

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
Wednesday, May 1, 1991
3:00 p.m.
Room 221, State House
(Taxation Committee Room)

AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of April 23, 1991, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: State House Steps

Item #2: Proposed Contract with David Silsby

Item #3: Legislative Staff Management Institute/Humphrey
Institute of Public Affairs

NEW BUSINESS

Item #1: Report from the Department of Human Services: "An
Examination of the Relationship Between Legal
Sanctions, DEEP Intervention and Repeat OUI Offenses"

Item #2: 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 23, 1991

MEETING SUMMARY

APPROVED MAY 1, 1991

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 4:50 p.m., in the Human Resources Committee Room, Room 436, State House

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Cahill Absent: Sen. Dutremble
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 Joy O'Brien, Secretary of the Senate Edwin H. Pert, Clerk of the House

SECRETARY'S REPORT

The Summary of the April 17, 1991, Council meeting was accepted and placed on file. (Motion by Sen. Webster; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Letter to Chairs, Joint Standing Committee on Appropriations and Financial Affairs

Sally Tubbesing drew members' attention to copies of a letter to the Chairs that summarized the total cost of Special Sessions and Senate Confirmation Sessions during the 114th Legislature. This information had been requested during the public hearing on the Legislature's budget. The cost of the 1st Special Session was approximately \$65,885; and the cost of 4 Senate Confirmation Sessions was about \$40,785.

No Council action was required.

Item #2: Proposed Contractual Agreement with David S. Silsby

The Council considered the proposed agreement in Executive Session as noted below. The Council took no formal action on this item at this meeting.

REPORTS FROM COUNCIL COMMITTEES

Committee on the Allocation of Legislative Space:
Appointments

Sen. Pray reported that he had made the following appointments to this committee: Speaker Martin, Sen. Cahill and Rep. Whitcomb. He appointed himself as Chair.

No Council action required.

OLD BUSINESS

Item #1: State House Steps

Ms. Tubbesing reported that she had been asked to explore whether there was any way to have the steps repaired temporarily so they could be reopened during the summer. She reported that she was engaged in conversations with BPI personnel, who were exploring various options and the associated costs.

Motion: That this item be tabled, pending the receipt of further information. (Motion by Sen. Webster; second by Sen. Clark; unanimous).

NEW BUSINESS

Item #1: After Deadline Requests

David Kennedy provided Council members with an updated report of the status of bill drafting. He also reported that, similar to the last regular session, he had begun sending out letters to sponsors that if the information required to complete their bill was not forthcoming, the bill request would be voided.

The Council then proceeded to consider After Deadline Requests. The Council's action is summarized on the attached list.

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. Marsano; unanimous).

The Council proceeded to go into Executive Session at 5:02 p.m.

RECONVENE

The Council meeting was reconvened by the Chair at 6:10 p.m.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned, on the motion of Rep. Whitcomb, at 6:11 p.m.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
April 23, 1991

	Action
SPONSOR: Rep. Anthony	ACCEPTED
LR 2633 An Act to Require Consent to Adoption Before a Probate Judge	
SPONSOR: Rep. Bell	ACCEPTED
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. Cahill, Pamela L.	ACCEPTED
LR 2648 An Act to Allow the Town of Richmond to Secede from Sagadahoc County	
SPONSOR: Rep. Carroll, John H.	ACCEPTED
LR 2640 An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for the Disabled	
SPONSOR: Sen. Clark	FAILED
LR 2623 An Act Concerning Limitations on Actions for Penalties	
Cosponsors: Sen. Gauvreau Rep. Paradis, Patrick E. Rep. Stevens, Patricia M.	
SPONSOR: Sen. Clark	ACCEPTED
LR 2655 An Act Amending the Laws Concerning Impact Aid Funds for Communities That Have Military Bases that Close	

Action

SPONSOR: Rep. Daggett

FAILED

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

SPONSOR: Rep. Farnsworth

ACCEPTED

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

Cosponsors: Rep. Mitchell, Elizabeth H.

SPONSOR: Rep. Gean

ACCEPTED

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

SPONSOR: Rep. Gray

ACCEPTED

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

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

SPONSOR: Rep. Joseph

FAILED

LR 2651 Resolve, Establishing Maine Folk Dance Day

SPONSOR: Rep. Joseph

FAILED

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

SPONSOR: Rep. Manning

WITHDRAWN

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

Action

SPONSOR:	Rep. Martin, John L.	ACCEPTED
LR 2643	An Act to Appropriate Funds for the Save Loring Committee	
	Cosponsors: Sen. Collins Rep. Pines Rep. Bell	
SPONSOR:	Rep. Mitchell, James	ACCEPTED
LR 2626	An Act to Encourage the Preservation of Historic Tower Clocks	
SPONSOR:	Rep. Mitchell, James	ACCEPTED
LR 2662	An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing	
SPONSOR:	Rep. Nutting	ACCEPTED
LR 2613	An Act Regarding the Ministerial and Grammar School Fund of Turner	
	Cosponsors: Rep. Adams Sen. Berube Rep. Mitchell, Elizabeth H.	
SPONSOR:	Rep. Rotondi	ACCEPTED
LR 2599	An Act to Forgive Indebtedness of a Certain School Administrative Unit	
	Cosponsors: Sen. Webster	
SPONSOR:	Sen. Summers	ACCEPTED
LR 2637	An Act to Amend the Laws Concerning Transit District Services	
SPONSOR:	Sen. Theriault	FAILED
LR 2639	An Act to Amend Maine's Consumer Credit Code	

