

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
WEDNESDAY, JUNE 5, 1991

AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of May 29, 1991, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Proposed Interim Studies

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Requests to Carry Over Legislation to the Second
Regular Session

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

LEGISLATIVE COUNCIL

May 29, 1991

MEETING SUMMARY

APPROVED JUNE 5, 1991

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

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 9:50 a.m., in the Taxation Committee Hearing Room.

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 Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The summary of the May 16, 1991, Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, reported that the focus of the staff offices continued to be on completing drafting of committee amendments and the related fiscal notes. David Kennedy noted that his Office was still drafting 5 original bills -- all after deadline requests -- but that the bulk of the Office's workload was committee amendments.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: 3% Cost-of-Living Increase for Legislative Employees.
(Request of Sen. Clark)

Motion: That the 3% cost-of-living increase originally due on April 1, 1991, be awarded to all legislative employees. (Motion by Speaker Martin, second by Sen. Clark).

Discussion: Rep. Marsano stated that he had discussed the 3% increase with the Governor at length the previous day in order to clarify which executive department employees had not received this increase. He further reported that those executive department employees over whom the Governor has direct authority had not received any pay increase during the past 2 years.

Rep. Gwadosky expressed his concern that this item had been put on the agenda with no reference to the legislative budget as a whole and suggested that it was better to continue to deal with this item in its proper context.

Speaker Martin withdrew his motion, but stated that if the Council chose to withhold the cost-of-living increase, it was his expectation that no step increases would be granted either in the interest of consistency. Rep. Mayo responded that cost-of-living increases and step increases were distinct and should be treated separately.

Sharon Miller then appeared at the Council's invitation, to clarify the policy with regard to both cost-of-living increases and step increases for executive branch employees. She reported that the Governor's appointees (numbering between 70-75 and listed in 2 MRSA § 6) had received neither the 3% increase in October nor the 3% increase awarded in April and that none had received a step increase since January, 1990. In response to a question from Rep. Mayo, she acknowledged that 4 of the 19 Commissioners were at the top of their scales and, thus, would not have been eligible for step increases.

With regard to the Governor's personal staff -- 22 in all -- Ms. Miller reported that, of the 22, 12 employees earned less than \$30,000/year and that these 12 had been awarded the October 3% increase but not the additional 3% due in April.

Motion: That this item be referred to the Council's Budget Committee. (Motion by Sen. Clark; second by Rep. Whitcomb; unanimous).

The Chair, Senator Pray, expressed appreciation to Ms. Miller for sharing the information.

NEW BUSINESS

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

Sen. Pray drew Council members' attention to the letter from Mr. Silsby and his response to Sen. Pray. Ms. Tubbesing reported that the State House and Capitol Park Commission had now scheduled a meeting on June 26.

Motion: That this item be tabled pending a report and recommendations from the Commission. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Item #2: Requests to Carry Over Legislation to the Second Regular Session.

Motion: That all requests be approved. (Motion by Rep. Mayo; second by Rep. Marsano; unanimously approved by the 6 members present at the time the vote was taken).

Note: A list of the carryover requests included in this motion is attached to these minutes.

Item #3: After Deadline Bill Requests.

A summary of the Council's action on After Deadline Requests is attached.

ANNOUNCEMENTS AND REMARKS

Senator Pray announced that the Budget Committee would meet in his office the following day, Thursday, May 30, at 9:30 a.m.

ADJOURNMENT

The Legislative Council meeting was adjourned at 10:38 a.m., on the motion of the Chair.

