

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

APRIL 25, 1989

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of March 30, 1989, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Approved Step Increases
- Item #2: Resignation: Carolyn Chick, Research Assistant,
Office of Policy and Legal Analysis
- Item #3: Drafting Status Report: David Kennedy

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

- Item #1: Contracted Studies: Progress Reports
 - Tax Revenue Study
 - Medical Malpractice Liability Study

NEW BUSINESS

- Item #1: Notification of Proposed Disposition of Surplus Real
Property in Island Falls. (Letter from John Cashwell,
Director, Bureau of Forestry)
- Item #2: Suspension of Joint Rule 22: Reports of Committees.

- Item #3: AMHI Oversight Committee: Staff Support.
(Letter from Sen. Gauvreau, Committee Chair)
- Item #4: Joint Standing Committee on Audit and Program Review:
Request to Recommence Review of Child Protective Services.
(Letter from Sen. Bustin and Rep. Rolde)
- Item #5: Commission to Study the Status of the Nursing and Health
Care Professions in Maine: Request for Funds to Print
Report. (Letter from Rep. Boutilier, Commission Chair)
- Item #6: State House Day.
- Item #7: After Deadline Requests.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. CHARLES P. PRAY
SEN. NANCY RANDALL CLARK
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. DAN A. GWADOSKY
REP. JOSEPH W. MAYO
REP. MARY CLARK WEBSTER
REP. FRANCIS C. MARSANO

SARAH C. DIAMOND
EXECUTIVE DIRECTOR

MARCH 30, 1989

MEETING SUMMARY

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Speaker's Office by the Chair, Speaker Martin, at 9:40 a.m.

ROLL CALL

Senators:

Sen. Pray, Sen. Clark, Sen.
Dutremble, Sen. Webster, Sen.
Cahill

Representatives:

Rep. Mayo, Rep. Gwadosky, Rep.
Martin, Rep. Marsano, Rep.
Webster

Legislative Officers:

Sally Diamond

Lynn Randall

Bent Schlosser

Joy O'Brien

Executive Director,

Legislative Council

State Law Librarian

Director, Office of Fiscal
and Program Review

Secretary of the Senate

SECRETARY'S REPORT

The summaries of the Council's March 14 and March 23, 1989, meetings were approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Pray; unanimous).

LEGISLATIVE COUNCIL MEETING SUMMARY, MARCH 30, 1989

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Tax Revenue Study: Letter from Rep. Joseph W. Mayo, House Majority Whip, and Jean E. Mattimore, Commissioner of Finance.

The letter from Rep. Mayo and Commissioner Mattimore reported that the Committee appointed by the Council Chair to review the proposals was unanimous in recommending that the Council award the contract to Peat Marwick Main & Co.

Motion: That the Council approve the recommendation to award a contract to Peat Marwick Main & Co. for the purpose of conducting a Tax Revenue Study with a preliminary report to be submitted no later than May 5, 1989, and a final report no later than May 12, 1989; for a total amount of \$83,000 for fees and up to \$8,300 for reimbursement of expenses related to the study; and, further, that the Contractor be informed that the analysis of the corporate income tax and any related recommendations is not required to be completed within the May 5/May 12 time frame, but may be completed subsequent to those deadlines. (Motion by Sen. Pray; second by Sen. Dutremble; unanimous).

Motion: That the Executive Director be authorized to notify the Chairs of the Committee on Appropriations & Financial Affairs of the Council's action and to request that the Committee take the necessary steps to appropriate \$91,300 to the Legislature's Fiscal Year 1989 budget. (Motion by Sen. Pray; second by Rep. Mayo; unanimous).

ADJOURNMENT

The Legislative Council meeting was adjourned at 9:45 a.m. on the motion of Sen. Dutremble.

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

JOHN H. BAILEY
INFORMATION SYSTEMS
DIRECTOR

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

APRIL 25, 1989

EXECUTIVE DIRECTOR'S REPORT

Approved Step Increases

Janice C. Durham, Legal Proofreader, (Salary Range 3), from
Step A to Step B, effective April 1, 1989.

