

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

APRIL 19, 1988

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summaries of April 14, 17, and 18, Council Meetings

DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Interim Study Requests

Joint Standing Committee on Marine Resources:  
Study on Coastal Search and Rescue

Item #2: Study Priorities  
(Letter from Rep. Coles)

ADJOURNMENT

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

APRIL 14, 1988

### MEETING SUMMARY

APPROVED APRIL 21, 1988

### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 4:23 p.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
Cheryl Ring	Principal Analyst, Office of Fiscal and Program Review
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes
John H. Bailey	Information Systems Director

**SECRETARY'S REPORT**

The summary of the Council's April 5, 1988, meeting was approved and placed on file (Motion by Rep. Martin; second by Rep. Murphy; unanimous).

**DIRECTOR'S REPORT**

The report submitted by Sally Diamond, Executive Director of the Legislative Council, included the following:

Item #1:        Approved Step Increases

On the recommendation of Helen Ginder, Director, Office of Policy and Legal Analysis, Ms. Diamond has approved a Step increase for Gro Flatebo, Legislative Analyst (Salary Range 10) from Step C to Step D, effective April 28.

Item #2:        Resignation

Audrey Delphendahl, Attorney in the Revisor's Office, has submitted her resignation, effective May 27, 1988.

Retirement

Mary Harding, Senior Legal Proofreader in the Revisor's Office, has announced that she will be retiring at the end of the legislative session, after 16 years of legislative service.

Motion: That the Director's report be accepted and placed on file and that appropriate letters of appreciation be sent to Ms. Delphendahl and Ms. Harding. (Motion by Rep. Martin, second by Sen. Clark; unanimous).

**REPORTS FROM COUNCIL COMMITTEES**

None.

**OLD BUSINESS**

None.

## NEW BUSINESS

Item #1: Request from Joint Select Committee on Corrections to Extend its Study of Corrections Issues through December 31, 1988.

The letter from Sen. Bustin and Rep. Baker, Committee Chairs, requested Council authorization for the Joint Select Committee to continue its study of corrections issues through December and to have 10 Committee meetings for this purpose. The Committee had submitted a similar request in January, and the Council approved continuation through June 30 at that time.

Discussion centered on Council members' concern that since this is an election year, legislators will have even more competing demands for their time. Sen. Bustin, who was present, pointed out that the Committee's work with the Department of Corrections had attracted national attention: the Edna McConnell Clark Foundation is considering awarding a grant to Maine to support its work in developing and implementing a long range corrections plan; and the National Institute for Sentencing Alternatives is continuing to provide the consultative services of its director, Mark Corrigan, at no charge and has further committed to performing a detailed analysis of Maine's records for the purpose of developing risk assessment standards and a plan. Sen. Bustin noted that this is not a project that can be compressed into a shorter period of time, but agreed that the Committee could meet less frequently without compromising the quality of the end product.

Motion: That the Joint Select Committee be authorized to extend its work and to convene 5 meetings before October 1, with the understanding that the Committee could meet during the Pre-Legislative Conference in December to review its final report. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Motion: That the Executive Director prepare an estimated budget to support the extension for presentation at the next Council meeting. (Motion by Sen. Webster; second by Rep. Murphy; unanimous).

Item #2: Letter from Joint Standing Committee on Audit and Program Review Regarding Review Schedule for Coming Year.

The letter from Sen. Bustin and Rep. Rolde, Committee Chairs, set forth the Committee's schedule for the coming year, including those sunset reviews which were scheduled by statute and those reviews which the Committee wished to extend beyond the initial year in order to complete.

Sen. Pray inquired whether it made sense to review the Workers' Compensation Commission at this time: legislation passed during the Second Special Session in November, 1988 had affected both the organization and procedures of the Commission, which had not yet had time to "settle."

Sen. Pray also asked the Chairs to give further explanation regarding the need to continue the Committee's review of child welfare services into a fourth year. Rep. Rolde responded that the Committee had been presented with "an avalanche" of protective services cases which people felt the Department has handled poorly and which the Committee needed to pursue. Rep. Martin inquired whether the creation of a Child Welfare Ombudsman proposed by the Committee and currently on the Appropriations Table was not a more appropriate vehicle for investigating individual cases.

Motion: That the Audit and Program Review Committee postpone its further review of child welfare services until the Child Welfare Ombudsman position has been established and the program implemented. (Motion by Rep. Martin; second by Sen. Pray; unanimous).

