

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Thursday, January 31

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of January 8, 1991, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Resignation letter from David S. Silsby, Director,
State House and Capitol Park Commission.

REPORTS FROM COUNCIL COMMITTEES

Legislative Budget Committee

OLD BUSINESS

Item #1: Deadline for Naming Cosponsors: Review

Item #2: Step Increase for Assistant Secretary of the Senate:
Reconsideration. (Request of Sen. Pray).

NEW BUSINESS

Item #1: Submission of Study Reports

- Special Committee on the New Capitol Area Master Plan. (Letter from Jon S. Oxman, Chair).
- Commission to Assess the Impact of Increased State Spending on the University of Maine System.
- Joint Standing Committee on Judiciary - Staff Study on Grandparents' Visitation Rights. (Letter from Sen. Gauvreau and Rep. Paradis, Committee Chairs).

Item #2: Request from the Joint Standing Committee on Audit and Program Review for an Extension of the Reporting Deadline. (Letter from Sen. Bustin and Rep. Erwin, Committee Chairs).

Item #3: Request from Maine Low-Level Radioactive Waste Authority to meet with the Legislative Council. (Letter from Peter DeAngelis, Chair).

Item #4: After Deadline Requests. (Preliminary list enclosed).

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY

Tuesday, January 8, 1991

CALL TO ORDER

The Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 5:18 p.m.

ROLL CALL

| | |
|-----------------------|--|
| Senators: | Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble, Sen. Cahill |
| Representatives: | Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano Absent: Rep. Martin |
| Legislative Officers: | Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, 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 Legislative Council meeting, which was originally convened on December 21, 1990, and finally adjourned on January 3, 1991, after a recess of several days, was accepted and placed on file. (Motion by Rep. Marsano; second by Rep. Gwadosky; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

Committee to Review Duplicate Bill Requests

Sen. Pray reported that he had convened the Committee in Sen. Dutremble's absence. The Committee had met twice to review options for handling duplicate and closely-related bills in a manner that would encourage legislators to agree to combine their efforts on these bills but, at the same time, preserve the individual legislator's right to have a bill drafted in the legislator's name.

The Committee had reviewed a draft memo from Sen. Pray as Council Chair to members of the Legislature, which set forth the following changes in policy regarding both duplicate bills and the confidentiality of bill titles. These include:

Duplicate and Closely-Related Bills

- The sponsor who has the first-filed bill will have the bill drafted in the sponsor's name. Any cosponsors already identified by the sponsor will be listed as such; in addition, those sponsors of later-filed bills will be added as cosponsors if they agreed to combine their bills with the original bill, and provided that the sponsor of the first-filed bill has no objection.
- Sponsors of duplicate or closely-related bills may withdraw their bill request; agree to combine their bill with the first-filed bill; or present their version directly to the committee of reference.
- A sponsor of a later-filed bill who does not wish to become a cosponsor on the first-filed bill may pursue having a separate bill drafted, but must notify the Revisor.

Confidentiality of Bill Titles

- Bill titles will be released without sponsor identification to Committee Chairs unless a sponsor specifically requests that the title remain confidential.

Discussion clarified the following points:

- Formal reference of bills would continue to be the function of the Senate and House.
- The Joint Rules would have to be amended to permit more than 3 cosponsors on a bill; however, there was consensus that this waiver should be applicable to duplicate bills only.

- Only the cosponsors of the prime sponsor of the first-filed bill will be listed as cosponsors, along with sponsors of any of the duplicate bills who agree to combine. That is, cosponsors on all of the duplicate bills will not be carried to the "prime bill."

Motion: That the Committee's recommendations be adopted and that the draft memo from the Council Chair outlining the changes be approved as amended. (Motion by Rep. Marsano; second by Sen. Cahill; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: After Deadline Requests

The Council considered both requests to introduce legislation which had been filed after cloture and requests to introduce Joint Resolutions. The Council's action is summarized on the attached list.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 5:50 p.m. by the Chair, with no objection.

LEGISLATIVE DEPARTMENT
SUMMARY OF PROPOSED REDUCTIONS FOR FISCAL YEAR 1991

| ACCOUNT | TOTAL FY 91 BUDGET | 1990 | REDUCTIONS 1991 | REVISED BUDGET |
|--|-----------------------|---------------------|---------------------------|---------------------------------|
| Legislature/General | \$16,488,397 | \$ 1,050,962 | \$ 1,181,340 ¹ | \$14,256,095 |
| Law & Legislative Reference Library | 986,464 | 25,000 | 15,297 | 946,167 |
| Maine-Canadian Office | 75,892 | 1,500 | --- | 74,392 |
| State House & Capitol Park Commission | 148,114 | 2,815 | --- | 145,299 |
| Commission on Interstate Cooperation | 124,342 | 4,200 | --- | 120,142 |
| Commission on Uniform State Laws | 11,100 | 3,375 | --- | 7,725 |
| Committee to Advise DHS on AIDS | 8,500 | 5,100 | 9,000 ² | 3,400 |
| Special Select Committee on Access to Health Care | 6,600 | 3,960 | --- | 2,640 |
| Miscellaneous Studies | <u>18,575</u> | <u>---</u> | <u>51,363³</u> | <u>---</u> |
| TOTAL/LEGISLATIVE DEPARTMENT | \$17,867,984 | \$ 1,096,912 | \$ 1,257,000 | \$15,514,072⁴ |

