

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Tuesday, January 27, 1987

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Minutes of January 16 and 20, 1987, Council Meetings

DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Report from the Joint Standing Committee on Audit and Program Review regarding Cultural Building (at the request of the Committee Chairs)

Item #2: After Deadline Requests (Preliminary List attached)

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. THOMAS R. PERKINS
SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

LEGISLATIVE COUNCIL

January 16, 1987

MEETING SUMMARY

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chairman, Charles P. Pray, at 9:38 a.m.

ROLL CALL

Senators: Sen. Clark, Sen. Dutremble, Sen. Perkins, Sen. Pray, Sen. Webster

Representatives: Rep. Diamond, Rep. Gwadosky, Rep. Martin, Rep. Murphy, Rep. Paradis

Legislative Officers:

| | |
|----------------|--|
| Sally Diamond | Executive Director, Legislative Council |
| Peter Siegel | Law Librarian |
| Bent Schlosser | Director, Office of Fiscal and Program Review |
| Helen Ginder | Director, Office of Policy and Legal Analysis |
| David Silsby | Revisor of Statutes |

SECRETARY'S REPORT

The minutes of the Council's December 18, 1987, meeting were approved and placed on file (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -2-

DIRECTOR'S REPORT

Sally Diamond, Executive Director, reported the following personnel actions:

Newly-Hired Employees

- Legal Proofreaders in the Office of the Revisor of Statutes, effective January 5.

Kathryn W. Riley (Step A)
Mary Lou Smith (Step A)
Judy P. Blaisdell (Step A)

(These are session positions, and they are in Range 3 of the Non-Partisan Salary Scale).

- Legal Proofreader in the Office of the Revisor, Engrossing Division, effective January 12: Edythe J. Hampson (Range 3 Step A).
- Secretary in the Office of Policy and Legal Analysis, effective January 27: Janet L. Jean (Range 3, Step A).
- Legislative Indexer, Office of Executive Director, Information Services, effective January 5, 1987: Allison Brown (Range 8, Step A). Ms. Diamond pointed out that this position had been transferred to her office from the Revisor's Office in December, 1985 in conjunction with the Legislative Council's study of legislative staffing and organization. The functions of this position have been one of the items under review by an interoffice indexing committee which has worked during the interim. The committee has identified several ways to use the legislative computer system in the indexing process; as a result, the position is now a part-time position.
- Secretary, Office of the Executive Director, effective January 7: Etta Begin (Range 4, Step C).

Approved Step Increases

John Bailey, Director of Information Services, from Step B to Step C, effective January 1, 1987.

Jacqueline Calcagni, Administrative Secretary (Salary Range 6) from Step B to Step C, effective January 14, 1987.

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -3-

Teen Lerette, Administrative Coordinator (Salary Range 7) from Step B to Step C, effective January 1, 1987.

Jennifer Locke, Office Assistant (Salary Range 2) from Step A to Step B, January 1, 1987.

Margaret Reinsch, Legislative Analyst (Salary Range 10) from Step B to Step C, effective January 14, 1987.

Motion: That the Executive Director's report be accepted and placed on file (Motion by Rep. Diamond, second by Rep. Martin).

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Item #1: Reappointment of Bent Schlosser

Mr. Schlosser's first three year appointment to the position of Director of the Office of Fiscal and Program Review had expired in December. Rep. Martin reported that the Committee had met for the purpose of reviewing his performance and presented the committee's unanimous recommendation that he be appointed for a second three-year term and be commended for his work during his previous term.

Motion: That Bent Schlosser be reappointed to the position of Director of the Office of Fiscal and Program Review for a 3-year term of appointment pursuant to statute (Motion by Rep. Martin; second by Rep Murphy; unanimous).

Item #2: Conversion of Committee Clerk Position

Rep. Martin recommended that the position of Clerk for the Committee on Audit and Program Review be converted to a full-year, permanent non-partisan position in the Office of Fiscal and Program Review. He noted that similar action had been taken by the Council with regard to the Clerk to the Committee on Appropriations and Financial Affairs by the 112th Legislative Council.

Rep. Gwadosky asked whether this action had been discussed in advance with the Committee Chairs and was assured that this had been done.

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -4-

Motion: That the recommendation to convert the position of the Clerk to the Audit and Program Review Committee to a full-year, permanent position in the Office of Fiscal and Program Review be effective immediately. (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

Committee on Legislative Automation

Item #1: Equipment in Leadership Offices

Rep. Diamond, Committee Chair, reported that the Committee had met to review requests from the leadership offices for additional equipment.

Motion: That the request be approved as presented with the addition of one work station to be assigned to the Speaker's Office. (Motion by Rep. Diamond, second by Rep. Paradis, unanimous).