Item #3: Requests from Joint Standing Committees to Conduct Interim Studies

Council members had received copies of the letters from Joint Standing Committees which described their proposals for interim studies and a list summarizing these requests. In discussion of the first study request, Rep. Gwadosky expressed concern that, coupled with the study commissions proposed in pending legislation, the Council could easily be committing to a level of staff effort that would require hiring additional staff. Rep. Murphy noted that interim studies were becoming the vehicle for supporting a full-time legislature by virtue of their sheer number.

Motion: That the interim study requests be tabled pending further information regarding the availability of existing staff. (Motion by Rep. Martin; second by Rep. Diamond; unanimous).

Item #4: After Deadline Requests

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

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 5:10 p.m. (Motion by Sen. Pray; second by Rep. Martin; unanimous).

SEN. CHARLES P. PRAY  
CHAIRMAN

REP. JOHN L. MARTIN  
VICE-CHAIRMAN



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REP. EUGENE J. PARADIS

## LEGISLATIVE COUNCIL

APRIL 17, 1988

### MEETING SUMMARY

APPROVED APRIL 21, 1988

#### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 5:20 p.m..

#### ROLL CALL

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

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

#### Legislative Officers:

Sally Diamond	Executive Director, Legislative Council
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes
John H. Bailey	Director, Informations Systems

#### SECRETARY'S REPORT

None.

#### DIRECTOR'S REPORT

None.



## REPORTS FROM COUNCIL COMMITTEES

## Committee on Allocation of Legislative Space

Sen. Pray, Committee Chair, suggested that Council members go through the Estimated Project Costs, which had been prepared earlier by the architect, for the purpose of establishing priorities within the funds available. He reminded the members that these are "ball park" estimates. A vote was taken on each item considered, and the results of the discussion follow:

Project	Estimated Total Cost	Action
1. Improve Legislators' Telephone Facilities (House & Senate Retiring Rooms)	\$ 33,000 11,650	Unanimous
2. Extend Mezzanine Level (2nd floor, south wing)	\$131,200	Unanimous
3. Improving Entries to Restroom Facilities (3rd floor)	\$ 62,920	Unanimous
4. Ventilation System (Room 228)	\$ 13,500	Unanimous
5. Minor Renovation in Room 400	\$ 6,500	Unanimous
6. 5th Floor/State House: Design Only	(to be confirmed)	Unanimous
7. Press Area (Paint Shop)	\$215,550	Unanimous

Motion: That a total of \$550,000 be set aside for the approved projects and that all other projects come before the Council for approval before they are initiated. (Motion by Sen. Perkins; second by Sen. Clark; unanimous).

## OLD BUSINESS

Tabled Item:: Requests from Joint Standing Committees to Conduct Interim Studies  
(Tabled 4/14/88)

-- The item had been tabled previously pending receipt of additional information regarding the staff resources available. Council members reviewed two lists: 1) a list of 9 interim study requests from Joint Standing Committees, and 2) a list of 16 pending statutory study commissions

that would require legislative staff support. Sally Diamond pointed out that in addition to these lists, the Council has already committed staff to the following:

- Jt. Select Committee on Corrections
- Blue Ribbon Commission on the Regulation of Health Care Expenditures
- State Compensation Commission

In addition, 3 Study Commissions have been or would be extended by pending legislation:

- Commission on Sport Fisheries
- Commission to Review Registered Maine Guide Laws
- Commission on Children in Need of Supervision and Treatment

Ms. Diamond reported that the staff could take on a maximum of 10-11 additional studies.

Summaries of the Council's action on Interim Study Requests and recommendations on proposed statutory study commissions are attached to these minutes.

## NEW BUSINESS

- Item #1: Application to the Robert Wood Johnson Foundation's Medical Malpractice Program for Funds to Study the Effects of Maine's Medical Malpractice Tort Reforms on Access to Medical Care in the State

In a letter to the Council, Speaker Martin requested Council authorization to proceed with development of an application to the Foundation for a Study of the Effects of Maine's Medical Malpractice Tort Reforms on Access to Medical Care in the State. Rep. Martin noted that the topic of the proposed study was similar to one of the interim study requests submitted by the Judiciary Committee. Maine has already survived the early rounds of elimination of requests to the Foundation, and the probability of funding appears excellent.

Motion: That the Legislative Council endorse application to the Robert Wood Foundation for funding support. (Motion by Rep. Martin; second by Rep. Diamond; unanimous).

