

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
January 28, 2003
2:00 p.m.
Room 334, Legislative Council Chamber
REVISED AGENDA

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARIES OF THE DECEMBER 16, 2002 COUNCIL MEETINGS	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
6	• Executive Director's Report	
10	• Fiscal Report (Pennoyer)	
11	• Office of Information Services' Report (Mayotte)	
	• Update on Interim Studies (Elliott)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	
	The Personnel Committee is meeting immediately after the Legislative Council meeting.	
	• State House Facilities Committee	Information
14	Meeting Summary of the State House Facilities Committee on December 31, 2002	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
OLD BUSINESS		
17	Item #1: Council Actions Taken by Ballot	Information

NEW BUSINESS

19/21	Item #1: Consideration of After Deadline Bill Requests	Decision
22	Item #2: Public Meeting Requirement for Discounted Internet Connection to Law and Legislative Reference Library	Decision
28	Item #3: Establishing an Early Deadline for Submission of Major Substantive Rules	Decision
30	Item #4: Proposed Drafting Guidelines for Legislative Studies	Decision
	Item #5: Submission of Study Report	
57	<ul style="list-style-type: none"> Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers 	Decision
58	<ul style="list-style-type: none"> Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave 	Decision

COLLECTIVE BARGAINING (Executive Session)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



121st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. SHARON ANGLIN TREAT
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CHANDLER E. WOODCOCK
REP. JOHN RICHARDSON
REP. JOSEPH BRUNO
REP. ROBERT W. DUPLESSIE
REP. DAVID E. BOWLES

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
December 16, 2002

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 11:04 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon Absent: Sen. Woodcock
Representatives:	Rep. Bruno, Rep. Duplessie, Rep. Bowles Absent: Speaker Colwell, Rep. Richardson,
Legislative Officers:	David Shiah, Assistant Clerk of the House David Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARIES OF THE NOVEMBER 20, 2002, AND DECEMBER 4,
2002 COUNCIL MEETINGS**

Motion: That the Meeting Summaries of November 20, 2002 and December 4, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Treat, unanimous).

President Daggett asked if there was objection to taking several items out of order. Hearing none, the Chair then moved to **New Business, Items 1, 3, 4 and 2.**

Item #1: Duplicate Bill Request Filings

Margaret Matheson, Revisor of Statutes, provided the Legislative Council members with a memo regarding duplicate bill request filings. Ms. Matheson was seeking the guidance of the Council for combining duplicate bill requests by the Revisor's Office. Joint Rule 206, section 2 provides that: For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

Ms. Matheson explained that while the process of combining like requests can never be exact, the following process has been developed over the past several years:

- Bill titles are reviewed to identify bills that are so similar that they are virtually alike. If the proposed solutions to the same problem are similar enough, the requests are combined into one measure.
- The sponsor who filed the first complete request becomes the primary sponsor of the measure. Completeness is determined by the standards set out in Joint Rule 208, i.e., whether the request has "sufficient instructions, information and data required for its presentation."
- Later filers are given the opportunity to sign onto the measure as cosponsors; the primary sponsor also may collect the full complement of cosponsors authorized by Joint Rule 206.
- If a later filer believes that the bill request he or she filed is not closely related and so demonstrates, then his or her request will be fully drafted as a separate bill.

Motion: That the Legislative Council approve the procedures for duplicate bill requests recommended by the Revisor as set forth in her memo. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).

Item #3: Submission of Study Reports

David Elliott, Director, Office of Policy and Legal Analysis, explained that the study commissions listed below have completed their work and issued final reports.

- Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine
- Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers
- Task Force on Rail Transportation

Motion: That the Legislative Council accept and place on file the reports for the above listed interim studies. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

Item #4: Request to Extend Reporting Deadline

- Health Care System and Health Security Board: Extension from January 15, 2003 to April 15, 2003

Mr. Elliott said the Health Care System and Health Security Board is requesting approval of an extension from January 15, 2003 to April 15, 2003 to file its final report. The Legislative Council had extended the Board's request for an extension to January 15, 2003 at its October 30, 2002 meeting. The Board's request for an additional extension was needed to give the Board sufficient time to analyze the data received from its consultant.

Several Legislative Council members commented that April 15, 2003 would be too late in the session if legislation was filed upon the completion of the Board's report.

Motion: That the Legislative Council approve a limited extension until March 3, 2003 to the Health Care System and Health Security Board to submit its required report. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

Item #2: Appointment of Budget Subcommittee Members to Review FY 04/05 Legislative Budget Request

The Chair, President Daggett, requested that members of the Legislative Council who would like to serve on the Budget Subcommittee contact her office.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported that two unions, MSEA and Independent Association of Nonpartisan Legislative Professionals, now represent 2 groups of nonpartisan legislative employees.

Mr. Boulter said that nonpartisan offices are concluding their recruitment process to fill position vacancies in the Office of Policy and Legal Analysis and the Revisor's Office. Every reasonable attempt will be made to ensure the positions are filled before the session begins.

Mr. Boulter also reported that he and Rose Breton have been working with the Division of the Blind to reach an agreement on operation of the State House snack bar. He said there now is a potential vendor for the snack bar, but requested guidance from the Council prior to contracting with that vendor. Mr. Boulter believed the Space Committee oversees this matter, but because the Space Committee has not been established, he suggested that the Council chair and vice-chair may need to decide the matter prior to the convening of the Space Committee if the snack bar is to be opened before session starts.

No Council action was taken.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report:

1. General Fund and Highway Fund Revenue Variances for November 2002
(Reflects August, 2002 Revenue Forecasting Committee Revisions)

The General Fund Revenue for November was \$7.8 million under budget. The Revenue is still above budget for the fiscal year to date by \$13.97 million. The large positive variances in Individual Income Tax and Sales Tax are beginning to erode.

The Highway Fund is under budget by \$2.2 million under budget. The Fund is under budget for the Fiscal Year to date in the amount of \$0.55 million.

2. Revenue Forecasting Committee

For Fiscal Year 2003 the General Fund Revenue was revised downward by \$43.6 million.

The 2004/2005 General Fund Revenue estimates were revised downward by \$119.7 million, therefore increasing the structural gap estimate to approximately \$1 billion.

3. Cash Pool Status

The total General Fund Cash Pool position was \$34.9 million positive, which reflects the \$250 million TAN issued in August. Absent the TAN and other reserve balances, \$33.9 million from the Rainy Day Fund and \$10.5 million in the Working Capital Reserve, the General Fund would be \$259.5 million negative.

No Council action required.

