

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

FEBRUARY 5, 1990

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of January 25, 1990, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Revisor's Bill Drafting Status Report

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: 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

LEGISLATIVE COUNCIL

JANUARY 25, 1990

MEETING SUMMARY

APPROVED FEBRUARY 5, 1990

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 3:07 p.m. in his office.

#### 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, 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  
Joy O'Brien, Secretary of the Senate

#### SECRETARY'S REPORT

The Summary of the January 11, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

**EXECUTIVE DIRECTOR'S REPORT****Item #1:      Approved Step Increases**

Sally Diamond, Executive Director, reported that she had awarded step increases to the following employees based on the recommendation of their respective Office Directors:

Janet L. Jean, Secretary, Office of Policy and Legal Analysis, (Salary Range 3), from Step 3 to Step 4, effective January 29, 1990.

Margaret J. Reinsch, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 5 to Step 6, effective January 15, 1990.

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

**Item #2:      Revisor's Bill Drafting Status Report**

Speaker Martin drew members' attention to the latest report, which indicated that only about 60 bills which had been approved for introduction are still at the initial drafting or production stage. He noted that about half of these are the Governor's and Department bills. No Council action required.

**REPORTS FROM COUNCIL COMMITTEES****Personnel Committee**

Rep. Martin, who had assumed the role of Committee Chair in the absence of Sen. Clark, reported that, he would present a series of motions on behalf of the Committee that had resulted from the Committee's recent meeting:

**Motion:** That coverage under the Council's Income Protection Plan be extended to legislative employees as recommended by the Personnel Committee.

Rep. Martin pointed out that this motion was worded in such a way as to preserve the confidentiality afforded by law to the specific individuals. He noted that the Personnel Committee had reviewed the specific circumstances for each of the employees and has agreed that they are consistent with the Council's policy.

(Motion by Sen. Pray; second by Sen. Clark; unanimous).

**Motion:** That the position of Supervising Proofreader be re-established in the Revisor's Office at Salary Range 6 and that Kathryn Riley be appointed to this position in accordance with David Kennedy's recommendations.

Rep. Martin offered some background for this motion: this position had existed in the Revisor's Office but was left vacant upon the retirement of the former incumbent, Mary Harding. The Committee recognizes that this is a critical supervisory role and needs to be filled. Finally, Rep. Martin noted that it will be filled essentially for the session only, thus involving no additional costs over a full-year position in a lower range.

(Motion by Sen. Clark; second by Sen. Pray; unanimous).

**Motion:** That the Council authorize the conversion of 6 of the 12 existing Proofreader positions in the Revisor's Office to full-year status and that the following employees be assigned to the full-year positions: Margaret Allen, Judith Blaisdell, Linda Corbin, Jane Deneen, Sarah Reid, Dottie Shaw.

Rep. Martin reported that, in recent years, all 12 Proofreaders have worked an average of 38 weeks per year. Implementation of this proposal would provide the Office with the year-round proofreading support it requires at no additional cost: the increased number of weeks for full-year employees would be offset by a reduction in the number of weeks worked by the "session" Proofreaders.

(Motion by Sen. Cahill; second by Rep. Marsano; unanimous).

**Motion:** That the position currently classified as Proofreader/Engrossing (Salary Range 3) be reclassified to Senior Proofreader (Salary Range 4).

Rep. Martin reminded Council members that David Kennedy had reported that he was proposing to convert this position from a full-year position to a session-only position at the January 11 Council meeting. The proposed upgrading will still produce a small cost-savings to the Legislature and provide the Engrossing function with an experienced person.

(Motion by Sen. Clark; second by Rep. Marsano; unanimous).

**Motion:** That the Council authorize the appointment of Robert Michaud to the position of Principal Librarian for Public Services.

Speaker Martin reported that, with the resignation of Rita Bouchard as Deputy Law Librarian, Lynn Randall has recommended that the Deputy position not be filled and that a position at the level of Principal Librarian be established in its place. This is consistent with the organizational pattern that was established in OPLA last year with the Council's approval.

(Motion by Rep. Marsano; second by Sen. Cahill; unanimous).