## ADJOURNMENT

The Legislative Council meeting was adjourned at 8:30 p.m. (Motion by Rep. Murphy; second by Rep. Diamond; unanimous).

SEN. CHARLES P. PRAY  
CHAIRMAN

REP. JOHN L. MARTIN  
VICE-CHAIRMAN



STATE OF MAINE  
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REP. DAN A. GWADOSKY  
REP. THOMAS W. MURPHY, JR.  
REP. EUGENE J. PARADIS

## LEGISLATIVE COUNCIL

APRIL 18, 1987

### MEETING SUMMARY

#### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 9:20 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

Helen Ginder

David Silsby

Executive Director,  
Legislative Council  
Director, Office of Policy  
and Legal Analysis  
Revisor of Statutes

#### SECRETARY'S REPORT

None

DIRECTOR'S REPORT

None

REPORTS FROM COUNCIL COMMITTEES

None

OLD BUSINESS

Item #1: Council's Previous Action with Regard to State House Space

In response to a question directed to him earlier, Senator Pray, clarified that the Council had taken no action on the proposal to establish a work area for legislators in the State House. There was no further discussion.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel (Motion by Rep. Martin; second by Sen. Clark; unanimous).

The Legislative Council proceeded to go into Executive Session at 9:22 a.m.

RECONVENE

Motion: That the Legislative Council reconvene at 11:00 a.m. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Motion: That the recommendations of the Personnel Committee be approved (Motion by Rep. Martin; second by Sen. Clark; unanimous).

RECESS

Motion: That the Legislative Council stand in recess until further notice (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

SENATE

JOHN L. TUTTLE, JR., DISTRICT 33, CHAIR  
STEPHEN C. ESTES, DISTRICT 35  
PAMELA L. CAHILL, DISTRICT 24

JULIE JONES, LEGISLATIVE ANALYST  
MARK USINGER, COMMITTEE CLERK



HOUSE

JAMES MITCHELL, FREEPORT, CHAIR  
NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS  
JAMES REED COLES, HARPSWELL  
RICHARD P. RUHLIN, BREWER  
HARRIET A. KETOVER, PORTLAND  
MARIA GLEN HOLT, BATH  
ROLAND S. SALSURY, JR., BAR HARBOR  
GUY G. SCARPINO, ST. GEORGE  
SALLY R. RICE, STONINGTON  
THEONE F. LOOK, JONESBORO

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

April 18, 1988

TO: Members of the Legislative Council

FROM: Sen. *John Tuttle*, Senate Chair  
Rep. James *Mitchell*, House Chair

RE: Study Commission on Coastal Search and Rescue

We are writing on behalf of the Joint Standing Committee on Marine Resources to urge you to support funding for the Study Commission on Coastal Search and Rescue.

This Commission was recommended by our Committee in its amendment to LD 2231, and approved in both the House and Senate before being placed on the Appropriations Table. The Appropriations Committee is not recommending funding of this bill; however, we strongly feel that they have not had the time to fully understand the extreme importance of this study.

The Committee Amendment to LD 2231 contains two provisions. It authorizes the Department of Marine Resources to provide coastal search and rescue services and it establishes a Commission to study the need for an expanded State role in this important area.

During the course of the Committee's consideration of this bill, we were made aware of the seriousness of the lack of coastal search and rescue services. There is no State agency which has this responsibility and no State funding currently available. Unlike inland areas, where the Department of Inland Fisheries and Wildlife maintains a substantial search and rescue capability, in coastal areas, fishermen and recreational boaters must rely primarily on the Coast Guard which is understaffed and far removed or on the happenstance that other resources are nearby in the event of an accident.

The Study Commission on Coastal Search and Rescue would evaluate the need for an increased State role in this vital area, and recommend the most economical way to provide services to coastal boaters. The Committee recommended funding in the amount of \$5,570 to cover the cost of per diems and expenses for the Commission. This seems a small sum when compared to the effect that the Commission will have in developing a means to protect the lives and property of persons who are involved in boating accidents along Maine's coast.

Therefore, we strongly urge you to support funding of the Committee amendment to LD 2231, or in the alternative to approve this study under the Legislative budget as a Council-approved study. If we can provide you with any further information on this subject, please let us know. Thank you for your consideration.

Attachment:

Committee Amendment "A" to LD 2231

5141\*

4  
H. 915

1

L.D. 2231

2

(Filing No. S- 367)

3

STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 855, L.D. 2231,  
8 Bill, "AN ACT Expanding the Role of the Bureau of  
9 Marine Patrol."

