

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

AUGUST 21, 1989

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of August 14 Legislative Council Meeting

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Department of Motor Vehicles: Location of New Building
(By request of Sen. Clark; prior correspondence
enclosed)

Item #2: Request to Introduce Legislation to First Special
Session

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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
AUGUST 14, 1989
MEETING SUMMARY
APPROVED AUGUST 21, 1989

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair,
Speaker Martin, at 10:12 a.m.

ROLL CALL

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

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

Legislative Officers:
Sally Diamond

David Kennedy
Lynn Randall
John Wakefield

Tim Glidden

Executive Director,
Legislative Council
Revisor of Statutes
State Law Librarian
Deputy Director, Office of
Fiscal and Program Review
Principal Analyst, Office of
Policy and Legal Analysis

SECRETARY'S REPORT

None.

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond, Executive Director, reported that she had approved the following personnel actions based on the recommendations of the respective Office Directors:

Item #1: Approved Step Increases

Monique Caron, Law Library Associate, Law and Legislative Reference Library, (Salary Range 5), from Step F to Step G, effective July 1, 1989.

Joan M. Gagne, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step G to Step Q, effective August 6, 1989.

Ms. Diamond also noted that although he was not eligible for a step increase, the following employee has completed another year of legislative service and thus merits recognition for this accomplishment:

Kevin Madigan, Legislative Analyst, Office of Fiscal and Program Review

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

Item #2: New Hires

Sue A. Wright to the position of Associate Law Librarian (filling a long-standing vacancy);

Paul J. Saucier and Bret A. Preston to the position of Research Assistant in the Office of Policy and Legal Analysis (replacing Carolyn Chick, who had previously resigned, and Hartley Palleschi, who had been promoted to the position of Legislative Analyst earlier this spring);

Marc D. Martin to the position Sr. Programmer/Analyst in the Information Systems Group (replacing Steve Lane who had previously resigned); and

Frances Sutphin, to the part-time position of Library Assistant (replacing Jon Caron who had resigned).

Sen. Clark requested that the record indicate that it was necessary for Ms. Wright to leave Maine in order to obtain her Master's degree in Library Science.

Motion: That the Council ratify the Executive Director's action on these hirings. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous)

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Adoption of Cost-of-Living Increase for Legislative Employees.

The letter from Ms. Diamond outlined the components of the recently negotiated package, including the schedule of cost-of-living increases through October, 1991, and increases in selected other benefits (eligibility for reimbursement for child care expenses; longevity bonuses; and the state's share of dependent health insurance coverage). Speaker Martin reminded Council members that the Council traditionally awarded to legislative employees a package that was comparable to that approved for confidential employees in the executive branch and noted that the money to cover application of this package to legislative employees was not in the legislative budget that has already been appropriated for FY 90.

Motion: That the Council Chair send a letter to the Appropriations Committee requesting funds and the necessary language for the proposed cost-of-living package for legislative employees, contingent upon the Legislature's final approval of the funding for the state contracts at the First Special Session. (Motion by Sen. Pray; second by Rep. Gwadosky; unanimous).

NEW BUSINESS

Item #1: Cloture for Second Regular Session

The schedule prepared by Mr. Kennedy included proposed dates for all activities related to the approval of legislation for introduction to the Second Regular Session.

Motion: That Monday, October 23, at 5:00 p.m., be established as the cloture date for filing bill requests for the Second Regular Session and that the Revisor of Statutes be authorized to notify members of the Legislature of this deadline. (Motion by Sen. Pray; second by Rep. Gwadosky; unanimous).

Item #2: Request to file an amicus curiae brief in State v. Brown, No. CR-88-966 (Me. Super. Ct., Cum. Cty., July 20, 1989) Note: This is the "Perkins Decision" regarding the recent amendment to the Maine Constitution.

The item appeared on the agenda at the request of Speaker Martin.

Speaker Martin noted that the issue of importance to the Legislature in the Perkins Decision was that the court, in rendering its decision, had chosen not to consider legislative intent. The Maine Legislature is one of very few state legislatures that makes verbatim floor proceedings available in printed form, on the basis that it is an important expression of legislative intent and should, therefore, be accessible to the public.

