

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL  
DECEMBER 19, 2001  
REVISED AGENDA**

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF NOVEMBER 13, 2001, COUNCIL MEETING</b>	Decision
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	Information
11	• Executive Director's Report	
14	• Renovations: Status Report (Fairservice)	
	• Status of Interim Studies (Elliott)	
	• Fiscal Report (Pennoyer)	
	• Introduction of New Legislative Council Employees	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Technology and Migration Committee	
	• Personnel Committee (No action required)	
	<b><u>Reports of Actions of the Personnel Committee</u></b>	
	On Friday, November 16, 2001, the Personnel Committee unanimously approved a step increase for Clerk of the House Millicent M. MacFarland from Salary Grade 14, Step 7 to Step 8, effective December 3, 2001. The Personnel Committee's action was taken pursuant to Section 10 of the 120 <sup>th</sup> Legislative Council's Rules of Procedure.	
	On Tuesday, November 27, 2001, the Legislative Council by unanimous vote by ballot, appointed David R. Mercier of Vancouver, Washington to a 3-year term as Director of the Office of Policy and Legal Analysis, effective December 31, 2001. He is assigned an initial salary of Step 8 in Salary Grade 14.	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
21	<ul style="list-style-type: none"> <li>• Space Committee</li> <li>- November 28, 2001 Meeting Summary (attached)</li> </ul>	
<b>OLD BUSINESS</b>		
<b>NEW BUSINESS</b>		
26	<b>Item #1: Setting the Salary of the Secretary of the Senate</b> Pamela Cahill	Decision
28	<b>Item #2: Establishing an Early Deadline for Submission of Major Substantive Rules</b> (memo from David C. Elliott)	Decision
	<b>Item #3: Requests For Extension of Study Reporting Deadline (after-the-fact)</b> (no additional funding needed)	Decision
31	<ul style="list-style-type: none"> <li>• Blue Ribbon Commission on Postsecondary Educational Attainment (from December 5 to December 19)</li> </ul>	
32	<ul style="list-style-type: none"> <li>• Gas Tax Equity Study Commission (from December 5 to December 19)</li> </ul>	
	<del><b>Item #4: Request for Authorization to Hold an Additional Meeting (after the fact)</b></del> (no additional funding needed)	Request Withdrawn
33	<ul style="list-style-type: none"> <li><del>• Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated</del> (authorized for 6 meetings)</li> </ul>	
34	<b>Item #5: Request from Joint Select Committee on Joint Rules that the Name of the Joint Standing Committee on Banking and Insurance be Changed to Conform to Name Change of Bureau of Financial Institutions</b> (Letter from Lloyd P. LaFountain, III, Senate Chair and Christopher P. O'Neil, House Chair)	Decision
35	<b>Item # 6: Submission of Study Report</b>	Decision
	<ul style="list-style-type: none"> <li>• Commission to Recognize Vietnam Veterans In the State House Hall of Flags</li> </ul>	
36	<b>Item #7: Consideration of After Deadline Bill Requests</b>	Decision

**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  
David E. Boulter  
~~JAMES A. CLARK~~  
EXECUTIVE DIRECTOR

**MEETING SUMMARY  
NOVEMBER 13, 2001**

**CALL TO ORDER**

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 9:13 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House David E. Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Interim 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 OCTOBER 29, 2001 COUNCIL MEETING**

**Motion:** That the Summary of the October 29, 2001, meeting be accepted and placed on file.  
(Motion by Sen. Davis, second by Rep. Colwell, unanimous).

The Chair moved that the Council take items out of order, unless there was objection. Hearing none, the Chair moved to Item 7 under New Business.

## NEW BUSINESS

### **Item #7: Consideration of Legislators' Appeals of Council Action on Bill Requests and Suggested Procedure for Deciding Appeals**

Speaker Saxl asked Mr. Boulter to review the suggested protocol for deciding appeals. Mr. Boulter outlined the protocol he prepared for the appeals. The suggested protocol is as follows:

- A. The Legislative Council review appeals alphabetically by sponsor, except that legislators who have traveled long distances to attend may have their appeal taken out of order.
- B. For procedural consistency, when voting on an appeal of a bill request that was denied, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. A vote of yea is to let in a bill and a vote of nay is to reject a bill for introduction.
- C. In order to review all legislative appeals in a timely manner, voting will be by a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available for public inspection following the meeting.
- D. Legislators who appeal a decision of the Legislative Council will be given a brief opportunity to make their case to the Council. A time limit of 3 minutes will be observed for Legislators to make their appeal. Only by leave of the Chair of the Legislative Council may a person who is not a Legislator make an appeal to the Council.
- E. Discussion of a bill request will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself. If a bill is turned down because it is closely related to another legislative request or to a carryover bill, the burden is on the Sponsor to convincingly distinguish his or her bill request from the closely related one.

**Motion:** That the Legislative Council adopt the suggested protocol, A-E, for deciding appeals of the legislative bill requests turned down by the Legislative Council as set forth in the "Deciding Appeals" document dated November 13, 2001. (Motion by Rep. Colwell, second by Sen. Treat, unanimous).

The Council proceeded to consider and vote on each appeal in accordance with the protocol adopted in A-E above. A total of 131 appeals were heard. A list summarizing the Council's action was distributed to legislators following the meeting. The Council accepted 59 bill requests for introduction upon appeal.

The bills accepted by the Council for introduction action is included on the attached list.

## RECESS

The Council recessed at 12:02 p.m. on the motion of the Chair.

## RECONVENE

The Council reconvened at 12:37 p.m. and proceeded with consideration of the remaining items on the agenda.

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter had three items to report to the Legislative Council.

- **Staff Appointments to Legislative Council Positions**

Mr. Boulter announced that the following individuals have recently been appointed to positions on the Legislative Council staff.

James Dionne, Principal Analyst, Office of Fiscal and Program Review, (promotion);  
Lisa Baldwin, Legislative Analyst, Office of Policy and Legal Analysis, (new hire);  
Karen Nadeau Drillen, Legislative Researcher, Office of Policy and Legal Analysis, (new hire);  
Michael Thompson, Desktop Support Administrator, Office of Legislative Information Services, (new hire).

At the suggestion of the Chair, Mr. Boulter will invite the employees to the next Legislative Council meeting for introductions.

- **Informational Item Concerning Budgetary Matter**

The Budget Office is taking steps to curtail allotments for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of this fiscal year in the All Other Line in certain categories as a cost-savings measure. Mr. Boulter and Rose Breton have been working with the Budget Office to ensure their suggested curtailments for the Legislative accounts are appropriate. The total amount is approximately a 2% curtailment of allotments totaling about \$65,000 for the Legislative Account and about \$5,000 for the Law Library Account. These are only curtailments and it will be the Legislature's decision whether to make any formal reductions in the budgets.

The Budget Office is also exploring more serious reductions of approximately 4% of the overall budget for FY 02 and 03 for each account. It is asking for a projected impact from agencies based on that level of reductions.

**- Underground Connector**

The connector officially opened today, November 13<sup>th</sup> for general use. Except for some punch list items that need to be addressed, the underground connector is completed.

**• Status of Interim Studies**

Interim OPLA Director Elliott updated Council members on the progress being made by certain interim study committees. Because of the detailed status report made by Mr. Elliott at the October 29, 2001 Council meeting, Mr. Elliott limited this report to those study committees where there has been a notable change. The Returnable Beverage Container Study has completed its meetings and is in the process of finalizing its final report. Other studies are in various stages of completion; most are well underway.

Speaker Saxl said that he had been notified by the Chair of the Joint Standing Committee on Business and Economic Development that it had granted an extension to the reporting deadline for a study. The Speaker noted that committees have not been delegated authority to grant extensions of study deadlines; that authority rests with the Legislature or the Legislative Council.

Speaker Saxl then moved that requests by study committees be taken out of order unless there was objection. Hearing none, the Chair, moved to Items 3, 4 and 5 under New Business.

**Item #3: Request for Additional Meetings**  
(no additional funding needed)

The following study commission requested that it be authorized to hold 2 additional meetings in order to complete its study. The commission proposed to meet its current reporting deadline.

- Commission to Study Domestic Violence (2 additional meetings)

**Motion:** That the Commission's request be granted. (Motion by Sen. Treat, second by Sen. Daggett; unanimous).

**Item #4: Request For Extension of Study Reporting Deadline**  
(no additional funding needed)

The following study committees requested an extension of their final reporting deadline:

- Committee to Review Child Protective System (from December 5, 2001 to December 19, 2001)

**Motion:** That the Committee's request for an extension of study reporting deadline to December 19, 2001 be granted. (Motion by Sen. Treat, second by Sen. Bennett, unanimous).



- Joint Standing Committee on Education and Cultural Affairs' School Funding Study (from December 31, 2001 to January 15, 2002)

Several Council members commented that due to the subject matter of the study, and its significance during the 2<sup>nd</sup> regular session, some additional time may be warranted, and that an extension now may save committee time during the session.

**Motion:** That the Committee's request for an extension of study reporting deadline to January 15, 2002 be granted. (Motion by Sen. Daggett, second by Sen. Small, approved 6-4).

- Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated (from December 5, 2001 to January 4, 2002)

**Motion:** That the Committee's request for an extension be granted, except that the extension be granted only to December 19, 2001. (Motion by Sen. Treat, second by Sen. Davis, unanimous).

