MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL THURSDAY, JANUARY 11, 1990 REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of January 4, 1990, Council meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Resignation of Robin Switzer, Engrossing

Proofreader, Office of the Revisor and

Recommendation to hire Mary Lou Smith to fill this

vacancy

Item #3: Revisor's Drafting Status Report

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

Item #1: Letter from the Chairs of the Joint Standing

> Committee on Taxation to the Governor Regarding the Study of the Tax Reform Act of 1986 by KMPG Peat

Marwick

NEW BUSINESS

Item #1: Submission of Study Reports

Joint Standing Committee on Banking and Insurance:

Survey of Victims of Uninsured Motorist

Accidents.

Joint Standing Committee on Human Resources:

Study of Mental Health Services.

Joint Standing Committee on State and Local

Government:

County Government: A Study of its Structure and Possible Redistribution of Certain Functions.

Item #2: After Deadline Bill 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

LEGISLATIVE COUNCIL

JANUARY 4, 1990

MEETING SUMMARY

APPROVED JANUARY 11, 1990

CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Representative Martin, at 3:55 p.m..

ROLL CALL

Senators:

Sen. Pray, Sen. Dutremble, Sen. Cahill

Absent: Sen. Clark; Sen. Webster

Representatives:

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

Absent: Rep. Marsano

Legislative Officers:

Sally Diamond, Executive Director,

Legislative Council

Lynn Randall, State Law Librarian

Bent Schlosser, Director, Office of Fiscal

and Program Review

Martha Freeman, Director, Office of

Policy and Legal Analysis

David Kennedy, Revisor of Statutes

David Silsby, Director, State House and

Capitol Park Commission

SECRETARY'S REPORT

The summary of the December 20, 1989, Council meeting was accepted and placed on file. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Revisor's Status Report

The report, prepared by David Kennedy, Revisor of Statutes, indicated that the office had released 322 bills for reference and printing to date. Mr. Kennedy reported that the Office had received 10 Governor's bills to date and, based on conversations with the Governor's Office, expected to receive an additional 5-10 bills. Finally, he estimated that of the approximately 150 bills remaining in his office, only 45 are still being drafted; the remainder are at various stages in the production "pipeline."

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

• Committee on the Legislative Budget

Speaker Martin reported that, pursuant to the Council's action at its December 20, meeting, he had appointed the following Council members to serve on this Committee: Senators Dutremble and Cahill, Representatives Gwadosky and Webster, and himself. He noted that the Committee had met twice to review the appropriateness of the reduction targets set by the Budget Office and to examine areas where the Legislature could reduce costs during the remainder of the current fiscal year without adversely affecting the legislative process. He then presented the Committee's recommendations for reductions:

Personal Services:

Salaries \$277,781

Reductions to be achieved through keeping some currently vacant positions unfilled through the remainder of the fiscal year; a reduction in the length of time session employees would remain on the payroll; and the estimated variance between the original budget and projected actual expenditures through June 30 due to staff turnover, etc.

Retirement \$ 54,140

Retirement benefits associated with the above salaries.

All Other:

Professional Services Provided by Other State Agencies

\$105,000

Reduction in the amount originally budgeted is possible because the Legislature has been able to significantly reduce its on-line time on the state's mainframe computers through development of its own computer system.

In-State Travel

\$ 55,000

Reduction of length of the Second Regular Session by 1 week.

Postage and Printing

\$105,000

Reduction in the number of copies printed and distributed of the daily Legislative Record, the Laws of Maine, and the History and Final Disposition of Legislative Documents; changes in the format of both the Weekly Legislative Report, published by the Clerk's Office, and the Weekly Notice of Public Hearings, which is published by the President's Office; and, finally, changes in selected bill drafting protocols with the objective of reducing the number of pages in certain LD's.

Advertising

\$ 14,000

Reduction possible through reducing the number of newspapers in which the Legislative Notices are published on a weekly basis.

Total amount of reductions: \$610,921

Motion: That the Committee's recommendations regarding both the reduction targets for Fiscal Years 1990 and 1991 and the specific reductions in line items for the remainder of Fiscal Year 1990 be approved. (Motion by Sen. Cahill; second by Rep. Mayo; unanimous).

Sen. Pray noted that the Senate had also decided to hire 3 fewer pages for the Second Session. The Speaker reported that the House is currently operating with 3 fewer pages than last session, but hopes eventually to fill 2 of these.

