

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MAY 4, 1988

PRELIMINARY AGENDA

Note: The Legislative Council is still in Recess pursuant to the motion of Sen. Dutremble on Thursday, April 21, at 1:31 a.m.

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Resignation: Peter Siegel, State Law Librarian

Item #3: Staffing for Study Commissions

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

Item #1: Request to Review Rules promulgated by the Maine State Museum (Letter from Sen. Estes and Rep. Bost, Chairs to Joint Standing Committee on Education)

NEW BUSINESS

Item #1: Requests to Introduce Legislation during the Veto Session (see attached list)

ADJOURNMENT

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL
EXECUTIVE DIRECTOR'S REPORT

May 2, 1988

Approved Step Increases

James Clair, Principal Analyst, (Salary Range 12), Office of Fiscal & Program Review, from Step B to Step C, effective May 20, 1988.

Martha Freeman, Principal Attorney, (Salary Range 12), Office of Policy & Legal Analysis, from Step D to Step E, effective May 28, 1988.

Laura Goss, Library Associate, (Salary Range 5), Law & Legislative Reference Library, from Step Q to Step X, effective May 15, 1988.

Norma Gruska, Library Assistant, (Salary Range 3), Law & Legislative Reference Library, from Step D to Step E, effective May 17, 1988.

Cheryl Ring, Principal Analyst, (Salary Range 12), Office of Fiscal & Program Review, from Step C to Step D, effective May 20, 1988.

113th LEGISLATURE/2nd REGULAR SESSION

INTERIM STUDIES

BY LEGISLATIVE COMMITTEES

AND STATUTORY STUDY COMMISSIONS

PRELIMINARY LISTING

April 21, 1988

113TH LEGISLATURE/2nd REGULAR SESSION
INTERIM STUDIES
BY LEGISLATIVE COMMITTEES
AND STATUTORY STUDY COMMISSIONS

April 21, 1988

<u>Study Topic</u>	<u>Members</u>	<u>Staff Assigned</u>	<u>Report</u>
Organization of Maine Blueberry Commission (ch 130, P & S 1987)	Agriculture Committee (5 member subcomm)		
Maine's Participation in International Trade & Effect of International Trade on Maine's Economy	Economic Development Committee 5 member subcomm)		
Financial Feasibility of a Public Defender Program, and Issues in Implementing a Cost-Effective Program	Judiciary Committee (5 member subcomm)		
Utility Easements Over Existing Rights-of-Way	Utilities Committee (5 member subcomm)		
Municipal Solid Waste Management	<u>Energy & Natural Resources</u> Sen. Ludwig Rep. Coles Rep. Gould Rep. Lord Rep. Anderson Appropriations Committee (2 members)		
*Rehabilitation (ch 779, P.L. 1987)	Human Resources Committee (2 members) Labor Committee (5 members)		
*Necessity & Feasibility of Establishing a Health Information Record	Banking & Ins. Committee (4 members) Economic Development Committee (2 members) Human Resources Committee (1 member)		
	Note: Chair of Blue Ribbon Commission on Regulation of Health Care Expenditures is an <u>ex officio</u> member		

<u>Study Topic</u>	<u>Members</u>	<u>Staff Assigned</u>	<u>Report</u>
Long Range Planning for Maine's Corrections System	Jt. Select Committee on Corrections		
Marine Research (ch 112, Resolves 1987)	Education Committee (2 members) Marine Resource Committee (3 members)		
Allocation Formulas in the Local Road Assistance Program (ch 793, P.L. 1987))	Transportation Committee (7 members)		
Highway Maintenance and Safety Implications of Heavy Trucks (ch 793, P.L. 1987)	Transportation Committee (7 members)		
Funding of Alcoholism and Other Substance Abuse Services (Extended by ch 816, P.L. 1987)	Appropriations Committee		
Ways by Which Community Services are Purchased by DHS and DMH/MR (ch 816, P.L. 1987)	Appropriations Committee		

