

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE COUNCIL**

**April 23, 1991  
4:00 p.m.  
Room 436, State House**

## **PRELIMINARY AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

### **SECRETARY'S REPORT**

Summary of the April 17, 1991, Legislative Council Meeting

### **EXECUTIVE DIRECTOR'S REPORT**

Item #1: Proposed Contractual Agreement with David S. Silsby

### **REPORTS FROM COUNCIL COMMITTEES**

Committee on the Allocation of Legislative Space:  
Appointment of Members

### **OLD BUSINESS**

Item #1: State House Steps

### **NEW BUSINESS**

Item #1: After Deadline Requests

### **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

## LEGISLATIVE COUNCIL

April 17, 1991

### MEETING SUMMARY

APPROVED APRIL 23, 1991

## CALL TO ORDER

The Legislative Council meeting was called to order in the  
Taxation Committee Room at 11:03 a.m.

## ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble Absent: 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 Richard N. Sawyer, Administrative Services Director Joy O'Brien, Secretary of the Senate

## SECRETARY'S REPORT

The Summary of the April 8, 1991, Council meeting was accepted and placed on file. (Motion by Sen. Dutremble; second by Rep. Mayo; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following item for the Council's consideration:

**Item #1: Legislation Related to Handling of the Errors Bill**

Ms. Tubbesing noted that the Council had directed Mr. Kennedy last fall to develop draft legislation in pursuit of two goals: eliminating all purely technical errors from the Errors bill in order to reduce the size of the bill and focusing the efforts of the Judiciary Committee on those errors which require determination of a substantive question or legislative intent.

Mr. Kennedy reported that he had also determined in the course of his work, that it was important to amend the Rules of Construction in the statutes to clarify that current drafting policies regarding both the use of "shall" and "must" and severability clauses are not intended to cause substantive changes.

In response to a request for clarification, Mr. Kennedy noted that a servability clause in a statute allows a court to construe that if any portion of the statute is found to be unconstitutional, the rest of the statute is still in effect.

**Motion:** That the substance of the two bill drafts be approved. (NOTE: the bills did not require Council approval for introduction as after deadline bills). (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

### Item #1: After Deadline Requests

Before proceeding with consideration of After Deadline Requests, Rep. Marsano asked for a status report from the Revisor. Mr. Kennedy responded that 27 bills had yet to be drafted; 121 were in production; and 187 were out for signature. In addition, the Office currently had 127 Committee Amendments "in the pipeline." He noted that virtually all of the bills to be drafted had problems which precluded completion of full drafts and that sponsors had been notified of this.

The Council's action on After Deadline Requests is summarized on the attached list.

### Item #2: Legislative Budget

Rep. Whitcomb indicated that he had developed several additional suggestions regarding the legislative budget. At the Chair's request, this item was tabled until completion of the rest of the agenda.

## NEW BUSINESS

### Item #1: Front Steps of the State House: Memo from David Silsby

**Motion:** That the letter, including the recommendation contained therein that the front steps of the State House be closed and that barriers be erected at both ends of the steps, be accepted and placed on file. (Motion by Sen. Webster; second by Sen. Clark; unanimous).

## RECESS

The Council stood in recess at 12:27 p.m., on the motion of the Chair, without objection.

## RECONVENE

The Chair reconvened the Council meeting at 3:15 p.m. Present at this time were:

Sen. Pray; Sen. Clark; Sen. Webster; Sen. Dutremble; Sen. Cahill; Speaker Martin; Rep. Gwadosky; Rep. Whitcomb; Rep. Mayo; Rep. Marsano; Joy O'Brien; Ed Pert; Martha Freeman; David Kennedy; John Wakefield; Lynn Randall; Dick Sawyer; and Sally Tubbesing.

## **EXECUTIVE SESSION**

**Motion:** That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Sen. Cahill; second by Rep. Whitcomb; unanimous).

## **RECONVENE**

The Council was reconvened at 5:10 p.m., on the motion of the Chair.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 5:11 p.m., on the motion of the Chair.

