

# MAINE STATE LEGISLATURE

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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

April 10, 1990

TO: Chairs, Joint Standing Committees  
and Joint Select Committee on Corrections

FROM: John L. Martin, Chair  
Legislative Council

SUBJECT: Legislative Council Action on Interim Study Requests  
and Proposed Statutory Studies

The Legislative Council met today to review requests from committees to conduct interim studies. Our review encompassed those statutory studies which have been reported out by committees and which are still pending.

Due to the severe budgetary restraints under which all of state government will be operating for at least the next year, we have reviewed the proposed studies with particular care. The actions the Council has taken reflect both our thinking about the issues that are most critical in the next few months and our efforts to allocate limited budgetary and staff resources most effectively.

The Council will, in all likelihood, meet again this week should you have any questions.

Enclosure  
cc: Members of the Legislative Council



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## LEGISLATIVE COUNCIL

APRIL 3, 1990

### MEETING SUMMARY

APPROVED APRIL 10, 1990

### CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Speaker Martin, at 4:30 p.m.

### ROLL CALL

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

Representatives: Rep. Martin, Rep. Mayo, Rep. Webster, Rep. Gwadosky, 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 &  
Capitol Park Commission  
Joy J. O'Brien, Secretary of the Senate

### SECRETARY'S REPORT

The summary of the March 26, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

**EXECUTIVE DIRECTOR'S REPORT****Item #1: NCSL Legislative Staff Management Institute**

Sally Diamond, Executive Director, drew Council members' attention to her memorandum, which informed Council members that NCSL had awarded the contract for the development and implementation of a 10-day institute for senior legislative staff to the Humphrey Institute of Public Affairs at the University of Minnesota. Ms. Diamond noted that NCSL and the Humphrey Institute were working together to seek private funding in order to be able to offer scholarship support to qualified staff who would not otherwise be able to attend and recommended that participation by qualified legislative staff be contingent upon the receipt of scholarship support.

**Motion:** That the Legislative Council encourage any senior staff who wished to pursue the application process to do so with the understanding that Council approval of their attendance would be contingent upon scholarship assistance, given the State's financial situation.  
(Motion by Sen. Clark; second by Rep. Webster; unanimous).

**REPORTS FROM COUNCIL COMMITTEES****Special Committee on the New Capitol Area Master Plan**

David Silsby introduced Mr. Anthony B. Casendino, from the firm Childs Bertman Tseckares & Casendino, Inc. ("CBT"), which has been selected to develop the master plan authorized by statute. He then introduced Jon Oxman, Chair of the Commission, who thanked the Council for its support both in recognizing the need for a new Master Plan and in establishing the Commission. He noted that the Commission had already begun working with Mr. Casendino and members of his firm to develop a phased approach to the planning effort in light of the state budget situation..

No Council action required.

**OLD BUSINESS**

None.

**NEW BUSINESS****Item #1: Report from Advisory Committee on Legislative Structure and Operations**

Speaker Martin recognized Senator Clark, Co-Chair of the Advisory Committee, who formally presented the Final Report of the Study of Legislative Structure and Operations to the Council and recommended that the Council accept the Report.

Discussion focussed on 3 issues:

1. The status of the Budget for the Study

Ms. Diamond reported that two separate budgets had been set up: one in the amount of \$20,400 to support the activities of the Advisory Committee itself, and a second for the contract with Peat Marwick in the amount of \$150,000. She indicated that payments made to Peat Marwick to date totalled \$132,500 and that she was holding an invoice in the amount of \$11,500 in accordance with the contract, which stipulates that the final payment be withheld pending final acceptance of the Report. Finally, she stated that she did not have the information regarding the Advisory Committee's budget with her, but would provide it.

2. Distribution of the Report

Ms. Diamond was asked to estimate the cost of printing 25 additional copies of the Report and responded that it would be approximately \$100.00.

3. Status of the Report and Its Recommendations

Rep. Gwadosky, also a member of the Advisory Committee, noted that the Committee felt it was important for the Report to have more widespread distribution before final decisions were made regarding implementation of any part of it. He observed that some of the recommendations in the Report are controversial and that the Advisory Committee continued to be divided about many of them; however, the Committee does plan to continue to work with the consultant in further analysis of the Report and in the development of a set of specific recommendations to the Council for implementation.

Sen. Clark clarified that the Advisory Committee had not yet taken votes on any of the recommendations. Rep. Webster asked if there was a mechanism that would allow the Council to adopt some of the recommendations before the 115th Legislature convenes. Rep. Gwadosky responded that some of the recommendations would require only management action, while others would require changes in the Joint Rules; still others would require a 3-4 year transitional period. Rep. Martin noted that it would not be possible to act on those recommendations which called for additional staff before next January in light of the budget situation.

**Motion:** That the Council accept the Final Report and authorize payment of the final bill and, further, that the Council authorize printing additional copies of the Report so that they could be made available to interested legislators and legislative staff. (Motion by Sen. Clark; second by Sen. Cahill; approved 9-1).

