

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

AUGUST 22, 1991

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of July 9, 1991, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

I. Information Items

1. Interim Studies: Staffing Assignments
2. Repairs to State House Roof: Status Report

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Proposed Procedures for Council Review and Approval of Applications to Use Capitol Park

Item #2: Proposed Procedures for Council Review and Approval of Outside Funding of Statutory Studies

NEW BUSINESS

Item #1: Primary Care Residency Commission (ch. 545, P.L. 1991): Proposed Funding Source

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

JULY 9, 1991

MEETING SUMMARY

APPROVED AUGUST 22, 1991

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Sen. Pray, at 10:27 a.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble, Sen. Cahill
Representatives:	Rep. Martin, Rep. Whitcomb, Rep. Mayo, Absent: Rep. Gwadosky, 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

SECRETARY'S REPORT

The summaries of the June 19 and June 24 Legislative Council meetings were approved and placed on file. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented two items for the Council's consideration:

Item #1: Legislative Budget for FY 1992-1993: Revised Totals

Ms. Tubbesing drew Council members' attention to an Exhibit in their agenda packet that presented revised budget figures for each of the appropriation accounts administered by the Legislature. The revisions reflected the additional cuts that had been negotiated as part of the final budget settlement for fiscal years 1992 and 1993. Ms. Tubbesing reported that she and Dick Sawyer had not had time to review the impact of the additional reduction in detail; however, she did note that the reduced appropriation for the Interstate Cooperation Commission was no longer sufficient to cover the dues scheduled to be paid to both the Caucus of New England State Legislatures and the National Conference of State Legislatures in FY 93.

Finally, Ms. Tubbesing drew members' attention to the last page of the Exhibit which listed increases to the Legislature's original budget requests which had been included in the final budget:

1. Lobster Management Study: \$9,000

Ms. Tubbesing noted that this was one of the proposed statutory studies that the Council had voted not to fund or staff in its preliminary review of study requests.

2. Two additional Analyst positions in the Office of Fiscal & Program Review

These positions are required to implement the statutory mandate that the Office analyze each bill in terms of its impact on municipal budgets. The Council had discussed the need to either request funds for the positions or delay implementation of the law at a previous meeting and had, in correspondence to the Chairs of the Appropriations Committee, left the choice to the Committee. Sen. Pray pointed out that there was no space to accommodate the 2 additional positions and that this would have to be resolved.

No Council action was required on this item.

Item #2: Cloture and Related Dates: Proposed Schedule

Noting that the Chair had previously asked staff to develop a proposed schedule for cloture and related Council meetings, Ms. Tubbesing drew members' attention to such a proposal in their packets. After discussion, Council members agreed to move the date of the first Council meeting from Sunday, October 13 to Monday, October 14, acknowledging that this was Columbus Day, which would otherwise be a holiday. The schedule was then approved by consensus, without a formal motion. A copy of the revised schedule is enclosed.

REPORTS FROM COUNCIL COMMITTEES

There were no Committee reports; however, the Chair, Sen. Pray noted that several committees would need to meet in the near future.

EXECUTIVE SESSION

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

Pursuant to the motion, the Council proceeded to go into Executive Session at 10:44 a.m.

RECONVENE

The Council reconvened its regular meeting at 10:52 a.m., on the motion of the Chair, Sen. Pray.

Motion: That the Legislative Council accept the letter from Haven Whiteside indicating his wish to retire on September 15, 1991, with deep regret and best wishes. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That Haven Whiteside's leave of absence be extended through September 15, 1991. (Motion by Sen. Clark, second by Rep. Mayo; unanimous).

Motion: That the Legislative Council accept Elizabeth Bartlett's decision to retire with regret and an expression of the Council's appreciation for her years of service to the Legislature. (Motion by Rep. Mayo; second by Sen. Cahill; unanimous).

Motion: That the Council authorize both of the positions vacated through the aforementioned retirements to be filled in accordance with Council policy and procedures. (Motion by Sen. Clark; second by Rep. Mayo; unanimous).

Note: The positions are Administrative Secretary, Office of Fiscal & Program Review, and Analyst, Office of Policy & Legal Analysis.