**Item #5: Request for an Additional Meeting and Extension of Study Reporting Deadline**  
(no additional funding needed)

The following study committee requested that it be authorized to hold an additional meeting and an extension to its reporting deadline. The committee proposed to conclude its work within existing budgeted resources.

- Committee to Study Access to Public and Private Lands in Maine (1 additional meeting and extension from December 5, 2001 to December 19, 2001)

**Motion:** That the Committee's request for an additional meeting and extension of study reporting deadline to December 19, 2001 be granted. (Motion by Sen. Treat, second by Rep. Colwell, unanimous).

**Item #6: Request for an Extension of Study Reporting Deadline**

The following committee requested an extension of its reporting deadline.

- Education Funding Reform Committee (extension from December 31, 2001 to January 15, 2002)

**Motion:** That the Committee request for an extension of study reporting deadline to January 15, 2002 be granted. (Motion by Rep. Colwell, second by Rep. Norbert, failed 2-8).

**Motion:** That the Committee be granted a limited extension to December 31, 2001. (Motion by Rep. Bruno, after discussion, the Motion was withdrawn).

Mr. Elliott told the Council that he had received information regarding the Chair of the Business and Economic Development Committee granting an extension of a study. Mr. Elliott explained that he believed that it was not a formal study; that during the course of legislation last year, the Committee asked the Department to look into a matter and report back to them by a specific date. The Department has asked for more time and the

Committee has agreed to that request. The Speaker disagreed, and charged Mr. Elliott with investigating the matter and to remind the study committee, and the policy committee, if necessary, of the authorized procedure for seeking an extension to the reporting deadline.

**Item #2: Appointment of Marc Cyr to the Revenue Forecasting Committee**

Due to the resignation of former Director James Clair, one of 2 nonpartisan seats on the Revenue Forecasting Committee was vacant. Pursuant to law, the Legislative Council makes the appointment to the Committee. OFPR Director Pennoyer, with support by Executive Director Boulter, recommended that Marc Cyr be appointed.

**Motion:** That, pursuant to 5 MRSA § 1710E, Marc Cyr, Principal Analyst in the Office of Fiscal and Program Review, be appointed as the second member of the Legislature's nonpartisan staff to serve on the Revenue Forecasting Committee for a term of one year, effective November 15, 2001. (Motion by Rep. Bruno, second by Sen. Treat, unanimous).

**Item #6: Legislative Document Service: Proposed Fee Schedule for Second Regular Session**

Clerk of the House MacFarland presented a proposed fee schedule for legislative documents. She explained to Council members the proposed changes from the current fee schedule, explaining that the changes in cost were modest.

**Motion:** That the proposed fee schedule for legislative documents for the Second Regular Session be approved. (Motion by Sen. Bennett, second by Sen. Small, unanimous).

**Item #1: Rebuilding Fund Request from the Council of State Governments**

Mr. Boulter referred members to a letter received from the Council of State Governments requesting contributions to its rebuilding fund from member states. Maine's contribution would be \$10,705.

Speaker Saxl said CSG offices were housed in the World Trade Center Complex and were destroyed by the terrorist attacks of the September 11<sup>th</sup>. CSG has requested that the Council contribute to a rebuilding fund in an amount equal to 1/4 of Maine's current membership fee. President Pro Tempore Bennett inquired as to what extent CSG was insured and asked for additional information about uses of the money before deciding the request. Speaker Saxl agreed, suggesting that the matter be held for future consideration of the Council and be considered in the context of the legislative budget.

Speaker Saxl asked Mr. Boulter to contact CSG and seeking additional information regarding insurance coverage for the loss and use of the funds received.

President Pro Tempore Bennett moved to table the request, second by Speaker Saxl, unanimous.

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Fiscal Report**

OFPR Director Pennoyer presented a report on the following fiscal matters.

### 1. General Fund Cash Balances

- The General Fund Total Cash was negative as of November 5, 2001 by a minor amount.
- Excluding funds in reserve accounts (such as the Rainy Day Fund), the General Fund Cash position was - \$158.9 million on November 7, 2001.

President Pro Tempore Bennett asked Mr. Pennoyer to elaborate on what concern the Legislature should have regarding its cash position. Mr. Pennoyer noted a couple of concerns. There are proposals that may come forward in the next session to use some of the reserves to balance the budget. If the reserves are reduced there would be less available for the General Fund Cash position and in turn would lower interest earnings on balances in the General Fund. It has a revenue effect as well as an effect on the amount the General Fund may need to borrow. Presently there is a \$100 million tax anticipation note (TAN) authorized that may be needed if there is significant depletion of the reserves and the cash position deteriorates further. A typical term would have to be paid back by the end of the fiscal year; it is a short term borrowing note. At this point a TAN authorization has not been issued by the Administration.

### 2. October 2001 Revenue Variances

- General Fund Revenues for October were up by \$10.4 million. Year-to-date, the General Fund is \$23.4 million below projected revenues.
- The Highway Fund was \$4.4 million ahead of projected revenues for the fiscal year, to date.

### 3. Economic and Revenue Forecasts

- The Consensus Economic Forecasting Commission met on November 6, 2001 and a summary report was included in the Council packet.
- The Revenue Forecasting Committee's schedule of topics to be discussed is listed below:

November 26, 2001 - Review Other Revenue Lines  
November 27, 2001 - Review Major Tax Lines  
December 2, 2001 - Statutory Report Date

No Council action was required.

## REPORTS FROM COUNCIL COMMITTEES

- **Technology and Migration Committee**

Office of Information Services Director Mayotte, reported that the Technology Committee had not met since the last Council meeting. He provided the Council with an update of three items since the October 29, 2001 Council meeting.

### **Migration Project**

Mr. Mayotte reported that legislative staff from the Revisor's Office, Executive Director's Office and the Information Services' Office, had met with Compaq the previous week for 2 days to go through the open (uncompleted or nonconforming) item list for the migration project. A significant number of those items (102) were eliminated, however, a good number remain to be resolved. A meeting has been scheduled for November 29, 2001 with Compaq's senior management to discuss outstanding issues. Rep. Norbert asked if the bill drafting system being developed by Compaq will be more functional than what the Legislature uses now (WANG). Mr. Mayotte responded that the new system would be a noticeable improvement from the current system but that it currently requires more work, especially in the area of performance to make it acceptable to users. Speaker Saxl inquired as to whether Mr. Mayotte had been working with the other Directors, the Secretary and the Clerk, identifying the problems and Mr. Mayotte said they had been working with the Revisor's Office because they were the primary user, but that affected offices are involved as needed.

### **InforME Service Level Agreement**

Mr. Mayotte reported that changes to the proposed agreement that resolve legislative concerns had been accepted. As a result, Mr. Mayotte expected to have a signed contract for the service level agreement for Internet hosting services by November 14, 2001.

### **Direct Legislative Internet Access**

Mr. Mayotte updated the Council on his efforts to secure direct internet service. He reported that there are four vendors who provide commercial level Internet Service in the Augusta area. They are CommTel, Mid Maine Communications, Prexar and Verizon. CommTel is dropping SDSL service but said it will continue to provide T-1 service. The Legislative Information Services Office has received service options and pricing from Mid-Maine, and also from Prexar, which is assuming CommTel's business in the SDSL line. Verizon has been contacted twice and has not yet responded. Mid-Maine has come back with a competitive price and have also provided references. Mr. Mayotte said there is interest on providing chamber audio broadcast to the Internet, which would require LIS to upgrade the T-1 lines. President Pro Tempore Bennett asked the cost and Mr. Mayotte said for the T-1 lines there would be an additional cost of approximately \$1,200 per month.

- **Personnel Committee**

Speaker Saxl reported that the Personnel Committee had met during the previous two weeks regarding the recruitment of an OPLA Director. Five finalists were selected from over 85 applicants and interviewed for the OPLA Director position. A final selection has been deferred pending receipt of references. Another Personnel Committee meeting will be scheduled shortly to make select a candidate to recommend to the Legislative Council for appointment as the new OPLA Director.

- **Space Committee**

- **Subcommittee to Determine the Use of the Interpretive Center**

Rep. Colwell reported that the Space Committee's Subcommittee to Determine the Use of the Interpretive Center met November 8, 2001. The subcommittee discussed various uses for the 2 rooms on the 1<sup>st</sup> floor of the State House but is not ready to make specification recommendations. The subcommittee asked the Executive Director's office to develop a preliminary room layout for consideration. The Executive Director's Office is working with designers to develop a schematic floor plan. To the extent possible the rooms will be furnished using existing furnishings. The Subcommittee will meet on November 28<sup>th</sup> and will be making recommendations to the Space Committee and in turn the Space Committee will report to the full Council at its December meeting.

There was discussion at the meeting regarding the Maine State Museum's commitment to provide 2 touch screens that would provide a pictured display and background information on the flags that had been in the Hall of Flags. Mr. Boulter said that the Executive Director's Office has contacted the Museum regarding the status of the touch screens but has not yet heard back from the Museum. Sen. Daggett noted that the Museum was in the process of having reproductions fabricated and those would be the flags that would be on permanent display in the Hall of Flags, in lieu of the original flags. The Museum has committed to making the original flags, suitably protected, available for public viewing on a rotating basis at the Museum.

## **OLD BUSINESS**

None.