• Office of Information Services' Report

Paul Mayotte, Director, Legislative Information Services, updated Council members on two of the major technology projects that have been underway, the first being the direct legislative internet access. Prior to November 23, the Legislature was receiving its Internet access through services provided by the Bureau of Information Services. The Legislature had paid \$4.75 per month per PC, costing approximately \$100,000 a year. Approval was given for the Legislature to proceed with legislative direct Internet access, replacing BIS as the Internet service provider. Mr. Mayotte said the change would reduce the cost by half.

Mr. Mayotte said his office had several issues with BIS that have been resolved and was working to ensure that everything is in place to protect the Legislature's network from unauthorized access. With the software firewall package installed there is the ability to establish remote access to the network. Testing will begin in January and up to 20 access ports supporting the virtual private network capability could be available within a few months.

The second item Mr. Mayotte reported on was the progress on developing a bill drafting system. He said H-P has installed a bill drafting system, which does allow the Revisor's Office to create bills. However, when tested it became clear that the speed of the application is inadequate. Robin Healy, Practice Principal of H-P, confirmed that H-P is committed to correcting the problem and would get back to the Legislature by the end of December with H-P's plan to correct the problem. It was noted by Council members that H-P was beyond the contract deadlines. The client-server platform was anticipated to be available for bill drafting for the 121st First Regular Session. It now will not be ready for testing and use until the interim of the 1st session. There was discussion as to the time limit that should be placed on H-P. Mr. Mayotte recommended that a date not be set at this time but at the point at which H-P informs

the Legislature what it is going to fix and to what level of improvement the fixes will make to the application. If it does not meet the Legislature's requirements at that point, a meeting should be scheduled with H-P and the next step decided.

No Council action required.

- **Update on Interim Studies**

David Elliott provided an update on the status of interim studies. Attached to the Meeting Summary is the Progress Report on the Legislative Studies as of December 11, 2002.

REPORTS FROM COUNCIL COMMITTEES

President Daggett, Chair of the Legislative Council, announced that she has made the following appointments to the Council Committees for the 121st Legislature:

- **Personnel Committee**

Representative John Richardson, Chair
Senator Sharon A. Treat
Senator Paul T. Davis, Sr.
Representative Patrick Colwell
Representative Joseph Bruno

Joy O'Brien, ex officio, nonvoting
Millicent MacFarland, ex officio, nonvoting
David Boulter, ex officio, nonvoting

- **State House Facilities Committee (also known as the Space Committee)**

Senator Kenneth T. Gagnon, Chair
Senator Chandler E. Woodcock
Representative Robert W. Duplessie
Representative David E. Bowles

Joy O'Brien, ex officio, nonvoting
Millicent MacFarland, ex officio, nonvoting
David Boulter, ex officio, nonvoting

OLD BUSINESS

None

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 12:07 p.m. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
January 28, 2003

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for December 2002 (Reflects December 2002 Revenue Forecasting Committee Revisions) (See Attached Summary of December Revenue)

- General Fund – Over Budget by \$4.5M in Dec./Over for FY-T-D by \$3.2M
 - Individual Income Tax and Estate Tax positive variances kept the aggregate variance positive
 - Sales Tax and Corporate Income Tax were under budget for the month of December by \$2.1M and \$4.9M, respectively, and under budget for the FY-T-D by \$4.5M and \$6.9M, respectively
- Highway Fund – Over Budget by \$4.2M in Dec./Over for FY-T-D by \$3.7M

2. Revenue Forecasting Schedule

- Consensus Economic Forecasting Commission is waiting for Maine specific data that will be available in mid-February
- Revenue Forecasting Committee has a March 1st reporting deadline

3. Cash Pool Status

- November 2002 Cash Pool Summary (see attached)
 - General Fund \$8.2 million positive which reflects the TAN issue in August
 - Absent the \$250 million TAN balance and the other reserve fund balances the General Fund was \$286.2 million negative
- General Fund – Average Daily Cash Balances (see attached)
 - General Fund trend is still downward, although the 12-month moving average has flattened out recently

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2003
Based on All Actions of the 120th Legislature and December 2002 Revenue Reprojections

DECEMBER 2002

FUND Revenue Line		Dec. 02 Budget	Dec. 02 Actual	Dec. '02 Var.	FY03 Budget YTD	FY03 Actual YTD	FY03 Variance YTD	FY03 Budgeted Totals
GF	Sales and Use Tax	64,993,475	62,847,522.19	(2,145,952.81)	384,175,016	379,697,840.85	(4,477,175.15)	868,208,278
GF	Individual Income Tax	93,607,514	102,691,679.55	9,084,165.55	482,920,586	495,099,793.63	12,179,207.63	1,070,028,696
GF	Corporate Income Tax	20,895,951	15,957,743.01	(4,938,207.99)	46,316,070	39,381,709.06	(6,934,360.94)	93,064,397
GF	Cigarette and Tobacco Tax	8,893,260	8,028,795.03	(864,464.97)	53,235,917	51,483,852.29	(1,752,064.71)	105,684,505
GF	Public Utilities Tax	0	0.00	0.00	(150,000)	(142,550.93)	7,449.07	30,400,000
GF	Insurance Companies Tax	2,794	130,062.33	127,268.33	9,335,012	11,459,764.12	2,124,752.12	56,646,354
GF	Estate Tax	1,966,615	4,506,169.13	2,539,554.13	8,088,774	9,545,530.10	1,456,756.10	23,821,692
GF	Property Tax - Unorganized Territory	0	0.00	0.00	8,843,744	9,300,585.00	456,841.00	10,162,545
GF	Income from Investments	180,279	284,665.04	104,386.04	1,239,411	1,420,103.60	180,692.60	1,889,000
GF	Transfer to Municipal Revenue Sharing	(9,154,344)	(9,256,344.18)	(102,000.18)	(46,583,996)	(46,623,146.51)	(39,150.51)	(103,596,370)
GF	Transfer from Liquor Commission	2,798,748	2,672,239.94	(126,508.06)	14,119,771	14,381,200.51	261,429.51	26,290,223
GF	Transfer from Lottery Commission	3,239,498	3,472,310.44	232,812.44	20,037,219	19,471,130.04	(566,088.96)	39,335,176
GF	Other Revenue	12,654,384	13,260,036.33	605,652.33	71,185,786	71,512,344.83	326,558.83	160,125,432
GF	Totals	200,078,174	204,594,878.81	4,516,704.81	1,052,763,310	1,055,988,156.59	3,224,846.59	2,382,059,928
HF	Fuel Taxes	13,034,676	16,235,688.92	3,201,012.92	78,872,328	80,901,557.03	2,029,229.03	187,500,000
HF	Motor Vehicle Registration and Fees	5,232,797	5,712,254.20	479,457.20	35,848,710	36,707,455.08	858,745.08	79,432,966
HF	Inspection Fees	145,950	636,387.53	490,437.53	1,371,060	2,290,846.81	919,786.81	3,683,907
HF	Fines	281,931	179,644.08	(102,286.92)	1,315,935	1,246,156.01	(69,778.99)	3,057,180
HF	Income from Investments	108,411	107,431.54	(979.46)	674,991	665,750.98	(9,240.02)	1,418,000
HF	Other Revenue	460,622	577,116.81	116,494.81	5,386,186	5,352,846.43	(33,339.57)	9,064,514
HF	Totals	19,264,387	23,448,523.08	4,184,136.08	123,469,210	127,164,612.34	3,695,402.34	284,156,567

