

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

DECEMBER 20, 1989

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summary of November 10, 1989, meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Bill Drafting: Status Report

Item #3: Recommendation Regarding Designation of Records Management Coordinator for the Legislature. (Letter enclosed)

Item #4: Holiday Work Schedule

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Step Increases for Secretary of the Senate, Clerk of the House and their Assistants (authorized by statute, 3 MRSA. § 162-A). (Letter enclosed).

Item #2: Step Increases for Constitutional Officers, as authorized by statute (3 MRSA. § 162-B). (Letter enclosed).

Item #3: Requests for Study Extensions

Committee on State and Local Government: Study of the Structure of Substance Abuse Assistance and Services (to December 7).

Committee on Judiciary: Study of the Jurisdiction of the Court System (to December).

Item #4: Request from the Joint Standing Committee on Education to Conduct Research Regarding Administrator Certification Requirements Utilizing an Unpaid Intern. (Letter from Sen. Estes and Rep. Crowley, Chairs).

Item #5: Legislative Budget: Status and Options for Reduction for Balance of Fiscal Year 1990 (Memo enclosed).

Item #6: Bills Requiring Reference to Committee

LR 3214 AN ACT to Regulate the Use of Beverage Containers. (Sponsor: Sen. Baldacci; Cosponsor: Rep. Libby).

Item #7: Maine Financial & Administrative Information Systems (MFASIS): Status Report. (By request of Speaker Martin).

Item #8: Requests to Introduce Legislation to the Second Regular Session. (After Deadline).



REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
FRIDAY, NOVEMBER 10, 1989
MEETING SUMMARY**

APPROVED DECEMBER 20, 1989

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

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Speaker Martin, at 1:45 p.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

David Kennedy

David Silsby

Julie Jones

Executive Director,
Legislative Council
Revisor of Statutes
Director, State House and
Capitol Park Commission
Principal Analyst, Office
of Policy and Legal Analysis

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session for the purpose of discussing the disposition of certain properties. (Motion by Rep. Marsano; second by Rep. Webster; unanimous).

The Council went into Executive Session at 1:46 p.m.

RECONVENE

The Council reconvened on the motion of the Chair at 1:55 p.m.

OLD BUSINESS

Note: This item on the agenda was taken out of order.

Item #1: Negotiations Regarding Acquisition of City-Owned Portion of Capitol Park: Status Report.

Motion: That the Legislative Council approve the Division of Motor Vehicles' plans for proceeding with negotiations with the City of Augusta for the parcel of land adjacent to Capitol Park. (Motion by Rep. Mayo; second by Rep. Marsano; unanimous).

SECRETARY'S REPORT

The summary of the October 29 Council meeting was accepted and placed on file. (Motion by Rep. Marsano; second by Sen. Dutremble; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond reported that she had approved step increases for the following legislative employees, based on the favorable recommendations of their respective supervisors:

Judith A. Armstrong, Senior Legal Proofreader, Office of the Revisor, (Salary Range 4), from Step 7 to Step 8, effective November 6, 1989.

Judith Pines Blaisdell, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 2 to Step 3, effective November 20, 1989.

John L. Kiermaier, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step 5 to Step 6, effective November 6, 1989.

Evelyn J. Knopf, Legislative Attorney, Office of the Revisor, (Salary Range 10), from Step 1 to Step 2, effective October 30, 1989.

Judy A. O'Brien, Senior Secretary, State House and Capitol Park Commission, (Salary Range 4), from Step 8 to Step 9, effective November 20, 1989.

Grant T. Pennoyer, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step 5 to Step 6, effective November 13, 1989.

Deanne Ricker, Administrative Secretary, Office of the Revisor, (Salary Range 6), from Step 5 to Step 6, effective November 27, 1989.

Donna Sullivan, Senior Legislative Technician, Office of Information Systems, (Salary Range 5), from Step 5 to Step 6, effective November 20, 1989.

Priscilla H. Whitmore, Legislative Indexer, Office of Information Systems, (Salary Range 8), from Step 2 to Step 3, effective November 20, 1989.

Motion: That the Director's report be accepted and placed on file. (Motion by Rep. Marsano; second by Sen. Clark; unanimous).

REPORTS FROM COUNCIL COMMITTEES

None.

NEW BUSINESS

Item #1: Consideration of Legislators' Appeals of the Council's Initial Action on Bill Requests for the Second Regular Session.

This item, which appeared as Item #5 on the printed agenda, was taken up out of order. Lists summarizing the Council's action on each appealed request are available through legislative staff offices.

Item #2: Request from the Joint Standing Committee on Banking and Insurance for an Additional Meeting for the Study of the Feasibility of Creating a State Workers' Compensation Insurance Fund.

The letter requested an additional meeting for the study subcommittee and authorization to invite members of the former "Menario Commission" to this subcommittee meeting to discuss their findings and conclusions and reimburse them for their expenses.

Motion: That the request be approved. (Motion by Sen. Dutremble; second by Sen. Pray; unanimous).

Item #3: Request from the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School Systems for an Extension of the Statutory Reporting Date.