## **REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS (revisited)**

Rep. Bruno referred back to the fiscal update provided by Mr. Pennoyer. He asked Mr. Pennoyer what would be the fiscal impact and what would be the budget deficit if the Revenue Forecasting Committee accepted the recommendations of the Consensus Economic Forecasting Commission. Mr. Pennoyer responded that looking just at the economic variables, using the Model, would result in a projected \$200-\$300 million shortfall for the biennium.

## **NEW BUSINESS (revisited)**

### **Item #7: Consideration of Legislators' Appeals of Council Action on Bill Requests**

Speaker Saxl said Rep. Stanley had asked permission to address the Council regarding his appeals of 2 bill requests. Speaker Saxl moved to reconsider LR 2970, second by Sen. Bennett, unanimous. After reconsideration the Council voted to accept LR 2970 for introduction by a vote of 6-3.

Speaker Saxl then made a motion to reconsider LR 3163, second by Rep. Colwell, unanimous. After reconsideration, a motion to accept LR 3163 for introduction failed by a vote of 3-6.

## **ANNOUNCEMENTS AND REMARKS**

Speaker Saxl noted that this Council meeting was President Pro Tempore Bennett's last one as a member of the Legislative Council. The Speaker said it had been a pleasure to serve on the Legislative Council, commenting that President Pro Tempore Bennett has served the Council well, been very fair, informative and has helped to make the Council's process a better one. Speaker Saxl then turned the gavel over to President Pro Tempore Bennett so that Senator Bennett might formally adjourn the meeting.

President Pro Tempore Bennett thanked the Speaker and said it had been an honor serving on the Legislative Council and he had enjoyed working with them all.

## **ADJOURNMENT**

The Council meeting was adjourned at 2:33 p.m. (Motion by President Pro Tempore Bennett, second by Speaker Saxl, unanimous).

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken during 120th Legislature/1st Regular Session)**  
**Status as of Wednesday, December 19, 2001**

<b><u>Study Commission</u></b>	<b><u>Date First Convened</u></b>	<b><u>Date, Time &amp; Location of Next Meeting</u></b>	<b><u>Report Date</u></b>	<b><u>Status/Progress of Study Commission</u></b>
<b>Access to Private and Public Lands in Maine, Joint Study Committee to Study</b> (HP 1387 – formerly LD 1810)	8/30/01	NO MORE MEETINGS	19-Dec-01	Finalized recommendations. Report and legislation (2 bills) being drafted.
<b>Assisted Living, Commission to Study</b> (P&S 2001, c. 36)	10/11/01	NO MORE MEETINGS	05-Dec-01	Report being circulated for review.
<b>Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Joint Study Committee to Study Reimbursement Rates for Maine's</b> (HP 1389 – formerly LD 455)	9/19/01	NO MORE MEETINGS	05-Dec-01	Final draft report in circulation; legislation drafted.
<b>Child Protective System, Committee to Review the</b> (HP 1385 – formerly LD 1793) (JUD)	8/21/01	NO MORE MEETINGS	19-Dec-01	Recommendations complete; final draft out for review.
<b>Domestic Violence, Resolve to Establish the Commission to Study</b> (Resolve 1999, c. 126)	9/27/00	NO MORE MEETINGS	05-Dec-01	Final report ready for printing.
<b>Education Funding Reform Committee</b> (PL 2001, c. 439)	10/16/01	12/18/01 1-5 Rm 127 SH	31-Dec-01	Met 12/18/01.
<b>Educational Attainment, Blue Ribbon Commission on Postsecondary</b> (Resolve 2001, c. 66)	9/20/01	NO MORE MEETINGS	05-Dec-01	Report and legislation being drafted; requested extension to 12/19.
<b>Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials, Commission to Study the Implementation of a Unified</b> (Resolve 2001, c. 65)	10/9/01	NO MORE MEETINGS	19-Dec-01	Report being drafted.
<b>Family and Medical Leave for Maine Families, Committee to Study the Benefits and Costs for Increasing Access to</b> (HP 1386 – formerly LD 1466)	9/12/01	NO MORE MEETINGS	05-Dec-01	Legislation has been submitted to ROS. Report being finalized.
<b>Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing, Committee to Study the Loss of Commercial</b> (HP 1384 – formerly LD 1489)	10/9/01	NO MORE MEETINGS	14-Dec-01	Draft report has been reviewed by committee. Staff finalizing report.

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken during 120th Legislature/1st Regular Session)**  
**Status as of Wednesday, December 19, 2001**

<b><u>Study Commission</u></b>	<b><u>Date First Convened</u></b>	<b><u>Date, Time &amp; Location of Next Meeting</u></b>	<b><u>Report Date</u></b>	<b><u>Status/Progress of Study Commission</u></b>
<b>Forest Products Industry, Round Table to Study Economic and Labor Issues Relating to the</b> (Resolve 1999, c. 124)	10/25/00	NO MORE MEETINGS	05-Dec-01	Draft final findings and recommendations in circulation.
<b>Forests and Lands, Joint Study Committee to Study Issues Concerning Changes to the Traditional Uses of</b> (HP 1391/1393 – formerly LD 1823)	8/30/01	NO MORE MEETINGS	19-Dec-01	Report and legislation being drafted.
<b>Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, Commission to Study Equity in the Distribution of</b> (Resolve 2001, c. 68)	2000	NO MORE MEETINGS	05-Dec-01  (permission to extend to 12/19 was requested)	Final meeting December 17 <sup>th</sup> . Requested extension to 12/19.
<b>Growth Management, Joint Study Committee to Study</b> (HP 1330)	10/2/01	NO MORE MEETINGS	19-Dec-01	Report is being finalized.
<b>Liquor Stores, Commission to Develop a Plan to Implement the Closure of State</b> (PL 2001, c. 358)	8/15/01	1/11/02 9:30 am Rm 436 SH	31-Jan-02	Formulating recommendations.
<b>MCJUSTIS Board</b> (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	July 1998	NO MORE MEETINGS THIS YEAR	15-Dec-01  15-Dec-02	Legislation drafts almost complete; draft final report out for review.
<b>Mental Illness Who Are Incarcerated, Joint Study Committee to Study the Needs of Persons with</b> (HP 1383 – formerly LD 1099)	9/13/01	NO MORE MEETINGS	19-Dec-01	Final report ready for printing.
<b>Recodification of Title 12, chapters 701-721 – Staff Study</b> (HP 613)	7/25/01	Staff Study	15-Jan-02	Staff has met with committee chairs and has developed a plan for recodification.
<b>Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of</b> (PL 2001, c. 462)	6/19/01	NO MORE MEETINGS	01-Dec-01	Draft interim report is being reviewed by Commission chairs.
<b>School Funding Formula Based on the Essential Programs and Service Model, Committee Study to Review Transition to a New</b> (Legislative Council Authorized)	7/26/01	1/11/02 9-12 Rm 214 CSOB	15-Jan-02	Holding final meeting 1/11/02.



**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken during 120th Legislature/1st Regular Session)**  
**Status as of Wednesday, December 19, 2001**

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress of Study Commission</u>
Vietnam Veterans in the Hall of Flags, Commission to Recognize (PL 2001, c. 353)	TBA	NO MORE MEETINGS	01-Dec-01	Report is complete.
Youth Advisory Council, Legislative (PL 2001, c. 439)	TBA	TBA	15-Feb-03	Awaiting funding – 2002. Youth Advisory Council becomes effective in 2002; funding available in 2002.

# Fiscal Briefing for the Legislative Council

December 19, 2001

*Prepared by the  
Office of Fiscal & Program Review*

1. **November 2001 Revenue Variances**
  - a. General Fund – Down \$3.1M/Up \$1.8M FY-T-D
  - b. Highway Fund – Up \$.6M/Up \$5.0M FY-T-D  
(GF Revenue Reflects Nov. 2001 Revisions)  
(See Preliminary Variances Attached)
2. **November 2001 Revenue Reprojections**
  - a. General Fund
    - 2002-2003 Biennium revised downward by \$248.64M
    - Estimated General Fund Ending Balances
      - FY02 – (\$85.95M)
      - FY03 – (\$158.43M)
  - b. Highway Fund – No change to forecast
  - c. Tobacco Settlement Revenue (Fund for a Healthy Maine)
    - 2002-2003 Biennium revised downward by \$2.2M
    - FY03 Estimated Ending Balance - \$7.3M
3. **2004-2005 Structural Gap Estimates**
  - a. General Fund - \$650 to \$700 Million
  - b. Highway Fund - \$70 to \$90 Million
4. **General Fund Cash Balances**
  - a. General Fund Total Cash has been negative since Thanksgiving
  - b. GF Cash without reserves was negative \$205.4M on 12/13/01
  - c. Revenue Reserve reduced due to an error - \$12.6M
  - d. Maine Rainy Day Fund - Uncommitted Balance of \$103.2M at end of FY 03

## Revenue Update - Fiscal Year 2001-02

General Fund Revenue Variance Summary		
For the Month of November 2001		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
Revised to Reflect November 2001 Revenue Forecasting Committee Recommendations		
In Millions		
Revenue Source	November 2001	Fiscal Year-to-Date November 2001
Sales and Use Tax	\$0.0	\$0.0
Individual Income Tax	\$1.7	(\$1.0)
Corporate Income Tax	(\$2.6)	(\$2.6)
Cigarette and Tobacco Tax	(\$0.6)	\$4.9
Public Utilities Tax	\$0.0	\$0.0
Insurance Companies Tax	(\$0.2)	\$1.8
Inheritance and Estate Tax	(\$1.6)	(\$1.4)
Property Tax - Unorganized Territories	\$0.0	\$0.0
Income from Investments	(\$0.1)	(\$0.7)
Transfer to Municipal Revenue Sharing	\$0.0	\$0.2
Transfer from Liquor	\$0.3	\$0.7
Transfer from Lottery	\$0.5	\$0.8
Other Revenues	(\$0.6)	(\$0.9)
<b>Total General Fund - Variances</b>	<b>(\$3.1)</b>	<b>\$1.8</b>