**Motion:** That the Council authorize establishing a price for copies of the Report, equal to the cost of duplication, for interested parties outside of the Legislature. (Motion by Sen. Clark; second by Sen. Cahill; failed 4-6).

**Item #2: Interim Study Requests**

The Chair proposed to Council members that he appoint a subcommittee of 4 members of the Council to review the pending study requests and make recommendations to the Council regarding the need for the study and the budget for each study. The following Council members volunteered to serve on this subcommittee: Rep. Webster, Sen. Clark, Rep. Gwadosky, and Sen. Pray; and Sen. Pray was appointed as Chair. The Committee agreed to meet at 9:00 a.m. on April 4.

No Council action required.

**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.

**Item #4: Legislative Budget (at the request of Rep. Webster)**

**Motion:** That the Budget Subcommittee reconvene at the earliest convenience of the Chair. (Motion by Rep. Webster; second by Rep. Gwadosky; unanimous).

The Committee agreed to meet on April 4, at 11:00 a.m., in the Speaker's Office.

**Item #5: Status of the City-Owned Land Adjacent to Capitol Park (at the request of Sen. Cahill).**

Sen. Cahill asked if there had been any developments in the pending purchase of this parcel, and Rep. Martin responded that there had been no change in the situation since Council members had last been apprised.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The meeting was adjourned at 4:25 p.m., on the motion of Sen. Pray.

LEGISLATIVE COUNCIL  
ACTION ON INTERIM STUDY REQUESTS

April 10, 1990

Committee	Study Topic	# Members	# Meetings	Council Action
Agriculture	Impacts and Supporting Infrastructure of the Horse Industry in Maine	5	5	FAILED
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds (LD 2418)	5	6 (once a month)	APPROVED
Banking & Insurance	Task Force to Study Health Insurance Continuity (Task Force to be convened by Bureau of Insurance)	4	4	APPROVED
	Study of the Motor Vehicle Insurance Laws	7	4 subcommittee 1 full committee	FAILED
Human Resources	AMHI Oversight Subcommittee	4	3	APPROVED
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	0	0	APPROVED AS A STAFF RESEARCH STUDY
	Research Study on Grandparents' Rights	0	0	APPROVED AS A STAFF RESEARCH STUDY

LEGISLATIVE COUNCIL  
ACTION ON PENDING STATUTORY STUDY REQUESTS  
REVISED April 10, 1990

Committee of Origin	Study Name	Legislative Membership	Staffing	Council Recommendation
Aging, Retirement & Veterans	Commission to Study the Equalization of Maine State Retired Teachers Health Insurance Premium Payments (LD 1969: Approp. Table)	4 (of 9)	Council	DO NOT RECOMMEND
Agriculture	Commission to Study the Harness Racing Industry (Ch. 787, P.L. 1989)	6 (of 11)	Council	RECOMMEND
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds* (LD 2418)	5 (all)	Council (OFPR)	APPROVED (See Above)
Business Legislation	Commission on Nontraditional Counselor Regulation (LD 1929: Approp. Table)	2 (of 5)	Council	RECOMMEND
Education	Blue Ribbon Commission to Study the Most Effective Way to Provide Services to Children and Families (LD 38: Approp. Table))	5 (of 21)	Council (Clerical & management of consultant)	DO NOT RECOMMEND
	Special Commission to Study and Evaluate the Status of Education Reform in Maine (LD 1564)	4 (of 18)	Council (among others)	DO NOT RECOMMEND
	Commission to Assess the Impact of Increased State Spending on the University of Maine System (LD 2270: Approp. Table)	3 (of 9)	Council	DO NOT RECOMMEND
Energy & Natural Resources	Commission to Study the Use of Herbicides (LD 1838: Approp. Table)	5 (of 13)	Council	RECOMMEND
	Commission to Study Maine's Oil Spill Cleanup Preparedness (LD 2341: Enacted)	2 (of 15)	Council & Consultants	DO NOT RECOMMEND
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	10 (all)	Council	APPROVED AS A STAFF RESEARCH STUDY (See Above)
	Commission to Study the Future of Maine's Courts (LD 2328, Part C: Approp. Table)	? (26)	Consultant Council for drafting only	APPROVED/DRAFTING ONLY BY COUNCIL STAFF



Committee of Origin	Study Name	Legislative Membership	Staffing	Council Recommendation
Marine Resources	Study of the Aquaculture Industry in the State (LD 2352: Approp. Table)	Committee	Council	DO NOT RECOMMEND
State & Local Government	Joint Select Committee on Families and Children (LD 1666)	13 (all)	Council	TABLED
Taxation	Select Committee on Comprehensive Tax Reform (LD 2466: Approp. Table)	5 (of 13)	Council	RECOMMEND
Jt. Select Committee on Corrections	Study of Adult Sentencing (to be incorporated in legislation coming out from Committee pursuant to Joint Order)	4 (of 10)	Council	DO NOT RECOMMEND

\*Proposed Study is included in Committee's request to the Council