The letter, requesting an extension, required no further action, since the Council had already unanimously approved introduction of legislation to extend the date.

- Item #4: Request from the Special Commission to Study the Organization of the State's Cultural Agencies for an Extension of the Statutory Reporting Date.

The letter from Richard N. Berry, Commission Chair, required no further action since the Council had already unanimously approved introduction of legislation to extend the reporting date.

- Item #5: Request from the Joint Select Committee on Corrections to Make a Site Visit to the Maine State Prison.

Motion: That the request be approved. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

- Item #6: Request from the Joint Standing Committee on Appropriations and Financial Affairs for an Extension of the Reporting Deadline for its Study of the Public Advocate.

The letter from Rep. Carter, Study Subcommittee Chair, requested an extension of the reporting deadline from December 1 to December 29.

Motion: That the request be approved. (Motion by Sen. Cahill; second by Sen. Pray; unanimous).

- Item #7: Request from the Joint Standing Committee on Taxation for an Extension of the Reporting Deadline for its Study of the Taxpayers Bill of Rights.

The letter from Sen. Andrews and Rep. Cashman requested an extension of the reporting deadline from December 1 to January 31, 1990. Council members expressed concern about the length of the extension; and Sen. Pray recommended that the extension be approved, but only until December 29.

Motion: That the extension of the reporting date be approved until December 29, 1989. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

- Item #8: Letter from Joint Standing Committee on Human Resources regarding its Study of State Mental Health Services.

The letter from the Committee Chairs, Sen. Gauvreau and Rep. Manning, informed Council members that the committee would complete its report by December 1, but had reserved one of its approved meetings to meet after December 1.

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

ANNOUNCEMENTS AND REMARKS

Speaker Martin expressed the unanimous appreciation of the Council for the outstanding work performed by David Kennedy and his staff in preparation for the meeting.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:30 p.m. on the motion of the Chair.

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR'S REPORT

DECEMBER 20, 1989

Approved Step Increases

Jean S. Blair, Engrossing Technician, Office of the Revisor, (Salary Range 5), from Step 7 to Step 8, effective November 27, 1989.

Todd R. Burrowes, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10) from Step 1 to Step 2, effective November 27, 1989.

Theresa Coughlin, Senior Secretary, Office of Fiscal and Program Review, (Salary Range 4), from Step 6 to Step 7, effective December 25, 1989.

Deborah C. Friedman, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 2 to Step 3, effective December 4, 1989.

Joyce D. Garside, Legislative Technician, Office of the Revisor, (Salary Range 4), from Step 4 to Step 5, effective December 11, 1989.

Elizabeth H. Gosselin, Computer Programmer, Office of the Revisor, (Salary Range 8), from Step 8 to Step 9, effective November 27, 1989.

Edythe J. Hampson, Legislative Information Assistant, Legislative Information Office, (Salary Range 4), from Step 2 to Step 3, effective December 4, 1989.

Kathleen W. Kaloustian, Supervising Legislative Technician, Office of the Revisor, (Salary Range 6), from Step 7 to Step 8, effective December 18, 1989.

Laurette G. Knox, Senior Secretary, Office of Policy and Legal Analysis, (Salary Range 4), from Step 7 to Step 8, effective December 4, 1989.

Theresa M. Lahey, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step 7 to Step 8, effective November 27, 1989.

Germaine C. Longley, Legislative Information Assistant, Legislative Information Office, (Salary Range 4), from Step 4 to Step 5, effective December 11, 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: The Honorable John L. Martin, Chair and
Members of the 114th Legislative Council

FROM: David Kennedy *DK*

DATE: December 20, 1989

RE: Drafting Status Report as of December 20, 1989

I. <u>Bill Requests to be Drafted</u>	
a. Legislator Pre-cloture Requests Approved	364
b. Legislator After Deadline Requests Approved	9
c. Department, Governor and Agency Requests	108
d. Study or Special Authority Bills Received	31
TOTAL	
	512
II. <u>Bill Requests in Process and Drafted</u>	
a. Requests in Initial Drafting	83
b. Initial Draft Complete; in Production	116
c. Final Version Sent Out for Signature	98
d. Final Version Released for Printing	195
e. Voided or Withdrawn	20
TOTAL	
	512
III. <u>Orders, Joint Orders and Joint Resolutions</u>	
a. Requests Received	6
b. Items in Progress	3
c. Items Completed	3
IV. <u>Legislative Sentiments</u>	
a. Requests Received Since Cloture	128
b. Items in Progress	27
c. Items Completed	105

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 13, 1989

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin:

The Legislature passed legislation during the First Regular Session that clarified existing statutory language regarding the Legislature's participation in the State's Records Management Program, which is supervised by the Maine State Archives (Public Laws of 1989). The primary intent of the law seems to be to ensure that the Legislature has a comprehensive system for listing the types of records it maintains and for transferring records to the Archives at some point.