Highway Fund Revenue Variance Summary		
For the Month of November 2001		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	November 2001	Fiscal Year-to-Date November 2001
Fuel Taxes	\$0.6	\$3.1
Motor Vehicle Registration and Fees	\$0.3	\$2.8
Inspection Fees	(\$0.0)	(\$0.3)
Other Revenues	(\$0.3)	(\$0.6)
<b>Total Highway Fund - Variances</b>	<b>\$0.6</b>	<b>\$5.0</b>

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

Updated: December 13, 2001

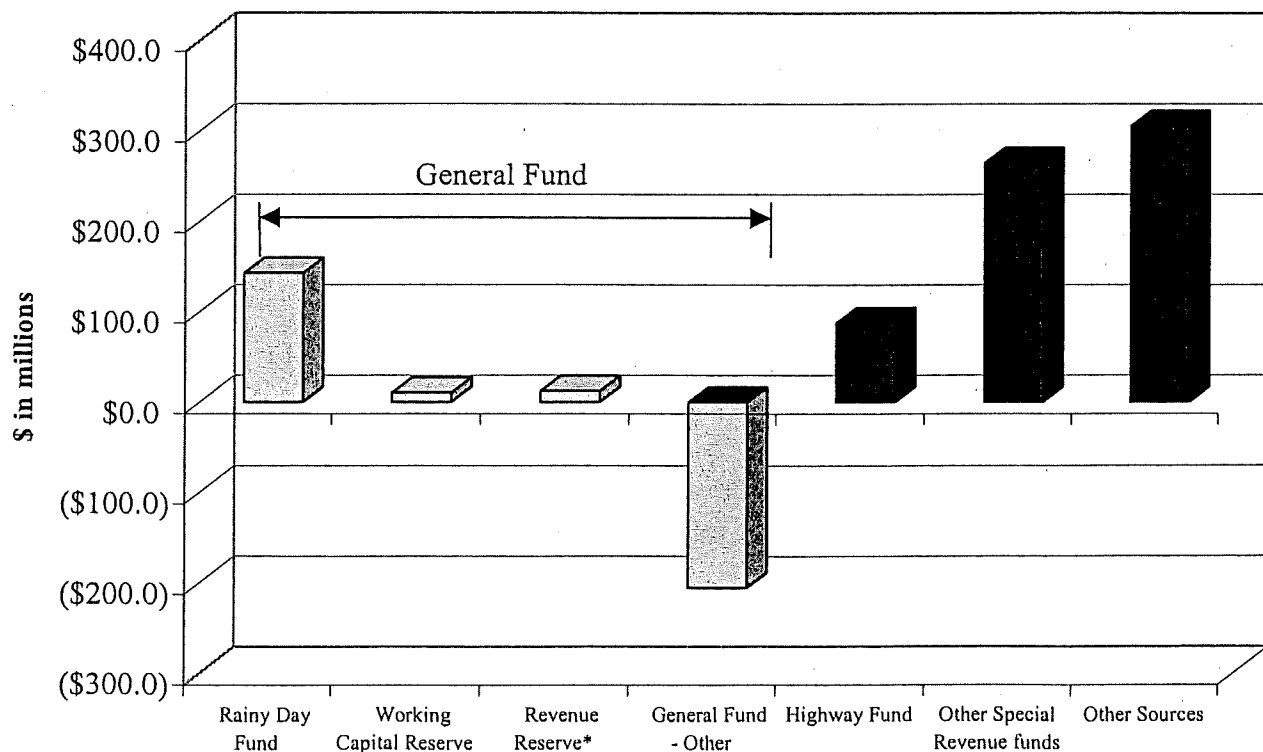
## Composition of State's Cash Pool

### December 13, 2001

	Beginning Balance
General Fund Cash - Total	(\$39,262,486)
General Fund - Detail	
Rainy Day Fund	\$143,053,008
Working Capital Reserve	\$10,500,000
Revenue Reserve*	\$12,557,435
General Fund - Other	(\$205,372,929)
Highway Fund	\$87,481,844
Other Special Revenue funds	\$264,696,382
Other Sources	\$305,424,215
<b>Total Cash Pool</b>	<b>\$618,339,955</b>

## Composition of Cash Pool

### December 13, 2001



\* Revenue Reserve was reduced from \$20,753,351 after the discovery of an accounting error

Updated: December 13, 2001

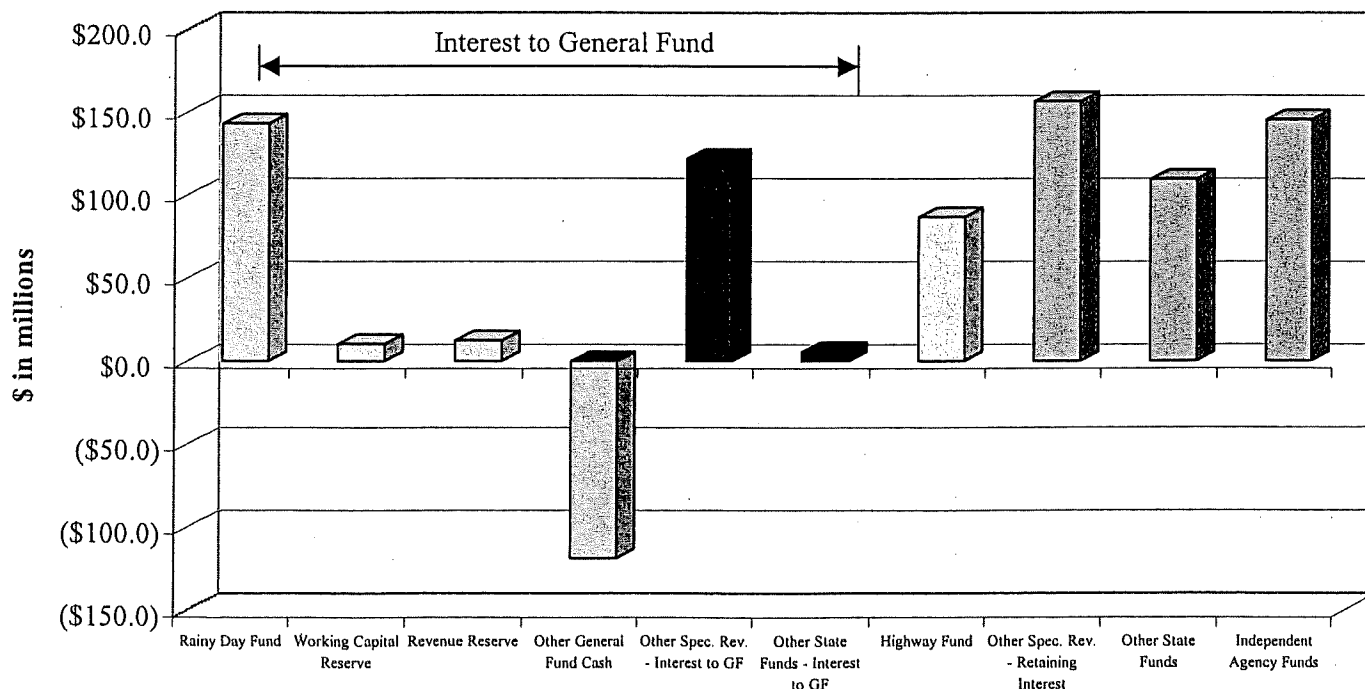
## Composition of State's Cash Pool

### October 2001 Average Daily Balances

	October 2001
General Fund - Total	\$47,572,330
General Fund - Detail	
Rainy Day Fund	\$143,153,008
Working Capital Reserve	\$10,500,000
Revenue Reserve	\$12,557,435
General Fund - Other	(\$118,638,113)
Highway Fund	\$86,975,463
Other Special Revenue funds - Contributing to General Fund	\$122,196,957
Other Special Revenue funds - Retaining Interest Earned	\$156,773,752
Other State Funds - Contributing Interest to General Fund	\$5,932,692
Other State Funds	\$109,831,732
Independent Agency Funds	\$145,732,549
<b>Total Cash Pool</b>	<b>\$669,082,783</b>