Notes

1. Includes \$184,722 in unused FY 90 Salary Fund
2. Reduction represents the balance from the Committee's FY 90 budget; therefore, there is no impact on the current year budget.
3. Represents unexpended balances from completed studies.
4. Total reductions from FY 91 budget: 13.2%

LEGISLATIVE ACCOUNT

FY 91 BUDGET

SUMMARY OF RECOMMENDATIONS FOR DEAPPROPRIATION

PERSONAL SERVICES

Salaries \$ 227,190

Deferred hiring of session employees: Senate, House
and Committee ClerksDefer promotion of Sr. Analyst classification in OFPR
(2 "reclasses" budgeted)Deferred replacement of 2 Senate vacancies (Special
Assistant; Senate Reporter)Leave 4 vacancies unfilled this session (2 Senate
pages; 2 House Stenos)

33,514

To be identified (Replacement of vacancies at lower
steps, etc.)

Per Diem 25,000

"Surplus" due to lack of special sessions and low
number of Senate Confirmation Sessions and committee
studies

TOTAL PERSONAL SERVICES \$ 285,704

ALL OTHER

Balance Forward \$ 500,000

Early adjournment resulted in savings that could not
be accurately forecasted. (Legislators' expenses;
Printing; Postage, Telephone)

Printing/Postage 160,914

Convert Weekly Legislative Calendar to monthly
publicationConvert House members' questionnaires and Weekly
Legislative Calendar to self-mailers

Defer printing Title 29 and LD until 115th/2nd Regular

TOTAL ALL OTHER \$ 660,914

CAPITAL

Balance Forward \$ 50,000

Funds not spent in FY 90

"Credit" from Salary Fund 184,722

TOTAL \$ 1,181,340

1/31/91

LEGISLATIVE COUNCIL
Ch. 7

3 § 162-A

Mileage fees, see title 16 § 251 et seq.
Oaths of witnesses see title 16, § 151.
Public's right to know, see title 1 § 401 et seq.
State law librarian, see § 173 of this title.
Subpoenas for witnesses, see title 16 § 101.
Transfers of unexpended legislative appropriations, see title 5 § 1585.
Witnesses, examination of, see title 16 § 151 et seq.
Witnesses to testify under oath, see title 3 § 426.

Notes of Decisions

Acceptance of funds 2
Transfers and payments 1

1. Transfers and payments

Legislative Council did not exceed its authority in paying expenses of the Legislative Apportionment Commission out of the legislative account. Op.Atty.Gen. No. 83-33, June 20, 1983.

2. Acceptance of funds

Section 1014 of title 1 relating to conflict of interest, and § 601 et seq. of title 17-A, relating

to bribery and corrupt practices, did not establish blanket prohibition against legislator's soliciting contributions for proposed Kennebec River Future Commission; however, legislator lacked authority to accept funds on behalf of proposed commission and it was necessary that any funds raised prior to commission's formation be received by Governor under § 5 of title 2 or by the Legislative Council under this section. Op.Atty.Gen., Feb. 17, 1981.

§ 162-A. Salaries subject to adjustment by Legislative Council

Notwithstanding any other provisions of law, the salaries of the following legislative officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of each of these officials shall be set at Step A and, in no case, may it exceed Step B of their respective ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials.

1. Range 14. The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

2. Range 9. The salaries of the following state officials and employees shall be within salary range 9:

Assistant Secretary of the Senate; and

Assistant Clerk of the House of Representatives.

3 to 5. Repealed. Laws 1983, c. 862, § 4, eff. Sept. 19, 1984.
1981, c. 702, § X, 11, eff. May 4, 1982; 1983, c. 853, §§ A, 3, 4, eff. Dec. 1, 1984; 1983, c. 862, § 2, eff. Dec. 1, 1984; 1983, c. 862, § 4, eff. Sept. 19, 1984; 1987, c. 349, § K, 1, eff. June 18, 1987; 1987, c. 769, § A, 2, eff. April 26, 1988.

