

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE COUNCIL

MAY 7, 1990

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of April 13, 1990, Legislative Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Interim Studies: Staffing Assignments

Item #3: Final Report from the Revisor

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

NEW BUSINESS

Item #1: Notification from Bureau of Forestry of Disposal of Surplus Real Property. (Letter from John Cashwell, pursuant to 12 MRSA § 8003 §§ 3, para. M.)

Item #2: Proposed Study of the Development of Aquaculture in Maine: letter from Sen. Brannigan and Rep. Mitchell, Chairs, Joint Standing Committee on Marine Resources.

Item #3: Role of the Maine Low Level Waste Authority in selecting a Low Level Waste Site for the State: Discussion. (Request of Peter DeAngelis, Chair, and Members of the Maine Low Level Waste Authority).

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

APRIL 13, 1990

MEETING SUMMARY

APPROVED MAY 7, 1990

CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Speaker Martin, at 8:58 a.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 Martha Freeman, Director, Office of Policy and Legal Analysis Joy J. O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summary of the April 10, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

In response to a question from Sen. Pray, Sen. Clark, Committee Chair, announced that the Committee would be scheduling a meeting within a week.

No Council action required.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Interim Study Requests and Appeals of Previous Council Action

The Council's actions on study requests and on appeals of its prior actions are summarized on the attached list.

Council members' discussion during their review of the new study request from the Joint Standing Committee on Agriculture and the appeals from other committees focussed on the staff resources available in the Offices of Policy & Legal Analysis and Fiscal & Program Review and on the limited funds available to support studies this year due to the reductions in the legislative budget.

Item #2: 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.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 9:32 a.m., on the motion of the Chair.

LEGISLATIVE COUNCIL
ACTION ON INTERIM STUDY REQUESTS AND APPEALS OF PRIOR ACTIONS

April 13 Council Meeting

Committee	Study Topic	# Members	# Meetings	Council Action
Agriculture	Impacts and Supporting Infrastructure of the Horse Industry in Maine	5	5	FAILED (Note: will be appended to statutory study of Harness Racing Industry)
	Examination of the Maine Potato Board	5	4	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 (No Staff)
	*Study of the Motor Vehicle Insurance Laws	7	4 subcommittee 1 full committee	FAILED * (Note: Reconsidered on 4/13; Motion to reconsider 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 STATUTORY STUDY REQUESTS
April 13, 1990 COUNCIL MEETING

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 (Indef. Postponed 4/13)
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)	2 (of 5)	Council	(Note: Study was deleted from bill by amendment)
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 (Indef. Postponed 4/13)
	*Special Commission to Study and Evaluate the Status of Education Reform in Maine (LD 1564)	4 (of 18)	Council (among others)	DO NOT RECOMMEND (Enacted 4/7)
	Commission to Assess the Impact of Increased State Spending on the University of Maine System (LD 2270)	3 (of 9)	Council	DO NOT RECOMMEND (Enacted 4/14)
Energy & Natural Resources	Commission to Study the Use of Herbicides (LD 1838)	5 (of 13)	Council	RECOMMEND (Enacted 4/13)
	Commission to Study Maine's Oil Spill Cleanup Preparedness (LD 2341)	2 (of 15)	Council & Consultants	DO NOT RECOMMEND (Enacted 4/10)
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)	Committee	Council	DO NOT RECOMMEND (Enacted)
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)	5 (of 13)	Council	RECOMMEND (Incorporated into LD)
Jt. Select Committee on Corrections	*Study of Adult Sentencing (LD 2471)	4 (of 10)	Council	DO NOT RECOMMEND (Note: This decision was appealed at 4/13 meeting; motion to Reconsider failed. Bill was later Indef. Postponed 4/13)

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

LEGISLATIVE COUNCIL

APRIL 13, 1990

ACTION ON REQUESTS TO INTRODUCE LEGISLATION

Action

SPONSOR: Rep. Carroll

ACCEPTED

LR 3836 AN ACT to Validate and Ratify a
Vote of the Town of Gray Concerning
the Gray Water District

SPONSOR: Rep. Mitchell

FAILED

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

REQUESTS TO INTRODUCE JOINT RESOLUTIONS

SPONSOR: Sen. Hobbins

FAILED

JOINT RESOLUTION Memorializing the
Congress of the United States to
Revise the Family Support Act of
1988 Regarding Immediate Income
Withholding of Child Support

