

# MAINE STATE LEGISLATURE

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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

**FEBRUARY 26/MARCH 5, 1991**

## **MEETING SUMMARY**

**APPROVED MARCH 12, 1991**

### **CALL TO ORDER**

The Legislative Council was called to order in the Council Chambers by the Chair, Sen. Pray, on February 26, 1991, at 3:42 p.m.

### **ROLL CALL**

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble, Sen. Cahill
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
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 David Silsby, Director, State House & Capitol Park Commission Joy O'Brien, Secretary of the Senate

## SECRETARY'S REPORT

The Summary of the January 31, 1991, Legislative Council meeting was accepted and placed on file. (Motion by Sen. Dutremble; second by Sen. Webster; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items to the Council for consideration:

Item #1: Legislative Council Guide to Organization and Administration

Ms. Tubbesing reported that the Guide, which had been published initially for the 114th Legislative Council, had, once again, been distributed after substantial revisions. The Guide is designed to pull together in one place a description of the Council's statutory authority and the policies and procedures that it has developed in various areas pursuant to that authority. She invited comments and suggestions from Council members after they had an opportunity to review it.

No Council action was required.

Item #2: Law Library's Participation in URSUS

Ms. Tubbesing drew members' attention to an item in the materials that had been distributed previously that announced the Law Library's participation in URSUS (University Resources Serving Users Statewide). URSUS presently offers a comprehensive online catalogue of all the holdings in the 8 university campus libraries, as well as 4 branch libraries and the libraries at Bates, Bowdoin and Colby Colleges.

The URSUS system was originally funded by a bond issue approved by the Legislature and, subsequently, by the voters in referendum in 1986. The Law Library's participation has been made possible through a recent grant from a private foundation and, thus, has involved no cost to the Legislature. Ms. Tubbesing recognized Lynn Randall's efforts in pursuing the URSUS tie-in, which will be an important resource in support of the Legislature's research and information needs.

No Council action was required.

**Item #3: Revisor's Drafting Status Report**

David Kennedy reported that, of the 2,477 bill requests that have been filled to date, 1,362 have either been withdrawn or printed; 292 are out for sponsor signature or department sign off; and 405 are in production, leaving 425, or about 1/6 of the total bill requests still to be drafted. This is the most bills that have been completed by a comparable point in the First Regular Session. In response to questions, he noted that many of the 425 remaining to be drafted required extensive legal research, or presented complex drafting challenges and that they would, therefore, require time.

No Council action was required.

**Item #4: Committee Status Report**

Ms. Tubbesing drew members' attention to the summary of anticipated committee workload that Martha Freeman had prepared. The summary listed the estimated total number of bills that will ultimately be referred to each committee this session, as well as the number actually referred during the 114th/1st Regular Session. This comparison indicates that some committee workloads may be double what they were 2 years ago, an increase attributable in part to the fact that more bills have been introduced this year and, also, to the decision to refer bills traditionally heard by the Appropriations Committee to other committees.

The Chair recognized Martha Freeman, Director of the Office of Policy and Legal Analysis, who observed that the support of both the presiding officers and the Council in establishing deadlines and priorities would be even more critical this year.

No Council action was required.

**REPORTS FROM COUNCIL COMMITTEES**

There were none; however, Sen. Pray, with Rep. Gwadosky's assent, announced that the Personnel Committee would be scheduling a meeting.

## OLD BUSINESS

Item #1: Balances in Legislative Accounts at the End of Fiscal Year 1990.

This item had been distributed to Council members in response to a request by Rep. Marsano at the January 31 Council meeting. There was no discussion at this time.

No Council action was required.

## NEW BUSINESS

Item #1: Submission of Study Reports

- Select Committee on Comprehensive Tax Reform
- Joint Standing Committee on Appropriations and Financial Affairs: Study of Federal and Other Special Revenue Funds in Maine State Government
- Motor Fuel Tax Evasion Committee

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

Item #2: Governor's Executive Order Regarding Furloughs

Motion: That the communication be accepted and placed on file. (Motion by Rep. Martin; second by Sen. Cahill).

Motion: That the item be referred to the Personnel Committee. (Motion by Sen. Clark; second by Rep. Whitcomb; unanimous).

The Chair, Sen. Pray, asked that the Personnel Committee meet in the very near future on this issue.

Item #3: Correspondence from the Joint Standing Committee on Audit and Program Review regarding the Maine Seed Potato Board. (Letter from Sen. Bustin and Rep. Erwin, Committee Chairs).

Motion: That the correspondence be accepted and placed on file. (Motion by Sen. Clark; second by Rep. Gwadosky; unanimous).

**Item #4: 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 #5: Report from David S. Silsby, Director, State House and Capitol Park Commission.**

Sen. Pray, noting that both houses were scheduled to reconvene shortly, asked that Mr. Silsby's report be deferred to a time when Council members could focus their full attention on Mr. Silsby's remarks.

**Motion:** That, pursuant to the authority granted in Title 3 MRSA, § 901-B, the Legislative Council confirm its intent that David Silsby continue to serve in his capacity as Director of the State House and Capitol Park Commission. (Motion by Rep. Martin; second by Sen. Clark).