115th LEGISLATURE/1st REGULAR SESSION
POTENTIAL STUDY STAFF REQUIREMENTS
As Of 5/31/91

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Commission to Study and Evaluate the Status of Education Reform in Maine Resolves 1989, C. 88	*Develop funding proposals *Staff Commission *Draft legislation (Report 12/1/91)	Consultant; UMS; Leg. Council	"Legislative Council may seek outside funding;" Commission may apply for grants	19 total; 4 legislators
Commission to Study the Use of Professional Strikebreakers LD 199	*Consultant selection & contract administration *Professional & clerical support to Commission *Draft legislation (Report 11/1/91)	Contractual	GF Appropriation: \$7,690	7 total; 3 legislators
Commission to Study Maine's Oil Spill Clean-up Preparedness (re-established) LD 246	*Staff Commission *Draft legislation (Report 11/1/91)	Leg. Council (interim only)	Uses balance of appropriation from "Phase I" of Commission	15 total; 2 legislators
Commission to Study a Long-term Disability Program for the Maine State Retirement System Members LD 770	*Draft legislation (Report 12/1/91)	MSRS staff + actuary	Funds currently available to MSRS	8 total; No legislators
Commission on Electric Utilities and Long-Range Energy Production Planning LD 774	*Staff Commission *Draft legislation (Report 2/1/92)	SPO; Leg. Council for drafting	GF Appropriation; \$43,525	16 total 10 legislators
Annual Report from ENR Committee to Appropriations Committee re allocations from dedicated funds & revenues of the Bureau of Public Lands LD 840	*Prepare Report (Report by 3/1 annually)	None	N/A	Committee
Task Force on Local Public Employee Collective Bargaining LD 932	*Staff Task Force *Draft legislation (115th/2nd)	MLRB	GF Appropriation: \$8,900	15 total; No legislators

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Primary Care Residence Commission LD 999	*Consultant selection & contract administration *Develop Funding proposal(s) *Staff Commission *Draft legislation (Report 2/15/92)	Consultant	"Legislative Council may seek outside funding"	25 total; 6 legislators
Staff Study of Federal Law & the Constitution of Maine vis a vis the Provision of Information to Patients & Potential Patients Concerning Physicians LD 1179	*Research & develop report (by 11/15/91)	OPLA	Costs absorbed	N/A (Report to Bus Leg Committee)
Commission to Study the Safe Operation of Truck Tractors LD 1260	*Staff Commission *Draft legislation (Report by 2/19/92)	DOT	Costs absorbed (DOT)	4 total; 1 legislator
Commission to Study the History, Status, Impact & Role of Independent Higher Education in Maine LD 1452	*Consultant selection & contract administration *Staff Commission *Draft legislation (Report by 11/1/92)	Consultant	"Legislative Council may seek outside funding"	9 total; 3 legislators
Independent Review of DHS LD 1455	*Consultant selection & contract administration *Conduct review *Draft legislation (Report by 11/1/92)	Independent management firm (Council to hire)	Surcharge on certain revenue collections of DHS up to \$125,000	N/A
Commission to Study the Need for a Technical College in York County LD 1604	*Organize informational sessions *Literature search *Conduct & tabulate survey *Legal research/legal opinions *Draft report and legislation (Report by 11/1/91)	Legislative Council	GF Appropriation: \$3,100	8 total; 4 legislators

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Commission to Study the Feasibility of a Capital Cultural Center LD 1705	<ul style="list-style-type: none"> *Organize informational session *Literature search *Conduct & tabulate survey *Legal research/legal opinions *Draft report and legislation (Report by 11/1/91) 	UMA	Apply to UMA for funds	10 total; 3 legislators
Staff Study of the Resolution of Conflicting Enactments LD 1718	Judiciary Committee may request	Legislative Council	N/A	Committee
Joint Select Committee to Develop a Plan for a Statewide Health Insurance Program LD 1727	<ul style="list-style-type: none"> *Study current system <ul style="list-style-type: none"> -Strengths -Weaknesses -Ways to increase efficiency -Ways to prevent gaps in coverage -Cost controls -Public financing of a system *Public hearing *Draft legislation *Consultant selection & contract administration (Report by 2/1/92) 	Consultant(s); Legislative Council	Outside funding and a General Fund appropriation of \$13,920	16 total; All legislators
Maine Criminal Justice Commission LD 1729	<ul style="list-style-type: none"> *Develop funding proposals *Staff Commission *Draft legislation (Report annually by 12/31) 	Executive Director AG, DOC; DPS; UMS Law School	Commission may seek outside funding	25; 5 legislators
Commission to Study the State of Maine Manual of Policy and Procedures for MSECCA LD 1737	<ul style="list-style-type: none"> *Informational sessions *Conduct & tabulate survey *Other data collection *Prepare report *Revise Manual *Draft legislation (Report by 11/1/91) 	Not specified	GF Appropriation: \$1,300	Indeterminate; 2 legislators