We have done some preliminary investigation to determine the impact of the law on current office procedures and workloads. They appear to be minimal with respect to workload, but it is clear that we need to develop consistent procedures to be used by all legislative offices. I hope, therefore, that the Council will approve my recommendation that Lynn Randall be designated as the Records Management Coordinator. Lynn and her staff have the most interaction with the Archives already, and I think that experience would be useful as we develop procedures for the Legislature. Lynn would work with each of the offices to develop the required schedules and serve as liaison to the Archives. I would stress that neither the law nor the designation of Lynn would have any impact on the control or custody of legislative records.

I have enclosed a copy of the law for your information and would be happy to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sally Diamond
Executive Director

Enclosure
cc: Lynn Randall, State Law Librarian

APPROVED

CHAPTER

JUN 6 '89

235

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

S.P. 245 - L.D. 575

An Act to Amend the Records Management Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §95, sub-§9, as enacted by PL 1973, c. 625, §16, is amended to read:

9. Destruction of records. To authorize and receive confirmation of the destruction of the records of any state department which, in the opinion of the head of the department, are no longer of value to the department, and which, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State;

Sec. 2. 5 MRSA §95, sub-§10-C, as enacted by PL 1973, c. 625, §16, is amended to read:

10-C. Legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each committee thereof at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House of Representatives, respectively, and subject to schedules established in consultation with the Executive Director of the Legislative Council;

Sec. 3. Joint review and report. The Maine State Archives, the Bureau of Purchases and the Office of Information Services shall jointly review and determine the requirements to ensure the appropriate management, retention and disposition of record series established through the use of automated media. The review shall address the availability of information to the Maine State Archives concerning automated media conversion and storage equipment, and record series that are established. The review shall examine the functions and authority of the 3 organizations to determine how a combined effort may best provide the assurance

necessary for appropriate automated media records management by the Maine State Archives. A joint report shall be prepared and submitted to the Joint Standing Committee on State and Local Government by January 31, 1990, outlining the findings of the review, noting regulatory and administrative measures taken and recommending any further legislation which may be necessary.

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL
RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 11, 1989

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin:

As you know, the statutes grant to the Legislative Council the authority to annually adjust the salaries of the Secretary of the Senate, Clerk of the House, and their Assistants.

The incumbents of these positions are all eligible for a step increase, effective December 7. I have enclosed a summary of the current location of each of the four in their respective salary ranges and would be happy to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sally Diamond
Executive Director

Attachment
cc: Members of the Legislative Council

LEGISLATIVE OFFICERS' SALARIES

December, 1989

	Current	Next Step
Secretary of the Senate Joy J. O'Brien	14/E \$57,408.00	14/F \$60,299.20
Clerk of the House Edwin H. Pert	14/E \$57,408.00	14/F \$60,299.20
Ass't Secretary of the Senate Pamela Lovley	9/G \$38,875.00	9/G* \$38,875.00 9/Q \$40,851.20
Ass't Clerk of the House Deborah Bedard Wood	9/X \$42,910.40	9/X** \$42,910.40

* Ms. Lovley is eligible to advance to Step Q of the range based on her total years of employment with the Legislature

** Ms. Wood is "topped out" in her statutory salary range

LEGISLATIVE COUNCIL
Ch. 7

3 § 162-A

Mileage fees, see title 16 § 251 et seq.
Oaths of witnesses see title 16, § 151.
Public's right to know, see title 1 § 401 et seq.
State law librarian, see § 173 of this title.
Subpoenas for witnesses, see title 16 § 101.
Transfers of unexpended legislative appropriations, see title 5 § 1585.
Witnesses, examination of, see title 16 § 151 et seq.
Witnesses to testify under oath, see title 3 § 426.

Notes of Decisions

Acceptance of funds 2
Transfers and payments 1

1. Transfers and payments

Legislative Council did not exceed its authority in paying expenses of the Legislative Apportionment Commission out of the legislative account. Op. Atty. Gen. No. 83-33, June 20, 1983.

2. Acceptance of funds

Section 1014 of title 1 relating to conflict of interest, and § 601 et seq. of title 17-A, relating

to bribery and corrupt practices, did not establish blanket prohibition against legislator's soliciting contributions for proposed Kennebec River Future Commission; however, legislator lacked authority to accept funds on behalf of proposed commission and it was necessary that any funds raised prior to commission's formation be received by Governor under § 5 of title 2 or by the Legislative Council under this section. Op. Atty. Gen., Feb. 17, 1981.

§ 162-A. Salaries subject to adjustment by Legislative Council

Notwithstanding any other provisions of law, the salaries of the following legislative officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of each of these officials shall be set at Step A and, in no case, may it exceed Step B of their respective ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials.

1. Range 14. The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and
Clerk of the House of Representatives.

2. Range 9. The salaries of the following state officials and employees shall be within salary range 9:

Assistant Secretary of the Senate; and
Assistant Clerk of the House of Representatives.

3 to 5. Repealed. Laws 1983, c. 862, § 4, eff. Sept. 19, 1984.
1981, c. 702, § X, 11, eff. May 4, 1982; 1983, c. 853, §§ A, 3, 4, eff. Dec. 1, 1984; 1983, c. 862, § 2, eff. Dec. 1, 1984; 1983, c. 862, § 4, eff. Sept. 19, 1984; 1987, c. 349, § K. 1, eff. June 18, 1987; 1987, c. 769, § A, 2, eff. April 26, 1988.