**Motion:** That the position of Director of Legislative Oversight be left vacant at this time; and, further, that the Council authorize introduction of legislation to extend the reporting date of the Commission on Codification of Rules so that the Commission can resume its work with the assistance of legislative staff following adjournment *sine die*.

(Motion by Rep. Marsano; second by Sen. Clark; unanimous).

Finally, Speaker Martin noted that the Committee has two items remaining on its agenda:

1. **Senior Analysts:** the Committee has begun reviewing recommendations from Martha and Bent for promotions to the position of Senior Analyst and will present a final report on this matter to the Council in the near future.
2. **Reappointment of Bent Schlosser and Step Increases for Office Directors:** the Committee will be scheduling interviews with each of these individuals in the near future and will then report to the Council.

#### **Committee on the Legislative Budget**

Speaker Martin drew members' attention to two items in the agenda packet:

1. Proposed budget reductions for Fiscal Year 1991.

Sally Diamond reminded members that they had already approved the total amount of budget cuts for both the remainder of the current fiscal year (\$610,693) and for Fiscal Year 1991 (\$621,347). These are the "reduction targets" established by the Governor and the State Budget Office. She reported that Council action was required at this time on identifying the specific line items to be adjusted in FY 91 in order to meet the overall target. The material provided to members had applied the reductions already approved for FY 90 to the FY 91 budget with the following changes: increasing reductions in lines for "Repairs to Building and Equipment" and "Professional Services/Non-State" in order to minimize the impact on the Personal Services budget.

**Motion:** That the FY 91 reductions be approved as proposed, with the understanding that those reductions that are contingent on early adjournment of the legislative session are dependent on the Legislature's ability to complete all of its work within the shorter time period. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

**2. Supplemental Budget Request for Fiscal Year 1990**

Ms. Diamond noted that the Council and/or the entire Legislature had authorized several projects which had not been included in the Legislature's original FY 90 budget. These include the following:

- Legislative Management Study (contract with Peat Marwick Main & Co.) pursuant to Resolves of 1989, ch. 15: \$150,000;
- Expansion of contract with Space Management Consultants, Inc., to define functional and space requirements if the Law Library were to be relocated to a proposed court facility in Augusta (authorized by the Council at its 9/29/89 meeting): \$43,000;
- Payment of contractual services required for preparation of the maps to be used in the 1990 Census (authorized by the Council at its 7/19/89 meeting): \$3,400;
- 1st Special Session: \$62,780.

**Motion:** That the supplemental request for \$259,180 be forwarded to the Joint Standing Committee on Appropriations and Financial Affairs for inclusion in the budget. (Motion by Sen. Clark; second by Rep. Mayo; unanimous).

**OLD BUSINESS**

None.

**NEW BUSINESS**

Item #1: Submission of Study Reports

**Joint Standing Committee on Judiciary:** Study of the Jurisdiction of the District Court and the Administrative Court and the Relationship to the Jurisdiction of the Superior Court

**Motion:** That the report be accepted and placed on file. (Motion by Rep. Marsano; second by Sen. Dutremble; unanimous).

Item #2: Request to Provide an Interpreter for the Deaf at Public Hearings

Speaker Martin drew members' attention to the background memo that had been included in the agenda packet.

**Motion:** That legislative hearing notices include the following tag line: "Handicapped persons who wish to attend a legislative hearing and require special accommodations are asked to notify the Committee Clerk of their need at least 7 days in advance of the hearing (TDD #: 289-4469);" and, further, that the Executive Director be authorized to arrange for interpreter services for public hearings in response to these requests. (Motion by Sen. Clark; second by Sen. Pray; unanimous).

**Item #3: After Deadline Bill Requests**

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

**Item #4: Removal of Museum Case on First Floor**

Speaker Martin reported to Council members that State House and Capitol Park Commission has recommended that the case which had housed the Samantha Smith exhibit be removed. The exhibit was moved out last spring and will not be returned to this space. The case has no architectural or historical value, and its removal would open up the area a little more.

**Motion:** That the Council approve the removal of the display case. (Motion by Rep. Martin; approved without objection.)