Cosponsors: Rep. Paradis, Patrick

SPONSOR: Rep. Ketover

FAILED

JOINT RESOLUTION Memorializing the
President and Congress to Support a
United Jerusalem

SPONSOR: Sen. Randall

FAILED

JOINT RESOLUTION Memorializing the
President and Congress to Support the
People of Lithuania

Cosponsor: Rep. Farren

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

MAY 7, 1990

Approved Step Increases

James A. Clair, Principal Analyst, Office of Fiscal and Program Review, (Salary Range 12), from Step 4 to Step 5, effective May 21, 1990.

Janice C. Durham, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 2 to Step 3, effective April 2, 1990.

Gro M. Flatebo, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 5 to Step 6, effective April 30, 1990.

Janet L. Grard, Administrative Coordinator, Information Systems, (Salary Range 7), from Step 2 to Step 3, effective April 23, 1990.

Norma J. Gruska, Library Assistant, Law and Legislative Reference Library, (Salary Range 3), from Step 6 to Step 7, effective May 7, 1990.

Hartley Palleschi, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 1 to Step 2, effective April 30, 1990.

Cheryl E. Ring, Principal Analyst, Office of Fiscal and Program Review, (Salary Range 12), from Step 5 to Step 6, effective May 21, 1990.

The following employee has completed another year of service but is at Step 9 and is not eligible for further step increases:

Laura Goss, Library Associate, Law and Legislative Reference Library.

114TH MAINE LEGISLATURE

APPROVED INTERIM STUDIES*

May 1, 1990

*Includes both Interim Studies approved by the Legislative Council
and Statutory Studies

INTERIM STUDIES AUTHORIZED BY THE LEGISLATIVE COUNCIL

Committee	Study Topic	# Members	# Meetings	Staff
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds	5	6 (once a month)	Jim Clair and Analysts, OFPR
Banking & Insurance	Task Force to Study Health Insurance Continuity (Task Force to be convened by Bureau of Insurance)	4	4	Bureau of Insurance
Human Resources	AMHI Oversight Subcommittee (Confirmation of work begun in 1989)	4	3	Julie Jones OPLA
Judiciary	Criminal Penalties in the Maine Revised Statutes (Staff Research Study)	0	0	Peggy Reinsch OPLA
	Research Study on Grandparents' Rights (Staff Research Study)	0	0	Deborah Friedman OPLA

114th LEGISLATURE/SECOND REGULAR SESSION
APPROVED STATUTORY STUDIES

Committee/Commission	Membership (Legis./Total)	Staff	Budget
Commission to Study the Harness Racing Industry (ch. 787, P.L. 1989)	6 (of 11)	Hartley Palleschi; John Knox OPLA	\$ 10,140
Special Commission to Study and Evaluate the Status of Education Reform in Maine (Resolves of 1989, ch. 88)	4 (of 18)	Deborah Friedman OPLA	Funds to be raised by the Commission
Commission to Assess the Impact of Increased State Spending on the University of Maine System (Resolves of 1989, ch. 101)	3 (of 9)	No provision	From UMS existing budget
Commission to Study the Use of Herbicides (Resolves of 1989, ch. 98)	5 (of 13)	Pat Norton OPLA	No funding in law
Commission to Study Maine's Oil Spill Cleanup Preparedness (ch. 868, P.L. 1989)	2 (of 15)	Gro Flatebo; Haven Whiteside OPLA, and Consultants	\$100,000
Commission to Study the Future of Maine's Courts (ch. 891, P.L. 1989)	? (26)	Peggy Reinsch, OPLA and Consultant	Funds to be raised by the Commission
Study of the Aquaculture Industry in the State (LD 2352: not yet chaptered)	Marine Resources Committee	Tim Glidden OPLA	\$ 9,325
Select Committee on Comprehensive Tax Reform (ch. 880, P.L. 1989)	5 (of 13)	Kevin Madigan OFPR	\$116,900
Study of Municipal Solid Waste Landfill Closure Liability (ch. 870, P.L. 1989)	Legal Affairs Committee	Gill Brewer; John Selser OPLA	To be conducted during 115th/1st
Motor Fuel Tax Evasion Commission	2 (of 9)	DOT	DOT to absorb costs
Commission on Maine Lakes	4 (of 11)	DEP and DOC	\$ 9,330

