

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

February 26, 1990

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of February 12, 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: Correspondence from Jon Oxman, Chair, Special Committee
on the New Capitol Area Master Plan

Item #2: After Deadline Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL
LEGISLATIVE COUNCIL

FEBRUARY 12, 1990

MEETING SUMMARY

APPROVED FEBRUARY 26, 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 in the Council Chambers by the Chair, Representative Martin, at 10:19 a.m.

ROLL CALL

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

Representatives: Rep. Gwadosky, Rep. Martin, Rep. Marsano, Rep. Webster. Note: Rep. Mayo, who had been presenting a bill, arrived just before adjournment.

Legislative Officers: Sally Diamond, Executive Director
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 February 5, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond, Executive Director, brought the following items to Council members' attention:

Item #1: Approved Step Increases

Ms. Diamond reported that she had approved step increases for the following employees, based on the favorable recommendations of their respective Office Directors:

Charlene Brann, Secretary, Office of Policy and Legal Analysis, (Salary Range 3), from Step 2 to Step 3, effective February 5, 1990.

Suzanne M. Gresser, Legislative Attorney, Office of the Revisor, (Salary Range 10), from Step 1 to Step 2, effective February 19, 1990.

Earl Knox, Administrative Secretary, Office of Policy and Legal Analysis, (Salary Range 6), from Step 8 to Step 9, effective February 5, 1990.

Barbara McGinn, Research Assistant, Office of Policy and Legal Analysis, (Salary Range 7), from Step 1 to Step 2, effective February 5, 1990.

The following employee has completed another year of service but is at Step X and is not eligible for further step increases:

John Selser, Legislative Analyst, Office of Policy and Legal Analysis.

Motion: That the Executive Director's report be accepted and placed on file. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

Item #2: Revisor's Bill Drafting Status Report

Council members had each received a copy of the Revisor's weekly status report, which indicated that only 9 bills were in the initial drafting stage at this point. Rep. Martin thanked the Revisor for his report.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: 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.

ANNOUNCEMENT AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 10:30 a.m., on the motion of Sen. Pray.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 9, 1990

Action

SPONSOR: Rep. Cahill ACCEPTED

LR 3648 An Act to Deorganize the Plantation of Prentiss
Cosponsors: Sen. Ludwig

SPONSOR: Rep. Joseph ACCEPTED

LR 3651 Resolve, to Approve the Kennebec County
Commissioner's Nominations to the Kennebec
County Budget Committees

SPONSOR: Rep. Joseph ACCEPTED

LR 3652 Resolve, Authorizing the Kennebec County
Commissioners to Issue Bonds in the
Amount of \$650,000 for the Renovation of
the Hill House County Building in Augusta

SPONSOR: Rep. Manning ACCEPTED

LR 3650 An Act to Form a County Corrections
Department for Cumberland County

SPONSOR: Rep. Manning ACCEPTED

LR 3655 An Act to Amend Provisions of the Laws
Authorizing Cumberland County to Issue
Bonds for the Construction of a New Jail

SPONSOR: Rep. Marsano WITHDRAWN

LR 3649 An Act to Amend the Transition Provision
of the Governmental Ethics Laws

SPONSOR: Rep. Martin, John L. ACCEPTED

LR 3647 Resolve, that the Timetable for the Revision
of the State's Motor Vehicle Laws be Extended

SPONSOR: Sen. Matthews

ACCEPTED

LR 3654 An Act Regarding the Operation of Bottle Clubs

SPONSOR: Sen. Theriault

ACCEPTED

LR 3653 An Act to Amend the Fresh Start Provision
of the Workers' Compensation Insurance
Compensation Act

Cosponsors: Rep. Rydell

TABLED BY THE LEGISLATIVE COUNCIL

Action

SPONSOR:	Sen. Bost	TABLED 02/05/90
LR 3635	An Act Regarding the University of Maine System	
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. Mitchell	TABLED 02/05/90
LR 3634	An Act to Improve Maine's Public Drinking Water Supplies that Come from Surface Water	
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	

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 Legislative Council

FROM: David Kennedy ~~OK~~

DATE: February 26, 1990

RE: Drafting Status Report as of February 26, 1990

I. Bill Requests to be Drafted

a. Legislator Pre-cloture Requests Approved	368
b. Legislator After Deadline Requests Approved	61
c. Department, Governor and Agency Requests	133
d. Study or Special Authority Bills Received	65

TOTAL 627

II. Bill Requests in Process and Drafted

a. Requests in Initial Drafting	0
b. Initial Draft Complete; in Production	9
c. Final Version Sent Out for Signature	16
d. Final Version Released for Printing	549
e. Voided or Withdrawn	53

TOTAL 627

III. Orders, Joint Orders and Joint Resolutions

a. Requests Received	29
b. Items in Progress	7
c. Items Completed	22

IV. Legislative Sentiments

a. Requests Received Since Cloture	290
b. Items in Progress	3
c. Items Completed	287