State-Municipal Conference to be Co-sponsored by the Legislature and the Maine Municipal Association

Sen. Pray reminded Council members that, following prior Council approval, he had been working with representatives from MMA to plan a conference on issues of common concern to states and municipalities. The total estimated cost of the conference is \$12,900, and Sen. Pray had tentatively agreed that the Legislature could assume responsibility for that portion of the cost entailed in bringing in a keynote speaker (\$3,658 estimate for travel and a token honorarium).

Sen. Pray requested clarification from the Council about whether he could proceed with this tentative commitment in light of the budget reductions that had just been approved.

Motion: That the expenditure for the keynote speaker be authorized out of the legislative account. (Motion by Rep. Webster; second by Rep. Mayo; unanimous).

• Committee on Legislative Automation

Rep. Mayo, Committee Chair, reported that he and Rep. Webster had met on behalf of the entire Committee to review the Committee's work as the Second Regular Session convenes.

He observed that the Council had attained all of the objectives that had been initially set for the computer system, including: eliminating duplication of effort wherever possible; supporting closer coordination among all of the staff offices; and reducing the cost of legislative operations, with particular focus on the Legislature's printing and use of the state's mainframe computers.

Virtually every full-time staff member now has a work station: the legislative system today includes approximately 190 work stations and 30 printers. The cost of the system currently is approximately \$40,000/month in lease payments and service contracts; but this should be compared to the Legislature's payments to the Central Computer Bureau to support only bill drafting in the Revisor's Office and the bill status system, which had been in excess of \$50,000/month during the session.

Rep. Mayo noted that the Committee's recommendation to the Council recognizes the maturity of the system in a sense - acknowledging that access to a work station has become a necessity, comparable to a desk and a telephone.

Motion: That the Council authorize the Executive Director and her staff to provide a computer work station to any member of legislative leadership upon request and to all legislative employees upon the request of their respective office directors, with the following exceptions: chamber staff; committee clerks and staff assigned to the Legislative Post Office and Legislative Document Room. (Motion by Rep. Mayo; second by Rep. Webster; unanimous).

Note: This motion was presented and approved based on the understanding that the pending requests could be filled with no additional cost to the Legislature this year.

OLD BUSINESS

Item #1: Letter from the Commissioner of Administration, Charles A. Morrison, regarding "Howard Hill" Property.

Council members had received a letter from Charles A.

Morrison, Commissioner of Administration, reporting that he had completed the research on two parcels of land, known locally as "Howard Hill", in accordance with language included in Chapter 60, Resolves of 1989, regarding the development of a new master plan for the Capitol Area. Based on his research, Commissioner Morrison has determined that there is a significant disparity between the land's appraised value and the owner's asking price for the land. Given this disparity and the State's current financial situation, Commissioner Morrison suggested that the Legislature might not wish to proceed any further at this time, but offered to provide further assistance upon the Council's request.

Speaker Martin recognized David Silsby, Director of the State House and Capitol Park Commission, for his reaction to the letter. Mr. Silsby indicated that he thought it would be important to see the actual report before he could comment on the substance of the letter.

Motion: That the letter be referred to the Joint Standing Committee on Appropriations and Financial Affairs. (Motion by Sen. Dutremble; second by Rep. Gwadosky; unanimous).

NEW BUSINESS

Item #1: Report on Estimates of Corporate Income Tax Receipts for the State of Maine 1989 - 1992 from KMPG Peat Marwick (pursuant to contract).

Ms. Diamond noted that this report concluded the work of KMPG Peat-Marwick under the contract awarded by the Council last spring to Analyze Maine's Tax Revenues.

Motion: That the Report be accepted and referred to the Joint Standing Committee on Taxation. (Motion by Rep. Webster; second by Rep. Mayo; unanimous).

Item #2: Submission of Study Reports

Joint Standing Committee on Appropriations and Financial Affairs

• Study of the Office of the Public Advocate

Joint Standing Committee on Agriculture:

 Study of Agricultural Marketing and Bargaining Act

Joint Standing Committee on Banking and Insurance:

- Study of Current Operation of Insurance Guaranty Funds
- Study of the Feasibility of a State Fund to Provide Workers' Compensation Insurance Coverage to Employees
- Study of Uninsured Motorist Accidents

Joint Standing Committee on Business Legislation:

• Study of Cost Containment for Prescription Drugs

Joint Standing Committee on Education:

 Study of Issues Related to Enhancement of the Use of Instructional Time in Schools

Joint Standing Committee on Energy and Natural Resources:

 Study of the Subcommittee to Evaluate the Board of Environmental Protection

Joint Standing Committee on Housing and Economic Development:

Study of the Obstacles to Affordable Housing in Maine

Joint Standing Committee on Judiciary:

• Study of Termination of Medical Care

Joint Standing Committee on State and Local Government:

• Study of the Structure of Substance Abuse Assistance and Services in the State

Joint Standing Committee on Taxation

• Study of Taxpayer Bill of Rights

Motion: That all of these reports be accepted and placed on file. (Motion by Sen. Dutremble; second by Sen. Pray; unanimous).