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Commission on Governmental Restructuring PL 1991, c. 139	*Staff Commission *Draft legislation (Interim report 9/15/91 Final report 12/15/91)	Leg. Council; SPO	GF Appropriation: \$25,000	22
Commission to Study State Permitting & Reporting Requirements LD 1769	*Staff Commission *Draft report *Draft legislation (Report by 12/1/91)	Legislative Council	GF Appropriation: \$2,710	9 total; 3 legislators
Maine Committee for Global Education LD 1781	*Staff Commission *Clerical support and technical assistance *Seek funding *Administer funds *Draft legislation	DECD & DE; Leg. Council for administering funds	Committee may accept outside funding	15 2 legislators
Academy for Public Service Study Committee LD 1782	*Staff Committee *Draft report *Draft legislation (Report by 11/1/92)	Legislative Council	GF Appropriation: \$1,825	12 total 3 legislators
Recodification of Motor Vehicle Laws LD 1787	Bill extends reporting date to 11/1/92	DMV/Contractual NOTE: Revisor & OPLA involvement are essential		N/A
Commission on Maine Lakes LD 1789	Bill extends reporting date to 11/1/91 *Draft legislation	Legislative Council	---	
Commission to Study Secondary Vocational & Technical Education in Maine LD 1809	*Consultant selection & contract administration *Informational sessions *Literature search *Conduct/tabulate/analyze survey *Legal Research *Report *Draft legislation (Report by 11/1/91)	Consultant	"Legislative Council may seek outside funding"	15 total; 3 legislators

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Federal & Dedicated Funds Subcommittee LD 1819	<ul style="list-style-type: none"> *Analyze new/expanded federal fund budget requests *Compile historical date on federal & dedicated funds *Monitor federal budgeting activities *Conduct special studies (Work is ongoing) 	Legislative Council	---	Subcommittee of Appropriations (# not specified)
Commission to Study the Future of Maine's Courts PL 1989, c. 891	<ul style="list-style-type: none"> *Develop Funding proposals *Staff Commission *Clerical & support services *Draft legislation (Report by 2/28/93) 	Contractors; Admin Office of Courts Judicial Council; Legislative Council	Commission may seek outside funding	23; 5 legislators
Commission to Arrange for the Display of the Flags of Maine Desert Storm Units in the Hall of Flags LD 1862	<ul style="list-style-type: none"> *Develop plan for display to be reviewed by Legislative Council *Make necessary arrangements 	Not specified	---	6 total; no legislators
Special Commission to Study the Organization of State Government Including Operational Cost Controls and Delivery of Services LD 1879 CARRYOVER Requested	<ul style="list-style-type: none"> *Staff support to Commission to study all operations of state government & the delivery of programs & services *Focus on opportunities to: <ul style="list-style-type: none"> -Streamline/reduce costs -Enhance accountability & admin control -Opportunities for managerial improvement *10 public hearings *Report *Draft legislation (Report by 11/1/91) 	Not specified	GF appropriation: \$6,000	11 members; no legislators
Commission to Investigate Census Data Irregularities LD 1892	<ul style="list-style-type: none"> *Analyze accuracy of 1990 census data *Legal research *Draft report & legislation (Report by 4/1/92) 	Legislative Council	None	9 total; # of legislators not defined

Proposed Commission/Study	Staffing Requirements	Staffing Provisions	Funding Provisions	Membership
Study of Exemptions from Sales & Use Tax in 36 MRS § 1760 LD 1906	*Staff Taxation Committee *Draft report & legislation (Report by 11/1/91)	Legislative Council	None	Taxation Committee
Select Committee on the Reorganization of Natural Resource Management and Regulation/Technical Advisory Committee on the Formation of the Department of Natural Resources LD 1915	*Staff Commission *Draft legislation (Report by 12/1/91)	Legislative Council; Consultants; State agencies	None	15 legislators (select committee) 14 (technical committee)