ONGOING STATUTORY STUDIES

Committee/Commission	Chair	Staff
Commission on Codification of Rules (ch. 574, P.L. 1989)	Sen. Georgette Berube	John Selser OPLA
Student Financial Aid Transition Advisory Committee (ch. 559; ch. 698, P.L. 1989)	Rep. Nathaniel J. Crowley, Sr.	David Elliott OPLA
Commission to Study the Level of Services for Maine's Elderly Citizens (Resolves of 1989, ch. 58)	Rep. Virginia Constantine	Paul Saucier OPLA
Commission to Study Public Financing of State Elections (Resolves of 1989, ch. 59)	Rep. Charles Priest	Todd Burrowes OPLA
Taxation Committee: Annual Review of Tax Expenditures	Sen. Thomas Andrews Rep. John Cashman	Kevin Madigan OFPR

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

TO: Honorable John L. Martin, Chair
and Members of the 114th Legislative Council

FROM: David Kennedy *CDK*

RE: Final Session Statistics - 2nd Regular Session

DATE: May 7, 1990

1. Bills, Orders, Resolutions, etc.

	REQUESTS	VOIDED, WITHDRAWN, etc.	RELEASED
Legislator Pre - Cloture Bills	368	16	352
Legislator Post Cloture Bills	122	12	110
Department, Governor & Agency Bills	160	19	141
Study & Special Authority Bills	103	14	89
Initiated Bills	1	0	1
Orders & Joint Orders	37	3	34
Joint Resolutions	41	12	29
Sentiments	671	8	663

2. Amendments

Committee Amendments	421	25	396
Floor Amendments	444	51	393
Committee of Conference Amendments	1	0	1

3. Enactments Passed

	CHAPTER #'s	TOTAL
Public Laws	604-936	332
Resolves	62-104	42
Private & Special Laws	97-141	42
Constitutional Resolutions	2	1

Please Note: The general effective date for non-emergency legislation is July 14, 1990.

Notification is hereby made with respect to the proposed disposition of the property.

April 11, 1990

STATE OF MAINE

INTER-DEPARTMENTAL MEMORANDUM

To: Various Agencies & Bureaus, Maine State Housing Authority,
and Town of Meddybemps

From: Fred Bartlett, Director *FB*
Engineering & Realty Division Dept. of Conservation

RE: REAL PROPERTY DISPOSAL

The Maine Department of Conservation is considering disposal of the following real property. If your bureau, or department is interested in acquiring the property please contact:

Department of Conservation
Engineering & Realty Division
State House Station #22
Augusta, ME 04333
Tel. 289-4970

All inquiries must be submitted prior to June 1, 1990.

LOCATION: Town of Meddybemps, Route 191, Washington County

SITE DESCRIPTION: 0.91 acre \pm , square in shape
200 feet on Route 191

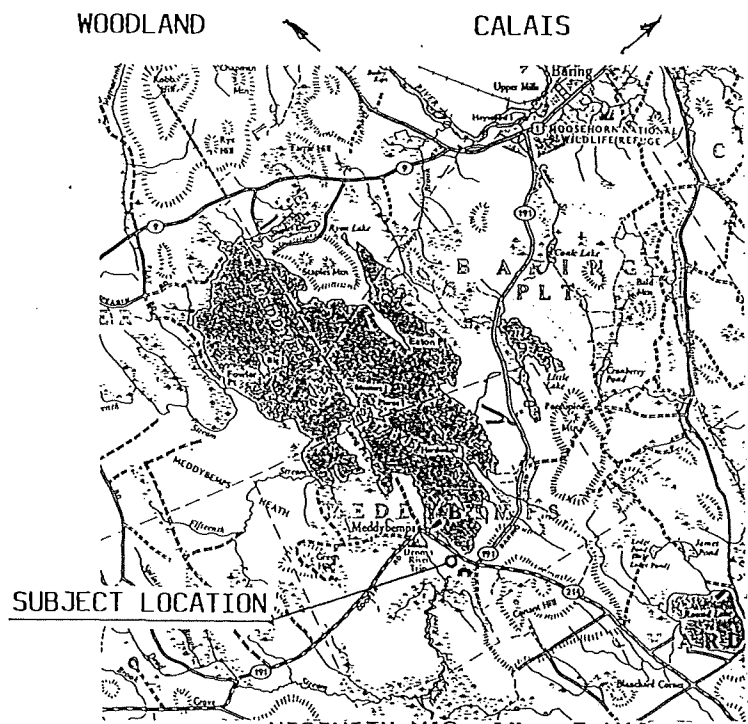
UTILITIES: Electricity, telephone, drilled well, septic