Gro Flatebo, Legislative Analyst, (Salary Range 10), from
Step D to Step E, effective April 28, 1989.

JOHN DAVID KENNEDY
Revisor of Statutes

MARGARET E. MATHESON
Principal Attorney

EVELYN KNOPF
SUZANNE M. GRESSER
Legislative Attorneys

ELIZABETH H. GOSSELIN
Technical Services



MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333
(207) 289-1650

MEMO

TO: Members of the 114th Legislative Council
FROM: David Kennedy *JDK*
Revisor of Statutes
RE: Drafting Status Report as of April 25, 1989
DATE: April 25, 1989

I.	REQUESTS FOR DRAFTING	
	a. Requests Received Before Cloture	2064
	b. Requests Received After Cloture	<u>312</u>
	TOTAL	2376
II.	REQUESTS IN PRODUCTION	
	a. Drafted and in Preliminary Production	106
	b. In Final Production	<u>83</u>
	TOTAL	189
III.	VOIDS, WITHDRAWS AND DUPLICATES	561
IV.	DRAFTING COMPLETED	
	a. Awaiting Sponsor/Cosponsor Signature	51
	b. Requests Released to House, Senate or Study Commission	<u>1401</u>
	TOTAL	1452

JDK/clj
0911L

Notification is hereby made with respect to the proposed disposition of the property.

April 14, 1989

STATE OF MAINE

INTER-DEPARTMENTAL MEMORANDUM

To: Various Agencies & Bureaus and
Town of Island Falls and Maine State Housing Authority

From: Fred Bartlett, Director *JB*
Engineering & Realty Division Dept. of Conservation

RE: REAL PROPERTY DISPOSAL

The Maine Department of Conservation is considering disposal of the following real property. If your bureau, or department is interested in acquiring the property please contact:

Department of Conservation
Engineering & Realty Division
State House Station #22
Augusta, ME 04333
Tel. 289-4970

All inquiries must be submitted prior to May 11, 1989.

LOCATION: Town of Island Falls, Harding Street, Aroostook County

SITE DESCRIPTION: 0.50 Acres[±], Rectangular in shape
In-town location

UTILITIES: Electricity, telephone, public water, septic,

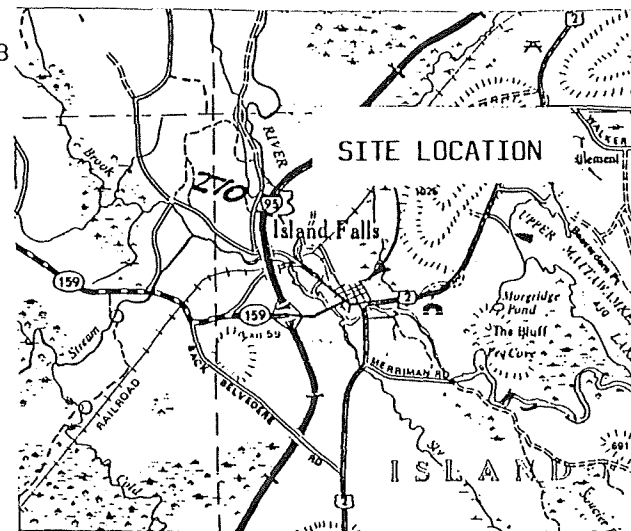
IMPROVEMENTS: former Maine Forest Service facility
46 ft x 24 ft - 1 story - Ranch style house

ZONING: Urban

RESTRICTIONS: None-Apparent

APPRAISED VALUE: \$37,000.00

11/15/88



JOINT RULE 22: REPORTS OF COMMITTEES

All bills and resolves referred to Committees during any first regular session shall be reported from committees by 1:00 p.m. on the last Friday of March or by such later time as may be fixed by the Legislative Council.