OLD BUSINESS

None.

NEW BUSINESS

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

Motion: That all requests except LD 1972, An Act to Reform the Maine Workers' Compensation System, be approved. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

Item #2: Compensatory Time

The Chair, Sen. Pray, expressed his concern about the significant amounts of overtime that had been accrued this session due to the extraordinary nature and demands of the Session. Under the Council's existing policies, compensatory time accrued in excess of 120 hours is essentially lost. To illustrate the magnitude of the problem, Sally Tubbesing reported that the staff in the Revisor's Office alone had recorded nearly 1100 hours of overtime in the previous 2-week period, and that the fiscal staff in the Office of Fiscal & Program Review had accrued more than 2000 hours since the beginning of the 1st Regular Session.

Ms. Tubbesing noted that all of the non-partisan Office Directors had deep concern that, as the session continues, it will be increasingly difficult to balance the critical need to give staff time off with the need to complete key interim projects. Sen. Webster asked David Kennedy why the Revisor's Office couldn't simply close for a month, once the session had adjourned, to allow everyone to take the time they had earned. Mr. Kennedy responded that this was not possible because the Office had at least 2 projects that had to be completed by cloture, which the Council had just set for October 4: 1) the publication of the Laws of Maine, which are traditionally issued within 90 days of adjournment sine die; and 2) the update of the statute data base to reflect the work of the First Regular Session.

After some further discussion, the Chair asked the Executive Director to compile additional information regarding both the total compensatory time accrued and the cost of cashing out any amounts accrued in excess of 120 hours.

No Council action was required at this time.

RECESS

The Council meeting was recessed at 11:15 a.m., on the motion of Sen. Cahill (seconded by Sen. Webster).

RECONVENE

The Council meeting was again brought to order by the Chair at 8:30 p.m., in the Legislative Council Chamber.

NEW BUSINESS (Cont.)

Item #2: Compensatory Time (cont.)

Motion: That the issue of compensatory time be referred to the Personnel Committee for further consideration and the development of recommendations for the Council's consideration. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Item #3: Council Authorization of the Use of Capitol Park

Motion: That the Council Chair be authorized to approve requests for the use of Capitol Park when the Legislature is not in session and to report his action on all requests to the Council. (Motion by Rep. Mayo; second by Sen. Clark).

Discussion:

Sen. Webster asked whether the Chair intended to develop guidelines to use in reviewing requests for the use of Capitol Park, and Sen. Pray responded affirmatively.

The Speaker then offered an amendment to the original motion, whereby the Chair's decision on each request must reflect a poll of the Council members by telephone. Sen. Webster seconded the motion to adopt this amendment.

The vote on the amendment was unanimous, and it was followed by a unanimous vote to approve the original motion as amended.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 8:35 p.m., on the motion of the Chair.

DRAFT BUDGET FOR STUDY COMMISSION

Expenses for a study commission with approximately 25 members (six of whom are legislators), which would meet 6-7 times in a six month period, would be the following:

<u>Commission Staffing</u>	\$6500
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Primary staff professional 16 days @ \$250/day	
Legislative specialist 10 days @ \$250/day	

<u>Consultants</u>	2900
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Possible consultants from national organizations or another state with information pertinent to Commission's work (Fee plus travel)

<u>Secretarial</u>	800
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<u>Legislative per diem</u> (\$55/day)	2970
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<u>Photocopying</u>	500
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<u>Postage</u>	400
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<u>Telephone</u>	230
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<u>Supplies</u>	200
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<u>Travel</u>	200
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<u>Room Rental</u>	300
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TOTAL	\$15,000
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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

August 16, 1991

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

FROM: Sally *Sally*

SUBJECT: Proposed Procedures for Reviewing Applications
for the Use of Capitol Park

At the Council's request, I have developed Draft Guidelines for the Council's review of applications for the use of Capitol Park. Prior to the July 9 Council meeting, when the Council voted unanimously to finally approve all uses of Capitol Park, in accordance with its statutory authority, this function had been handled solely by the Bureau of Capitol Security. I have talked with Don Suitter, Chief of Capitol Security, to learn what the current review process is. A copy of the Capitol Area Activity Permit Request is attached for your information.