IMPROVEMENTS: former Maine Forest Service facility
20 ft x 30 ft - 1 story - Ranch style house
17 ft x 27 ft - 1 bay garage/office/storage
20 ft x 40 ft - truck garage/storage building

ZONING: Rural

RESTRICTIONS: None-apparent

APPRAISED VALUE: \$43,000.00 4/90



SENATE

JOSEPH C. BRANNIGAN, DISTRICT 29, CHAIR
STEPHEN C. ESTES, DISTRICT 35
LINDA CURTIS BRAWN, DISTRICT 21

JOHN SELSER, LEGISLATIVE ANALYST
MARK USINGER, COMMITTEE CLERK



HOUSE

JAMES MITCHELL, FREEPORT, CHAIR
JAMES REED COLES, HARPSWELL
RICHARD P. RUHLIN, BREWER
MARIA GLEN HOLT, BATH
VIRGINIA CONSTANTINE, BAR HARBOR
JAMES SKOGLUND, ST. GEORGE
GEORGE A. TOWNSEND, EASTPORT
THEONE F. LOOK, JONESBORO
SHERMAN H. HUTCHINS, PENOBSCOT
JOHN F. MARSH, WEST GARDINER

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

May 4, 1990

The Honorable John L. Martin
Chair, Legislative Council
State House
Augusta, Maine 04333

Dear Rep. Martin:

It has come to our attention that the Governor has pocket-vetoed L.D. 2352, An Act to Study the Development of Aquaculture in Maine. We understand that the reason for his action is that the funding mechanism (a \$10/acre one time fee on aquaculture leaseholders) didn't receive a public hearing. We feel strongly that this topic merits legislative examination. As an indication of the bipartisan interest, we would note that, without exception, every member of our committee was eager to serve on the study group.

While we understand the Council is not in a position to support a full committee study, we respectfully request that the Council authorize a 5 member subcommittee to carry out the study effort. We would note that the Council has already allocated the necessary staff resources for the conduct of the study when it reviewed the statutory version.

We have attached an outline of the study for your review. Thank you for your attention to this matter.

Sincerely,

Sen Joseph Brannigan
WGT

Sen. Joseph Brannigan
Senate Chair

Rep James Mitchell
WGT

Rep. James Mitchell
House Chair

cc: Sally Diamond, Martha Freeman
attch.
803nrg

Study of the Development of Aquaculture in Maine

Joint Standing Committee of Marine Resources

Purpose: Aquaculture is a rapidly growing industry with potentially significant effects on the State's environment and economy. The purpose of the study is to review the adequacy of the laws that govern the monitoring and control of the effects of aquaculture on the environment and review state policies on the development of aquaculture.

Specific Study Elements: The subcommittee will examine the following issues:

1. The environmental effects likely to be associated with aquaculture in this State and the adequacy of laws and rules designed to protect the environment from potential adverse affects, including:

- A. The potential effects of net-pen aquaculture on native fish populations;

- B. The various roles and the adequacy of state and federal programs that monitor aquaculture projects; and

- C. A review of the study by the Department of Marine Resources on environmental monitoring of aquaculture that is scheduled for completion in July, 1990.

2. The current and potential economic impacts of existing state policy on the aquaculture industry and proposed policies for the further development of the aquaculture industry in the State.

Membership: The subcommittee shall consist of 5 members of the Marine Resources Committee.

Meetings: The subcommittee shall meet at the call of the chairs. No more than 4 meetings may be held, including one meeting of the full committee.

Reporting date: The subcommittee shall complete its work, together with any proposed legislation, by November 1, 1990.