Updated: December 20, 2002

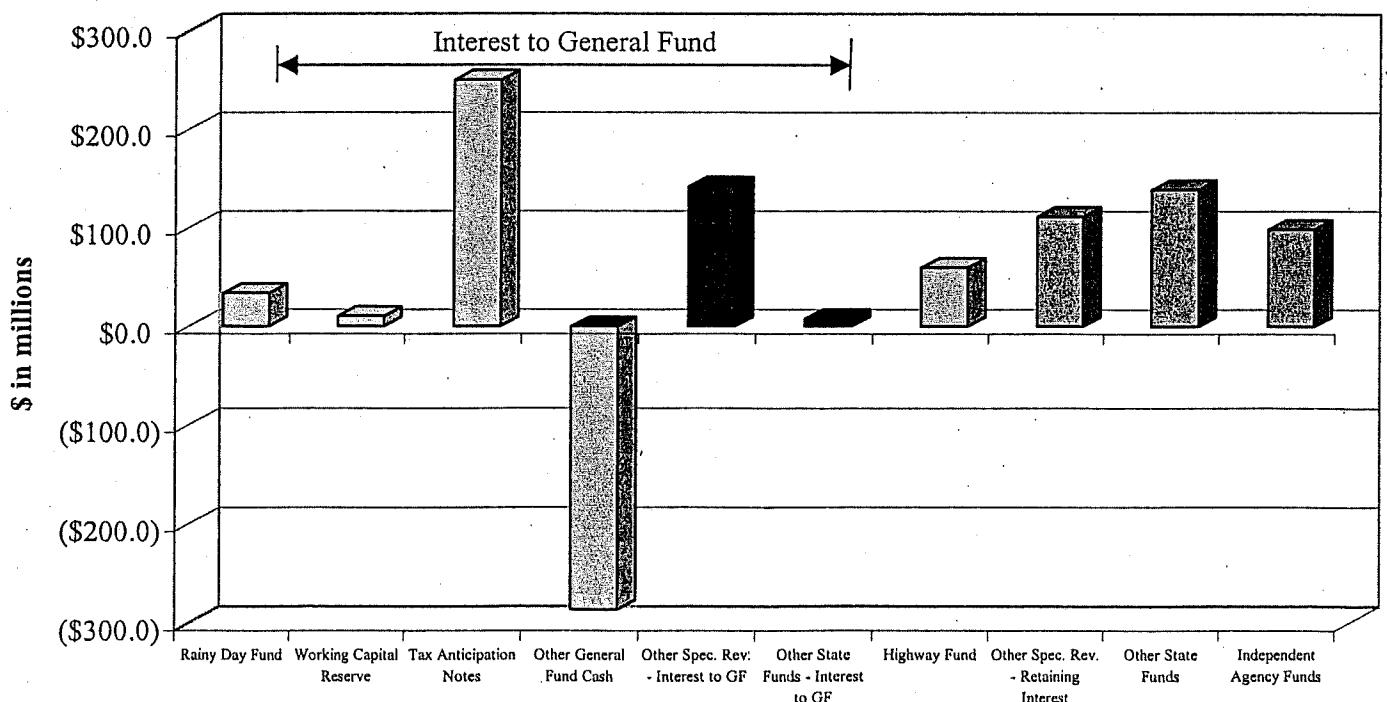
Composition of State's Cash Pool

November 2002 Average Daily Balances

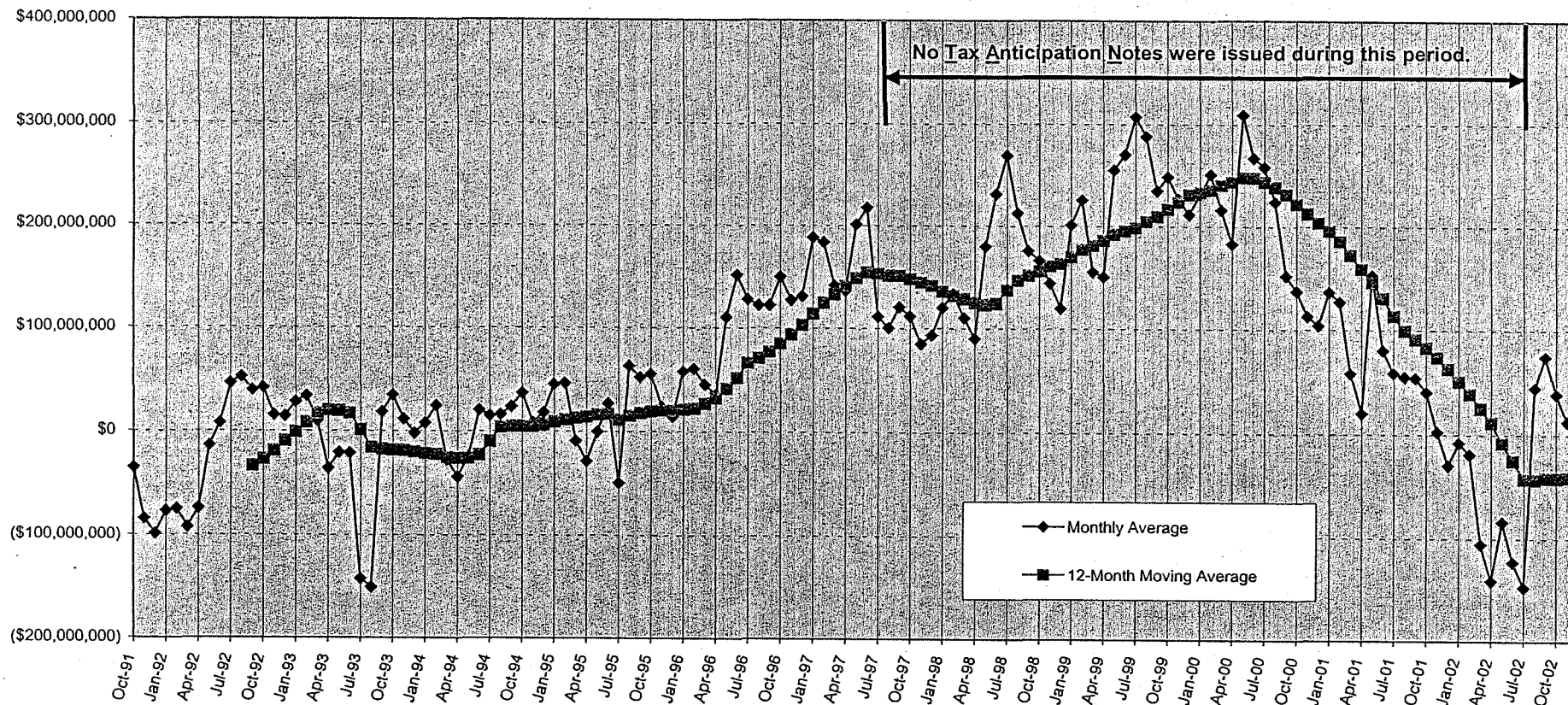
	November 2002
General Fund - Total	\$8,188,019
General Fund - Detail	
Rainy Day Fund	\$33,920,682
Working Capital Reserve	\$10,500,000
Tax Anticipation Notes	\$250,000,000
General Fund - Other	(\$286,232,663)
Highway Fund	\$59,630,375
Other Special Revenue - Contributing to General Fund	\$141,829,903
Other Special Revenue - Retaining Interest Earned	\$111,611,052
Other State Funds - Contributing Interest to General Fund	\$7,844,258
Other State Funds	\$138,600,139
Independent Agency Funds	\$98,577,983
Total Cash Pool	\$566,281,729