Capitol Security's current role with regard to use of Capitol Park encompasses three distinct functions.

1. Review of the application

This is done in consultation with the Commission of Public Safety and includes review of both the "physical" requirements of the proposed use (e.g. need for additional toilet facilities), as well as any security issues raised by the proposed use (e.g. implications for local traffic). The latter review is often informed by prior experience with the group.

2. Dissemination of information

The Capitol Security staff assume the responsibility for insuring that applicant groups are familiar with the Rules regarding Security in the Capitol Area, which have been promulgated by the Department of Public Safety pursuant to its rulemaking authority. (These prohibit the carrying of firearms, or other weapons, explosives, etc.; littering; alcoholic beverages; vending activities unless they are specifically approved, etc.)

3. Oversight of the activity/enforcement of the Rules

The Capitol Security force does keep an eye on the activities in progress.

The attached Proposed Procedures that I have drafted at your request are designed to incorporate the Council's review and final approval in the existing process. This approach recognizes that we have neither the expertise nor the capacity on the legislative staff to assume the roles that Capitol Security currently performs.

Attachments

LEGISLATIVE COUNCIL
PROPOSED PROCEDURES FOR REVIEWING REQUESTS
FOR USE OF CAPITOL PARK

Draft: August 15, 1991

1. Person/organization submits written Permit Request to Capitol Security
2. Capitol Security immediately informs Executive Director of the Request (same calendar day)
 - Forwards a copy of the Request as soon as possible if there are no issues that require further review
 - If further review/consultation with applicant is desirable, Chief of Capitol Security will give an estimated time/date for completion of review
3. Executive Director informs Council Chair of the request
4. Executive Director polls Council members, informing them of any issues raised by Capitol Security
5. Executive Director informs Council Chair of the results of the poll
6. Council Chair or Vice-Chair (Executive Director in their absence) sign permit request, indicating Council action and return to Chief of Capitol Security, within 1 working day of receipt of permit.
 - Executive Director is responsible for informing Chief of Capitol Security if there will be any delays.
7. In the event that the Council overrides Capitol Security's recommendation, the Council Chair shall direct the Executive Director to work with the Chief of Capitol Security to achieve resolution of any disagreement.

PROPOSED ADDENDUM TO CURRENT PERMIT REQUEST

Capitol Security Review

Special Requirements

Issues of Concern

Recommendation to the Legislative Council

Legislative Council Review

Approved _____

Denied _____

Date _____

Signature _____

Liquor Enforcement
Bureau of Safety
Capitol Security



Maine Criminal Justice Academy
State Fire Marshal
State Police

DEPARTMENT OF PUBLIC SAFETY

36 HOSPITAL STREET • AUGUSTA, MAINE 04330

CAPITOL AREA ACTIVITY PERMIT REQUEST

Pursuant to Section 2904 of Title 25 of the Maine Revised Statutes Annotated and the Rules promulgated thereunder, the undersigned hereby requests a permit to engage in the activity described below.

NAME OF APPLICANT:

ADDRESS AND TELEPHONE NUMBER:

ORGANIZATION REPRESENTED BY APPLICANT:

DATE, TIME & LOCATION (S) OF ACTIVITY:

NUMBER OF PERSONS EXPECTED TO PARTICIPATE IN ACTIVITY:

DESCRIPTION OF ACTIVITY AUTHORIZED BY THIS PERMIT:

It is understood that an activity permit authorized the applicant and the organization which he/she represents to engage only the the activity described in the permit at the location (s) designated in the permit and further that no sign poster or banner on stake(s) will be brought into any building. It is further understood that the responsibility for the supervision of this activity is the obligation of the permittee as is the responsibility for cleaning up the area at its conclusion.

Dated: _____, 19____

Signature of Applicant

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

August 16, 1991

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

FROM: Sally *Sally*

SUBJECT: Request for Council Authorization to Accept a Grant
to Fund the Primary Care Residency Commission

As you recall from the discussion at the Council's July meeting, The Primary Care Residency Commission (Ch. 545, P.L. 1991) is one of the study commissions authorized to meet only if it secures outside funding. The purpose of this memo is to provide you with some information regarding the proposed funding source for this Commission in advance of the Council meeting Thursday, August 22.