Action

SPONSOR: Rep. Tracy

ACCEPTED

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: Rep. Vigue

ACCEPTED

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

Cosponsors: Rep. Carroll, Donnell P.
Rep. Farnsworth

TABLED BY THE LEGISLATIVE COUNCIL

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:	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	
SPONSOR:	Rep. Martin, John L.	TABLED 04/17/91
LR 2584	Resolve, to Freeze Pay Levels for Certain Confidential Employees	
SPONSOR:	Rep. Martin, John L.	TABLED 04/17/91
LR 2603	An Act to Extend the Commission to Study the Future of Maine's Courts	
SPONSOR:	Rep. O'Gara	TABLED 04/17/91
LR 2529	An Act to Amend the Laws Concerning Immunization of College Students	
	Cosponsors: Rep. Kontos	

SPONSOR: Rep. Rotondi
LR 0997 An Act Regarding Access to Certain Lands
TABLED
04/17/91

SPONSOR: Rep. Rotondi
LR 2578 An Act to Require Training for Certain Corrections
Personnel
Cosponsors: Sen. Kany
TABLED
04/17/91

SPONSOR: Sen. Summers
LR 2594 An Act to Impose a 5-Year Moratorium on the
Incineration of Solid Waste
TABLED
04/17/91

SPONSOR: Sen. Webster
LR 2497 An Act to Alter the Composition of the Commission on
Governmental Ethics and Election Practices
TABLED
04/17/91

JOINT RESOLUTION

SPONSOR: Rep. Martin, John L.
LR 2600 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE UNITED
STATES CONSTITUTION TO MAKE DESECRATION OF THE AMERICAN
FLAG A CRIME
TABLED
04/17/91



MAINE STATE LEGISLATURE
Augusta, Maine 04333

April 10, 1991

TO: Sally Tubbesing
Executive Director of the Legislative Council

FROM: David Silsby *DS*

SUBJECT: Front Steps of the State House

In response to our discussion relating to the dangerous condition of the front steps to the State House, Chairman Shettleworth recommends that the steps to the front entrance be posted and closed off. However, in view of a MTA Rally already scheduled and written invites sent out for Tuesday, April 16, 1991, it is recommended that the area be closed to the public following that event.

To follow that action please refer to a January 2, 1991 letter to Sen. Charles Pray, Chairman of the Legislative Council, from the Director of the State Capitol Commission where it was recommended to keep in the Legislative budget for the current fiscal year \$706,597 in landscape construction costs for the Capitol Proper Plan set forth by William Pressley Associates for the Commission. This would provide urgently needed funds for the immediate grounds in front and at the sides of the State House. Included within the plan are steps, walks and fences all long overdue for repair.

In view of potential harm to the public the subject area should remain closed and posted until necessary funding is provided and the repairs completed.

STATE HOUSE STEPS

Options for Repair/Reconstruction

May 1, 1991

Option 1

Remove & re-pour the most-damaged parts of the cement walk ; "coat" other blocks

Reset top steps as necessary

Chip out "bad" mortar from granite steps and repaint

Estimated duration of work: 2 - 3 weeks

Estimated "Life" : 3 - 4 years

Estimated cost : \$4,500.00

Work would require hiring a contractor for work on walk. BPI and Pre-Release participants would do all work on the granite steps.

Option 2

Grind down damaged cement blocks and patch

Reset top steps

Chip out "bad" mortar and repoint

Estimated duration of work: 4 weeks "plus"

Estimated "Life" : less than 1 year

Estimated cost : \$1,500.00

All work could be done by BPI and Pre-Release participants. Grinding would be very noisy and would produce a fine, ubiquitous, and insidious dust.

Option 3

Go out to bid for that portion of the work recommended by William Pressley Associates to the State House & Capitol Park Commission that involves the steps and walk

Estimated duration of work: Most of the summer?

Estimated "Life" : 50 - 100 years

Estimated cost : Consultant is presently trying to "extract" from the full proposal (probably in excess of \$200,000).

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

May 1, 1991

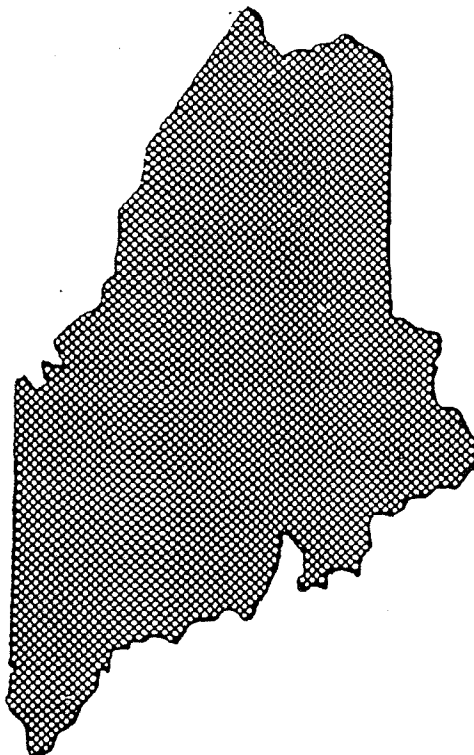
TO: Honorable Charles P. Pray, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: Legislative Staff Management Institute/Humphrey Institute
of Public Affairs

Pursuant to the Council's action to authorize a member of the non-partisan staff to apply to the Institute, I am pleased to recommend, on behalf of all the non-partisan Directors, that Julie Jones be our candidate.