**Discussion:** Sen. Cahill asked for clarification regarding the purpose of the motion. Sen. Pray responded that the intent was to clarify that, even though he was retiring from the Legislature, Mr. Silsby would continue to officially represent the Council on both the State House and Capitol Park Commission and, *ex officio*, on the Special Committee on the New Capitol Area Master Plan. Ms. Tubbesing noted that this action would entail no financial cost to the Legislature.

The vote in support of the motion was unanimous.

**Motion:** That the Executive Director be directed to develop a contractual services agreement in consultation with David Silsby for review by the Legislative Council. (Motion by Rep. Martin; second by Sen. Cahill; unanimous).

**ANNOUNCEMENTS AND REMARKS**

None.

**RECESS**

The Council meeting was recessed at 4:32 p.m., on the motion of the Chair, until such time as Mr. Silsby's presentation could be rescheduled.

## MARCH 5, 1991

### RECONVENE

The Legislative Council was reconvened on Tuesday, March 5, by the Chair, Senator Pray, at 4:05 p.m., in the Legislative Council Chamber.

### ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Dutremble Absent: Sen. Webster, Sen. Cahill
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo Absent: Rep. Marsano
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 David Silsby, Director, State House & Capitol Park Commission

### EXECUTIVE DIRECTOR'S REPORT

Item #1: Public Bill Status System Subscribers for the Current Year

Ms. Tubbesing drew members' attention to the list in their packet of subscribers to the Public Bill Status System for the current year.

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

Item #2: Treatment of Time Off on Monday, March 4

Ms. Tubbesing requested direction from the Council regarding how employees should record their time on the previous day, when State offices had officially been closed until 12 noon, due to the hazardous weather conditions. She noted that some legislative employees had reported to work in the morning and thus worked the entire day.

Motion: That the issue be referred to the Personnel Committee. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

**Item #3: Bill Drafting Status Report**

David Kennedy reported that he was prepared to send out approximately 40 letters to bill sponsors whose period for final review of drafted bills had expired. Since the Legislature is not in session, he questioned how best to ensure that sponsors got letters as quickly as possible.

After brief discussion, it was agreed that he should follow his normal procedure, i.e., send copies of the letters to the Leadership offices so that they can assist in the follow-up.

No formal Council action was required.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Item #1: Report from David S. Silsby, Director, State House and Capitol Park Commission. (Tabled on February 26 pending rescheduling).**

Mr. Silsby summarized the status of several issues related to the work of the 3 commissions with which he has worked in his role as Director: The State House & Capitol Park Commission; the Special Committee to Develop a New Capitol Area Master Plan; and the Supreme Judicial Court Plan and Design Commission.

He briefly reviewed the status of each of these Commissions:

**Supreme Judicial Court Plan & Design Commission**

The Commission's Report, submitted to the 114th Legislature/2nd Regular Session, includes detailed recommendations regarding both the specific location and the design requirements for a court facility which would house the Supreme Judicial Court. The next steps involve 1) organizing and conducting a national competition to select an architect for the proposed building; and 2) putting a bond issue proposal on the ballot for the purpose of financing the construction.



**State House & Capitol Park Commission**

Mr. Silsby reported that the Commission has focussed its attention on two areas: 1) detailed analysis of the existing condition of the State House, with initial emphasis on the roofs, dome, and supporting structure; 2) analysis and development of preliminary proposals for landscaping and related improvements on both the immediate grounds of the State House and in Capitol Park. The Commission expects to have a complete set of design specification documents for the roof by early spring so that they can recommend priorities to the Council for the work to be done this summer with funds already appropriated for this purpose. Mr. Silsby noted, however, that completion of all work on the roof alone will require significantly more funds than are currently available.

All other plans are on hold pending the availability of additional funds, including repair of the State House steps, the fences and walls surrounding the State House. The Commission hopes to proceed with the analysis of existing conditions on a limited basis despite the lack of funds.

**Special Committee on the New Capitol Area Master Plan**

The Committee has received the report which completes the first phase of the planning process. Completion of a true "master plan", however, will require additional funds. Mrs. Silsby noted that legislation was being drafted to extend the boundaries of the Capitol Area.

Mr. Silsby stressed that there are many issues pending which are not within the Committee's jurisdiction but which, nevertheless, would have significant, and permanent, effect on the Committee's proposals. These include the study currently underway to determine the location of a third bridge in Augusta; the expansion of private efforts to develop the Arboretum, which is located on state-owned land east of the Kennebec River. The plans for additional residential and commercial development on Howard Hill; the discussions regarding the restoration of passenger rail service to Augusta; and the City of Augusta's continued interest in selling the land it owns adjacent to Capitol Park.

Mr. Silsby encouraged Council members to closely monitor activity related to each of these issues.

**Motion:** That Mr. Silsby be asked to report to the Legislative Council at least quarterly as long as he serves in his capacity as the Council's Director of the State House & Capitol Park Commission. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

Item #2: Preliminary Report from the Maine Waste Management Agency regarding Comparative Use of Paper and Plastic Bags.

Motion: That the Report be accepted and placed on file. (Motion by Sen. Dutremble; second by Rep. Gwadosky; 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.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 5:20 p.m., on the motion of Rep. Whitcomb.