APR 12 REC'D

Senator N. Paul Gauvreau
District 23

MAINE STATE SENATE
114th Legislature

State House 3
Augusta, Maine 04333

April 10, 1989

Hon. Charles P. Pray
President, Maine State Senate
State House Station 3
Augusta, Maine 04333

RE: AMHI Oversight Committee

Dear Charlie:

Prior to the meeting of the AMHI Oversight Committee on April 6th at 3:00 p.m. legislators represented on the AMHI subcommittee met with Speaker Martin at his office to discuss leadership of the subcommittee. The Speaker recommended that the committee select amongst its membership a legislator to serve as the subcommittee Chair. Accordingly, during the AMHI Oversight Committee meeting which followed I was selected to serve as Chair of the committee. It was also decided that the legislators in the committee would meet to determine whether a co-chair or vice-chair should be selected as well.

I raised the issue of whether the committee should continue to rely upon staff supplied by the Department of Mental Health and Retardation in its deliberations. It was agreed by all committee members that the committee should be served by independent staff. It would be my recommendation that non-partisan staff of the Office of Legal Policy and Analysis be provided to the committee to serve it for the balance of its deliberations.

There is a distinct possibility that the Oversight Committee will remain beyond the length of this year's legislative session. It is reasonable to assume that a 12 to 18 month period of time will be required in which to implement any recommendations which flow from the committee. I believe this matter should be brought to the attention of the Legislative Council at its next scheduled meeting. I would be pleased to meet with you and discuss your thoughts in regard to this matter.

Very sincerely yours,


N. Paul Gauvreau

NPG/jd

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR
GEORGETTE B. BERUBE, DISTRICT 16
LINDA CURTIS BRAWN, DISTRICT 21

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
CHERYL RING, PRINCIPAL ANALYST
LOCK KIERMAIER, ANALYST
KATHRYN VAN NOTE, ANALYST



HOUSE

NEIL ROLDE, YORK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
HARRIET A. KETOVER, PORTLAND
BEVERLY C. DAGGETT, AUGUSTA
HAROLD M. MACOMBER, SOUTH PORTLAND
JOHN A. ALIBERTI, LEWISTON
GEORGE A. TOWNSEND, EASTPORT
ELEANOR M. MURPHY, BERWICK
CATHERINE KOCH LEBOWITZ, BANGOR
WESLEY FARNUM, SOUTH BERWICK

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

March 30, 1989

Representative John L. Martin, Chair
Legislative Council
114th Maine State Legislature

Dear John,

Per our conversation, we, the Chairs of the Audit and Program Review Committee, are formally requesting that the Legislative Council allow our Committee to recommence our review of the Child Protection System in the Department of Human Services.

As you may remember, our work on this difficult and complex matter was interrupted last year, just as we were about to embark on the most critical phase of our effort - redesigning the system, after an often agonizing study of almost three years. We agreed, at your suggestion, that we hold off further activity until the Ombudsman that we recommended was in place.

We perhaps did not realize that this would take so long. But the Ombudsman is now functioning and we have had several discussions with her and believe that she will be a most valuable resource to any redesigning that is done.

Several bills before the 114th and recent press attention have made it clear that the present system still has significant flaws. We are also concerned that the Human Services Department has stated publicly that our Committee has given them a clean bill of health. Nothing is further from the truth.

We hope that the Council will allow us to proceed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly".

Beverly M. Bustin
Senate Chair

A handwritten signature in cursive script, appearing to read "Neil".

Neil Rolde
House Chair

LEGISLATIVE COUNCIL
April 25, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

TABLED REQUESTS

		Action
SPONSOR:	Rep. Constantine	TABLED 03/14/89
LR 2254	An Act Concerning Immunity for Nonprofit Corporations	
SPONSOR:	Rep. Nadeau, Gregory G.	TABLED 03/14/89
LR 2234	An Act to Establish a Maine Savings Bond Program	

NEW REQUESTS

SPONSOR: Rep. Brewer, Jr.

