accessed via roads on which checkpoints are located and fees are charged.
- C. Review existing fee structures for accessing lands beyond checkpoints operated by landowners or landowner associations and compare these fees and systems of public access to access and fee systems in other states; and
- D. Assess the need for legislation to ensure reasonable access to the public resources of this state.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee. The Legislative Information Office shall provide clerical services to the committee.

**7. Compensation.** Members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

**8. Report.** The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 120<sup>th</sup> Legislature no later than December 5, 2001. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 120<sup>th</sup> Legislature at the time of submission of its report.

**9. Extension.** If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the committee terminates.

**10. Budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would