Item #3: After-Deadline Requests

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

EXECUTIVE SESSION

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

The Council went into Executive Session at 4:40 p.m.

RECONVENE

The Council reconvened on the motion of the Chair at 4:46 p.m.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:50 p.m. on the motion of the Chair.

LEGISLATIVE COUNCIL January 4, 1990

		Uanu	ar X	4 ,	1330	
ACTION	ОИ	REQUESTS	TO	INI	RODUCE	LEGISLATION
		SECOND F	REGU	LAR	SESSIO	N

Action

SPONSOR: Rep. Allen ACCEPTED

An Act Concerning Deposits on Oil and LR 3576

Gas Deliveries

SPONSOR: Rep. Boutilier ACCEPTED

An Act Concerning the Funding of Boarding LR 3478

Home Depreciation Accounts under Cost

Reimbursement

Cosponsors: Rep. Lisnik

Rep. Carroll, Donnell

Sen. Titcomb

SPONSOR: Rep. Boutilier FAILED

LR 3532 An Act to Amend the Maine Health Care

Finance Commission Act

SPONSOR: Rep. Dexter FAILED

LR 3578 An Act to Provide Greater Opportunities

for Orphans and Foster Children

SPONSOR: ACCEPTED Sen. Dutremble

LR 3580 An Act to Amend the Implementation Date

of the Drug Testing Laws

Cosponsors: Rep. Martin, John L.

SPONSOR: FAILED Rep. Foss

LR 3579 An Act to Delay Implementation of the Law

Requiring Municipal Adoption of Mobile

Home Ordinances

Cosponsors: Rep. Dexter

> Rep. Coles

Rep. Carroll, Donnell

SPONSOR:	Rep. Martin, John L.	ACCEPTED
LR 3559	An Act Regarding Harness Racing	
	Cosponsors: Rep. Macomber Sen. Twitchell Rep. Lord	
SPONSOR:	Rep. Paradis, Patrick	ACCEPTED
LR 3543	An Act to Provide Emergency Fuel Assistance to Elderly and Low-Income Residents	
_	Cosponsors: Rep. Nadeau, Gregory Sen. Dutremble	
SPONSOR:	Sen. Perkins	FAILED
LR 3544	An Act to Allow County Commissioners to Remove Elected County Officers	
SPONSOR:	Sen. Perkins	FAILED
LR 3565	Resolve, to Amend Certain Provisions of the Law Governing the Development of the Capitol Area Master Plan	
SPONSOR:	Rep. Tammaro	FAILED
LR 3577	An Act Concerning the Sale Price of Blueberries	
SPONSOR:	Rep. Tardy	WITHDRAWN
LR 3559	An Act Regarding Harness Racing	
	Cosponsors: Rep. Martin, John	
SPONSOR:	Rep. Tardy	WITHDRAWN
LR 3560	An Act to Establish Concurrent Harness Racing Dates	1/1/30
SPONSOR:	Rep. Tardy	ACCEPTED
LR 3561	An Act to Establish Harness Racing Dates	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. DiPietro	TABLED
*LR 2772	An Act to Prohibit Residential Mortgage Application Fees	17 17 90
SPONSOR:	Rep. DiPietro	TABLED
*LR 2773	An Act to Prohibit the Imposition of Percentage Fees on Residential Mortgages	27 27 30
SPONSOR:	Rep. Farnsworth	TABLED 12/20/89
LR 3535	An Act Regarding the Department of Environmental Protection's Approval of Municipal Road Work	12/20/69
SPONSOR:	Rep. Kilkelly	TABLED 12/20/89
LR 3432	An Act to Create Maine Statehood Day	12/20/09
	Cosponsors: Rep. Mayo Rep. Marsano	
SPONSOR:	Sen. Pray	TABLED
SPONSOR: LR 3474	Sen. Pray An Act Relating to Education Costs in the Town of Lakeview	TABLED 12/20/89
	An Act Relating to Education Costs	12/20/89 TABLED
LR 3474	An Act Relating to Education Costs in the Town of Lakeview	12/20/89
LR 3474 SPONSOR:	An Act Relating to Education Costs in the Town of Lakeview Rep. Richards An Act to Allow for Appointment of an	12/20/89 TABLED
LR 3474 SPONSOR:	An Act Relating to Education Costs in the Town of Lakeview Rep. Richards An Act to Allow for Appointment of an Independent Prosecutor in Certain Cases Cosponsors: Rep. Conley, Jr. Rep. Hastings	12/20/89 TABLED 1/4/89
LR 3474 SPONSOR: LR 3552	An Act Relating to Education Costs in the Town of Lakeview Rep. Richards An Act to Allow for Appointment of an Independent Prosecutor in Certain Cases Cosponsors: Rep. Conley, Jr. Rep. Hastings Sen. Hobbins	12/20/89 TABLED 1/4/89
LR 3474 SPONSOR: LR 3552 SPONSOR:	An Act Relating to Education Costs in the Town of Lakeview Rep. Richards An Act to Allow for Appointment of an Independent Prosecutor in Certain Cases Cosponsors: Rep. Conley, Jr. Rep. Hastings Sen. Hobbins Sen. Titcomb	12/20/89 TABLED 1/4/89