LR 2304 An Act to Amend the School Finance Act

SPONSOR: Rep. Burke

LR 2346 An Act to Ban Mail Order Sales of
Smokeless Tobacco

COSPONSOR: Rep. Kilkelly
Rep. Carroll, Donnell

SPONSOR: Sen. Bustin

LR 2321 An Act to Establish a Budget Committee
for Kennebec County

SPONSOR: Rep. Carroll, Donnell

LR 2296 An Act Allowing Full Time Deputies to Hold
Nonpartisan Municipal Office

SPONSOR: Rep. Carter

LR 2298 An Act to Establish a Commission on State
Finance

SPONSOR: Rep. Carter

LR 2314 An Act to Clarify the Borrowing Authority
of the University of Maine System

SPONSOR: Rep. Cashman

LR 2322 An Act to Establish Municipal Cost Components for
Services to Be Rendered in Fiscal Year 1989-90

COSPONSOR: Sen. Andrews
Sen. Emerson
Rep. Jackson

SPONSOR: Sen. Clark

LR 2315 An Act Concerning the Workers' Compensation Laws

SPONSOR: Rep. Coles

LR 2323 An Act to Amend the Laws Regulating Vents on Lobster Traps

SPONSOR: Rep. Constantine

LR 2286 An Act to Create a Combination Lobster and Crab Fishing License

SPONSOR: Sen. Estes

LR 2282 An Act to Prohibit Firearms Within 500 Feet of School Property

SPONSOR: Rep. Farnsworth

LR 2289 An Act Relating to Hunting and Fishing Licenses

SPONSOR: Sen. Gauvreau

LR 2274 An Act to Provide Community-Based Support for Mental Health and Mental Retardation Clients

SPONSOR: Rep. Gould

LR 2278 An Act to Create a Game Sanctuary at Beaver Cove in Moosehead Lake

SPONSOR: Sen. Gould

LR 2320 An Act to Establish a County-based Code Enforcement Officer System

SPONSOR: Rep. Hepburn

LR 2327 An Act to Require Optometrists and Ophthalmologists to Release Contact Lens Prescriptions

SPONSOR: Rep. KilKelly

LR 2287 AN Act to Expand and Improve Representative
Membership on the Manufactured Housing
Board

SPONSOR: Rep. KilKelly

LR 2288 An Act to Repeal State Minimum Standards
for Mobile Home Park Lots Sizes

SPONSOR: Rep. KilKelly

LR 2328 An Act to Clarify the Responsibilities
of Forest Rangers to Include Enforcement
of Watercraft Laws

SPONSOR: Rep. Larrivee

LR 2351 An Act to Clarify the Liability of
Relatives for Support

COSPONSOR: Sen. Holloway
Rep. Hoglund
Rep. Manning

SPONSOR: Rep. Libby

LR 2358 An Act to Amend the Law Governing
Abandoned Vehicles

SPONSOR: Rep. Luther

LR 2275 An Act to Require Proof of Insurance
as a Condition to Registration of a
Motor Vehicle

SPONSOR: Rep. Manning

LR 2344 An Act to Continue Habilitation and
Vocational Rehabilitation Services to
Eligible Clients

SPONSOR: Rep. Martin, John L.
LR 2342 An Act Creating the St. Francis
Water District

SPONSOR: Rep. Martin, John L.
LR 2352 An Act to Provide Assistance to Owners of
Underground Oil Storage Tanks

SPONSOR: Rep. Martin, John L.
LR 2354 An Act to Establish a Program to Prevent
Spousal Impoverishment

COSPONSOR: Sen. Clark

SPONSOR: Rep. Mayo,
LR 2338 An Act to Appropriate Funds to the Department
of Environmental Protection to Provide
Technical Assistance to Community Waste Water
Treatment Facilities

COSPONSOR: Rep. Martin, John L.
Rep. Chonko
Sen. Perkins

SPONSOR: Rep. McKeen
LR 2307 An Act Regarding the Licensing and
Examination of Psychologists

COSPONSOR: Sen. Esty, Jr.
Rep. Larrivee

SPONSOR: Rep. Melendy
LR 2293 An Act to Protect Adults at Risk

SPONSOR: Rep. Mitchell
LR 2303 An Act Regarding the Diesel Fuel Tax

SPONSOR: Rep. Moholland

LR 2316 An Act to Assure the Continuity of Mental Health Services

COSPONSOR: Rep. Martin, John L.
Sen. Pray
Rep. Look

SPONSOR: Rep. Oliver

LR 2319 An Act to Provide for a Bond Issue to Provide Funds for the Development of Affordable Housing

COSPONSOR: Sen. Andrews
Rep. Heeschen
Sen. Brannigan

SPONSOR: Sen. Pray

LR 2366 An Act to Establish a Study Committee to Investigate Alternatives for Residential Mental Health Treatment

COSPONSOR: Rep. Martin, John L.