Composition of Cash Pool

Average Daily Balances in November 2002



GENERAL FUND DAILY STARTING CASH BALANCES



TAX ANTICIPATION NOTES - History from FY 1990-91 ⁽¹⁾

Fiscal Year	Amount Authorized	Amount Issued	Reference
2002-03 ⁽¹⁾	\$285,688,079 ⁽¹⁾	\$250,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
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: ⁽¹⁾ 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amount authorized for fiscal year 2002-03 reflects General Fund appropriations and Highway Fund allocations for fiscal year 2002-03 through the 120th Legislature. Special exceptions to the general authorization levels are detailed in this table.

121st MAINE STATE LEGISLATURE
Legislative Council
Technology Report

January 28, 2003

I. Remote Access to the Legislative Network

- a. Objective – Provide secure remote access to the Legislative network over the Internet
- b. Includes Web based ability to check e-mail directly
- c. Reviewing the Legislative firewall and external connections to insure security adequacy
- d. Developing, installing and testing internally, the technology remote access will be based on
- e. Developing the software needed on the User's end including making the software install as simple as possible
- f. Testing to start in early February
- g. Timing of the roll out to users depends on the results of testing

II. Migration – Bill Drafting System Performance

- a. H-P provided its recovery plan to correct the performance problem of the bill drafting
- b. The work will be performed at no cost to the Legislature
- c. Work started on January 27th
- d. The work will require 3 to 4 months to complete and test (H-P is aware of the Legislative Session)
- e. A 12-month warranty period after acceptance is provided in Contract Amendment 4



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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

TO: The Honorable Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

FROM: David C. Elliott, Director *David*

DATE: January 23, 2003

RE: Status report on interim studies

Attached is a summary of the status of legislative studies authorized for this interim. As you will see, most study commissions have completed their work.

The results of the 18 legislative studies of various types undertaken during the interim leading up to the 1st Regular Sessions of the 121st Legislature are as follows:

- 2 were recodifications or other drafting exercises and draft legislation has been submitted to ROS
- 10 have submitted a final report to the Legislature or the final report is at the printer
- 1 is due to report on February 15 and is on schedule
- 1 was granted an extension and is completing its report
- 2 were originally conceived as interim committee work and were subsequently discontinued when committees were not authorized to meet during the interim
- 2 are being completed by executive branch agencies

I would be happy to answer any questions you may have or to provide additional information.

Attachment

cc: Dave Boulter, Executive Director

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 01/23/03 10:05:28 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Committee to Study Reimbursement Rates for Maine's (PL 2001, c. 661)	8/28/02	No more meetings	04-Dec-02	Report complete
Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market, Resolve to Study the Impact of a Maine-based (Resolve 2001, c. 124)	9/3/02	No more meetings	15-Dec-02	Report sent to printer
Community Preservation Advisory Committee, An Act to Establish the (PL 2001, c 648; sunsets 6/1/08)	10/21/02	Feb 3, 2003	Dec. 01 annually	Staffed by SPO; First annual report being finalized
County Jail Population, Cost and Reimbursement by the State, Joint Order to Study (HP 1731)			06-Nov-02	CRJ interim work.
Family and Medical Leave for Maine Families, Resolve to Continue the Study of Benefits and Costs for Increasing Access to (Resolve 2001, c. 115)	9/9/02	No more meetings	15-Dec-02	Report sent to printer
Fatherhood Issues Study Commission, Resolve to Establish a (Resolve 2001, c. 121)	8/27/02	No more meetings	06-Nov-02	Report sent to printer
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	9/19/02		06-Nov-03	Interim report complete
Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation	Tuesday - 2/04/03 9:00 a.m. - noon State House Room 427	15-Jan-03	Report sent to printer
MCJUSTIS Board, Resolve to Implement the Recommendations of the (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	Continuation		15-Dec-02	Draft of legislation to ROS

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 01/23/03 10:05:28 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Proposed Revisions to School Finance Laws and Recommendations to Implement the Essential Programs and Services Funding Model, Department of Education and State Board of Education Study (PL 2001, c. 660)			15-Jan-03	Staffed by DOE; Legislation being drafted
Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation	No more meetings	15-Jan-03	Staffed by SPO; report complete
Rail Transportation, Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120)	8/9/02	No more meetings	06-Nov-02	Report complete 12/12/02
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Draft of legislation to ROS
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	No more meetings	15-Nov-02	Report complete
Stormwater Management in Developed Watersheds, Resolve to Establish the Task Force to Study the Effectiveness of (LD 2186)	May 31, 2002		06-Nov-02	NAT Interim work
Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers, An Act to Address the (PL 2001, c 707)	Nov. 8, 2002	No more meetings	13-Dec-02	Report complete 12/23/02
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (Resolve 2001, c. 113)	11/30/02		04-Oct-02 Initial Rep. 01-Nov-02 Final Rep. Extension granted	Report being finalized; extension legislation submitted
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP)	9/14/02		Feb. 15th annually	First annual report approved

SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



SEN. SHARON ANGLIN TREAT
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
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REP. JOHN RICHARDSON
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REP. DAVID E. BOWLES

DAVID E. BOULTER
EXECUTIVE DIRECTOR

121ST MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

Legislative Council Space Committee Meeting Summary for Meeting on December 31, 2003

Members Present:

Sen. Gagnon, Chair
Rep. Duplessie
Rep. Bowles
Dave Boulter, Executive Director

Members Absent:

Sen. Woodcock
Millie MacFarland, House Clerk
Joy O'Brien, Senate Secretary

Sen. Gagnon convened the meeting of the Space Committee at approximately 2:30 p.m. in the Legislative Council Chamber to consider several matters on its agenda.