Historical Note

Amendments
1983 Amendments. Laws 1983, c. 853, § A, 3, added provision mandating Legislative Council to adjust salaries of Secretary of State, Treasurer of State, Auditor and Attorney General to first

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SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 11, 1989

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin:

The Legislative Council is, as you know, charged by law with the responsibility for setting the salaries of constitutional officers and the State Auditor upon their initial appointment and for reviewing these salaries annually (3 M.R.S.A. § 162-B). The law provides that the Council "may adjust the salary of each (of these) official(s) by one step for each year of continuous service after initial appointment to office."

I have enclosed a summary of the current salary status of each of the constitutional officers for Council members' review prior to the December 20 Council meeting.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sarah C. Diamond'.

Sarah C. Diamond
Executive Director

Enclosure
cc: Members of the Legislative Council

CONSTITUTIONAL OFFICERS

AND

STATE AUDITOR

Current Salary Status
12/10/89

Attorney General	91	Step H \$68,556.80	Step I \$72,051.20
Secretary of State	88	Step C \$44,595.20	Step D \$46,779.20
Treasurer of State	88	Step H \$56,659.20	Step I \$59,384.00
State Auditor	89	Step F \$55,078.40	Step G \$57,782.40

3 § 162-A

LEGISLATURE
Title 3

step of respective ranges upon initial appointments.

Laws 1983, c. 853, § A, 4, added subsecs. 3 to 5.

Laws 1983, c. 862, § 2, in opening pars. deleted provisions relating to adjustment of salaries of Secretary of State, State Treasurer, State Auditor and Attorney General by Legislative Council.

Laws 1983, c. 862, § 4, repealed subsec. 3 relating to salary range of Secretary of State

and State Treasurer; repealed subsec. 4 relating to salary range of Auditor; and repealed subsec. 5 relating to salary range of Attorney General.

1987 Amendments. Laws 1987, c. 349, § K, 1, repealed and replaced this section, which formerly related to adjustment of salaries by the Legislative Council.

Laws 1987, c. 769, § A, 2, in opening pars. substituted reference to continuous service for reference to continuous service.

Library References

States ⇨60(1).
C.J.S. States §§ 104 to 108.

§ 162-B. Salaries of constitutional officers

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment the salary of the Secretary of State, the State Auditor and the Treasurer of State shall be set at the first step of the official's respective range. At the time of initial appointment, the salary of the Attorney General shall be set at Step E of his salary range. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions.

1. Range 87. The salary of the following state officials and employees shall be within salary range 87, but shall not exceed Step G in that range:

- A. Secretary of State; and
- B. Treasurer of State.

2. Range 88. The salary of the State Auditor shall be within salary range 88, but shall not exceed Step G in that range.

3. Range 90. The salary of the Attorney General shall be within salary range 90, but shall not be less than Step E and shall not exceed Step G in that range.

1983, c. 862, § 5, eff. Dec. 1, 1984.

Historical Note

Transition

Laws 1983, c. 862, § 6 provided:

"Section 5 of this Act [enacting this section] shall take effect on December 1, 1984. Officials who hold the offices of Secretary of State, Treas-

urer of State, State Auditor or Attorney General on the effective date of this section shall be placed on that date in their respective statutory pay ranges on that date at the appropriate step for their initial appointment."

Cross References

Attorney General, see title 5 § 191 et seq.

SENATE

GEORGETTE B. BERUBE, DISTRICT 16, CHAIR
DONALD E. ESTY, JR., DISTRICT 28
DAVID L. CARPENTER, DISTRICT 33

TED POTTER, LEGISLATIVE ANALYST
GIL BREWER, LEGISLATIVE ANALYST
MICHAEL T. FLOOD, COMMITTEE CLERK



HOUSE

RUTH JOSEPH, WATERTOWN, CHAIR
DOROTHY A. ROTONDI, ATHENS
BEVERLY C. DAGGETT, AUGUSTA
THOMAS A. CAHILL, MATTAWAMKEAG
CONRAD HEESCHEN, WILTON
ANNE M. LARRIVEE, GORHAM
ALBERTA M. WENTWORTH, WELLS
JEANNE F. BEGLEY, WALDOBORO
DANA C. HANLEY, PARIS
JOHN S. McCORMICK, JR., ROCKPORT

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

November 17, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Chairman Martin:

The subcommittee of the Joint Standing Committee on State and Local Government studying the structure of substance abuse assistance and services in the state requests a 7 day extension of its completion date.

The complexity of the current system has made the task of agreeing on the most efficient system for delivery of substance abuse services a difficult one. The subcommittee has received considerable input from the various components of the existing system and has developed a new system, but needs to provide staff with some additional time to draft the final report and accompanying legislation.

In anticipation of your approval, a final subcommittee meeting has been scheduled for the morning of December 7. The full committee will convene in the afternoon to accept the report of the subcommittee.