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.  
ADMINISTRATIVE SERVICES  
DIRECTOR



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

April 22, 1991

Honorable Michael D. Pearson, Senate Chair  
Honorable Lorraine N. Chonko, House Chair  
Joint Standing Committee on Appropriations  
and Financial Affairs  
115th Maine Legislature  
Augusta, Maine 04333

Dear Senator Pearson and Representative Chonko:

During the public hearing on the Legislative Department request, you asked for information about the total cost of both Special Sessions and Senate Confirmation Sessions during the 114th Legislature. From our records we have compiled the following estimates:

	Estimated Total Cost
<b>1st Special Session</b> August 21 - 22, 1989	\$ 65,885.14
<b>1st Confirmation Session</b> October 30, 1989 (25 nominations, 4 of which were subsequently withdrawn; 9 committees)	\$ 20,952.61
<b>2nd Confirmation Session</b> December 12, 1989 (7 nominations, 6 of which were subsequently withdrawn; 2 committees)	\$ 5,305.43
<b>3rd Confirmation Session</b> May 31, 1990 (3 nominations; 2 committees)	\$ 5,725.31
<b>4th Confirmation Session</b> September 26, 1990 (11 nominations, one of which was subsequently withdrawn; 2 committees)	<u>\$ 8,801.45</u>
<b>Total/114th</b>	<b>\$106,669.94</b>

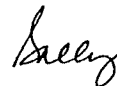
Honorable Michael E. Pearson, Senate Chair  
Honorable Lorraine N. Chonko, House Chair  
April 22, 1991  
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Included in the estimated total cost figures are the following expenses:

- Legislators' Per Diem and Expenses           \$ 82,149.89
- Salaries and related benefits for session employees           \$ 6,954.19
- Overtime in the Revisor's Office (Special Session only)           \$ 2,430.50
- Advertising                                       \$ 1,823.06
- Printing (LD's, Calendars, Acts & Resolves)           \$ 13,312.30

I would be happy to provide further information.

Sincerely,



Sarah Tubbesing  
Executive Director

cc: Honorable Charles P. Pray, Chair  
and Members of the Legislative Council

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
April 22, 1991

Action

SPONSOR: Rep. Anthony

LR 2633 An Act to Require Consent to Adoption Before a  
Probate Judge  
(Appeal)

SPONSOR: Rep. Gray

LR 2583 Resolution, Amending the Constitution of Maine  
to Give the Legislature Greater Oversight in  
Rulemaking  
(Appeal)

Cosponsors: Rep. Gwadosky  
Sen. Clark, Nancy R.  
Rep. Lord

SPONSOR: Rep. Vigue

LR 2574 An Act to Amend the Minimum Requirements for  
Emergency Medical Technicians  
(Appeal)

Cosponsors: Rep. Carroll, Donnell P.

SPONSOR: Rep. Carroll, John H.

LR 2640 An Act to Establish the Advisory Committee on  
Improving Outdoor Recreational Opportunities  
for the Disabled

SPONSOR: Rep. Martin, John L.

LR 2643 An Act to Appropriate Funds for the Save  
Loring Committee

Cosponsors: Sen. Collins  
Rep. Pines  
Rep. Bell

SPONSOR: Rep. Mitchell, James

LR 2662 An Act to Amend the Banking Laws to Allow  
Nonprofit Groups to Develop Affordable Housing

SPONSOR: Sen. Summers

LR 2637 An Act to Amend the Laws Concerning Transit  
District Services

SPONSOR: Sen. Theriault

LR 2639 An Act to Amend Maine's Consumer Credit Code

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Bell

TABLED  
04/17/91

LR 2585 An Act to Amend the Procedure for Revoking a Law  
Enforcement Officer's Certification as a Result  
of the Conviction of a Crime

Cosponsors: Sen. Mills

SPONSOR: Sen. Brawn

TABLED  
04/17/91

LR 2635 An Act to Amend the Laws Governing Safety Standards  
for Over the Road Commercial Vehicles

Cosponsors: Sen. Gould, Robert R.  
Rep. Macomber

SPONSOR: Sen. Brawn

TABLED  
04/17/91

LR 2636 An Act to Amend the Classification of the  
St. George River

Cosponsors: Rep. Whitcomb  
Rep. Savage

SPONSOR: Rep. Constantine

TABLED  
04/17/91

\*\*LR 2572 An Act to Allow Seasonal Agency Liquor Stores  
to Operate Year-round

SPONSOR: Sen. Gauvreau

TABLED  
04/17/91

LR 2623 An Act Concerning Limitations on Actions for  
Penalties

Cosponsors: Sen. Clark, Nancy R.  
Rep. Paradis, Patrick E.  
Rep. Stevens, Patricia M.