LINNELL, CHOATE & WEBBER

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DONALD W. WEBBER
OF COUNSEL
FRANK W. LINNELL
1908-1977

January 26, 1990

John R. McKernan, Jr.
Governor of the State of Maine
State House Station 1
Augusta, ME 04333

Members of the Legislative Council
Maine State Legislatures
State House Station 115
Augusta, ME 04333

Dear Governor and Members of the Legislative Council:

This letter is written to you pursuant to Section 7 of Chapter 60 of the Resolves of the State of Maine which governs the development of a new Master Plan for the area of the Maine State Capitol. As you may recall, I am the Chairman of the Special Committee established by the Resolve, and among my duties are a series of reports to you. The initial report was to have been made by January 1, 1990 and is being made approximately four weeks late so I could give you the status of the activities of the Special Committee after our recent meeting of January 22, 1990.

As you know, the Committee is primarily instructed to find, and then supervise, a "Master Planner" for the Capitol area who is to be "nationally recognized" and is to develop a Master Plan for submission to the Legislature and the Governor.

In order to help us do an adequate job, since none of us is an urban planner, our Committee employed an experienced urban planner to assist us in defining our mission and locating our planner. Upon the advice of the planner, and after several meetings, invitations were sent to 22 nationally recognized urban design firms to submit their qualifications. The invitations went out in late December and the responses were virtually all received by our meeting of January 22. Approximately 12 firms sent in complete qualification data, and we have elected to interview 6 of the firms as finalists. Several of the applicants have either associated themselves with Maine firms or have an office in Maine. Each of the finalists appears amply qualified to fulfill the mandate of the legislation. The interviewing will take place during the first week of March, and pursuant to the legislation, we will endeavor to submit a work plan for completion of the Master Plan to the Governor and the Legislature by the first of April.

LINNELL, CHOATE & WEBBER

Governor McKernan and Legislative Council

Page 2

January 26, 1990

I might note that several of the firms who did not apply, as well as several of the firms who did apply, noted that a quality Master Plan could not be accomplished for the appropriated sum of \$90,000. Several experienced planners, including the consultant to the Special Committee, have indicated that the scope of the Legislation is such that the probable cost for this project will be more likely to total several times the appropriation if not a bit more. Accordingly, I would welcome the opportunity (and have been requested by the members of the Special Committee) to discuss the fiscal basis for this project with the Legislative Council and/or the Office of the Governor at your earliest opportunity.

I think it is fair to say that there has been interest and enthusiasm on the part of most of the members on the Committee for this project; we are, however, worried about our ability to produce a competent Master Plan without the resources which apparently will be required for this undertaking. The prospect of the new Supreme Court facility in our "neighborhood", the competition for scarce space in the area of the Capitol, the controversy about the State and Augusta parks, traffic planning, and the many other issues confronting government in Augusta would seem to compel consideration of the investment of the funds necessary to assure excellence in the planning process.

I look forward to meeting with the appropriate persons to discuss the status of this project.

Respectfully,



Jon S. Oxman
Chairman of the Special
Committee on the New Capitol
Area Master Plan

JSO/tt

cc: Listed members - page 3

DRAFT

February 26, 1990

Jon S. Oxman, Chair
Special Committee on the New Capitol Area
Master Plan
Linnell, Choate & Webber
83 Pleasant Street
Auburn, Maine 04212-0190

Dear Mr. Oxman:

I am writing on behalf of the entire Legislative Council to acknowledge receipt of your letter regarding the need for additional funds to support the Commission's work in the coming year.

As you know, the Legislative Council was instrumental in introducing the legislation that mandated the development of a new master plan for the Capitol Area and for establishing the Special Commission to oversee, this important project. The Council unanimous support for this undertaking remains strong. It is long overdue. We recognize, further, that we are at an important juncture in terms of development in the City of Augusta and that it is imperative to have a master plan to provide the framework for informing this development. Discussions underway, for example, concerning the development of a third bridge, the disposition of the railroad right-of-way, and the disposition of the City-owned portion of Capitol Park would all have long term impact on the character of the Capitol Area District.

Unfortunately, the State's current financial situation precludes us from demonstrating our continued and strong support for the development of the Master Plan. The Legislature is in the process of reviewing all state agency budgets, and I think it is safe to say that none will go untouched. We have agreed to protect the funds currently available to the Commission for contracting with an experienced master planner. We cannot, however, advocate the appropriation of additional funds at this time given, the financial picture.

Jon S. Oxman, Chair
Special Committee on the New Capitol Area
Master Plan
February 26, 1990
Page Two

We would encourage you and the members of the Special Committee to organize the plan development into phases in order to maximize the effectiveness of the funds currently available. We would be happy to meet with the planner whom the Special Committee selects to demonstrate our continued support for this project.

Finally, we would like to express our appreciation to you and all the members of the Special Committee for devoting your time and energy to this very important effort.