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Council meeting was adjourned on the motion of the Chair at 3:35 p.m.



JOHN DAVID KENNEDY  
Revisor of Statutes

MARGARET E. MATHESON  
Principal Attorney

EVELYN KNOFF  
SUZANNE M. GRESSER  
Legislative Attorneys

ELIZABETH H. GOSSELIN  
Technical Services



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**MEMO**

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

**FROM:** David Kennedy *DK*

**DATE:** February 5, 1990

**RE:** Drafting Status Report as of February 5, 1990

I. Bill Requests to be Drafted

a. Legislator Pre-cloture Requests Approved	368
b. Legislator After Deadline Requests Approved	55
c. Department, Governor and Agency Requests	139
d. Study or Special Authority Bills Received	64

TOTAL 626

II. Bill Requests in Process and Drafted

a. Requests in Initial Drafting	16
b. Initial Draft Complete; in Production	49
c. Final Version Sent Out for Signature	33
d. Final Version Released for Printing	467
e. Voided or Withdrawn	61

TOTAL 626

III. Orders, Joint Orders and Joint Resolutions

a. Requests Received	19
b. Items in Progress	10
c. Items Completed	9

IV. Legislative Sentiments

a. Request Received Since Cloture	225
b. Items in Progress	4
c. Items Completed	221

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION

February 2, 1990

Action

SPONSOR: Rep. Allen

LR 3623 An Act to Provide for the Licensing and  
Certification of Real Estate Appraisers  
and to Create a Board of Real Estate Appraisers

Cosponsors: Sen. Baldacci

SPONSOR: Sen. Bost

LR 3635 An Act Regarding the University of Maine  
System

SPONSOR: Rep. Carter

LR 3638 An Act to Amend the Law Governing Submission  
of Bills with Supplemental Appropriations

Cosponsors: Sen. Pearson

SPONSOR: Sen. Erwin

LR 3620 An Act Concerning the Use of Funds Raised  
by Fraternal Organizations

SPONSOR: Rep. Gould

LR 3639 An Act to Further Clarify the Relationship  
Between Woodcutters and Landowners

Cosponsors: Rep. Dexter  
Sen. Erwin  
Rep. Anderson

SPONSOR: Rep. Mitchell

LR 3634 An Act to Improve Maine's Public Drinking  
Water Supplies that Come from Surface Water

SPONSOR: Rep. Whitcomb

LR 3619 An Act to Update the Maine Commission  
on Bio Technology

Cosponsors: Rep. Tardy

REQUEST TO INTRODUCE JOINT RESOLUTIONS

Action

SPONSOR: Sen. Titcomb

LR 3622 JOINT RESOLUTION MEMORIALIZING CONGRESS  
TO PRESERVE THE AUTHORITY OF THE SEVERAL  
STATES TO PROTECT THEIR ENVIRONMENTS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Boutilier	TABLED
		01/11/90
LR 3532	An Act to Create a Temporary Sizing of the Certificate of Need Development Account	
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:	Rep. Rolde	TABLED
		01/11/90
LR 3589	An Act to Establish an Uniform Sales Tax for Meals, Lodging and Alcohol	

SPONSOR: Rep. Simpson

TABLED  
01/11/90

LR 3585 An Act Concerning Sales and Use Taxes for  
Computer Game Rentals

SPONSOR: Rep. Simpson

TABLED  
01/25/90

LR 3600 An Act to Allow Municipalities to Fully  
Retain School Impact Fees

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  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
ADDENDUM

February 5, 1990

Action

SPONSOR: Rep. Bell

LR 3644 An Act to Name the Route 223 Bridge in  
Caribou in Memory of Sargeant John Gagnon

REQUEST TO INTRODUCE JOINT RESOLUTION

SPONSOR: Rep. Martin, John L.

LR 3642 JOINT RESOLUTION MEMORIALIZING THE CONGRESS  
OF THE UNITED STATES TO SET ASIDE SOCIAL  
SECURITY TRUST FUNDS CURRENTLY BEING USED TO  
FUND EXPENSES