10

Amend the Bill by striking out all of the title  
11 and inserting in its place the following:

12

'AN ACT Relating to Coastal Search and Rescue  
13 Responsibilities and Creating the Study Commission on  
14 Coastal Search and Rescue.'

15

Further amend the Bill by striking out everything  
16 after the enacting clause and inserting in its place  
17 the following:

18

'Sec. 1. 12 MRSA §6029 is enacted to read:

19

§6029. Search and rescue operations

20

The Bureau of Marine Patrol is authorized to  
21 provide search and rescue services along the coastal  
22 waters of the State.

23

Sec. 2. Commission established. There is  
24 established the Study Commission on Coastal Search and  
25 Rescue.

R. 015.

COMMITTEE AMENDMENT "A " to S.P. 855, L.D. 2231

1 1. Membership. The commission shall be composed  
2 of the 11 members selected as follows: Two Senators  
3 selected by the President of the Senate representing  
4 the Joint Standing Committee on Marine Resources and  
5 the Joint Standing Committee on State and Local  
6 Government; 4 representatives selected by the Speaker  
7 of the House, representing the Joint Standing  
8 Committee on Marine Resources, the Joint Standing  
9 Committee on State and Local Government and the Joint  
10 Standing Committee on Appropriations and Financial  
11 Affairs; the Chief of the Bureau of Marine Patrol or  
12 the chief's designee; the Commissioner of Marine  
13 Resources; the Director of the Bureau of Parks and  
14 Recreation; a representative of the United States Life  
15 Saving Association; and a representative of the United  
16 States Coast Guard. The representatives from the  
17 United States Life Saving Association and the United  
18 States Coast Guard shall be appointed by the Governor  
19 and be nonvoting members.

20 2. Duties. The commission shall study the need  
21 for additional personnel within the Bureau of Marine  
22 Patrol to cover its responsibilities adequately along  
23 the Maine coast and, specifically, whether increased  
24 personnel should be provided to enable the Bureau of  
25 Marine Patrol to take a more active role in search and  
26 rescue activities. Specifically, the commission shall  
27 address the following issues:

28 A. The feasibility of creating positions within  
29 the Bureau of Marine Patrol that assist in search  
30 and rescue along the Maine coast;

31 B. The need for expanded search and rescue  
32 efforts along the coast between Memorial Day and  
33 Labor Day;

34 C. The need for additional training for marine  
35 patrol officers in search and rescue techniques  
36 and prevention activities;

37 D. The need for establishing a catalog of  
38 identifiable onshore landmarks to serve as points  
39 of reference for search and rescue operations;



Revis.

COMMITTEE AMENDMENT "A" to S.P. 855, L.D. 2231

1 E. The need for additional equipment and  
2 watercraft within the Bureau of Marine Patrol to  
3 assist in search and rescue activities; and

4 F. The appropriateness of current levels of fuel  
5 tax revenue attributable to watercraft and the  
6 apportioning of those revenues between the Boating  
7 Facilities Fund and the Department of Marine  
8 Resources.

9 3. Report. The commission shall report its  
10 findings and recommendations, including recommended  
11 legislation, to the First Regular Session of the 114th  
12 Legislature by January 15, 1989.

13 4. Expenses. Legislative members shall be  
14 entitled to expenses and per diem compensation for  
15 attendance at meetings of the commission. The member  
16 representing the United States Life Saving Association  
17 shall receive expenses.

18 5. Staffing. The commission may request staffing  
19 from the Legislative Council.

20 Sec. 3. Appropriation. The following funds are  
21 appropriated from the General Fund to carry out the  
22 purposes of this Act.

23		<u>1988-89</u>
24	<u>LEGISLATURE</u>	
25	Study Commission on	
26	Coastal Search and Rescue	
27	Personal Services	\$1,320
28	All Other	4,250
29		
30	Total	<u>\$5,570</u>

*Rats*

COMMITTEE AMENDMENT "A " to S.P. 855, L.D. 2231

1 STATEMENT OF FACT

- 2 This amendment establishes the Study Commission on  
3 Coastal Search and Rescue to study the need for  
4 additional search and rescue activities by the Bureau  
5 of Marine Patrol.

6

5186032398

Reported by Senator Tuttle for the Committee on Marine  
Resources. Reproduced and Distributed Pursuant to  
Senate Rule 12.  
(3/29/88)

(Filing No. S-367)