Discussion centered on the following issues:

- 1) Who would actually prepare the brief and what the associated cost would be. (Rep. Webster)

Speaker Martin reported that he had discussed the project with Jon Hull, who serves as his Legal Counsel during the legislative session. Mr. Hull estimated the cost for this work to be approximately \$5,000 and indicated that he would have the time to prepare it.

- 2) Whether it was appropriate for the Legislative Council to adopt a formal role with regard to matters in the courts. (Rep. Marsano)

Rep. Marsano stated that he shared the view that the issue should be argued, but questioned whether the Legislature should argue it, with the view that involving the Legislature in advocacy before the courts raises a basic separation of powers issue. Rep. Marsano also noted that many other groups are prepared to assume the advocacy role with regard to this issue; thus, it is not necessary for the Legislature to assume the advocacy role. Speaker Martin asserted his belief that it is important for state legislatures to assume an advocacy role before the courts in matters of this importance.

Motion: That the Legislative Council proceed with filing an amicus curiae brief in State v. Brown.
(Motion by Rep. Mayo; second by Sen. Clark; failed 5-4)

Item #3: Supreme Judicial Court Plan & Design Commission

A proposed draft letter to Rep. Foster, Chair of the Court Relocation Commission, had been distributed to Council members. Discussion focussed on two concerns:

- 1) That preserving access to the Library by the citizens of Maine was essential. (Rep. Marsano)
- 2) That, should the State Law Library be moved to another facility, the Legislature would continue to maintain a legislative reference collection and service. (Sen. Cahill)

Motion: That the Council Chair send a letter to members of the Supreme Judicial Court Plan and Design Commission indicating the Council's interest that the planning process underway include exploration of all options, including relocation of the Law Library facility; and, further, that this letter also include a strong expression of the Council's commitment to public access to the Library; and, finally, that the letter indicate the Council's interest in working with the Commission in developing the final plan. (Motion by Rep. Mayo; second by Sen. Clark; approved 8-1).

Item #4: Request to Appoint a Committee to Study Issues Related to Hospital Closure.

Motion: That the Council Chair appoint a subcommittee of the Joint Standing Committee on Human Resources to further explore the issues raised in Sen. Theriault's letter and be authorized to report any recommendations, including proposed legislation, to the Council for consideration. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

Item #5: Notification of Participation of Maine State Police in the New England State Police Administrator's Conference Regional Information Systems Project.

Ms. Diamond noted that this item appeared on the agenda solely for information purposes.

Motion: That the letter from Col. Demers be accepted and placed on file. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Item #6: Requests for Introduction of Legislation for the First Special Session

Requests for Introduction of Legislation for the First Special Session were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

Speaker Martin announced that the next Council meeting would be Monday, August 21, at 10:00 a.m., prior to the convening of the First Special Session at 2:00 p.m.

ADJOURNMENT

The Legislative Council meeting was adjourned by the Chair at 11:50 a.m.



MAINE STATE LEGISLATURE
Augusta, Maine 04333

April 14, 1989

Mr. G. William Diamond,
Secretary of State
State House Station #29
Augusta, Maine 04333

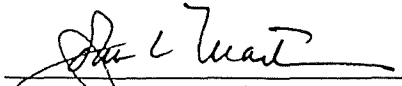
Dear Bill:

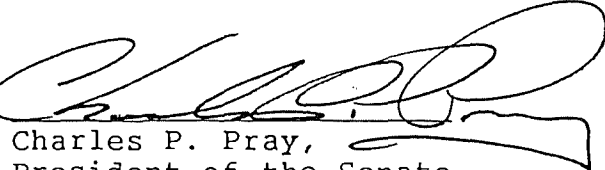
We have reviewed the issue of locating a new Motor Vehicle facility and find an urgent need to pursue a broader plan before proceeding further. All three branches of State Government as well as constitutional officers have ever growing demands for space with no comprehensive blue print to guide such development. In particular, there are many questions raised as to the future use of AMHI properties which need to be addressed by a skilled planner and set out in a master plan.

As you may know, the State has held most of these lands since the mid 1800's and now has the opportunity to develop them in such a way to accomodate the needs of State Government, not only for now, but for generations to come. As Leaders, we feel compelled to place pending developments on hold temporarily until a coordinated master plan is developed and accepted by the Legislature. It is also our hope that greater effort and understanding will be made, by those concerned, in accomplishing this important task.

We trust you join us in reaching that broader goal.