SPONSOR: Rep. Gean

TABLED  
04/17/91

LR 2618 An Act to Provide Accountability for Certain  
Purchased Services by the Bureau of Mental Health

SPONSOR: Rep. Kilkelly

TABLED  
04/17/91

LR 2551 An Act to Provide for Effective Enforcement of Laws  
Prohibiting the Drugging of Animals in Pulling  
Competitions

<b>SPONSOR:</b>	<b>Rep. Martin, John L.</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2584	Resolve, to Freeze Pay Levels for Certain Confidential Employees	
<b>SPONSOR:</b>	<b>Rep. Martin, John L.</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2603	An Act to Extend the Commission to Study the Future of Maine's Courts	
<b>SPONSOR:</b>	<b>Rep. Nutting</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2613	An Act Regarding the Ministerial and Grammar School Fund of Turner	
	Cosponsors: Rep. Adams Sen. Berube Rep. Mitchell, Elizabeth H.	
<b>SPONSOR:</b>	<b>Rep. O'Gara</b>	<b>TABLED</b>
		<b>04/17/91</b>
**LR 2529	An Act to Amend the Laws Concerning Immunization of College Students	
	Cosponsors: Rep. Kontos	
<b>SPONSOR:</b>	<b>Rep. Rotondi</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 0997	An Act Regarding Access to Certain Lands	
<b>SPONSOR:</b>	<b>Rep. Rotondi</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2578	An Act to Require Training for Certain Corrections Personnel	
	Cosponsors: Sen. Kany	
<b>SPONSOR:</b>	<b>Rep. Rotondi</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2599	An Act to Forgive Indebtedness of a Certain School Administrative Unit	
	Cosponsors: Sen. Webster	
<b>SPONSOR:</b>	<b>Sen. Summers</b>	<b>TABLED</b>
		<b>04/17/91</b>
LR 2594	An Act to Impose a 5-Year Moratorium on the Incineration of Solid Waste	

SPONSOR: Rep. Tracy

TABLED  
04/17/91

LR 2629 An Act to Prescribe the Duties and Liabilities of  
Ice-skating Rink Operators and Persons Who Use  
Ice-skating Rinks

Cosponsors: Rep. Graham  
Rep. Sheltra  
Sen. Baldacci

SPONSOR: Sen. Webster

TABLED  
04/17/91

LR 2497 An Act to Alter the Composition of the Commission on  
Governmental Ethics and Election Practices

#### JOINT RESOLUTION

SPONSOR: Rep. Martin, John L.

TABLED  
04/17/91

LR 2600 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE UNITED  
STATES CONSTITUTION TO MAKE DESECRATION OF THE AMERICAN  
FLAG A CRIME

\*\* 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  
April 23, 1991

Action

SPONSOR: Rep. Mitchell, James

LR 2626 An Act to Encourage the Preservation of Historic  
Tower Clocks  
(Appeal)

SPONSOR: Sen. Cahill, Pamela L.

LR 2648 An Act to Allow the Town of Richmond to Secede  
from Sagadahoc County

SPONSOR: Rep. Daggett

LR 2650 An Act Relating to the Cutting of Timber on  
Disputed Lands

SPONSOR: Rep. Farnsworth

LR 2649 An Act to Amend the Provisions of the Laws  
Regarding Post Judgment Interest

Cosponsors: Rep. Mitchell, Elizabeth H.

SPONSOR: Rep. Joseph

LR 2651 Resolve, Establishing Maine Folk Dance Day

SPONSOR: Rep. Joseph

LR 2652 Resolve, for Identifying the Impact on Local  
Municipalities of Providing Ambulance Services  
on the Maine Turnpike

SPONSOR: Rep. Manning

LR 2653 An Act to Encourage the Use of 9-Digit Zip Codes  
by State Agencies