1. Vendor for the State House Caf 

The matter was brought before the Space Committee for advice and consent to contract with a vendor to operate a food service facility in the State House. Director Boulter explained that the Department of Labor's Bureau of Rehabilitation Services (Division of the Blind, Business Enterprise Program) is given preference by law to operate vending machines and food service facilities in public buildings in Maine, including the State House. After attempting unsuccessfully to secure a vendor under its program since April 2002, the Division does not object to the contracting with a vendor who is not in the program. The Executive Director's Office made a number of inquiries with potential vendors, and has recommended that Michael Burns, d/b/a Burnsie's of Augusta, being an available and viable vendor be authorized to operate the State House snack bar.

Burnsie's would operate the food facility in the State House pay a monthly lease for use of the facility and pay a percentage of net revenues to the Division for the Blind, in lieu of the division operating the facility. The contract would specify hours of operation, food and prices determination, periodic financial reports and sanitation/maintenance responsibilities.

Motion: To authorize the Executive Director to enter into a contract with Burnsie's to provide food service in the State House, terms of which must be acceptable to Executive Director, with an interim assessment of foods services provided and the contract terms following adjournment of the legislative session. (Motion by Rep. Bowles, second by Rep. Duplessie, unanimous).

2. Status of Diorama Installation

Sheila MacDonald representing the Maine State Museum provided an oral report to the committee on the Museum's progress in reinstalling the State House dioramas. Ms. MacDonald indicated that the museum had received \$10,000 in donations for reinstallation. She felt that with these donations, the Museum could fully fund all remaining cost except for diorama interpretation/signage which is unfunded at this time. Work will begin in earnest on January 7th and should be completed by mid-June, 2003. The Chair requested that the Museum provide monthly written reports on the progress and issues to the Executive Director until project completion. No action by the Committee was required.

3. Use of Satellite Media Space

In 1999 in conjunction with building renovations, the Legislative Council made a policy decision to relocate all offices for news media from the State House to the Cross Building. In doing so the Council worked with the Bureau of General Services to provide new offices, at very reasonable lease fees to the news organizations. To accommodate the organizations' request for temporary space in the State House to conduct interviews, meet with people, write and fax articles when there may not be time to return to the Cross Building, the Council established a room on the 4th as a satellite office for nonexclusive use by news organizations.

Mal Leary of Capitol News Service is seeking to more use the satellite room as his office. Mr. Leary was given notice of the meeting but was not present. The Space Committee discussed the request at length, including potential availability of other areas in the State House complex. Members noted the issues of fairness with other competing news organizations, including equal access to legislators and other government officials, lease fees paid by other organizations, security issues and the change in primary use of the satellite room to that of a principal office. The committee concluded that the request was inconsistent with the purposes of the room and would create an unacceptable inequity with other competing news organizations. By unanimous vote, the Committee reaffirmed the Legislative Council's policy with respect to occupancy and use of the satellite news room in the State House. It further requested that the Executive Director's Office work with other news organizations in the Cross Building and with DAFS to obtain a suitable office area in the State House complex to accommodate Capitol News Service, with terms, use and lease fees comparable to those applicable to other news organizations, and to report back on the progress at the next Committee meeting.

4. Emergency Evacuation Plan Review

The Committee briefly reviewed the proposed plan and made several suggestions for change. The Committee asked the Executive Director's Office to work with Mike Cote and Paul Mayotte to accept comments and finalize the plan. Comments from the Committee members should be forwarded to Mike Cote or Dave Boulter within the month.

No further action by the Committee was taken.

5. Caucus Staff Office for Green Party

The Committee discussed the earlier decision by the House to establish a caucus office for the Green Party. Members questioned whether this action would lead to requests for caucus offices for unenrolled legislators.

The Committee concluded that the allocation of space in legislative areas really falls within the purview of the Committee, to assure a comprehensive approach to space utilization and to minimize competing or inappropriate uses. In addition, members suggested that the Legislative Council should formulate a policy on the level of services and physical resources to be provided to caucuses, in particular 3rd party and unenrolled legislators, before the next general election to avoid an ad hoc or inequitable approach to requests for services in the future.

No further action by the Committee was taken.

With no other matters having come before the Committee, the meeting was adjourned.

Note: The Committee has requested that the name of the Committee be changed from Space Committee to State House Facilities Committee, as being more in keeping with its scope of responsibilities.

**Actions Taken by Ballot by
the Legislative Council Since
the December 16, 2002 Council Meeting
(as of January 23, 2003)**

1. Request for Introduction of Legislative

- A. LR 12802: An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the State of Maine MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta, Maine

Submitted by: Representative Patrick Colwell
Accepted: January 21, 2003, 10 - 0 - 0

- B. LR 1774: JOINT RESOLUTION DECLARING JANUARY 22nd AS MAINE RX DAY AND MEMORIALIZING THE UNITED STATES SUPREME COURT TO APPROVE THE MAINE RX BILL

Submitted by: Senator Beverly C. Daggett
Accepted: January 9, 2003, 9 - 0 - 1

- C. LR 1775: JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO PREVAIL UPON THE SECRETARY OF LABOR TO ABANDON PLANS TO CONSOLIDATE OSHA OFFICES

Submitted by: Representative Robert W. Duplessie
Accepted: January 13, 2003, 10 - 0 - 0

- D. LR 1805 JOINT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO ALLOW THE WEAPONS INSPECTORS TO COMPLETE THEIR WORK

Submitted by: Senator Ethan Strimling
Accepted: January 23, 2003, 8 - 2 - 0

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

January 23, 2003

TO:

SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Tuesday
January 28, 2003
2:00 p.m.**

Room 334, Legislative Council Chamber

The Council will consider After Deadline Bill Requests at that time, including the request(s) you have filed in the Revisor's Office. The Council is also required by Joint Rule 35 to decide all requests for Memorials (Joint Resolutions that memorialize another governmental agency or official) for introduction.

You should plan to attend this Council meeting or present your request(s) to a member of the Legislative Council prior to the meeting. The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present, so it will have the benefit of information from the sponsor when it votes.