Thank you for your consideration in this matter.

Sincerely,

Georgette Berube AP
Sen. Georgette B. Berube
Senate Chair

226nrg

SENATE

BARRY J. HOBBS, DISTRICT 31, CHAIR
N. PAUL GAUVREAU, DISTRICT 23
MURIEL D. HOLLOWAY, DISTRICT 20

PEGGY REINSCH, LEGISLATIVE ANALYST
TODD BURROWES, LEGISLATIVE ANALYST
PAULA ASHTON, COMMITTEE CLERK



HOUSE

PATRICK E. PARADIS, AUGUSTA, CHAIR
CONSTANCE D. COTE, AUBURN
GERARD P. CONLEY, JR., PORTLAND
PATRICIA M. STEVENS, BANGOR
CUSHMAN D. ANTHONY, SOUTH PORTLAND
SUSAN FARNSWORTH, HALLOWELL
MARY H. MACBRIDE, PRESQUE ISLE
DANA C. HANLEY, PARIS
PETER G. HASTINGS, FRYEBURG
JOHN H. RICHARDS, HAMPDEN

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

19 December 1989

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House Station 115
Augusta, ME 04333

Dear Chair Martin:

The subcommittee of the Joint Standing Committee on the Judiciary which has been studying the jurisdiction of the court system and the ability of the courts to meet the judicial needs of the people of Maine requests an extension until Friday, December 29, 1989. At that time, we will be ready to send the final report to printing.

The study has focused on the current status of the judiciary in Maine, the ability of the courts to meet the judicial needs of the people of Maine and the pressing issues facing Maine's court system today. The broad and complex nature of this study touches the lives and livelihood of many diverse interests in this state. We have worked vigorously to create a concensus on each issue in order to present the strongest report possible to the Legislature.

The majority of the report is complete. We believe the additional time will allow us to forge a concensus on the few remaining unresolved issues. No additional meetings of the subcommittee will be necessary during this extension.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry J. Hobbs".

Sen. Barry J. Hobbs
Senate Chair

298NRG

SENATE

STEPHEN C. ESTES, DISTRICT 35, CHAIR
STEPHEN M. BOST, DISTRICT 11
BARBARA A. GILL, DISTRICT 32

DAVID ELLIOTT, LEGISLATIVE ANALYST
DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
JULIE FORTIN, COMMITTEE CLERK



HOUSE

NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS,
CHAIR
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
MARGE L. KILKELLY, WISCASSET
JUDY PARADIS, FRENCHVILLE
JAMES V. OLIVER, PORTLAND
JOHN O'DEA, ORONO
MARY E. SMALL, BATH
OMAR P. NORTON, WINTHROP
WENDY L. AULT, WAYNE

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

November 16, 1989

Hon. John L Martin
Chair, Legislative Council
State House
Augusta, ME 04333

Dear Chairman Martin:

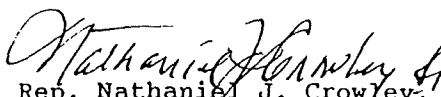
The purpose of this letter is to inform you of the Education Committee's arrangement to receive volunteer services by Martin Bressler of Waterville. Mr. Bressler who is an administrator at Thomas College is a doctoral candidate in educational administration at Vanderbilt University. As part of his program of study he is required to perform 135 hours of public service internship work.

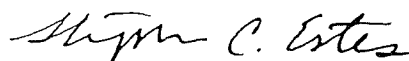
Mr. Bressler approached us about the possibility of reaching an agreement to perform work of mutual interest and benefit under the auspices of the Education Committee. We have agreed that he will perform research work in the area of administrator certification requirements. There are many important issues relating to administrator certification ranging from the appropriateness of certification requirements, to the ability of administrators to comply with the requirements, to the responsiveness of the University in providing related programs.

As part of his work, we would like Mr. Bressler to conduct a survey of school administrators. As mentioned above, the work performed will be on a volunteer basis. However, Mr. Bressler has requested that the Legislature help with the printing and mailing of the survey instrument. We estimate that the cost will not exceed \$200. Because the end product will be useful to the committee in analysis of topical issues and because we will be getting many hours of free work in return, we feel this small expense is well justified.

Please let us know if you see any problem with this arrangement as soon as possible. In addition, if you have any questions, please contact either of us.

Sincerely,


Rep. Nathaniel J. Crowley, Sr.
House Chair


Sen. Stephen C. Estes
Senate Chair

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 13, 1989

TO: Honorable John L. Martin, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: Legislative Budget

We have begun a review of the Legislature's budget for both the balance of the current fiscal year and for fiscal year 1990, which begins July 1, 1991 in response to your request and expect to have some options to present to you at your meeting next Wednesday, December 20.

The Budget Office has released some preliminary dollar targets to agencies - i.e. the amount by which the budget should be reduced. These are:

FY 1990 (current year):	\$769,959
(5% of our total FY 1990 appropriation)	
FY 1991	: \$2.3 - \$2.8 million

I would stress that these are preliminary.