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

JANUARY 11, 1990

Approved Step Increases

Julie C. Carrier, Office Assistant II, Maine Canadian Legislative Advisory Office, (Salary Range 2), from Step 1 to Step 2, effective January 1, 1990.

Jayne D. Deneen, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 2 to Step 3, effective January 22, 1990.

Alice K. Gray, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 4 to Step 5, effective January 1, 1990.

Teen Ellen Griffin, Administrative Coordinator, Office of the Executive Director, (Salary Range 7), from Step 5 to Step 6, effective January 1, 1990.

Angela W. Hallett, Office Assistant II, Office of the Revisor, (Salary Range 2), from Step 1 to Step 2, effective January 8, 1990.

Sharon A. Linton, Senior Proofreader, Office of the Revisor, (Salary Range 4) from Step 7 to Step 8, effective November 28, 1989.

Margaret E. Matheson, Principal Analyst, Office of the Revisor, (Salary Range 12), from Step 4 to Step 5, effective January 8, 1990.

Sarah Reid, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 2 to Step 3, effective January 1, 1990.

Steven C. Sanford, Legislative Technician, Office of the Revisor, (Salary Range 4), from Step 2 to Step 3, effective January 22, 1990.

Linda Shopmann, Legislative Technician, Office of the Revisor, (Salary Range 4), from Step 2 to Step 3, effective January 22, 1990.

Dotty Shaw, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 1 to Step 2, effective January 15, 1990.

The following employees have completed another year of service but have not been employed the required length of time to advance to Step 8.

Etta J. Begin, Senior Secretary, Office of the Executive Director.

Jacqueline P. Calcagni, Administrative Secretary, Office of the Executive Director.

Kathy Crowley-Pendelton, Office Assistant II, Office of Fiscal and Program Review.

JOHN DAVID KENNEDY Revisor of Statutes

MARGARET E. MATHESON Principal Attorney

EVELYN KNOPF SUZANNE M. GRESSER Legislative Attorneys MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333

(207) 289-1650

ELIZABETH H. GOSSELIN Technical Services

MEMO

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

___FROM: David Kennedy

DATE: January 11, 1990

RE: Drafting Status Report as of January 11, 1990

I. Bill Requests to be Drafted		
 a. Legislator Pre-cloture Requests Approved b. Legislator After Deadline Requests Approved c. Department, Governor and Agency Requests d. Study or Special Authority Bills Received 		368 32 122 47
	TOTAL	569
II. Bill Requests in Process and Drafted		
 a. Requests in Initial Drafting b. Initial Draft Complete; in Production c. Final Version Sent Out for Signature d. Final Version Released for Printing e. Voided or Withdrawn 		59 71 36 372 31
	TOTAL	569
III. Orders, Joint Orders and Joint Resolutions		•
a. Requests Receivedb. Items in Progressc. Items Completed		8 3 5
IV. Legislative Sentiments		
a. Requests Received Since Clotureb. Items in Progressc. Items Completed		167 6 161

LEGISLATIVE COUNCIL JANUARY 10, 1990 REQUESTS TO INTRODUCE LEGISLATION SECOND REGULAR SESSION

ACTION

SPONSOR: Rep. Boutilier

LR 3532 *An Act to Create a Temporary Sizing of

the Certificate of Need Development Account

SPONSOR: Rep. Dexter

LR 3578 *An Act to Provide Greater Opportunities

for Orphans and Foster Children

SPONSOR: Rep. Holt

LR 3586 An Act Regarding Liability for Nuclear

Waste

SPONSOR: Rep. Martin, John L.