The Council's review of After Deadline Requests is pursuant to Joint Rule. Please be advised that the Council now asks all sponsors to first research whether there is an existing bill or LR available to a committee that could accommodate their request. The review procedure then will be as follows:

1. The Council Chair, President Beverly Daggett, will read the name of the sponsor and the title of the request.
2. Once recognized to speak by the Chair, the sponsor will probably be asked:
 - Why the bill request is "late" (filed after the cloture date);
 - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
 - Whether the probable committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Council members may also ask questions related to the content or the intent of the bill.

3. Council members vote on bill requests individually; a roll call vote is required pursuant to Joint Rule.

A complete list of the Council's action on After Deadline Requests is distributed to Council members and all sponsors as soon after adjournment of the Council meeting as possible. The roll call votes are available in the Executive Director's office if you should have any questions.

I hope this information is useful. Please drop by or call me if you have any questions.

cc: Members, Legislative Council

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115
TELEPHONE 207-287-1615 FAX: 207-287-1621 E-MAIL: david.boulter@state.me.us

A handwritten signature in dark ink, appearing to be "DB" or similar initials.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
AS OF
January 23, 2003

Action

SPONSOR: Rep. Bliss, Lawrence

LR 1798 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE UNITED STATES CONGRESS TO
FULFILL THE INTENT TO FUND 40% OF THE COSTS OF SPECIAL
EDUCATION

SPONSOR: Rep. Canavan, Marilyn E.

LR 1804 An Act to Require School Buses to Keep Their Headlights
On While in Operation

SPONSOR: Rep. Clark, Joseph E.

LR 1812 Resolve, Directing the Bureau of Economic Development
To Combine State Funds and Resources for the Katahdin
Region

SPONSOR: Rep. Crosthwaite, Robert H.

LR 1803 An Act to Allow School Buses to Display Alternating
Flashing Headlights

SPONSOR: Rep. Duplessie, Robert W.

LR 1807 An Act to Clearly Mark Barriers Across Town Ways

SPONSOR: Rep. Jackson, Troy D.

LR 1776 An Act To Give Moose Permits to Members of The Wesget-Sipu
Tribe

SPONSOR: Rep. Loring, Donna M.

LR 1772 An Act To Clarify the Freedom Information Act As It Pertains
to Tribal Government

SPONSOR: Sen. Martin, John L.

LR 1773 An Act To Rename the Patty Hill Road in Milford the
"Clyde Hichborn Road"

SPONSOR: Rep. Rogers, Jr., William T.

LR 1785 An Act To Allow Municipalities To Establish Areas Within
Which Engine Brakes are Prohibited

SPONSOR: Rep. Snowe-Mello, Lois A.

WITHDRAWN
1/27/03

LR 1768 An Act to Allow Maine Emergency Responders to Display
2 Red Lights on Their Vehicles

SPONSOR: Rep. Snowe-Mello, Lois A.

LR 1778 An Act to Give Rescue Chiefs and Assistant Chiefs the
Same Privileges as Fire Chiefs Regarding the Use of
Personal Vehicles

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 28, 2003

Action

SPONSOR: Sen. Bryant, Bruce

LR 1826 An Act To Reestablish the Commission to Study the Needs
and Opportunities Associated With the Production of
Salmonid Sport Fish in Maine

SPONSOR: Rep. McKee, Linda Rogers

LR 1835 An Act to Amend the Laws Governing Public Easements

SPONSOR: Rep. Snowe-Mello, Lois A.

LR 1830 An Act to Require Car Dealerships to Stamp the Dealership
Providing the Plate



Lynn E. Randall
State Law Librarian

Stephanie P. Ralph
Principal Law Librarian

Sheila M. Bearor
Principal Law Librarian

STATE OF MAINE
LAW AND LEGISLATIVE REFERENCE LIBRARY
43 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0043
Tel. 207-287-1600

TDD: (207) 287-6431
FAX: (207) 287-6467

Memorandum

To: The Honorable Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

From: *LER*
Lynn E. Randall, State Law Librarian

Date: January 22, 2003

Re: Public meeting requirement for discounted Internet connection

The Law and Legislative Reference Library receives a deeply discounted connection to the Internet through the Maine School and Library Network. To receive the discount, we must comply with the requirements of the federal Neighborhood Children's Internet Protection Act (PL 106-554). Under the Act we must review existing use policies to make sure that they conform to the Internet Safety Policy requirements, which relate to access by minors to inappropriate matter on the Internet and the World Wide Web. We must also hold a public meeting to address policies relating to Internet safety and minors. The only specific requirement found in the Act and the FCC regulations is that reasonable public notice of the meeting that comports with the state Freedom of Access Law (1 MRSA §§401 et seq.) be provided.

The Library has no collections or programming specifically for young people, but our current policies relating to Internet use and privacy include provisions relating to inappropriate matter on the Internet. Copies of these policies are attached. You may wish to authorize this public meeting to discuss these policies in relation to young people's use of the Internet during the month of February. All Council members are welcome to attend the meeting.

I would be happy to respond to any questions you may have. Thank you.

cc: Executive Director's Office

JAN 22 2003

Exerpts from

Complying with the Children's Internet Protection Act (CIPA)
and the
Neighborhood Children's Internet Protection Act (N-CIPA)

Policy areas to be addressed under the Neighborhood Children's Internet Protection Act:

1. Access by minors to inappropriate matter on the Internet and the Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forums for direct electronic communications;
3. Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors' access to materials harmful to minors.

Conduct of the public meeting:

The law and the regulations give schools and libraries considerable flexibility in meeting the public hearing mandate. The law says simply that schools or libraries must "provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy." The FCC's regulations do not elaborate any further on this issue. Considering the lack of more specific language in this area, the MSL and MDOE believe that the public hearing can be held in conjunction with a regular board meeting. Notices of such a meeting must comport with the state's open meetings law. Any notice should clearly state that there will be a time for public comments regarding the Internet policy. Another option is to have a wholly separate meeting where comments from the public are taken. Be certain to document fully any such public meeting by keeping a copy of the notice, any minutes of the meeting, any actions taken, etc.

These excerpts come from a document titled *Complying with the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (N-CIPA)* by Bob Boucher of the Wisconsin Department of Public Instruction, Public Library Development. The Maine State Library has received permission to make this document available on its Internet site <http://www.state.me.us/msl/cipafa~1.htm>

Public Internet Policy

The Law and Legislative Reference Library seeks to provide all library users with access to legal and governmental information resources in a variety of formats. Connection to the Internet provides information resources beyond the confines of the physical collection.