Legislative Council
Requests to Carry Over Bills
to the Second Regular Session

DB: TEST5
RPT: SPEC04

June 4, 1991

<u>Committee Name</u>	<u>Title</u>	<u>Sponsors</u>	<u>Reason</u>
L.D. 1913	An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine	MICHAUD	
Appropriations & Financial Affairs			
L.D. 1519	An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State	MAHANY PEARSON PARADIS J	
L.D. 1879	An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy	CARROLL D BOST	
Audit & Program Review			
L.D. 1860	An Act to Require the Preparation of Impact Statements	BUSTIN FARNSWORTH	
Banking & Insurance			
L.D. 1871	An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing	MITCHELL J CLARK N	The Committee needs time to analyze the effect of this bill on affordable housing projects
Business Legislation			
L.D. 994	An Act to Amend the Maine Traveler Information Services Laws	BUSTIN TWITCHELL	
Judiciary			
L.D. 1713	An Act to Safeguard Money Held for Minors	MITCHELL E GAUVREAU STEVENS P	
L.D. 1905	An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings	PARADIS P CLARK N GOULD R R	

Committee Name

Title

Sponsors

Legal Affairs

L.D. 1479

An Act to Protect the Copyright and Ownership Rights of
Maine Artists

ADAMS
CONSTANTINE
GRAHAM
LUDWIG

This bill involves complex
federal law issues that require
further study. Litigation in
another state may help resolve
issues if we learn outcome.

State & Local Government

L.D. 1887

Resolve, to Override a Departmental Rule Imposing Certain
ASHRAE Standards on Local School Districts

FOSS
REED G
MACBRIDE
FOSTER

Page Number: 2

Legislative Council
Action on Requests to Carry Over Bills
to the Second Regular Session
as of June 5, 1991

DB: TEST5
RPT: SPEC05

Committee Name	Title	Sponsors	Action
Appropriations & Financial L.D. 1519	Affairs An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State	MAHANY PEARSON PARADIS J	Approved
L.D. 1879	An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy	CARROLL D BOST	Approved
L.D. 1913	An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine	MICHAUD	Approved
Audit & Program Review L.D. 1860	An Act to Require the Preparation of Impact Statements	BUSTIN FARNSWORTH	Approved
Banking & Insurance L.D. 1871	An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing	MITCHELL J CLARK N	Approved
Business Legislation L.D. 994	An Act to Amend the Maine Traveler Information Services Laws	BUSTIN TWITCHELL	Approved
Judiciary L.D. 1713	An Act to Safeguard Money Held for Minors	MITCHELL E GAUVREAU STEVENS P	Approved
L.D. 1905	An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings	PARADIS P CLARK N GOULD R R	Approved
Legal Affairs L.D. 1479	An Act to Protect the Copyright and Ownership Rights of Maine Artists	ADAMS CONSTANTINE GRAHAM LUDWIG	Approved
State & Local Government L.D. 1887	Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts	FOSS REED G MACBRIDE FOSTER	Approved

— End of Report —

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

June 5, 1991

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

FROM: Sally *Sally*

SUBJECT: Carry Over Bills that have now been Reported Out

The following bills have been approved by the Council as carryovers, but have now been reported out.

Committee

Human Resources

LD 1820	An Act to Provide Accountability for Certain Purchased Services by the Bureau of Mental Health (OTP-Am)
LD 1825	An Act to Amend the Laws Relating to the Collection of Debts by the Department of Human Services (OTP-Am)

Judiciary

LD 1458	An Act Relating to Court Security Personnel (OTP-AM)
LD 1843	An Act to Improve the Implementation of the Maine Indian Claims Settlement Laws (OTP-Am)

Labor

LD 399	An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace (OTP-Am)
LD 968	An Act to Improve and Expand Job Training Opportunities for Maine Citizens (OTP-Am)

Thus, the revised number of approved carryovers is 114.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
June 5, 1991

Action

SPONSOR: Sen. Gauvreau

LR 2743 An Act to Amend the Disability Laws Applicable
to Members of the Maine Judicial Retirement
System

Cosponsors: Rep. Paradis, Patrick E.

SPONSOR: Rep. Joseph

LR 2736 An Act to Remove Certain Investment Restrictions
Concerning Namibia

Cosponsors: Rep. Heeschen
Rep. Larrivee
Rep. Gray

SPONSOR: Rep. Larrivee

LR 2744 An Act to Amend the Probation Laws to Include
Unsupervised Probation

Cosponsors: Rep. McKeen
Rep. Anthony

SPONSOR: Rep. Mitchell, Elizabeth H.

LR 2747 An Act to Amend the Quorum Requirements for
Special Town Meetings in Vassalboro p 45

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: 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: Sen. Summers

TABLED
05/07/91

LR 2688 An Act to Amend the Definition of Prostitution

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