STATUTORY STUDY COMMISSIONS

April 21, 1988

<u>Study Topic</u>	<u>Members</u>	<u>Staff Assigned</u>	<u>Report</u>
CONTINUATIONS			
Blue Ribbon Commission on the Regulation Health Care Expenditures (ch. P.L. 1987)	Sen. N. Paul Gauvreau, Chair	Annika Lane Office of Policy & Legal Analysis	
Commission on Children in Need of Supervision & Treatment (ch. P.L. 1987 as amended)	Rep. Dale Thistle, Chair		
Commission on Sport Fisheries (extended by ch 101, Resolves 1987)	Peter Bourque, Dept. of Inland Fisheries & Wildlife, Chair		
Special Commission on Early Childhood Development & Education (was Special Commission on School Entrance Age and Preschool Services (ch 110, Resolves 1987)	Rep. James R. Handy, Chair Sen. Stephen C. Estes, Co-Chair (17 members)	David Elliott Office of Policy & Legal Analysis	
Commission to Study the Impact of Game & Non-Game Species on Maine's Economy	Rep. Donald J. Carter, Chair	Tim Leet Office of Fiscal & Program Review	
Maine Commission to Review Overcrowding at AMHI & BMHI	Sen. Beverly Miner Bustin, Co-Chair Sen. Barbara Gill, Co-Chair	Lars Rydell Office of Policy & Legal Analysis	

NEWLY-ENACTED/2nd REGULAR SESSION

Maine Water Supply Study Commission (LD 2156)	11 members, including 4 legislators
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Study Topic	Members	Staff Assigned	Report
*Supreme Judicial Court Plan & Design Commission (ch 107, Resolves 1987)	15 members, including 2 legislators		
*Special Commission to Study School Funding and State Tax Law (LD 355)	17 members Education Comm (2) Taxation Comm (2)		
*Commission to Examine Rent Increases and Other Issues Concerning Mobile Homes (LD 2060)	13 members Legal Affairs Comm (2) Business Leg. Comm (2) State & Local Gov't Comm (2)		
*Commission to Review the Laws Relating to Registered Maine Guides (reconstituted) (LD 2292)	Fisheries & Wildlife Comm (2) Taxation Comm (1-2) Business Legislation Comm (1-2) 7 others		
Study of Antitrust Laws as They Relate to the Insurance Industry (ch 122, P & S 1987)	Banking & Insurance Committee (7 members)		
*Commission to Study the Status of the Nursing and Health Care Professions in Maine (ch 106, Resolves, 1987)	17 members, including 5 legislators	(Not legislative)	
*DEP Advisory Committee (Ch 816, P.L. 1987)	Energy & Natural Resources Comm (3) Appropriations (3)		
*Special Commission on Boating (ch 111, Resolves 1987)	Fisheries & Wildlife Comm (3) Marine Resources Comm (3) 6 others		
*Commission on Coastal Search & Rescue (ch 814, P.L. 1987)	Appropriations Comm (1-2) Marine Resources Comm (2) State & Local Gov't Comm (1-2) 5 others		
*Maine Information Commission on Agent Orange (ch 129, P & S 1987)	7 members, including 2 legislators		

* Legislative Appointments to be made by the presiding officers

LEGISLATIVE COUNCIL

PERSONNEL COMMITTEE

May 4, 1988

- MOTION: That the Legislative Council establish the position of Director of the State Capitol Commission, to be set in Salary Range 14 of the legislative pay plan, with a two-year term of appointment.
- MOTION: That David S. Silsby be appointed as the first Director of the State Capitol Commission and, further, that the appointment be effective July 1, 1988, with the understanding that the transition period may continue for a period up to September 1, 1988.
- MOTION: That the Executive Director and David be directed to develop a transition plan for the Council's review and approval.
- MOTION: That the Council establish a project position with the title "Director of Legislative Oversight", to be set in Salary Range 14 of the legislative pay plan, with a two-year term of appointment.
- MOTION: That Helen Ginder be appointed as the Director of Legislative Oversight, and, further, that this appointment be effective July 1, 1988 or at such other date as a replacement has been named for a two-year term ending June 30, 1990.
- MOTION: That the Personnel Committee meet with Helen immediately following this meeting to further define issues related to transition and implementation.
- MOTION: That the Chair appoint the Personnel Committee to screen and recommend candidates for both of the vacant Director positions to the full Legislative Council.