Item #2: Public Access to Bill Status System

Ms. Diamond drew members' attention to the list of organizations that had expressed interest in participating in the pilot project to provide access to the Legislature's bill status system to the public. She noted that the Council's direction to actively solicit municipal and non-profit participation had had the desired effect on broadening the types of groups that will be participating in the project. Fifty organizations have indicated interest - the maximum number that can be supported during the pilot project. Council members agreed that they would consider additional requests that may come in during the Session. They further stressed that all participants in the pilot project should be notified that the approval of their participation is for the period of the pilot project only.

Motion: That the implementation of the pilot project proceed for a one-year period, and that it be evaluated at the end of that time. (Motion by Rep. Diamond; second by Rep. Gwadosky; unanimous).

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -5-

OLD BUSINESS

Item #1: Salary Adjustments for Constitutional Officers

This item had previously been tabled. Council members had received a chart showing the current salary of each of the Constitutional Officers and the effect of a step increase. Ms. Diamond pointed out that the statute prohibits the Council from assigning the Secretary of State to a step higher than G, his current step. Sen. Webster inquired whether these annual step increases, which are authorized by statute, should be awarded automatically; and it was suggested that he express his concern to the State Compensation Commission, which is charged by statute with reviewing these salaries biennially.

Motion: That each of the Constitutional Officers be awarded a 4% cost-of-living lump sum payment for the period December 3, 1986 - January 4, 1987, and that the Attorney General, the Treasurer of State and the State Auditor be awarded a one-step increase in their assigned salary ranges, effective on their respective anniversary dates, and finally, that the 4% cost-of-living increase be applied to the Secretary of State, effective January 5. (Motion by Sen. Clark; second by Rep. Diamond; 9-1).

Item #2: Request from the Special Commission to Study Teacher Training in the University System

(Tabled at the previous meeting pending receipt of additional information).

Rep. Bost, Chair of the Special Commission had previously requested that the Council authorize the Commission to contract for a survey in conjunction with the Commission's study of Teacher Training in the University System. Rep. Bost noted that the law creating the Commission had specifically authorized the Commission to conduct a survey; the omission of language in the appropriations section earmarking funds for this purpose had been unintentional. He further noted that the original appropriation was sufficient to conduct the survey.

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -6-

Motion: That the Commission's request to conduct the survey through an outside contract be approved. (Motion by Sen. Clark; second by Rep. Diamond; unanimous).

NEW BUSINESS

Item #1: Submission of Reports:

Legislative Veto of Agency Rules from the Joint Standing Committee on State Government (Study Report Authorized by the Legislative Council)

Driver Education Evaluation Program from the Joint Standing Committee on Education (Study Report authorized by the Legislative Council)

Substitute Teacher Compensation from the Joint Standing Committee on Education (Study Report authorized by the Legislative Council)

Final Report from the Joint Select Committee on Learning Disabled Children

Final Report from the Maine Commission to Examine Chemical Testing of Employees

Annual Report on the Regional Fuel Tax Agreement

Motion: That the these reports be accepted and placed on file. (Motion by Rep. Martin, second by Rep. Diamond; unanimous).

Item #2: Welcome Back Day

Ms. Diamond reported the biannual Welcome Back Day program had tentatively been scheduled for Wednesday, April 8.

Motion: That the Secretary of the Senate, the Clerk of the House and the Executive Director be authorized to proceed with plans for Welcome Back Day. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Item #3: After Deadline Requests (Preliminary List attached)

Motion: That these requests be tabled until the next Council meeting. (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

LEGISLATIVE COUNCIL MEETING SUMMARY, January 16, 1987 -7-

ADJOURNMENT

The Legislative Council meeting was adjourned at 10:07 a.m.
(Motion by Rep. Martin; second by Sen. Perkins; unanimous).

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE

AUGUSTA, MAINE 04333

LEGISLATIVE COUNCIL

January 20, 1987

MEETING SUMMARY

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. THOMAS R. PERKINS
SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chairman, Charles P. Pray, at 11:05 a.m.

ROLL CALL

Senators: Sen. Clark, Sen. Perkins, Sen. Pray, Sen. Webster
Absent: Sen. Dutremble

Representatives: Rep. Diamond, Rep. Gwadosky, Rep. Martin, Rep. Murphy, Rep. Paradis

Legislative Officers:

| | |
|----------------|---|
| Sally Diamond | Executive Director, Legislative Council |
| Peter Siegel | Law Librarian |
| Richard Sawyer | Deputy Director, Office of Fiscal and Program Review |
| Helen Ginder | Director, Office of Policy and Legal Analysis |
| David Silsby | Revisor of Statutes |

SECRETARY'S REPORT

No Report.