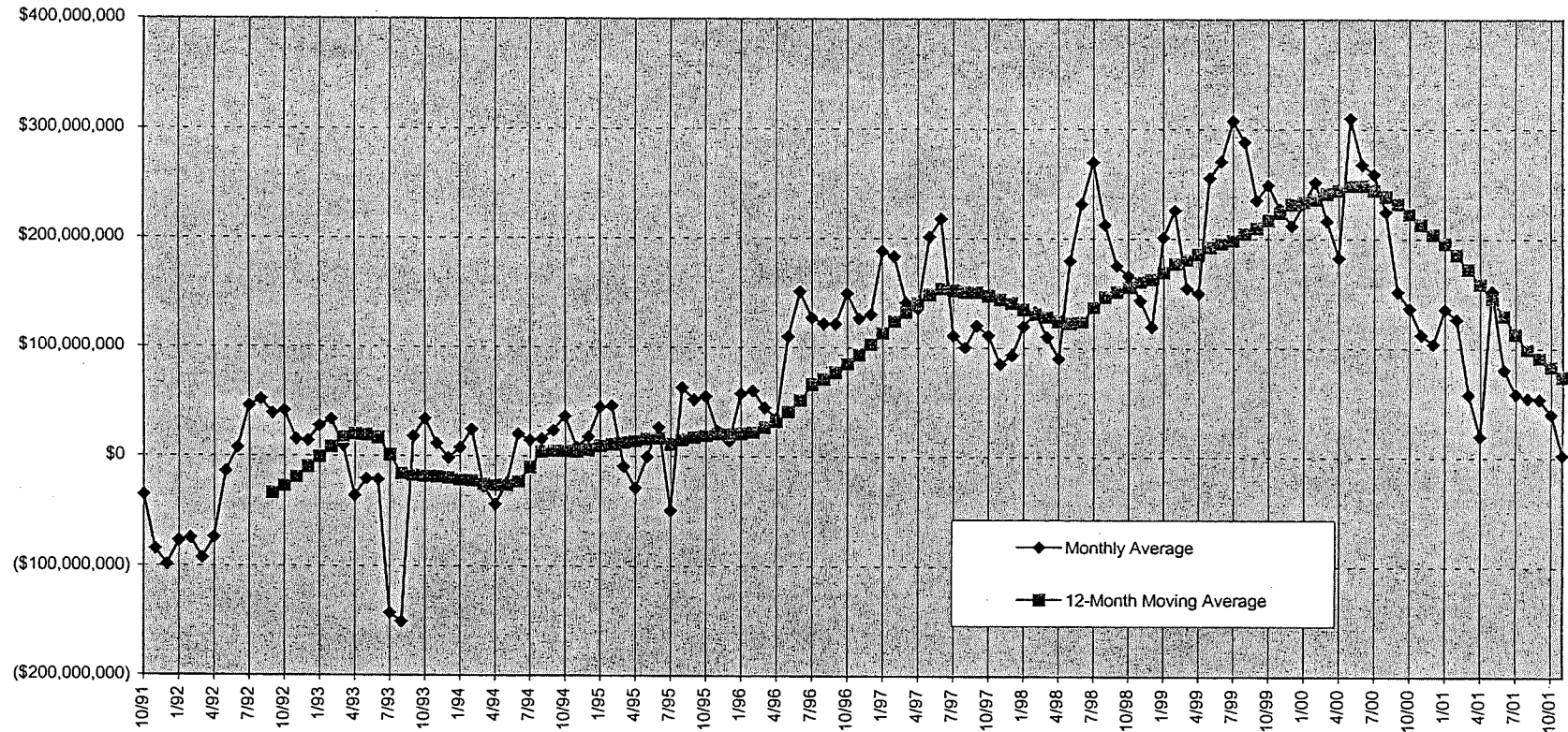
## Composition of Cash Pool

### Average Daily Balances in October



\* Revenue Reserve was reduced from \$20,753,351 after the discovery of an accounting error

# GENERAL FUND DAILY STARTING CASH BALANCES



## TAX ANTICIPATION NOTES <sup>(1)</sup> History from FY 1990-91

<u>Fiscal Year</u>	<u>Amount Authorized</u>	<u>Amount Issued</u>	<u>Reference</u>
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
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. 66, §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 Tax Anticipation Notes up to \$30,000,000 and, beginning in fiscal year 2001-02 up to \$100,000,000. Special exceptions to the general authorization levels are detailed in this table.

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

General Fund - Fiscal Year 2001-02 - Beginning Daily Cash Balances

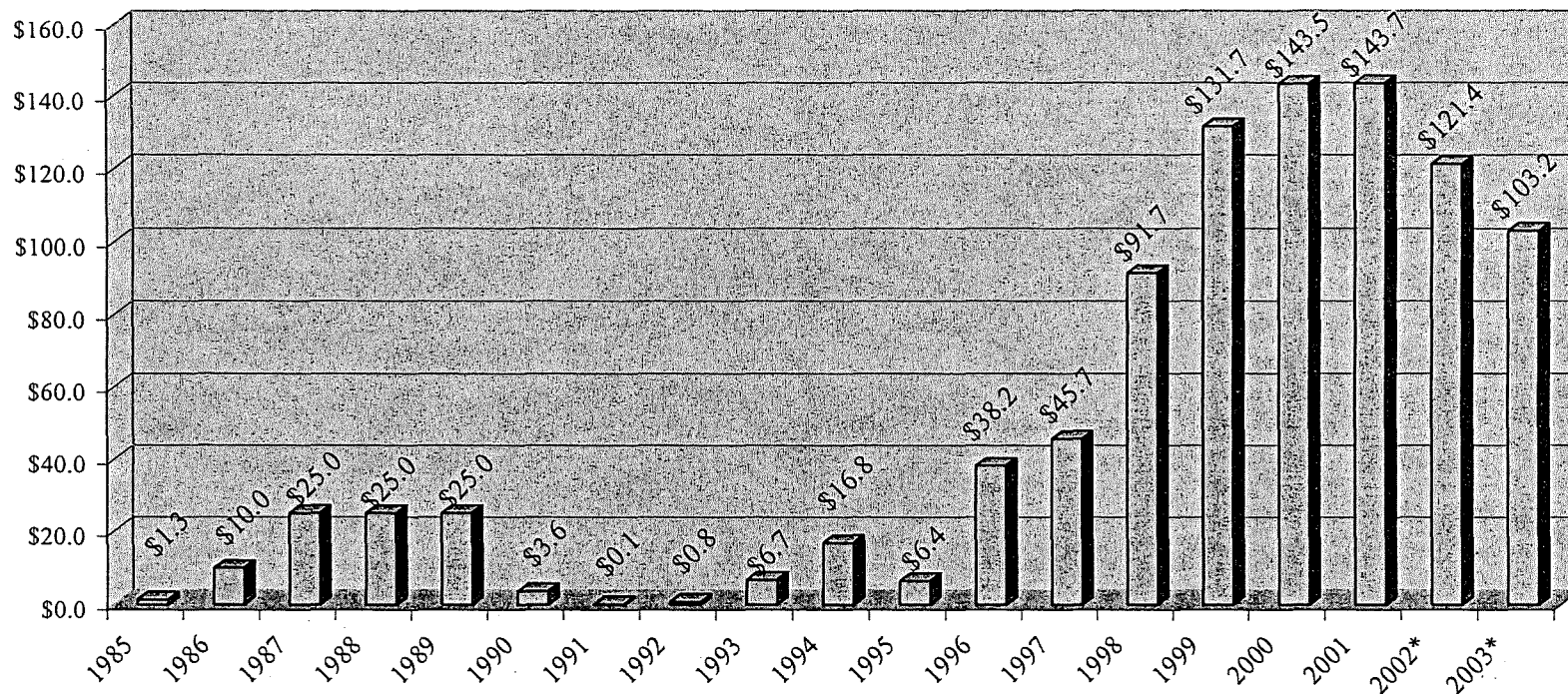
		July-01	August-01	September-01	October-01	November-01	December-01	January-02	February-02	March-02	April-02	May-02	June-02
Day of Week	Mo.	Day	Day	Day	Day	Day	Day	Day	Day	Day	Day	Day	Day
Week		Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance	Beg. Balance
1	Su		W	S	M	Th	S	T	F	F	M	W	S
2	M	127,139,179	Th	Su	T	F	Su	W	S	S	T	Th	Su
3	T	115,628,366	F	M	Holiday	W	S	Th	Su	Su	W	F	M
4	W	Holiday	S	T	51,607,478	Th	40,051,539	Su	T	(14,705,571)	F	M	T
5	Th	72,654,427	Su	W	43,936,738	F	40,536,400	M	(847,248)	W	(28,329,080)	S	W
6	F	54,760,792	M	Th	36,672,067	S	T	23,789,593	Th	(30,433,929)	Su	M	Th
7	S		T	F	33,492,789	Su	W	15,529,581	F	(30,692,032)	M	Th	F
8	Su		W	S	M	Holiday	Th	12,143,123	S	T	F	M	S
9	M	54,760,792	Th	Su	T	43,353,857	F	12,803,811	Su	W	S	T	Su
10	T	63,940,841	F	M	33,970,635	W	45,990,620	S	M	(27,057,904)	Th	Su	M
11	W	65,739,663	S	T	35,128,035	Th	29,717,159	Su	T	(30,473,590)	F	M	T
12	Th	59,611,137	Su	W	30,233,012	F	29,950,376	M	Holiday	W	(39,376,458)	S	W
13	F	61,668,425	M	Th	28,330,696	S	T	20,830,491	Th	(39,262,486)	Su	W	Th
14	S		T	F	37,516,446	Su	W	1,565,242	F	(39,341,229)	M	Th	F
15	Su		W	S	M	31,281,790	Th	(15,202,894)	S	T	F	M	S
16	M	55,011,845	Th	Su	T	46,981,838	F	(8,473,719)	Su	W	S	T	Su
17	T	56,377,405	F	M	40,874,001	W	45,355,874	S	M	Th	Su	W	M
18	W	39,896,149	S	T	50,444,374	Th	52,948,652	Su	T	F	M	Th	T
19	Th	40,920,285	Su	W	49,682,632	F	55,103,054	M	(1,825,425)	W	S	T	W
20	F	58,440,102	M	Th	67,157,545	S	T	29,031,123	Th	Su	W	W	Th
21	S		T	F	84,871,396	Su	W	26,495,889	F	M	Th	Th	F
22	Su		W	S	M	38,786,530	Th	Holiday	S	T	F	F	S
23	M	62,405,540	Th	Su	T	53,194,085	F	Holiday	Su	W	S	T	Su
24	T	74,627,876	F	M	59,152,651	W	49,202,619	S	M	Th	Su	W	M
25	W	29,470,887	S	T	87,214,920	Th	41,882,725	Su	T	F	M	Th	T
26	Th	25,187,190	Su	W	88,673,483	F	5,999,397	M	(5,810,312)	W	S	T	W
27	F	32,619,827	M	Th	63,565,784	S	T	(11,233,095)	Th	Su	W	W	Th
28	S		T	F	80,530,749	Su	W	(5,664,793)	F	M	Th	Th	F
29	Su		W	S	M	11,838,776	Th	(25,229,103)	S	T	F	M	S
30	M	39,354,898	Th	Su	T	17,193,641	F	(21,635,623)	Su	W	S	T	Su
31	T	39,708,108	F	W	10,232,484				M	Th	Su	F	
Average		58,567,797		54,904,997	53,807,407	40,098,529	2,619,429	(29,624,333)	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
FY Ave.		#DIV/0!											