We are still working with the Budget Office to "fine tune" what our dollar target is: because legislators' salaries, expense allowances, and the constituent service allowances are all set by statute, they are generally viewed as nondiscretionary general fund obligations and could arguably be exempted from the base upon which our target reduction amount is computed.

I have enclosed copies of both the Governor's Executive Order and his letter to all state employees for your information. Although we will make every effort, I think it is unlikely that the analytical materials will be ready before next Wednesday.

In the meantime, either Dick or I would be happy to answer your questions to the best of our ability.

Enclosures



OFFICE OF
THE GOVERNOR

NO. 5FY 89/90

DATE December 8, 1989

SPECIAL BUDGET AND EXPENDITURE ORDER OF 1990

WHEREAS, General Fund revenues for the first five months of Fiscal Year 1990 have fallen \$15 million below projection levels; and

WHEREAS, there is evidence that the economy in Maine and in the northeast region has further slowed since General Fund revenues for the current biennial budget were last revised; and

WHEREAS, the KPMG Peat Marwick Policy Economics Group consultants have provided us with their preliminary estimates of sales and individual income tax revenues for the current biennium which suggests a need to further reduce those revenue estimates by \$66 million; and

WHEREAS, the Commissioner of the Department of Finance has advised me in accordance with Title 5, MRSA, Section 1668, that the anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature for the 1990-91 biennium;

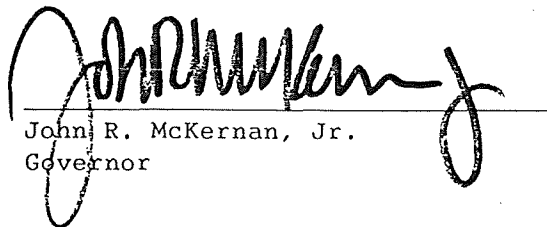
NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby authorize the curtailment of General Fund allotments and further direct and request that each department and agency of State Government implement the following procedures in relation to all General Fund accounts;

1. All allotment reserves will be temporarily frozen. The State Budget Officer shall establish criteria, subject to my approval, to govern the future release of frozen reserves.
2. Departments and agencies of State Government will reduce their FY90 spending by an amount equal to five percent (5%) of their discretionary General Fund appropriations. Only debt service payments, specific obligations of the State and major grants that are mandated by the Legislature to be spent for a particular purpose will be exempted from the calculation of discretionary appropriations.

3. Departments and agencies of State Government are requested to substantially restrict in-state and out-of-state travel for the balance of FY90 in a manner that would reduce expenditures for these purposes by at least 40% for out-of-state travel and 20% for in-state travel.
4. Departments and agencies of State Government are requested to cooperate in the implementation of a more strict hiring freeze that will be described in a soon to be released amendment to the existing modified hiring freeze described in Human Resources Memorandum 10-89 and will result in the removal of certain exemptions from that freeze policy.
5. Departments and agencies of State Government will be requested to submit budget adjustment forms to achieve the FY90 spending reductions described in item number two above and for further reductions in FY91 General Fund appropriations to the lesser of FY90 or FY91 discretionary appropriation levels as presently authorized.

The Bureau of the Budget is hereby directed to provide further instructions, criteria and forms describing steps to be taken in compliance with this Order and shall further assist the departments and agencies in carrying out its intent.

This Order is effective immediately and will remain in effect through June 30, 1990, unless specifically amended, terminated or extended by Executive Order.



John R. McKernan, Jr.
Governor



STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

JOHN R. MCKERNAN, JR.
GOVERNOR

December 8, 1989

Dear State Employee:

As you may know, the State of Maine, like the rest of New England, is experiencing a shortfall in tax revenues. Sales tax collections, in particular, were significantly less than anticipated in the first five months of this fiscal year, and the experts -- both in and outside of State Government -- advise me that this trend is likely to continue for some months, resulting in a revenue shortfall for this biennium of at least \$66 million.

This shortfall means that we will need to reduce spending for the remainder of the biennium. To begin this effort, I have issued an Executive Order today which would, among other things, limit in-state and out-of-state travel, tighten the existing hiring freeze, freeze allotment reserves temporarily until reduction plans are approved, and withhold from the next two quarterly allotments for every department or agency of State Government an amount equal to five percent of their annual Personnel Services, Capital and All Other accounts for those quarters. We will also be asking departments and agencies to restructure their budgets for Fiscal Year 1991 to limit their spending in that year to the lesser of the amount of their authorized 1990 or 1991 appropriations.


My goal is to achieve the new budget levels by reducing lower-priority spending and by implementing additional administrative efficiencies. I hope to reach the necessary spending reductions in ways that will minimize the impact on state employees and the public we serve.

Recently, I announced the revitalization of the Employee Suggestion Award Program, which encourages employees to come forward with cost-saving ideas. There is no better time than now to make your recommendations.

We will face a number of difficult choices in the weeks ahead. To ensure that you have information about the problem we face, I will ask each of the agency heads to seek input from employees on how to make the necessary reductions. Once we see the results of this effort, we will be in a better position to set our priorities for reducing spending.