DIRECTOR'S REPORT

No Report.

LEGISLATIVE COUNCIL MEETING SUMMARY, January 20, 1987 -2-

REPORTS FROM COUNCIL COMMITTEES

No Reports.

OLD BUSINESS

Item #1: After Deadline Requests

A list of the After Deadline Requests considered by the Council and a summary of the Council's action is attached.

NEW BUSINESS

Item #1: Submission of Reports

Tax Expenditure Review from the Joint Standing Committee on Taxation

Motion: That this report be accepted and placed on file. (Motion by Sen. Webster; second by Rep. Diamond, unanimous).

Enabling the Availability of Credit through Finance Companies from the Joint Standing Committee on Business and Commerce

Motion: That this report be accepted and placed on file. (Motion by Sen. Clark; second by Rep. Diamond; unanimous).

Item #2: Location of Portrait of Governor Baxter

Motion: That the portrait of Governor Baxter be returned to its former location outside of the Senate Chamber. (Motion by Sen. Clark; second by Sen. Webster; unanimous).

Sen. Pray reported that he would appoint a subcommittee to assist in selecting items to replace this portrait for the Council Chamber.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:39 a.m. (Motion by Rep. Murphy; second by Sen. Webster; unanimous).

SUMMARY OF MEETING HELD FRIDAY, 1/23/87
REGARDING THE CLOSURE OF THE
MAINE STATE LIBRARY
4220N

1. The meeting was called to order by Senator Beverly Miner Bustin. Senator Bustin is Chair of the Audit & Program Review Committee which has been reviewing the Department of Educational and Cultural Services since January 1986 and monitoring the efforts of BPI and library officials to abate asbestos contamination and repair leaks in the library superstructure.

2. PARTICIPANTS.

Senator Beverly Bustin; Commissioner Harvey DeVane; Commissioner Rod Scribner; Bent Schlosser, Director Office of Fiscal and Program Review; Department of Administration Staff = George Viles, Arvah Lyons; Library = Director Gary Nicholls; Office of Fiscal and Program Review staff = Cheryl Ring, James Clair, Barbara Gage.

3. PURPOSE OF MEETING.

Senator Bustin had requested that meeting participants provide an overview and current status of the situation, in particular:

- the original and amended abatement and repair schedule;
- the performance of contractors and consultants;
- the role of the Executive Branch; and
- funding implications.

Each of these are summarized below:

4. The Original vs. Amended Abatement and Repair Schedule.

Original

- | | |
|---------------------------------------|-----------------|
| • Asbestos Abatement to be completed: | August 25, 1986 |
| • Leak repair to be completed | Sept. 26, 1986 |
| • Original Reopening date | Fall 1986 |

Amended

- Asbestos Abatement to be completed Completed Jan. 16, 1987
- Leak repair to be completed
by Peachey Mid-March 1987
- Final Completion of Renovation Work=
BPI remodeling, repair of rusted Winter 1988
shelves, carpeting, wall dividers,
etc.
- Projected reopening of Library Early Summer 1987 (in
the midst of final
renovation work)

5. Performance of contractors and consultants.

According to Commissioner DeVane, performance is as follows:

Buerhaus Insulation - Asbestos Abatement Contractors

Unsatisfactory. \$160,072 withheld from Buerhaus. State claiming \$170,000 in damages. Plus, Buerhaus has submitted a bill to state for alleged change orders of \$304,000

Shelburne & Civil Engineering Associates - Asbestos Abatement Consultants

Satisfactory. Will be paid \$225,000 for services rendered.

Peachey Builders - Leak Repair contractors

Satisfactory. Paid \$69,881 to date towards a \$309,000 contract with \$13,721 worth of change orders.

6. Role of the Executive Branch.

Commissioner DeVane characterized the library project as being problematical and the effort to address these problems as sincere, yet overtaxed. Commissioner DeVane mentioned numerous times that he intends that the Executive Branch take a concerted and positive problem-solving approach toward reopening the Library, not dwelling on past problems and failures.

7. Financial Picture

A. Original General Fund Appropriation June 1986

| | | |
|--------------------|----------------|-----------|
| Asbestos Abatement | 600,000 | |
| Leak Repair | <u>800,000</u> | |
| Total Available | | 1,400,000 |

B. Expenditures Committed to Date

| | | |
|-----------------|----------------|----------------|
| Buerhaus | 329,908 | |
| Shelburne | 225,000 | |
| Peachey | <u>323,021</u> | |
| Total Committed | | <u>877,929</u> |

C. Balance Remaining for Original Appropriation 522,071

D. Additional costs of project prior to reopen.

| | | |
|-----------------------|----------------|-----------|
| Permanent Rain Canopy | 1,200,000 | |
| Temporary Rain Seal | 5,800 | |
| Exterior Wall Water- | | |
| proofing | 260,000 | |
| Roof waterproofing | <u>200,000</u> | |
| | | 1,665,800 |

E. Shortfall to Complete Project as Planned (1,143,729)

8. Conclusions.

Senator Bustin concluded that the following is needed and must be forthcoming to complete the project in as timely a manner as possible.