Source: MFASIS  
Updated: 12/14/01

# Maine Rainy Day Fund

## Ending Balance - History and Projections

\$'s in Millions



\* Based on Budgeted amounts through the end of the 120th Legislature, First Regular Session

Actions of the 120th Legislature, 1st Regular Session affecting MRDF Balance:

Transfers to the General Fund (PL 2001, c. 358, Pt. G)

Transfers to the Baxter Compensation Authority (PL 2001, c. 439, Pt. T)

Designation of Balance within MRDF for Baxter Comp. Authority (PL 2001, c. 439, Pt. T)

Totals

FY02

FY03

(17.3)

(18.2)

(2.0)

(3.0)

(22.3)

(18.2)

Note: In addition to the amounts above, but with no effect on the ending balance is a \$560,000 working capital advance authorized by PL 2001, c. 434.



120<sup>th</sup> Legislative Council  
Space Committee

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Meeting Summary for Space Committee Meeting  
Held on November 28, 2001, 4:00PM

Members Present:

Rep. Colwell, Chair  
Sen. Daggett  
Sen. Small  
Rep. Schneider

Rep. Colwell convened the Space Committee and the committee considered the following matters.

1. Recommendations of the Subcommittee to Determine the Use of the Interpreter Center. The subcommittee concluded its work on November 28<sup>th</sup> and recommended that the Space Committee approve the following recommendations by the subcommittee regarding the layout and use of 2 rooms located adjacent to the information kiosk on the 1<sup>st</sup> floor of the State House:

- a. The main room be used as a visitors' center, with the layout being generally as depicted on a floor plan presented to the committee. The area would include computer stations for legislative information, video projection area with bench seating, touch screen kiosks depicting flags and State House information and mobile display stands. The adjacent, smaller room would be used as a citizen's lobby area, and include a workstation for an intern, worktable for temporary use by the public, a telephone, fax, printer and copier services and a storage area for chairs.
- b. The intern be under the general oversight of the Legislative Information Office.
- c. Intern candidates be recruited from Maine institutions of higher education, and their service be uncompensated.
- d. The Executive Director's Office be charged with responsibility to sufficiently furnish and maintain the rooms in accordance with the approved uses, and seek financial assistance for furnishings from the State House and Capitol Park Commission, as appropriate. (Note: The two touch screen kiosks will be provided by the Maine State Museum).
- e. The Space Committee postpone naming of the area until the Space Committee has had an opportunity to seek suggestions from others. The Space Committee recommended, however, that the area not be referred to as the Interpreter's Center.

- f. The Space Committee decide the appropriate uses and levels of activity outside the visitors' center, after taking into account the artwork to be displayed in the lobby area and the need to maintain safe ingress and egress at all times through the West entry.

The Space Committee voted unanimously to accept the recommendations of the subcommittee and to present them to the full Legislative Council for adoption at its monthly meeting.

2. Request by the Maine Chapter of American Mothers Inc. to place 2 wall plaques in the State House. American Mothers requested permission to install 2 wall plaques and place them on permanent display in a prominent location in the State House to honor Mothers of the Year. Committee members discussed the proposal and expressed their support for the work of the Maine Chapter of American Mothers Inc.

Members commented that notwithstanding the worthwhile nature of the requesting organization, a policy issue is raised by the request about how the Council would deal with other requests by worthy organizations for permanent displays of their outstanding members (e.g., Eagle Scout, Firefighter of the Year, Business Person of the Year). To date, the Legislative Council has not approved any similar requests.

The second issue raised concerned where such a display would be appropriate in the State House if allowed. The Visitors' Center was discussed as a potentially suitable area for displays of this nature. After further discussion, the committee concluded that it wanted to explore options that may be feasible to allow for such a display but that would be in keeping with the State House and allow the Council to adequately manage future requests by other organizations.

The committee asked the Executive Director's Office to work with Earle Shettleworth of the Maine Historic Preservation Commission and the MCAMI to develop detailed information relating to the proposed plaques, and in particular to explore the feasibility of using the touch screen kiosks to electronically display information and images related to this and similar requests in lieu of wall displays. The committee took no further action on this matter.

3. Request by the Maine State Employees Credit Union. Due to the relocation of the main offices of the credit union from State Street to upper Capitol Street and subsequent sale of the State Street building to the retirement system, the credit union is looking to secure space in either the Cross Building or the State House for a

branch bank. Ron Blanchette, representing the credit union, told the committee that the branch bank would require 500-700 square feet of floor area and would be staffed by a teller. He noted that the Cross Building has an ATM on the 1<sup>st</sup> floor but that credit unions members would, ideally, like full service banking on the premises. He also noted that Janet Waldron, Commissioner of DAFS, had earlier denied his request for space in the Cross Building.

Commission members discussed the proposal, but noted that there is high demand for space in the State House for legislative activities and there are currently no unprogrammed areas, containing 500-700sf, in the State House. Several members also commented that services and activities not directly related to legislative work would be most appropriately located in the Cross Building or other area buildings, outside of the State House. For those reasons, the committee did not approve the request by the credit union. The committee suggested that as an alternative, a deposit machine be placed adjacent to the ATM machine in the Cross Building.

4. Request by Maine Public Radio Corporation (MPBC) for Access to the Sound System for Live Broadcasts of Legislative Proceedings. MPBC requested permission to install 6 coaxial video and 8 twisted pair audio cables between the storage closet in the press area of the Crossing Building and MPBC offices, also located in the same general area. This installation would provide for broadcast quality transmissions and allow MPBC to broadcast committee hearings and work sessions and legislative sessions live. All costs would be borne by MPBC and installation would be under the overall supervision of Stan Fairservice, Owner's Representative.

The committee discussed the implications of the potential for live broadcasts across the radio waves at any time, noted that Legislators are generally aware that the proceedings to be broadcast are public, and voted unanimously to approve the request by MPBC. Approval is contingent on the installation being in accordance with installation procedures acceptable to BGS, which controls the 1<sup>st</sup> floor of the Cross Building and Stan Fairservice.

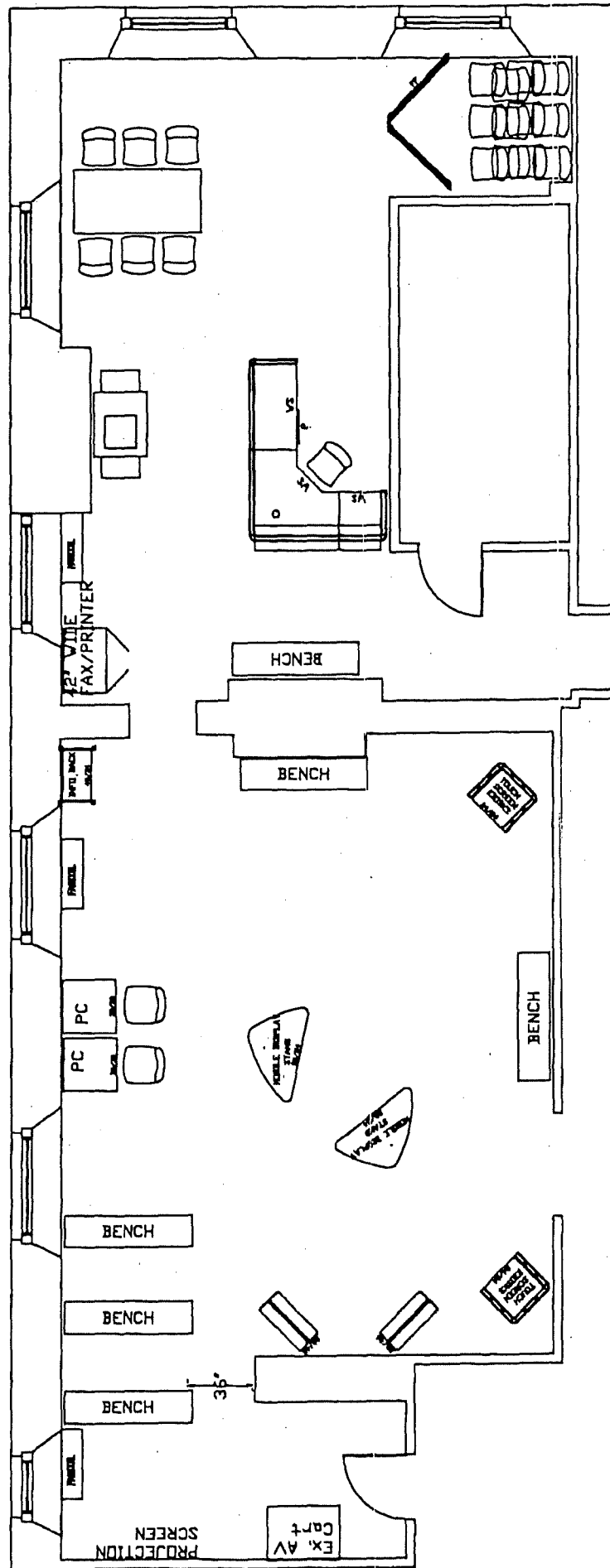
5. Update on the Progress of the Percent for Art Committee. Rep. Watson reported to the committee that the Percent for Art Committee was continuing its discussions on the appropriate artwork to select for the first floor of the West Wing. She noted that the committee had completed its work for the underground connector artwork (granite work). She stated that the committee will meet on December 6<sup>th</sup> and will make its final selection of the artists to be commissioned to create works of art for the 1<sup>st</sup> floor as well as an amount of money to be offered to each artist. She noted that the decisions of the committee are recommendations that must come before the Legislative Council for ratification before the committee may