Historical Note

Amendments

1983 Amendments. Laws 1983, c. 853, § A, 3, added provision mandating Legislative Council to

adjust salaries of Secretary of State, Treasurer of State, Auditor and Attorney General to first

LEGISLATIVE OFFICERS

| | Current | | | Eligibility Pursuant to ch. 501, P.L. 1989 | | |
|---|---------|------|---------------|--|------|---------------|
| | Range | Step | Salary* | Range | Step | Salary* |
| Joy O'Brien Secretary of the Senate | 14 | 6 | \$62,108.80* | 14 | 7 | \$65,208.00* |
| Pamela Lovley Assistant Secretary of the Senate | 9 | 8 | \$43,347.20** | 9 | 9 | \$45,531.20** |
| Ed Pert Clerk of the House | 14 | 6 | \$62,108.80* | 14 | 7 | \$65,208.00* |
| Deborah Bedard Wood Assistant Clerk of the House | 9 | 9 | \$45,531.20** | (Topped out on salary scale) | | |

Notes: *The 114th Legislative Council took no action on the 3% cost-of-living increase awarded to most state employees on October 1, 1990.
(The increase was deferred for employees in certain salary ranges by the Governor for Executive Branch employees and the Legislative Council for legislative employees). These figures do not include that 3%.

**3% increase was awarded effective October 1.

12/5/90



STATE OF MAINE

January 15, 1991

Honorable Charles P. Pray
Chairman of the Legislative Council
State House
Augusta, ME 04333

Dear Mr. Chairman and Members of the Legislative Council:

As chairman of the Special Committee on the New Capitol Area Master Plan, I respectfully submit this report pursuant to Chapter 60 of the Resolves of 1989.

The report, prepared by the Master Planner CBT/Childs Bertman Tseckares and Casendino, Inc. in association with the consultant team of Whitman & Howard, Inc. and T.Y. Lin International, documents in detail the existing conditions of the Capitol Area, analyzes future needs and outlines recommendations for future action. The report in addition includes a summary of the work required and a cost estimate for Phase II of the New Capitol Area Master Plan.

The Special Committee and the Master Planning Team very much looks forward to completing all of the necessary work required to develop and enact a Master Plan that will respond to both the future needs of the Capitol Area, as well as to all the citizens of Maine.

Respectfully,

A handwritten signature in cursive script that reads "Jon S. Oxman".

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

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
RON CLARK
IAN M. DYTTER
GRO FLATEBO
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JANE ORBETON



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KAREN L. HRUBY
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JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

January 22, 1991

Honorable Charles P. Pray
Chairman, Legislative Council
115th Maine State Legislature
State House
Augusta, Maine

Re: Staff Study on Grandparents' Visitation Rights

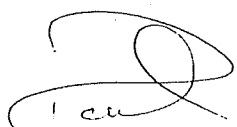
Dear Mr. Chair:


We are pleased to present the final report of the staff study on grandparents' visitation rights. The report was prepared by the Office of Policy & Legal Analysis at the request of the Judiciary Committee.

The report provides background information on the issue of courts granting grandparents legally enforceable rights to visit their grandchildren, and information on the laws of other states on the issue. The report is being distributed to the Legislative Council, members of the Judiciary Committee, the State Library, the State Law Library, the National Conference of State Legislatures and the Council of State Governments. The report is also available in the Office of Policy and Legal Analysis for any legislator who would like a copy.

We hope you find this report useful.

Sincerely,


Sen. N. Paul Gauvreau
Senate Chair


Rep. Patrick E. Paradis
House Chair

1785LHS



MAINE STATE LEGISLATURE
Augusta, Maine 04333

January 23, 1991

Hon Charles P. Pray, Chair
Hon. Dan A. Gwadosky, Vice Chair
Legislative Council
State House Station 115
Augusta, Maine 04333

Dear Hon. Pray and Hon. Gwadosky:

As chairs of the Joint Standing Committee on Audit and Program Review, we are asking for an extension of the Council's February 1st submittal date for the Committee's legislation in regard to the Committee's review of the Attorney General's Office.

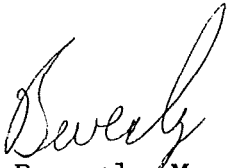
Although the Committee has conducted as thorough a review of the Attorney General's Office as was possible given limited time and resources, the Committee would like additional time to do the following additional work regarding the Attorney General's Office:

- * survey state agencies regarding the quality of legal representation and advice provided by the Attorney General;
- * review the manner in which consumer complaints are received and addressed by the Consumer/Antitrust Division;
- * review in more detail the various processes administered by the Chief Medical Examiner; and

* review in more detail the manner in which investigations are conducted by the Investigation Division.

We look forward to your favorable reply.