With your help, I am confident that we can make the necessary reductions as fair as possible.

Sincerely,


John R. McKernan, Jr.
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SARAH C. DIAMOND
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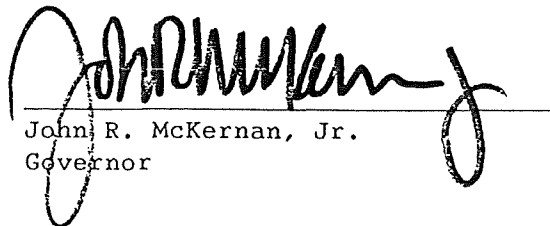
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OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

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Sincerely,


John R. McKernan, Jr.
Governor



COPY

OFFICE OF THE REVISOR OF STATUTES

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BILL DRAFT SUMMARY

LR #: 3214 ITEM #: 1 TYPE: O

TITLE:
An Act to Regulate the Use of Beverage Containers

SPONSOR: Sen. BALDACCI of Penobscot
COSPONSORS: Rep. LIBBY of Kennebunk

LEGEND: Approved for introduction by a majority
of the Legislative Council pursuant to
Joint Rule 26.

AUTHORITY FOR INTRODUCTION: LCA

DRAFTER: MEM TECH: TML

DATE/TIME LAST PRINTED: 12/07/89 10:48

LAST ACTION: HLD/ADMIN 11/30/89

COPY

Be it enacted by the People of the State of Maine as follows:

2 *Crim. Code*
4 Sec. 1. 17 MRSA §2264, as amended by PL 1989, c. 97, is
repealed.

6 Sec. 2. 17 MRSA §2264-A is enacted to read:

8 §2264-A. Littering prohibited; penalties

10 1. Prohibition. No person may throw, drop, deposit,
12 discard or otherwise dispose of litter upon any public property
14 or private property not owned by that person in this State or in
16 the waters of this State or on the ice over those waters, which
property shall include, but not be limited to, any public park,
beach, campground, forest land, recreational area, trailer park,
highway, road, street or alley, except:

18 A. When the property is designated by the State or by any
20 of its agencies or political subdivisions for the disposal
of garbage and refuse, and the person is authorized to use
22 the property for that purpose; or

24 B. Into a litter receptacle in such a manner that the
litter will be prevented from being carried away or
26 deposited by the elements upon any part of private or public
property or waters.

28 2. Penalties. Penalties for a violation of this section
30 are as follows.

32 A. Any conduct in violation of this section is a civil
violation for which a forfeiture of not more than \$200 nor
34 less than \$25 may be adjudged for the first violation. For
a 2nd or subsequent violation a forfeiture of not more than
36 \$500 nor less than \$100 may be adjudged. In addition to or
instead of a forfeiture, the judge may direct any person in
38 violation of this section to pick up and remove from any
place any or all litter deposited thereon by anyone prior to
40 the date of the adjudication.

42 B. Notwithstanding paragraph A, any person who disposes of
a plastic ring carrier device, the use of which is regulated
44 under Title 32, section 1868, subsection 2-A, is guilty of a
Class E crime. In addition to a forfeiture, the judge may
46 direct any person who is found guilty under this paragraph
to pick up and remove from any place any or all litter
48 deposited thereon by anyone prior to the date of the
adjudication.

COPY

2 Sec. 3. 32 MRSA §1868, sub-§2-A is enacted to read:

Prof/occup. - Beverage Containers

4 2-A. Plastic connectors. With containers connected to each
6 other by a plastic ring carrier device which is not capable of
8 photodegradation or biodegradation within 120 days of exposure to
10 natural elements;

8 Sec. 4. 38 MRSA §1604, as enacted by PL 1989, c. 585, Pt. E,
10 §35, is repealed.

12 Sec. 5. 38 MRSA §1606 is enacted to read:

14 §1606. Connectors

16 After July 1, 1991, no person may sell or offer to sell
18 products in containers connected to each other by plastic holding
20 devices except as provided by Title 32, section 1868, subsection
22 2-A.

24 STATEMENT OF FACT

26 This bill repeals the ban on plastic ring connectors while
28 maintaining the ban on other types of plastic beverage container
30 devices. In place of the ban on plastic ring connectors, the
bill requires that such connectors be capable of decomposing by
photodegradation or biodegradation within 120 days of exposure to
natural elements. Finally, the bill establishes a separate
violation for littering with plastic connectors by making such
conduct a Class E crime.



STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

JOHN L. MARTIN
SPEAKER

December 14, 1989

The Honorable John R. McKernan, Jr.
Office of the Governor
State House Station #1
Augusta, Maine 04333

Dear Governor McKernan:

As a result of concerns raised by employees of both the legislative and executive branches of government about the implementation of the new MFASIS computer system, I am requesting, in my capacity as Chair of the Legislative Council, that appropriate members of your administration meet with the Legislative Council on December 20th to discuss this issue. While we recognize that it is the responsibility of the executive branch to bring the new system on line and we certainly do not wish to interfere with that process, I think it could be beneficial to establish a cooperative dialogue over areas of concern.