Sincerely,

John L. Martin, Chair
Legislative Council

cc: Members of the Legislative Council
David S. Silsby, Director, State House
and Capitol Park Commission

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION

February 20, 1990

Action

SPONSOR: Rep. Coles

LR 3667 An Act to Clarify County Responsibility for
Support of Prisoners

Cosponsors: Sen. Cahill
Rep. Chonko
Rep. Small

SPONSOR: Rep. Hoglund

LR 3645* An Act to Restructure Exportation of
Natural Resources

Cosponsors: Sen. Berube
Rep. Foss
Rep. Nadeau, Guy

SPONSOR: Rep. Lord

LR 3668 An Act Concerning Private Wells Contaminated by
Hazardous Substances

SPONSOR: Rep. Martin, John L.

LR 3660 An Act Regarding Squa Pan Stream

Cosponsors: Sen. Pray
Rep. Anderson
Rep. Michaud

SPONSOR: Rep. Martin, John L.

An Act Concerning Firearms

Cosponsors: Sen. Pray
Sen. Dillenback
Rep. Marsh

SPONSOR: Sen. Pray

LR 3663 An Act to Modify the Charter of Great Northern Paper

Cosponsors: Rep. Martin, John L.
Rep. Clark, Herbert
Rep. Michaud

SPONSOR: Sen. Pray

LR 3664 An Act to Modify the Business Combinations Act

Cosponsors: Rep. Martin, John L.
Rep. Clark, Herbert
Rep. Michaud

SPONSOR: Sen. Pray

LR 3665 An Act to Define Severance Pay Liability in Business Combinations

Cosponsors: Rep. Martin, John L.
Rep. Clark, Herbert
Rep. Michaud

SPONSOR: Sen. Pray

LR 3666 An Act Concerning the Dismissal of Employees of a Corporation that has been the Subject of a Takeover

Cosponsors: Rep. Martin, John L.
Rep. Clark, Herbert
Rep. Michaud

SPONSOR: Rep. Rolde

LR 3661 An Act to Dedicate Funds to Ensure Access to Health Care

SPONSOR: Rep. Rolde

LR 3670 An Act to Allow the Loan of Automobiles to Municipalities for Law Enforcement Purposes

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Bost	Tabled 02/05/90
LR 3635	An Act Regarding the University of Maine System	
SPONSOR:	Rep. Boutilier	Tabled 02/13/90
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. Mitchell	Tabled 02/05/90
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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	

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
ADDENDUM

February 23, 1990

Action

SPONSOR: Sen. Clark

LR 3677 An Act to Amend the Reporting Procedures
for the Governmental Ethics Laws

SPONSOR: Sen. Clark

LR 3686 An Act to Amend the Human Rights Act

Cosponsors: Rep. Pineau
Sen. Gauvreau
Rep. Paradis, Patrick

SPONSOR: Rep. Farren

LR 3688 An Act Concerning the Collection of Inspection
Fees for Overboard Discharge

Cosponsors: Rep. Richards

SPONSOR: Rep. Jacques

LR 3683 An Act Concerning the Discharge of Toxic Substances
into the Environment

Cosponsors: Rep. Michaud
Rep. McGowan
Sen. Kany

SPONSOR: Rep. Martin, Hilda

LR 3681 An Act to Amend the Charter of the
Van Buren Water District

Cosponsors: Rep. Martin, John L.
Sen. Theriault

SPONSOR: Rep. Priest

LR 3679 An Act Regarding Importation of Liquor

SPONSOR: Rep. Rolde

LR 3676 An Act to Preserve the Rights of Certain
Litigants in Whistleblower Suits

SPONSOR: Rep. Tammaro

LR 3682 An Act to Designate the Quoddy Loop
as a Scenic Way

Cosponsors: Rep. McGowan
Rep. Jacques
Sen. Randall

SPONSOR: Rep. Tardy

LR 3671 An Act to Provide for a Study of the Harness
Racing Industry

SPONSOR: Rep. Tardy

LR 3687 An Act to Amend the Laws Pertaining
to the Commission on Biotechnology
and Genetic Engineering

Cosponsors: Rep. Whitcomb

SPONSOR: Rep. Tracy

LR 3678 An Act to Clarify the Provisions of the
Workplace Manslaughter Law

Cosponsors: Sen. Bustin
Rep. Nutting
Rep. Paradis, Patrick

LEGISLATIVE COUNCIL
February 23, 1990
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION

*SPONSOR: Rep. Hale
of Sanford

APPEAL
02/23/90

LR 3274 An Act to Require Minimum Training Standards for
Construction Flaggers

Cosponsors: Sen. Twitchell	of Oxford
Sen. Collins	of Aroostook
Rep. Murphy	of Berwick

*SPONSOR: Rep. Melendy
of Rockland

APPEAL
02/23/90

LR 2682 An Act to Impose Responsibility on Owners of Firearms for
Accident, Injury or Death Involving Firearms