Soon after the law was enacted and signed in mid-July, I was contacted by individuals who were involved in developing the original legislation and who followed it closely through the process:

Lisa Miller, Public Health Consultant, Coopers Mills
Daniel K. Onion, M.D., and Director of the Maine-Dartmouth
Family Practice Residency, Augusta
George T. Nilson, Consultant to the Bingham Betterment
Fund, Augusta

This group has secured a \$15,000 grant from the Bingham Betterment Fund, pending the Council's approval. I have worked with them to obtain the following information about the Fund. The Bingham Betterment Fund is one of several foundations established for charitable purposes by the Bingham Family. This Fund, incorporated in Maine reflected the interests of William Bingham, 2nd, in improving education and medicine in Maine. The Fund awards about a million dollars in grants annually; the size of the grants ranges from \$250 - \$250,000. The Fund uses the following criteria in evaluating grant requests:

- Impact on the State of Maine and its residents
- Program focus on health and education. In addition, the Fund is particularly interested in programs that appear to have the potential for broader application
- Constituency, or community support
- Fiscal responsibility

I have enclosed a Summary of the Fund's Grants for 1990 for your information.

The Fund is administered out of New York City and is governed by three trustees: Carolyn S. Wollen, Esq.; William S. Throop, Jr., Esq.; and William B. Winship, Esq. Dr. Onion, who will be a member of the Commission by virtue of his role with the Maine-Dartmouth Family Practice Residency Program, has been involved in other programs supported by the Fund.

The Fund has no formal proposal application process; however a budget has been developed for this grant (enclosed). The grant would be made payable to the Treasurer, State of Maine, and set up as a Special Revenue account under the Legislative Department. The group with whom I met understands that, in addition to approving the source of funding, the Council must also approve any contracts that the Commission may enter.

I would be happy to answer any additional questions you may have.

Enclosures

Bingham Betterment Fund
1990 Grantmaking Summary
January 1, 1990 - December 31, 1990

Total Number of Grants	45
Total Grants paid	\$959,850.
Average Grant Size	\$21,330.
Range of Grant Payments	\$250. - \$250,000.

DESCRIPTION OF GRANTS

Education (Total grants of \$494,500.)

College of the Atlantic, Bar Harbor, Maine.

A payment of \$5,000. for direct scholarship aid for Maine students (Fifth year of a six year grant); and a payment of \$25,000. for scholarship endowment for Maine students (Third year of a four year grant).

Gould Academy, Bethel, Maine.

A payment of \$250,000. for Gould's capital program (Third year of a four year grant); a payment of \$25,000. for 1990-1991 Annual Giving; and a payment of \$31,500. for Bingham Scholarships, full scholarships for two Maine students (Annual commitment).

Mahoosuc Arts Council, Bethel, Maine.

A payment of \$8,000. for 1989 general operating support; and a payment of \$10,000. for 1990 general operating support for arts education program.

Maine Community Foundation, Ellsworth, Maine.

A payment of \$25,000. for endowment for Maine Scholars Fund, a fund created to aid special projects at the University of Maine (Fourth year of four year grant).

Maine Humanities Council, Portland, Maine.

A payment of \$15,000. for the Academic and Cultural Collaborative of Maine.

Maine Maritime Academy, Castine, Maine.

A payment of \$10,000. for direct scholarship aid for Maine students (Fifth year of a five year grant); and a payment of \$25,000. for scholarship endowment for Maine students (Third year of a five year grant).

Project Opportunity, Bethel, Maine.

A payment of \$10,000. for Aspirations and Scholarship Program.

Salt, Inc., Kennebunkport, Maine.

A payment of \$25,000. for acquisition of a new building (Second year of three year grant).

Skowhegan School of Painting and Sculpture, Skowhegan, Maine.

A payment of \$25,000. for scholarship endowment for Maine students (Third year of a three year grant).