Sincerely,



Beverly M. Bustin
Senate Chair



Phyllis R. Erwin
House Chair

cc: John Wakefield, Director of Office of Fiscal and Program Review
Sally Tubbesing, Executive Director of the Legislative Council
Michael Carpenter, Attorney General
Members of the Appropriations Committee
Cheryl Ring, Principle Analyst, Audit & Program Review Committee
Lock Kiermaier, Analyst, Audit & Program Review Committee

Maine Low-Level Radioactive Waste Authority

99 Western Avenue, Suite 6
P.O. Box 5139
Augusta, Maine 04332-5139
(207) 626-3249
1-800-422-4911
FAX (207) 622-1437



Authority Members

Peter DeAngelis, Chairman
Meredith H. Murray, Vice Chairman
Walter Anderson
Daniel J. Callahan, Sr.
Thomas E. Eastler, Ph.D.
John F. Gibbons, M.D.
Sheldon G. Richardson

JAN 22 1991

January 18, 1991

Senator Charles Pray
Maine State Senate
State House Station #3
Augusta, Maine 04333

Dear Senator Pray:

Last spring the Maine Low-Level Radioactive Waste Authority met with the Legislative Council to update you on our activities and to listen to your concerns and appraisal of the manner in which we are conducting our mission. We found this meeting to be most useful, and hope that you did also.

I am writing to see if another meeting could be arranged with the Council this session, for a similar purpose. I am aware of your busy schedule, but hope that you can schedule a meeting with us at your convenience. If this is possible, please contact John Williams, our Executive Director, or Severin Beliveau, our legislative contact.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Peter DeAngelis".
Peter DeAngelis
Chairman

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 29, 1991

Action

SPONSOR: Rep. Anthony

LR 2469 An Act to Provide More Effective Recovery of
Child Support

SPONSOR: Sen. Berube

LR 2444 An Act to Improve the Administration of the
Engineering Registration Law

Cosponsors: Rep. Joseph

SPONSOR: Rep. Carroll, Donnell P.

LR 2448 An Act to Amend the Charter of the Gray Water District

Cosponsors: Sen. Rich

SPONSOR: Sen. Clark, Nancy R.

LR 2461 An Act to Provide a Medical Definition of
Infertility and Guarantee Insurance Benefits
for this Disease

SPONSOR: Sen. Dutremble, Dennis L.

LR 2427 An Act to Require Evaluation of Emissions and
Health Risks from Incineration Facilities

SPONSOR: Rep. Hussey

LR 2428 An Act to Amend the Law Concerning Licensure of Certain
Railroad Personnel and to Enforce Licensure Laws

Cosponsors: Rep. Pineau
Rep. McKeen
Sen. Pray

SPONSOR: Rep. Martin, John L.

LR 2467 An Act to Suspend Certain Provisions of the
Tax Laws for Individuals Participating in Operation
Desert Storm

SPONSOR: Sen. Mills

LR 2451 An Act to Amend the Motor Vehicle Laws

SPONSOR: Sen. Mills

LR 2460 An Act Prohibiting Chlorofluorocarbons in Automobile
Air Conditioners

SPONSOR: Rep. Sheltra

LR 2445 An Act Authorizing Changes to the Budget Process in
York County

SPONSOR: Sen. Summers

LR 2450 An Act to Discourage Fraudulent Workers' Compensation
Claims

Cosponsors: Sen. Webster

SPONSOR: Rep. Tracy

LR 2475 An Act to Authorize Municipalities to Impose a
Severance Tax on Gravel

Cosponsors: Sen. Kany

SPONSOR: Sen. Vose

LR 2465 Resolution, Proposing an Amendment to the Constitution
of Maine to Provide for Compensation when State Actions
Diminish Property Values

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Paradis, Patrick E.

**TABLED
01/09/91**

****LR 2420** An Act to Remove the Statute of Limitations on
Prosecution of Incest

Cosponsors: Sen. Gauvreau
Rep. Duplessis
Rep. Farnsworth

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

LR 0997 An Act Regarding Access to Certain Lands

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

LR 0998 An Act Regarding Cardiopulmonary Resuscitation
Requirements for Registered Guides

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

LR 2414 An Act to Adjust the Fee for Land Use Regulation
Commission Zoning Permits

Cosponsors: Sen. Webster
Rep. Powers

SPONSOR: Rep. Simonds

**TABLED
01/09/91**

LR 2421 An Act to Allocate Funds to the Maine Council on
Economic Education

**** Requests noted with 2 asterisks appear to be closely
related to other requests on file.**

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 31, 1991

Action

JOINT RESOLUTION

SPONSOR: Rep. Ketover

LR 2477 JOINT RESOLUTION MEMORIALIZING THE PRIME
MINISTER OF ISRAEL RECOGNIZING HIS RESTRAINT
IN NOT EXERCISING ISRAEL'S RIGHT TO RETALIATE
AGAINST IRAQ