The Internet is a powerful but unregulated tool for finding information. It is not necessarily a substitute for other Library resources. The information available on the Internet includes much that is personally, professionally, and culturally enriching, but the Internet also provides access to information that may be incomplete, inaccurate or not current, and to material that may be offensive or disturbing to some individuals. **The Library does not monitor and has no control over the information available on the Internet and does not warrant the information's accuracy, timeliness, or usefulness for a particular purpose.** The Library affirms the responsibility of parents to determine the appropriateness of library resources, including Internet services, for their children.

Library-provided Internet access is designed for self use by patrons; staff do not perform searches for individual users. You are encouraged to ask a reference librarian for assistance if you need help getting started or if you have problems using the computer or printer. Reference librarians are primarily familiar with Internet resources for legal and governmental information and with navigating tools. The Library may offer group instruction from time to time.

The purpose of these guidelines is to maximize availability and fair accessibility of Internet resources for all. By your use of this service, you agree to follow these guidelines.

1. Time at an Internet station is limited to 30 minutes when others are waiting.
2. If you are waiting to use the Internet or another service at the Internet station, please let a librarian know. The librarian will inform the current user that in 30 minutes the station must be available.
3. You may not use your own floppy disks in any Library computer. The Library will provide disks at a nominal fee.
4. You must use a new disk each day you want to download.
5. You may not use your own software or alter Library software or hardware. Please do not change settings or bookmarks.
6. Please use discretion in printing. If printing becomes excessive, the Library may charge a nominal fee for the use of paper and consumables.
7. The Library is not offering e-mail, usenet, chat groups or gaming. The Library will review from time to time which functions best support the Library's mission.
8. If you experience any problems using the computer or printer, please report the problem to the Reference Desk.

The Law and Legislative Reference Library finds certain uses of the Library's Internet resources inappropriate. You may lose your computer privileges if you use the Library's Internet resources for:

1. usage which incurs any cost to the Library,
2. violations of security or software licenses,
3. harassment of other patrons or staff,
4. intentionally displaying to Library patrons or staff material or images which they find offensive,
5. unauthorized copying,
6. libeling or slandering others, or
7. disruption or unauthorized monitoring of electronic communications.

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Privacy

Maine State Law and Legislative Reference Library

Library records

Voluntarily submitted personal information

Referrals

Legislative confidentiality

Server log information

Cookies

Questions or comments

The Maine State Law and Legislative Reference Library is committed to providing you with the legal and governmental information you need in a way that respects and protects your personal privacy choices and concerns. The following policy applies only to pages on the Library web site starting with the address "state.me.us/legis/lawlib". Please note that our pages include links to research tools and resources not maintained by the Library. Users may want to check these sites individually for information on their respective privacy policies.

Library records

The Maine State Law and Legislative Reference Library's web site adheres to the same standard of privacy protection for its users as does the Library itself. A Maine statute makes information relating to the identity of a library user confidential. It also provides that library records may only be released with the express written permission of the patron involved or as the result of a court order (Maine Revised Statutes, Title 27, Section 121). The Maine State Law and Legislative Reference Library is expressly included in this statute.

Voluntarily submitted personal information

When you make a request we ask that you voluntarily submit your name and contact information. Only the return e-mail address and a description of the information you need are required. The Library uses the other contact information in the event that you want to borrow items from our collection or receive information through the mail or via fax. This information is used solely for the purpose of completing your request.

Your information request will be deleted from our e-mail box and shredded (if printed) according to the records management schedules established in cooperation with the Maine State Archives. We retain these records for a period of time in case we need to follow-up on the original request. We may collect statistical information about the requests we receive, but no personally identifiable information is included.

If you borrow library materials we will ask for your address and telephone number to register you as a library user. This information will be used only for making the loan and following up when the materials become due.

Referrals

Occasionally we may find that a person outside the Library, generally a state government official, has the information you need or the knowledge and expertise to respond to your specific questions. In these cases we would provide you with instructions to contact that person directly if you choose to do so. The Library does not disclose any personal information to people outside the Library.

Legislative confidentiality

The Maine State Law and Legislative Reference Library is a nonpartisan legislative staff office, and is covered by the Legislative Confidentiality Policy adopted by the Legislative Council. Under the terms of this policy, legislative requests for assistance or information are included in the statutory exception from public disclosure. Such requests are confidential, and no information concerning these requests will be disclosed without specific authorization from the person making the request.

Server log information

The Maine State Law and Legislative Reference Library web pages are hosted on a server maintained by InforMe. In order to monitor traffic patterns, the server collects information from visitors, including the date and time, IP address, referring locations, and browser types. The Library is not currently reviewing website logs, but may do so in the future to improve the design and value of the site. The

information on the website logs is not personally identifiable, and there is no attempt to link it with the individuals who browse our website.

Cookies

Cookies are small text files that a web server may ask your web browser to store, and to send back to the web server when needed. Cookies may be used to store a transaction identifier or other information a user may provide.

The Maine State Law and Legislative Reference Library does not use cookies at this time.

Questions or comments

If you have questions or comments relating to this privacy policy, you may contact:

Lynn Randall
State Law Librarian
43 State House Station
Augusta, Maine 04333

Tel. (207) 287-1600
lynn.randall@state.me.us




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 Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

FROM: David C. Elliott, Director 

DATE: January 23, 2003

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

Issue for Council's consideration:

If the Legislative Council anticipates an adjournment of the First Regular Session that is somewhat earlier than the statutory adjournment date of June 18, 2003, does the Council want to establish an early deadline for the filing of major substantive rules by state agencies that require legislative review?

Background:

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 and implemented by an agency. Agencies will be filing new major substantive rules with the Legislature over the next several months. **If rules are timely filed or late-filed but 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 First Regular Session of the 121st Legislature the statutory adjournment date is June 18, 2003 so absent any change by the Legislative Council, the deadline for filing rules for legislative review is Friday, May 2, 2003.

Council Options:

Several options are available to the Council.

If adjournment is to be early—on or about May 30th—the Council may, pursuant to law, choose to either:

- A. Not change the current deadline of May 2nd, 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 March 28th and May 2nd.

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. The current filing deadline, May 2nd, is also the deadline established by the presiding officers for committees to have completed voting on their bills. If rules were not filed until that date, at least some committees may be required to work two weeks or more beyond the committee reporting deadlines.

Possible New Deadline:

The Legislative Council may want to consider establishing a new filing deadline that is approximately the same number of days before the current deadline as your anticipated adjournment date is before statutory adjournment (19 days). That would establish **Monday, April 14, 2003** as the new deadline, which should allow the committees adequate time to complete their rule reviews by May 2nd when work on 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: David Boulter, Executive Director



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 Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
121st Legislative Council

From: David C. Elliott, Director

A handwritten signature in dark ink, appearing to read "D. Elliott", written over the name "David C. Elliott" in the "From" line.