SENATE

STEPHEN C. ESTES, DISTRICT 35, CHAIR
JUDY C. KANY, DISTRICT 17
EDWIN C. RANDALL, DISTRICT 7

DAVID ELLIOTT, LEGISLATIVE ANALYST
JULIE FORTIN, COMMITTEE CLERK



HOUSE

STEPHEN M. BOST, ORONO, CHAIR
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
JAMES V. OLIVER, PORTLAND
MARGE L. KILKELLEY, WISCASSET
JUDY PARADIS, FRENCHVILLE
KENNETH L. MATTHEWS, CARIBOU
MARY E. SMALL, BATH
WILLIAM F. LAWRENCE, PARSONSFIELD
OMAR P. NORTON, WINTHROP

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

April 21, 1988

Sen. Charles P. Pray, Chairman
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Sen. Pray:

The Joint Standing Committee on Education has completed its review of chapter 502 and 506 of the Maine State Museum Rules as prescribed by 5 MRSA chapter 377-A. A copy of our report is attached. The committee has concluded as a result of its review of the rules that legislative action is not required.

Sincerely,

Stephen C. Estes

Sen. Stephen C. Estes

Stephen M. Bost

Rep. Stephen M. Bost

5185*

Enclosure

REPORT OF THE JOINT STANDING
COMMITTEE ON EDUCATION ON ITS REVIEW
OF THE RULES OF THE MAINE STATE MUSEUM

On February 8, 1988, the Joint Standing Committee on Education received notice from the Executive Director of the Legislative Council that an application for legislative review of certain rules pertaining to the Maine State Museum had been received. In due course, the application was reviewed and found to contain the signatures of at least 100 registered voters as required by 5 MRSA §1112. Following review of the application, the committee unanimously determined that the public interest would be served by legislative review of the rules.

The rules in question are adopted jointly by the Museum Director and the Maine State Museum Commission. They are Chapter 502, Reproduction of Museum Collections, and Chapter 506, Public Access to and Use of Museum Collections. The rules are promulgated under the authority of 27 MRSA §83, Powers, Duties of the Maine State Museum Commission and §85, Powers and Duties of Museum Director. Section 85 lists among others the following powers:

3. Rules. To promulgate such rules as necessary to effectuate the purposes of this chapter. No unreasonable restrictions or limitations shall be imposed on the use of museum records or objects open to public inspection...;

8. Preservation and restoration. To preserve, identify, catalogue, document and safeguard the collection of the museum;

10. Information. To provide reference services to individuals and local historical, natural history, scientific and other groups and societies interested in museum activities;

The application contained a number of specific suggestions for changes in the rules. For simplicity sake, the thrust of the reasons for review presented in the application can be summarized as follows:

A. The rules exceed the rule-making authority granted in Title 27, §§83 and 85 to the Maine State Museum Commission and the Director of the Maine State Museum.

B. Even if they are within the authority granted, the rules are unreasonable in their effect in that they deny access to museum collections which are in the possession of a State agency and are intended for the benefit of all the people of the State.

C. The rules discriminate between scholars on the one hand who are permitted to use museum collection documents to extract ideas and records for their "academic" work and craftsmen on the other hand who are more limited in their access to artifacts to make measurements, drawings and photographs for use in their craft.

D. Parts of the rules are in conflict with or preempted by federal copyright law.

On April 14, the Joint Standing Committee on Education held a meeting to review the rules. During that meeting, Mr. Paul Rivard, Museum Director, and Mr. Lloyd Battles, spokesperson for the applicants, were each granted the opportunity to make expanded statements of their positions to the committee.