proceed. Space Committee members commented that it is important that the Legislative Council be afforded an opportunity to review and concur with the recommendations before any final decision is made. The Percent for Art Committee was given a budget of about \$230,000 according to Rep. Watson. About \$180,000 remains. She said that the committee is considering a major piece of artwork (\$80,000-\$100,000) for 1 wall. Space committee members cautioned that money should be expended in a way that allow opportunities for multiple artists to create and display their art, and not overemphasize a single work of art. No action of the Space Committee was required.

6. Update on Availability of 4th Floor Press Room. This matter was before the committee because a member of the press had inquired about the availability of the room for the 2<sup>nd</sup> regular session. Stan Fairservice described the renovation schedule to the committee, noting that the room is currently used as the operations center by the renovation team. Stan stated that the room would be ready to be reoccupied by February 1<sup>st</sup>, after the renovation work is completed. The press would like use of this or other space in the State House as soon as possible after the start of the legislative session.

After discussion, the committee concluded that it would be least disruptive to have the renovation team continue to occupy the 4<sup>th</sup> floor room until completion of the renovations work. As an alternative, the committee authorized the Executive Director's Office to provide for temporary use of the citizen lobby area on the 1<sup>st</sup> floor by members of the press until such time as the 4<sup>th</sup> floor room becomes available.

With no other matters having come before the Space Committee, Rep. Colwell adjourned the meeting.



**TITLE 3: LEGISLATURE**

- **CHAPTER 7: LEGISLATIVE COUNCIL**
  - **SUBCHAPTER I: GENERAL PROVISIONS**
    - § 162-A. Salaries subject to adjustment by Legislative Council

**PAGE < PAGE >****DOWNLOAD TEXT****§ 162-A. Salaries subject to adjustment by Legislative Council**

Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A or Step B, but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [1993, c. 6, Pt. J, §1 (amd).]

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials. [1987, c. 349, Pt. K, §1 (new).]

**1. Range 14.** The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

Salary Specification = 58

Legis-Employee Employee Paid Retirement

Effective from Sunday, July 01, 2001

	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
Hourly	14	31.47	34.29	36.01	37.81	39.71	41.60	43.76	45.89	47.72
Weekly		1,258.80	1,371.60	1,440.40	1,512.40	1,508.40	1,667.20	1,750.40	1,835.60	1,908.80
Bi-Weekly		2,517.60	2,743.20	2,880.80	3,024.80	3,176.80	3,334.40	3,500.80	3,671.20	3,817.60
Annual		65,457.60	71,323.20	74,900.80	78,644.80	82,596.80	86,694.40	91,020.80	95,451.20	99,257.60
Pension Rate		47.21	51.44	54.02	56.72	59.57	62.52	65.64	68.84	71.58




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

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

**Memorandum**

**To:** The Honorable Michael V. Saxl, Chair  
The Honorable Michael H. Michaud, Vice-Chair  
And Honorable Members of the Legislative Council

**From:** David C. Elliott, Interim Director 

**Date:** December 13, 2001

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

---

**The Issue:**

If the Legislative Council anticipates an adjournment of the Second Regular Session that is earlier than the statutory adjournment date of April 17, 2002, does the Council want to establish an early deadline for the filing of major substantive rules by state agencies that require legislative review?

**The Options:**

Several options are available to the Council.

If adjournment is to be early -- on or about March 29<sup>th</sup> -- the Council may, pursuant to law, choose to either:

- A. Leave the current deadline of March 1<sup>st</sup> in place, in which case the available time for legislative review and action on the rules would be shortened by about 2 ½ weeks (from 45 to 28 calendar days); or
- B. Establish an earlier deadline that is anytime between February 1<sup>st</sup> and March 1<sup>st</sup> which would have set 45 and 29 days for review.

A 2-½ week reduction in legislative review time would be noticeable when considering the lead-time necessary for advertising and holding public hearings on the rules. Committee work on rules review typically consists of publication of notice, public hearing and at least one work session before making a committee report. Historically, the Legislature has required some change to 2/3 of the rules filed for review.

DEC 13 2001

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



Memo to Legislative Council  
Re: Deadline for major substantive rules  
December 13, 2001

**Background:**

It is my understanding that an adjournment date about 2½ weeks earlier than the statutory date of adjournment is being considered.

As you may recall, major substantive rules proposed by state agencies must be submitted to the Legislature for review and authorization prior to being finally adopted. Agencies will be filing new major substantive rules with the Legislature over the next few months. **If rules are timely filed or late-filed rules are accepted for review, the Legislature must act on the rules this session or they go into effect without legislative authorization.**

The Council is authorized by statute to set an earlier deadline for submission of major substantive rules if it decides an earlier submission date is necessary to assure that the Legislature will have sufficient time to hear, work, draft and debate rules review legislation before it adjourns. 5 MRSA §8072(7). Under the law, the Legislative Council may set a new filing deadline of up to 75 days before statutory adjournment if an early adjournment is anticipated.

Under the Administrative Procedure Act, agencies generally may submit provisional rules for legislative review anytime up to 45 days before the statutory adjournment date. In the Second Regular Session of the 120<sup>th</sup> Legislature the statutory adjournment date is April 17, 2002 so absent any change by the Legislative Council, the deadline for filing rules for legislative review is Friday, March 1, 2002.

**Suggested New Deadline:**


The Legislative Council may want to consider establishing a filing deadline of **Friday, February 15, 2002** (2 weeks earlier) which would allow the committees adequate time to complete their rule reviews by March 8<sup>th</sup> when work on most other bills will have been completed. If the Council authorizes an alternative filing date, this office will notify affected agencies of the changed schedule for filing provisionally adopted rules.

I would be happy to discuss this matter further or answer any questions you may have.

cc: Senate President Richard A. Bennett  
David Boulter, Executive Director

## Memorandum

**TO:** The Honorable Michael V. Saxl, Chair  
The Honorable Michael H. Michaud, Vice-Chair  
Legislative Council  
And Honorable Members of the Legislative Council

**FROM:** David C. Elliott, Interim Director   
Office of Policy and Legal Analysis

**DATE:** December 13, 2001

**RE:** Requests from Interim Studies

The following study committees are submitting requests for Council approval.

**Summary of Items Requiring a Decision by the Legislative Council**  
(As of December 13, 2001)

**Request for Extension of Reporting Date**

Study Commission	Current Reporting Date	Requested changes	Note:
Blue Ribbon Commission on Educational Attainment	Dec. 5, 2001	Dec. 19, 2001	To be accomplished within budgeted resources
Commission to Study Equity in Gas Tax Revenues Attributable to Snowmobiles, ATVs and Watercraft	Dec. 5, 2001	Dec. 19, 2001	To be accomplished within budgeted resources

Thank you for your attention to this matter. I would be pleased to answer any questions you may have or provide additional information.

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DEC 13 2001



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

November 21, 2001

Memo to: The Honorable Michael Saxl, Chair of the Legislative Council  
The Honorable Richard A. Bennett, Vice Chair of the Legislative Council

From: Senator Mary R. Cathcart, Senate Chair *MC*  
Representative Elizabeth Watson, House Chair *EW*  
Blue Ribbon Commission on Postsecondary Educational Attainment

Re: Extension of reporting deadline to December 19, 2001

---

Resolves 2001, chapter 66, established the Blue Ribbon commission on Postsecondary Educational Attainment, and set a reporting deadline for that Commission of December 5, 2001. That Resolve also allows the Legislative Council to grant an extension of that deadline if necessary in order for the Commission to complete its work.