SPONSOR: Sen. Pray

LR 2367 An Act to Establish a Whistleblower Hotline

SPONSOR: Sen. Randall

LR 2356 An Act to Promote a Maine/State Tribal Partnership Action for Economic Development in Distressed Rural Regions of the State

COSPONSOR: Rep. Townsend
Rep. Tammaro
Rep. Moholland

SPONSOR: Rep. Rolde

LR 2340 An Act Regarding Solid Waste Disposal

SPONSOR: Rep. Stevens, Patricia M.

LR 2345 An Act to Clear Title or to Secure a Release of Property from the State

JOINT RESOLUTIONS FOR CONSIDERATION

SPONSOR: Sen. Clark

LR 2317 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
PRESIDENT OF THE UNITED STATES TO URGE THE
RETENTION OF SMALL ISSUE INDUSTRIAL DEVELOPMENT
BONDS AS A FINANCIAL MECHANISM AUTHORIZED BY
THE FEDERAL TAX CODE TO ASSIST IN ECONOMIC
DEVELOPMENT AND HELP AMERICAN MANUFACTURERS
COMPETE IN THE INTERNATIONAL ECONOMY

COSPONSOR: Rep. Gwadosky
Sen. Dillenback
Sen. Perkins

SPONSOR: Rep. Jalbert

LR 2109 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF
THE UNITED STATES TO RESTORE FUNDS TO THE
VETERANS ADMINISTRATION FOR FISCAL YEAR 1989

COSPONSOR: Sen. Erwin

SPONSOR: Sen. Pray

LR 2350 JOINT RESOLUTION MEMORIALIZING THE CONGRESS
AND PRESIDENT OF THE UNITED STATES TO PASS
THE FEDERAL MINIMUM WAGE BILL

COSPONSOR: Sen. Bustin

SPONSOR: Sen. Twitchell

LR 2295 JOINT RESOLUTION MEMORIALIZING CONGRESS
OPPOSING A FEDERAL MOTOR FUEL FOR DEFICIT
REDUCTION

COSPONSOR: Rep. Moholland

LEGISLATIVE COUNCIL
April 25, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
SUPPLEMENT

SPONSOR: Rep. Adams

AN ACT to Protect Tenants' Rights
by Authorizing Municipalities to
Escrow Certain Funds Under the
General Assistance Laws

SPONSOR: Rep. Carter

AN ACT to Transfer Certain Expenses from
the Judicial Branch to the Department
of the Attorney General
(Judicial Dept. bill)

SPONSOR: Sen. Dutremble

RESOLVE, Authorizing Kathleen Marie Petrin
to Bring Suit Against the State of Maine
for Certain Damages

SPONSOR: Rep. Kilkelly

AN ACT to Provide Adequate Financial
Resources for Suspected Child Abuse
and Neglect Teams

COSPONSORS: Rep. Rolde
Sen. Clark

SPONSOR: Rep. Lisnik

AN ACT to Increase Mileage Reimbursement
and Provide Parking Reimbursement for
Jurors who Serve the Courts of the
State of Maine
(Judicial Dept. bill)

SPONSOR: Rep. McGowan

AN ACT to Amend the Law Relating to
the Disposition of Accrued Interest
on Deposit Accounts for Which the
Court has a Fiduciary Responsibility
(Judicial Department)

SPONSOR: Rep. Paradis, Patrick E.

AN ACT to Facilitate District Court
Judicial Administration
(Judicial Department)

SPONSOR: Sen. Pearson

AN ACT to that Provide Interest on Money Held
as Bail Shall Accrue to the State of Maine
(Judicial Dept. bill)

COSPONSOR: Rep. Higgins

SPONSOR: Rep. Rolde

AN ACT to Create a Maine Family Development
Foundation

SPONSOR: Sen. Twitchell

RESOLVE, that the Deadline for the Revision
of the State's Motor Vehicle Laws be Extended