On April 20, the committee met again for the purposes of taking action on the application. The following motion was made by Rep. Handy and seconded by Rep. O'Gara: That the Joint Standing Committee on Education following review of Maine State Museum Rules - chapters 502 and 506 as required by 5 MRSA Chapter 377-A finds those rules to be in order and further finds that no legislative action is warranted with respect to those rules. The motion was unanimously supported by members of the committee present.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION

Preliminary List

April 29, 1988

SPONSOR: Rep. Cashman

AN ACT to Clarify the Sales Tax Exemption
on Scheduled Airlines

ACCEPTED
(Ballot
circulated
4/21/88)

Cosponsors:

Sen. Twitchell
Rep. Jackson
Rep. Zirnkilton

SPONSOR: Rep. Clark

AN ACT to Remove the Requirement That
Automobile Registration and Inspection
Stickers be Renewed at the Same Time

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

May 3, 1988

TO: Members of the Legislative Council
FROM: Sally *Sally*
SUBJECT: Requests for Introduction of Legislation

Enclosed is a list of the bill requests that have been filed to date for Wednesday's session. In addition to those listed, the following bill has been filed pursuant to statute:

AN ACT to Reimburse the Department of
Inland Fisheries and Wildlife for Search
and Rescue Operations

Until tomorrow at 8:30 a.m.

Enclosure

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION

Preliminary List

May 2, 1988

SPONSOR: Rep. Bost

AN ACT to Encourage Professional
Development for Educators

SPONSOR: Sen. Brannigan

AN ACT to Correct Additional Errors
and Inconsistencies in the Laws of Maine

SPONSOR: Rep. Cashman

AN ACT to Clarify the Sales Tax Exemption
on Scheduled Airlines

ACCEPTED
(Ballot
circulated
4/21/88)

Cosponsors:

Sen. Twitchell
Rep. Jackson
Rep. Zirnkilton

SPONSOR: Rep. Clark, H.

AN ACT to Remove the Requirement That
Automobile Registration and Inspection
Stickers be Renewed at the Same Time

SPONSOR: Rep. Gwadosky

AN ACT to Provide for the Codification
of State Agency Rules and Legislative
Review of Rules

SPONSOR: Rep. Mitchell

AN ACT Relating to Municipal Shellfish
Licenses

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION

List

May 4, 1988

SPONSOR: Rep. Bost

AN ACT to Encourage Professional
Development for Educators

SPONSOR: Sen. Brannigan

AN ACT to Correct Additional Errors
and Inconsistencies in the Laws of Maine

SPONSOR: Rep. Cashman

AN ACT to Clarify the Sales Tax Exemption
on Scheduled Airlines

ACCEPTED
(Ballot
circulated
4/21/88)

Cosponsors:

Sen. Twitchell
Rep. Jackson
Rep. Zirnkilton

SPONSOR: Rep. Clark, H.

AN ACT to Remove the Requirement That
Automobile Registration and Inspection
Stickers be Renewed at the Same Time

SPONSOR: Sen. Clark

AN ACT to Repeal From the Budget Bill
the Provisions Concerning Municipal
Shellfish Licenses

Cosponsors:

Rep. Mitchell
Rep. Rydell
Rep. Priest

SPONSOR: Rep. Gwadosky

AN ACT to Change the Effective Date
for HIV Testing

SPONSOR: Rep. Mitchell

AN ACT Relating to Municipal Shellfish
Licenses

SPONSOR: Rep. Paradis, P.

RESOLVE, to Revise the Kennebec County Budget
to Reflect an Increase in the Surplus
Account

SPONSOR: Sen. Tuttle

AN ACT to Return Certain Positions Within
the Department of Environmental Protection
to Classified Service Under the Civil
Service Law

SPONSOR: Rep. Carter

**AN ACT to Clarify the Insurance of
Securities by the Maine Court Facilities
Authority**