As chairs of the Blue Ribbon Commission on Postsecondary Educational Attainment, we are requesting an extension of our reporting deadline from Wednesday, December 5<sup>th</sup> to Wednesday, December 19<sup>th</sup>. This extension will not require any additional funds. The Commission has held regular day-long meetings since it was formed; and now needs a two-week extension to finalize its report and recommendations on this subject that is so critical to the future of our State. Thank you. We look forward to hearing from you.

CC: Members, Legislative Council  
David Boulter, Executive Director  
David Elliott, Acting Director, OPLA



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

November 21, 2001

Memo to: The Honorable Michael Saxl, Chair of the Legislative Council

From: Senator Marge KilKelly, Senate Chair *MK PN*  
Representative Joe Clark, House Chair *JL PN*  
Gas Tax Equity Study Commission

Re: Extension of reporting deadline to December 19, 2001

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Resolves of 2001, chapter 68, established the Gas Tax Equity Study Commission and set a reporting deadline for that Commission of December 5, 2001. That Resolve also allows the Legislative Council to grant an extension of that deadline if necessary in order for the Commission to complete its work.

As chairs of the Gas Tax Equity Study Commission, we are requesting an extension of our reporting deadline from Wednesday, December 5<sup>th</sup> to Wednesday, December 19<sup>th</sup>. This extension will not require any additional funds. Several additional items are required for the Commission to complete its study, and this two-week extension will provide sufficient time for that information to be prepared and reviewed by the Commission at a December meeting, prior to finalizing our report.

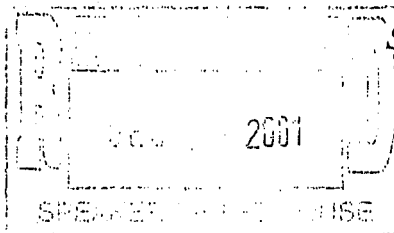
Thank you. We look forward to hearing from you.

CC: Members, Legislative Council  
David Boulter, Executive Director  
David Elliott, Acting Director, OPLA

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NOV 26 2001

120th Legislature  
*Senate of  
Maine*  
Senate District 34



Senator Michael J. McAlevey  
3 State House Station  
Augusta, ME 04333-0003  
(207) 287-1505

PO Box 340  
Waterboro, ME 04087  
(207) 247-5719  
mmcalevey@cybertours.com

Distributed to:

Speaker	<input checked="" type="checkbox"/>
Ryan	<input type="checkbox"/>
Lynne G.	<input type="checkbox"/>
Rich	<input type="checkbox"/>
Ted	<input type="checkbox"/>
Jan	<input checked="" type="checkbox"/>
Bill	<input type="checkbox"/>
Jane	<input type="checkbox"/>
Lynne H.	<input checked="" type="checkbox"/>

December 10, 2001

The Honorable Michael Saxl  
Speaker of the House  
2 State House Station  
Augusta, ME 04333

Dear Speaker Saxl:

I am writing to request your authorization to conduct an additional meeting for the Criminal Justice Committee's Mental Health Study. The committee report for the study is finished, however, I am uncomfortable with the idea of signing my name to a report when the committee has not been able to give it a final review.

Jon Clark, the committee's analyst, has informed me that there are enough funds in our budget to cover the per diem costs for the legislators. Because our expenses will be limited, I am hoping you will grant me permission to hold this meeting at the end of this week.

Please do not hesitate to contact my aide, Jen Bolduc, or me if you have any questions or concerns. Thank you for your consideration and I look forward to hearing from you soon.

Sincerely,

Michael J. McAlevey  
Criminal Justice Committee Chairman

DEC 13 2001

Senate

Lloyd P. LaFountain III, Chair  
John L. Martin  
Michael J. McAlevey  
Chandler E. Woodcock  
Edward M. Youngblood



State of Maine

One Hundred and Twentieth Legislature  
Joint Select Committee  
on Joint Rules

House

Christopher P. O'Neil, Chair  
Charles C. LaVerdiere  
William S. Norbert  
Janice E. Labrecque  
David R. Madore

Staff

Pamela L. Cahill  
Millicent M. MacFarland

December 13, 2001

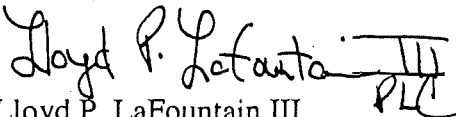
Speaker Michael V. Saxl  
Chair of the Legislative Council  
115 State House Station  
Augusta, Maine 04330

Dear Speaker Saxl,

The Joint Select Committee on Joint Rules met on December 12, 2001 to discuss, among other things, the possibility of recommending that the name of the Joint Standing Committee on Banking and Insurance be changed to conform to the recent name change of the Bureau of Banking to the Bureau of Financial Institutions, which will become effective January 1, 2002.

After lengthy discussion and deliberation, the committee voted by a margin of 6 to 0 to communicate, to the Legislative Council, that they request that you direct the Clerk of the House and the Secretary of the Senate to add a parenthetical notation, wherever feasible on the House and Senate web sites, that denotes that the Joint Standing Committee on Banking and Insurance is also known as the Joint Standing Committee on Financial Institutions and Insurance and to do so in such a way as to help transition the public into getting used to a possible future name change.

Sincerely,

  
Lloyd P. LaFountain III  
Senate Chair

  
Christopher P. O'Neil  
House Chair

CC: President of the Senate  
Clerk of the House  
Secretary of the Senate  
Legislative Office Directors  
Chiefs of Staff

DEC 18



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

COMMISSION TO RECOGNIZE VIETNAM VETERANS IN THE STATE HOUSE  
HALL OF FLAGS

December 18, 2001

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

Dear Representative Saxl and Senator Bennett:

Pursuant to Sec. 6 of Resolves 1999, Chapter 113 as amended by Public Law 2001, Chapter 353, the Commission to Recognize Vietnam Veterans in the State House Hall of Flags is pleased to submit its final report. Copies of the report have been transmitted to the Joint Standing Committee on Legal and Veterans' Affairs, and placed on file with the Law and Legislative Reference Library.

Sincerely,

Handwritten signature of Earl Adams in cursive.

General Earl Adams, co-chair

Handwritten signature of Donald Simoneau in cursive.

Commander Donald Simoneau, co-chair

cc: David Boulter, Executive Director, Legislative Council  
David Mercier, Director, OPLA  
Members of the Legislative Council(w/enc.)  
Chairs, Legal and Veterans' Affairs Committee  
Senator Michael H. Michaud, President Pro Tempore

DEC 18 2001

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
December 19, 2001

Action

SPONSOR: Sen. Carpenter, David L.

LR 3321 An Act to Ban the Use of Aircraft While Hunting  
RECONSIDER FORMERLY LR2950

SPONSOR: Rep. Chick, Howard A.

LR 3328 An Act to Extend the Date by Which the Use of Tokens or  
Tickets is Required for Games of Chance at Agricultural  
Fairs

SPONSOR: Sen. Daggett, Beverly C.

LR 3372 An Act to Require Appropriate Public Notice of a  
State Building Project

SPONSOR: Rep. Dudley, Benjamin F.

LR 3318 An Act to Protect Senior Citizens from Financial  
Exploitation and Abuse

SPONSOR: Sen. Edmonds, Betheda G.

LR 3322 An Act to Authorize the Yarmouth School Department  
to use the Construction Manager at Risk Method of  
Construction Delivery for Locally Funded School Projects

SPONSOR: Sen. Edmonds, Betheda G.

LR 3341 An Act to Improve Collection of Information about  
Work-related Injuries and to Enhance Injury-prevention  
Efforts



SPONSOR: Sen. Ferguson, Jr., Norman K.

LR 3324 An Act to Waive the Title Fee for Towed Abandoned Vehicles

RECONSIDER FORMERLY LR2881

SPONSOR: Rep. Lemoine, David G.

LR 3329 An Act Concerning the Disposal and Storage of  
Cremains

RECONSIDER FORMERLY LR2876

SPONSOR: Rep. Lemoine, David G.

LR 3330 An Act to Require Timely Consideration of Appeals  
of the Registrar of Voters

SPONSOR: Rep. Lemoine, David G.

LR 3331 An Act to Restore the Passage of Alewives on the  
Lower St. Croix River

SPONSOR: Rep. Madore, David R.

LR 3319 An Act Regarding the Requirements for Documenting  
Pre-test and Post-test Counseling for HIV Tests

SPONSOR: Rep. McLaughlin, Janet L.

LR 3366 An Act to Amend the Charter of the Portland Water  
District for the Purpose of Redistricting Trustee  
Representation to Reflect 2000 Census Data

SPONSOR: Rep. Morrison, John R.

LR 3317 An Act to Change the Location Specification of the  
Veterans' Home to be Built in Machias

SPONSOR: Rep. Murphy, Eleanor M.

LR 3348 An Act to Permit Municipalities to Protect their  
Citizens Against Dangerous Dogs

RECONSIDER FORMERLY LR2885

**SPONSOR:** Rep. Murphy, Eleanor M.

LR 3349 An Act to Amend the Maine Condominium Act

**SPONSOR:** Sen. Shorey, Kevin L.

LR 3340 An Act to Increase the Debt Limit of the Calais School District

**SPONSOR:** Rep. Tuttle, Jr., John L.

LR 3325 An Act Regarding the Payment of Severance Pay

### JOINT RESOLUTION

**SPONSOR:** Rep. Michaud, Marc

LR 2810 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REMOVE THE ALLAGASH WILDERNESS WATERWAY FROM THE AUSPICES OF THE WILD AND SCENIC RIVERS ACT