Each of the Directors circulated the brochure for the Institute to all "senior" staff, including Deputy Directors and Principal Analysts, and were encouraged to consider it for themselves. I would stress that probably most of us would be interested in attending the Institute at some point: it represents a unique professional development opportunity for legislative staff. At this time, however, we feel that Julie is our best candidate. She has 10 years experience in OPLA and has clearly demonstrated her commitment to staying here. She has in these years, staffed (and continues to staff) a wide variety of committees and commissions; and we feel that her breadth of experience will allow her to take maximum advantage of the program. Finally, she has demonstrated her interest in moving into management, but has been advised to get more supervisory training and experience first. Again, we are pleased to recommend that you support the application of a valued colleague.



AN EXAMINATION OF THE RELATIONSHIP
BETWEEN LEGAL SANCTIONS, DEEP INTERVENTION
AND REPEAT OUI OFFENSES

John R. McKernan, Jr.
Governor



Rollin Ives
Commissioner

March, 1991

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

Action

SPONSOR: Sen. Clark, Nancy R.

LR 2623 An Act Concerning Limitations on Actions for
Penalties
(Appeal)

Cosponsors: Sen. Gauvreau
Rep. Paradis, Patrick E.
Rep. Stevens, Patricia M.

SPONSOR: Rep. Paradis, Patrick E.

LR 2611 An Act to Authorize the Supreme Judicial Court
to Provide a Record of Court Proceedings
(Appeal)

Cosponsors: Sen. Clark, Nancy R.
Sen. Gould, Robert R.
Rep. Stevens, Patricia M.

SPONSOR: Sen. Theriault

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

SPONSOR: Rep. Martin, John L.

LR 2665 An Act to Amend the Veterans Small Business
Act to Include Veterans who Served in the
Persian Gulf

SPONSOR: Rep. Michaud

LR 2657 An Act to Ensure Continuity in Liability for
Ground Water Contamination

JOINT RESOLUTIONS

SPONSOR: Rep. Mahany

LR 2670 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
 PRESIDENT OF THE UNITED STATES TO UPHOLD AND PROTECT
 THE BILL OF RIGHTS

SPONSOR: Rep. Pines

LR 2666 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
 PRESIDENT OF THE UNITED STATES TO MAINTAIN LORING
 AIR FORCE BASE

TABLED BY THE LEGISLATIVE COUNCIL

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 Allow for the Rebuilding of a Dam on 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: 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

SPONSOR: Rep. Martin, John L.

TABLED
04/17/91

LR 2584 Resolve, to Freeze Pay Levels for Certain
Confidential Employees

SPONSOR: Rep. Martin, John L.

TABLED
04/17/91

LR 2603 An Act to Extend the Commission to Study the
Future of Maine's Courts

SPONSOR: Rep. O'Gara

TABLED
04/17/91

**LR 2529 An Act to Amend the Laws Concerning Immunization
of College Students

Cosponsors: Rep. Kontos

SPONSOR: Rep. Rotondi

TABLED
04/17/91

LR 0997 An Act Regarding Access to Certain Lands

SPONSOR: Rep. Rotondi

TABLED
04/17/91

LR 2578 An Act to Require Training for Certain Corrections
Personnel

Cosponsors: Sen. Kany

SPONSOR: Sen. Summers

TABLED
04/17/91

LR 2594 An Act to Impose a 5-Year Moratorium on the
Incineration of Solid Waste

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 30, 1991

Action

SPONSOR: Rep. Bennett

LR 2673 Resolve, to Authorize Oxford County to Issue
Bonds for Improvements at the County Airport

SPONSOR: Sen. Bustin

LR 2679 An Act to Establish the Alternative Living
Community Program

Cosponsors: Sen. McCormick
Rep. Gean
Rep. Morrison

SPONSOR: Rep. Kontos

LR 2675 An Act to Regulate Certain Warranty Practices for
Marine Repairs

Cosponsors: Sen. Titcomb
Sen. Rich

SPONSOR: Sen. Summers

LR 2672 An Act Regarding Liquor Procurement by the
State of Maine

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
May 1, 1991

Action

SPONSOR: Rep. Foss

LR 2677 An Act to Override a Departmental Rule Imposing
Certain ASHRAE Standards on Local School Districts

SPONSOR: Rep. Jalbert

LR 2676 An Act Relating to Staff of the Maine State
Retirement System

Cosponsors: Sen. Collins
Rep. Mayo