Date: January 23, 2003

Re: Proposed Drafting Guidelines for Legislative Studies—121st 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 introduced during the biennium must be consistent with the adopted guidelines.

The proposed guidelines closely track relevant provisions of the Joint Rules of the 121st Legislature and the guidelines that were adopted by the 120th 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.

DE/sd

cc: David Boulter, Executive Director
Margaret Matheson, Revisor of Statutes

Legislative Studies: Drafting Guidelines

**Proposed for adoption by the 121st Legislative Council
Pursuant to Joint Rule 353(8)**

January 28, 2003

**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 121st Legislature on December 4, 2002 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.
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 the 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 STUDIESDRAFTING GUIDELINESElement of Study Order or LegislationSample LanguageComments**1. Selection of Legislative Vehicle**

- ♦ Five types of document may be used

A. Joint Study Order

(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.)

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

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

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

- Must pass in each chamber only once (unless amended on the floor)
- Governor's approval not needed
- Effective immediately, unless otherwise specified
- Appropriation/fiscal note not needed at time of passage
- Chair and all or most members are legislators
- Public and agency members may be invited but not compelled to serve
- Orders are printed in the Calendar and ordinarily are referred to committee.
- Introduction of legislation into another biennium requires legislative sponsor
- 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
- Cannot authorize a committee in the next biennium to report out legislation
- Authority terminates with the end of the biennium; Legislative Council cannot extend beyond the end of the biennium.

Element of Study Order or LegislationSample LanguageComments**B. Resolve**

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

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

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

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

C. Public Law

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

"An Act to Establish the State Compensation Commission"

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

D. Letter request to Legislative Council

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

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

Element of Study Order or LegislationSample LanguageComments

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

See sample order

Note: Joint standing committees may also study an issue during interim committee authorized by Joint Rule 315.

(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.)

2. Establishment of Study Group

A. Order or Resolve

"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. Public Law

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

3. Appointment of Study Group Members

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

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

Ordinarily study membership must consist of all legislators or a majority of legislators. See Joint Rule 353 (2).

- ◆ Describe the method of appointment or selection of members

A. Joint study order

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

Unless specific circumstances warrant, the Presiding Officers must be the appointing authority for all members, but must not make appointments jointly.

Element of Study Order or Legislation

Sample Language

Comments

<u>B. 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 and the Speaker the House Chair. See Joint Rule 353 (3). Avoid joint appointment of a chair.
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Element of Study Order or Legislation

Sample Language

Comments

or

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

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 the chairs and staff before the first meeting.

◆ Specify tasks to be performed when studying

“In examining these issues, the (study group)

Listing specific tasks to be performed will

Element of Study Order or Legislation

Sample Language

Comments

the issue

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.”

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
- specify who is to provide assistance in drafting study legislation

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

“The (state agency) shall prepare any legislation recommended by 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.

Element of Study Order or Legislation

Sample Language

Comments

or
(For non-legislative studies)

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

- Specify who is to provide clerical assistance

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

◆ 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)

8. Compensation of Members

◆ Specify which members are eligible to receive per diem

"Legislative members are entitled to receive the legislative per diem and reimbursement 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, upon a demonstration of financial hardship, 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).

Element of Study Order or Legislation

Sample Language

Comments

9. Report & Study Group Termination

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

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the (specify which) Session of the (specify which) Legislature. The (study group) is authorized to submit legislation related to its report for introduction to the (specify session) Session of the (specify legislature) Legislature at the time of submission of its report." Alternative: "The (study group) is not authorized to introduce legislation."

or

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. 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."

or

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. The (study group) is authorized to submit legislation related to its

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 their committee responsibilities, legislative analysts do not ordinarily staff study commissions during legislative sessions. See Joint Rule 353 (6) and (7).

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.

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.

Authority to introduce legislation should not be

report for introduction to the (session) Session of
the

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
	(specify) Legislature at 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.

Element of Study Order or Legislation

Sample Language

Comments

10. Funding & Management of Study Expenses

- ◆ Seek appropriation language 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

“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.”

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.

“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.”

- ◆ Indicate alternative ways the study group may be funded and whether it is precluded from using General Fund dollars

“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).”

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.

APPENDIX I

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 INSTRUMENTS

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 120th 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 120th 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

result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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SAMPLE RESOLVE CREATING A STUDY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY

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

SAMPLE BILL CREATING A STUDY

An Act to Reestablish the State Compensation Commission

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

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

§2-B. State Compensation Commission

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

- A. Two members, not from the same political party, appointed by the President of the Senate;**
- B. Two members, not from the same political party, appointed by the Speaker of the House;**
and
- C. One member appointed by a majority of the members appointed under paragraphs A and B,**
who serves as chair of the commission.

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

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

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

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

- A. A description of the commission's activities;**
- B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:**

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

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

C. The reasons for its recommendations;

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

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

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

4. Staff assistance.

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

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

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

SUMMARY

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

SAMPLE ORDER OF PRESIDING OFFICERS CREATING A STUDY

President of the Senate & Speaker of the House of Representatives

STATE OF MAINE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY: _____
Mark W. Lawrence, President
Maine Senate

BY: _____
Elizabeth H. Mitchell, Speaker
Maine House of Representatives



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**TASK FORCE TO STUDY METHODS OF ADDRESSING INEQUITIES IN THE
RETIREMENT BENEFITS OF STATE EMPLOYEES AND TEACHERS**

December 16, 2002

The Honorable Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
Legislative Council
121st Maine State Legislature
State House Station 115
Augusta, ME 04333

Dear Senator Daggett and Representative Colwell:

This letter is to inform you that the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers has submitted the attached report including recommended legislation to the Joint Standing Committee on Labor pursuant to Public Law 2001, chapter 707. Copies of the report are being transmitted to the Presiding Officers and the Legislative Council. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely

Senator Beth Edmonds, Co-Chair

Representative Jackie Norton, Co-Chair

Task Force To Study Methods Of Addressing Inequities In The Retirement Benefits Of State
Employees And Teachers

Attachment

DEC 27 2002



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMITTEE TO CONTINUE TO STUDY
THE BENEFITS AND COSTS FOR INCREASING
ACCESS TO FAMILY AND MEDICAL LEAVE**

January 22, 2003

The Honorable Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
Legislative Council
121st Maine Legislature
#115 State House Station
Augusta, ME 04333

Dear Chair Daggett and Vice-Chair Colwell:

This letter is to inform you that the Committee to Continue to Study the Benefits and Costs For Increasing Access to Family and Medical Leave has completed its work and submitted its report including recommended legislation pursuant to Resolves, chapter 115. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

Senator Betheda Edmonds, Senate Chair

Betheda Edmonds

Representative Gerald M. Davis, House Chair

Gerald M Davis

JAN 27 2003