I understand that certain difficulties have been encountered in getting the payroll system up and operating and that necessary forms and operational codes may not be available to meet the proposed implementation schedule. Regardless of whether or not these concerns or others have any basis in fact, I believe that an exchange of information would be helpful in avoiding misunderstandings and would better equip us in responding to individual complaints and reservations.

If you are agreeable to such a briefing, I will ask Sally Diamond to contact whoever you may designate as the appropriate person to establish a time for the meeting on the 20th. Thank you for your cooperation in this matter. As always, please feel free to contact me whenever I may be of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'John L. Martin', written over a circular stamp.

John L. Martin
Speaker of the House

LEGISLATIVE COUNCIL
December 20, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

COUNCIL ACTION REQUIRED

Action

SPONSOR: Sen. Bustin
of Kennebec

12/19/89

LR 3554 JOINT RESOLUTION MEMORIALIZING CONGRESS
NOT TO CLOSE TOGUS

Cosponsors: Rep. Hickey of Augusta
Rep. Paradis of Augusta
Rep. Daggett of Augusta

LEGISLATIVE COUNCIL
December 20, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

Action

SPONSOR: Sen. Berube

LR 3460 An Act to Exempt Certain Persons from
the Restoration to Service Laws

SPONSOR: Rep. Boutilier

LR 3478 An Act Concerning the Funding of Boarding
Home Depreciation Accounts under Cost
Reimbursement

Cosponsors: Rep. Lisnik
Rep. Carroll, Donnell
Sen. Titcomb

SPONSOR: Rep. Boutilier

LR 3532 An Act to Amend the Maine Health Care
Finance Commission Act

SPONSOR: Sen. Bustin

LR 3518 An Act to Revise the Driver Education Evaluation
Program

SPONSOR: Sen. Clark

LR 3475 An Act to Provide Funding for Volunteer
Literacy Services for Maine Citizens

Cosponsors: Rep. Foster
Sen. Estes
Sen. Pearson

SPONSOR: Sen. Clark

LR 3533 Joint Resolution Memorializing Congress Not to
Consolidate Veterans' Hospitals

Cosponsors: Sen. Pray
Rep. Martin, John L.
Sen. Titcomb

SPONSOR: Sen. Clark

Action

LR 3534 An Act Regarding Negligence by Court Reporters

SPONSOR: Sen. Dutremble

LR 3546 An Act to Mandate Safety and Health Inspections
of Insolvent Waste Incineration Facilities

SPONSOR: Sen. Dutremble

LR 3547 An Act to Ensure that Adequate Alternatives
Exist for Towns Holding Contracts with Insolvent
Waste Incineration Facilities

SPONSOR: Sen. Dutremble

LR 3548 An Act to Provide Fair Representation to
Towns Holding Contracts with Insolvent
Waste Incineration Facilities

SPONSOR: Sen. Dutremble

LR 3549 An Act to Ensure Proper Operation of Waste
Incineration Facilities

SPONSOR: Rep. Farnsworth

LR 3535 An Act Regarding the Department of Environmental
Protection's Approval of Municipal Road Work

SPONSOR: Rep. Gwadosky

LR 3550 An Act Providing for the 1990 Amendments to
the Finance Authority of Maine Act

SPONSOR: Rep. Gwadosky

LR 3551 An Act to Make Corrections in the Governmental
Ethics Law

SPONSOR: Rep. Kilkelly

Action

LR 3432 An Act to Create Maine Statehood Day

Cosponsors: Rep. Mayo
Rep. Marsano

SPONSOR: Rep. Martin, John L.

LR 3479 AN ACT to Authorize the Issuance of a Bond
not Exceeding \$25,000,000 for the Financing of
the Maine Inland Fisheries and Wildlife
Acquisition Fund

Cosponsors: Sen. Perkins
Rep. McGowan
Sen. Titcomb

SPONSOR: Sen. Matthews

LR 3431 An Act Providing for the Protection and
Preservation of Rail Transportation in the State

SPONSOR: Rep. Mitchell

LR 3517 Resolve, to Encourage the Development of
Machinery to Aid Shellfish Safety

SPONSOR: Rep. Paradis, Patrick

LR 3516 An Act to Remove ^{the} the Habitual Operating under
the Influence Offender from the Highways and
Increase the Penalty for Manslaughter

Cosponsors: Rep. Richards
Sen. Bustin

SPONSOR: Sen. Perkins

LR 3435 An Act to Increase the Debt Limit of
the Stonington Water Company

Cosponsors: Rep. Hutchins

SPONSOR: Sen. Pray

Action

LR 3474 An Act Relating to Education Costs
in the Town of Lakeview

SPONSOR: Rep. Rydell

*LR 3004 An Act to Strengthen Oversight of Medical
Malpractice Insurance and Stabilize
Premiums

SPONSOR: Rep. Simpson

LR 3536 An Act to Amend the Farm and Open Space Law

SPONSOR: Sen. Twitchell

LR 3536 An Act Concerning the Driving of Deer

Cosponsors: Rep. Jacques
Rep. Hastings
Rep. Greenlaw