LR 3590 An Act to Clarify the Law Governing the

Aroostook County Finance Committee

Cosponsors: Sen. Collins

Rep. Graham

Rep. Lisnik

SPONSOR: Sen. Perkins

LR 3591 An Act Creating the Long Pond Water

District

SPONSOR: Sen. Perkins

LR 3594 An Act Creating the Winter Harbor Water

District

SPONSOR: Sen. Pray

LR 3587 An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government

for the Fiscal Year Ending June 30, 1990

Cosponsors: Sen. Twitchell

Rep. Pederson Rep. Lisnik

SPONSOR: Sen. Randall

LR 3593 An Act Creating the Columbia Falls

Water District

SPONSOR: Rep. Rolde

LR 3589 An Act to Establish a Uniform Sales Tax

for Meals, Lodging and Alcohol

SPONSOR: Rep. Rotondi

LR 3588 An Act to Amend the Law Concerning the

Hunting of Coyote

SPONSOR: Rep. Sheltra

LR 3582 An Act to Prohibit Retail Sales

on New Year's Day

Cosponsors: Rep. Graham

SPONSOR: Rep. Simpson

LR 3585 An Act Concerning Sales and Use Taxes for

Computer Game Rentals

SPONSOR: Sen. Whitmore

LR 3581 An Act Concerning Penalties for Failure to

File State Income Tax Returns

TABLED BY THE LEGISLATIVE COUNCIL

Action SPONSOR: Rep. Dipietro TABLED 01/04/90 LR 2772 An Act to Prohibit Residential Mortgage Application Fees SPONSOR: Rep. Dipietro TABLED 01/04/90 LR 2773 An Act to Prohibit the Imposition of Percentage Fees on Residential Mortgages SPONSOR: Rep. Farnsworth TABLED 12/20/89 LR 3535 An Act Regarding the Department of Environmental Protection's Approval of Municipal Road Work SPONSOR: Rep. Kilkelly TABLED 12/20/89 LR 3432 An Act to Create Maine Statehood Day Cosponsors: Rep. Mayo Rep. Marsano SPONSOR: Sen. Pray TABLED 12/20/89 LR 3474 An Act Relating to Education Costs in the Town of Lakeview SPONSOR: Rep. Richards TABLED 01/04/90 LR 3552 An Act to Allow for Appointment of an Independent Prosecutor in Certain Cases Cosponsors: Rep. Conley, Jr. Rep. Hastings Sen. Hobbins SPONSOR: Sen. Titcomb TABLED 01/04/90 LR 3541 An Act to Establish A Poison Warning Program SPONSOR: Sen. Titcomb TABLED 01/04/90 LR 3542 An Act to Establish a Demonstration

Project to Aid Homeless Persons

LEGISLATIVE COUNCIL JANUARY 11, 1990 REQUESTS TO INTRODUCE LEGISLATION SECOND REGULAR SESSION

ADDENDUM

Action

SPONSOR: Rep. Gwadosky

LR 3597 An Act to Provide for the 1990 and 1991

Allocations of the State Ceiling on Private

Activity Bonds

Cosponsors: Sen. Clark

Sen. Perkins Rep. Bailey

SPONSOR: Rep. Martin, John L.

LR 3598 An Act Regarding Foreign Trade Zones

Cosponsors: Rep. McHenry

Rep. Paradis, Judy Sen. Theriault

JOINT RESOLUTIONS FOR CONSIDERATION

SPONSOR: Rep. McGowan

LR 3596 JOINT RESOLUTION MEMORIALIZIING CONGRESS TO

TAKE ACTION ON THE PRICES OF OIL AND DIESEL

FUEL

SPONSOR: Rep. Whitcomb

LR 3592 JOINT RESOLUTION TO CONSULATES OF EASTERN

BLOC COUNTRIES OFFERING MORAL SUPPORT AND

ADMIRATION FOR FREEDOM EFFORTS