A. Harmonious cooperation and communication among Executive Branch Personnel.

B. A Comprehensive Management Plan to coordinate all aspects and phases of the project and to justify additional funding requests.

LEGISLATIVE COUNCIL
AFTER DEADLINE REQUESTS

January 27, 1987

LR2035 AN ACT to Expand the Medicaid Dental Program to
 Include Adults

Sponsor: Bustin, B.

LR2029 AN ACT to Create a Cholesterol Control Program

Sponsor: Gill, B.

LR2036 AN ACT to Increase the Appropriation to Municipal
 School Districts for the Purchase of School Buses

Sponsor: Lord, W.

LR2030 AN ACT Relating to the Appointment of Persons to
 Superintendent Positions Within the Department of
 Professional and Financial Regulation

Sponsor: Martin, J.

LR2037 AN ACT to Allow Nonprofit Youth Recreation
 Organizations to be Exempt from Sales Tax

Sponsor: Thistle, D.

TABLED AFTER DEADLINE REQUESTS

(Action at January 20 Council Meeting)

- LR 1965 Joint Resolution Memorializing the
Congress of the United States to
Support the Development of Means to
Reduce the Possibility of a Substance
Abuse-Related Accident at Nuclear
Power Plant Facilities
- SPONSOR: Pursuant to Law, Resolves 1985, ch 86.)
- LR 2020 An Act to Exempt Federal Employee
Pensions from the State Income Tax
- SPONSOR: Tuttle, J.
- LR 2022 An Act Concerning Local Health
Board Approval of Special Wastes
Disposed of in Local or Commercial
Landfills
- SPONSOR: Tuttle, J.
- LR 2021 An Act Concerning Gaming
- SPONSOR: Tuttle, J.

AFTER DEADLINE REQUESTS

January 27, 1987

LR2035

SPONSOR: Bustin,B

TITLE: AN ACT to Expand the Medicaid Dental Program to Include Adults.

COMMENTS:

LR2040

SPONSOR: Dow,C

COSPONSOR: Moholland,F,r

TITLE: JOINT RESOLUTION MEMORIALIZING THE 100TH CONGRESS OF THE UNITED STATES TO PROMPTLY ENACT ENABLING LEGISLATION TO CONTINUE THE FEDERAL-AID HIGHWAY PROGRAM

LR2029

SPONSOR: Gill,

TITLE: AN ACT to Create a Cholesterol Control Program.

COMMENTS:

LR2036

SPONSOR: Lord,Willis

TITLE: AN ACT to Increase the Appropriation to Municipal School Districts for the Purchase of School Buses.

COMMENTS:

LR2030
SPONSOR: Martin,J

TITLE: AN ACT Relating to the Appointment of Persons to Superintendent Positions Within the Department of Professional and Financial Regulation.

COMMENTS:

LR2042
SPONSOR: Rotondi,D

TITLE: AN ACT to Reimburse the Town of Jackman for Loss of Tax Revenue due to a State Land Swap.

LR2041
SPONSOR: Rotondi,D

TITLE: AN ACT Relating to the Distance Requirements to Operate an Agency Store under the Liquor Laws.

LR2037
SPONSOR: Thistle,D

TITLE: AN ACT to Allow Nonprofit Youth Recreation Organizations to be Exempt from Sales Tax.

COMMENTS:

LR2039
SPONSOR: Twitchell,D

TITLE: AN ACT to Authorize the Sale of Certain Vintage Wines to Licensees.

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TABLED AFTER DEADLINE REQUESTS

(Action at January 20 Council Meeting)

LR 1965 Joint Resolution Memorializing the
Congress of the United States to
Support the Development of Means to
Reduce the Possibility of a Substance
Abuse-Related Accident at Nuclear
Power Plant Facilities

SPONSOR: Pursuant to Law, Resolves 1985, ch 86.)

LR 2020 An Act to Exempt Federal Employee
Pensions from the State Income Tax

SPONSOR: Tuttle, J.

LR 2022 An Act Concerning Local Health
Board Approval of Special Wastes
Disposed of in Local or Commercial
Landfills

SPONSOR: Tuttle, J.

LR 2021 An Act Concerning Gaming

SPONSOR: Tuttle, J.