Sincerely,


John D. Martin,
Speaker of the
House of Representatives


Charles P. Pray,
President of the Senate

cc: Gregory Hanscon,
Deputy Secretary of State

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR
EDGAR E. ERWIN, DISTRICT 8
MARGARET G. LUDWIG, DISTRICT 3

TIM GLIDDEN, LEGISLATIVE ANALYST
GRO FLATEBO, LEGISLATIVE ANALYST
JO-ELLEN STAPLES, COMMITTEE CLERK



HOUSE

MICHAEL H. MICHAUD, EAST MILLINOCKET, CHAIR
PAUL F. JACQUES, WATERTOWN
JAMES MITCHELL, FREEPORT
JAMES REED COLES, HARPSWELL
ANNETTE M. HOGLUND, PORTLAND
RICHARD A. GOULD, GREENVILLE
P. KELLEY SIMPSON, CASCO
EDWARD L. DEXTER, KINGFIELD
WILLIS A. LORD, WATERBORO
MALACHI ANDERSON, WOODLAND

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

August 21, 1989

Speaker John L. Martin, Chair
Legislative Council
Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin:

The Consolidated Waste Services solid waste facility in Norridgewock plays an important role in the state's solid waste management efforts. An unexpected shift in the municipal solid waste landfill on Monday, the 14th, caused the Department of Environmental Protection to close both the municipal solid waste and special waste landfills at Consolidated Waste Services. The Department of Environmental Protection can not currently predict when the existing municipal solid waste landfill and the adjacent expansion of that landfill, which had been under construction, will be available. The special waste landfill may be allowed to reopen within the next two weeks.

Since the closure, Consolidated Waste Services has used other facilities to dispose of municipal solid waste from the 31 municipalities it services directly. But, the most pressing question remains what long-term changes in disposal service and cost will these municipalities face. Many industries and other municipalities may also be affected by the closure. In addition, an event of this magnitude may call for changes in the regulations governing landfill operations.

Because of the importance of this issue, the Energy and Natural Resources Committee requests permission to hold a public hearing on Friday, September 1 to receive preliminary reports from all parties involved and to begin addressing the questions raised above.

Sincerely,

Handwritten signature of Judy C. Kany in cursive script.

Judy C. Kany
Senate Chair

Handwritten signature of Michael H. Michaud in cursive script.

Michael H. Michaud
House Chair

LEGISLATIVE COUNCIL
AUGUST 21, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

Action

SPONSOR: Rep. Dexter

LR 2563 An Act to Clarify the Procedures for Placement
of Existing Utility Lines Underground
(Failed 8/14)

SPONSOR: Rep. Dore

LR 2562 An Act to Retain Forest Land and Farm and
Open Space Property in Communities
with Rapidly Increasing Value
(Failed 8/14)

SPONSOR: Rep. Hepburn

LR 2579 An Act to Amend the Animal Welfare Act

SPONSOR: Rep. LaPointe

LR 2577 An Act to Provide Additional Representation
on the Androscoggin County Budget Committee

SPONSOR: Rep. Luther

LR 2576 Resolve, to Allow the Oxford County
Commissioners to Release Interest in
Land to the Oxford County Association

Cosponsors: Sen. Erwin
Rep. Erwin

SPONSOR: Rep. McCormick

LR 2575 An Act Regarding the Farm and Open Space Tax Law

SPONSOR: Rep. Townsend

LR 2573 An Act to Allow the Sale of the Electric
Portion of the Lubec Electric and Water
District

Cosponsors: Rep. Moholland
Rep. Tammaro

REQUEST TO INTRODUCE A CONSTITUTION RESOLUTION

SPONSOR: Sen. Titcomb

LR 2578 RESOLUTION, Proposing an Amendment to
the Constitution of Maine to Permit
Municipalities to Perform Winter Maintenance

LEGISLATIVE COUNCIL
AUGUST 21, 1989
REQUESTS TO INTRODUCE LEGISLATION

FIRST REGULAR SESSION

Action

SPONSOR: Rep. Martin, John L.

LR 2581 An Act to Establish a Charter for the
Northern Regional Planning Commission and the
Northern Maine Regional Planning Commission
Elections

LEGISLATIVE COUNCIL
AUGUST 21, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

SPONSOR: Rep. Manning

LR 2580 An Act Relating to the Inspection of
Sample Ballots Prior to General and
Special Elections

COSPONSOR: Rep. Priest