University of New England, Biddeford, Maine.

A payment of \$5,000. for Maine Health Careers Loan Program (Third year of a four year grant).

Health (Total grants of \$189,600.)

Adolescent Pregnancy Coalition, Augusta, Maine.

A payment of \$17,000. for general operating support.

Aroostook County Action Program, Presque Isle, Maine.

A payment of \$9,000. as a one-year grant in support of Dental Health Education Program.

Aroostook Medical Center, Presque Isle, Maine.

A payment of \$10,000. for development of the Women's Health Care Center (Second year grant).

Bethel Area Health Center, Bethel, Maine.

A payment of \$25,000. for expansion of health center building.

CEIP Fund, Inc., Boston, Massachusetts.

A payment of \$6,000. for an intern to assist the Maine DHS project for head injury surveillance and system assessment.

Center for Health Policy Development, Portland, Maine.

A payment of \$2,500. for conference registration fee assistance for Maine officials and not-for-profit organizations.

Foundation for Blood Research, Scarborough, Maine.

A payment of \$15,000. for genetic screening program.

Kieve Affective Education, Inc., Nobleboro, Maine.

A payment of \$5,000. to support Leadership Decisions Institute (Third year of three year grant).

Maine Medical Center, Portland, Maine.

A payment of \$15,000. for continuing research on Lyme disease.

Maine Public Health Association, Augusta, Maine.

A payment of \$9,100. for publishing a study of Maine's public health system.

Medical Care Development, Augusta, Maine.

A payment of \$15,000. (matching) for "Parenting for the Drug Free Years" (First year of a two year grant).

New England Medical Center Hospitals, Boston, Massachusetts.

A payment of \$20,000. as a contribution to the Bingham Program grant to the Maine Medical Assessment Foundation.

Resources for Divorced Families, Bailey Island, Maine.

A payment of \$20,000. to help establish seminars for divorcing parents.

University of Southern Maine Human Services Development Institute, Portland, Maine.

A payment of \$21,000. for Project AIMS' development of family support materials for pediatric and family practice offices.

Conservation and Development (Total grants of \$127,000.)

American Lung Association of Maine, Augusta, Maine.

A payment of \$12,000. for an air quality project to support reduction of pollution from existing sources.

American Rivers, Washington, D.C.

A payment of \$10,000. in support of project to set fish passage standards for relicensing of current dams in State of Maine.

Island Institute, Rockland, Maine.

A payment of \$25,000. for endowment funds (matching) for organization working with the communities on the islands of the coast of Maine (First year of a two-year grant).

Mainewatch, Hallowell, Maine.

A payment of \$15,000. in support of general operating expenses (Fourth year of grant support).

Natural Resources Council of Maine, Augusta, Maine.

A payment of \$15,000. to support the growth management project (Second year of a two year grant).

Quebec Labrador Foundation, Inc. (Atlantic Center for the Environment), Ipswich, Massachusetts.

A payment of \$15,000. to provide technical assistance to local conservation groups in western mountain region of Maine to do resource inventories (First year of a three-year grant).

Western Mountain Alliance, Farmington, Maine.

A payment of \$25,000. for operating expenses for group addressing resource and economic issues in western mountain region of Maine (Second year of grant support).

The Wilderness Society, Washington, D.C.

A payment of \$10,000. for operating expenses for North Maine Woods Reserve Project (Third year of grant support).

Community Support (Total grants of \$63,500.)

Cumberland County Affordable Housing, Portland, Maine.

A payment of \$20,000. for the building materials bank.

Good Shepherd Food Bank, Auburn, Maine.

A payment of \$8,000. for capital project expenses in rebuilding their roof.

Maine Community Foundation, Ellsworth, Maine.

A payment of \$10,500. for the Washington County Fund.

YWCA, Portland, Maine.

A matching payment of \$25,000. for purchase of Teen Parent Services Apartment (Third year of four year grant).

General Charitable (Total grants of \$85,250.)

The Bethel Historical Society, Inc., Bethel, Maine.

A payment of \$10,000. for the publication of a pictorial history of Bethel.

Maine Community Foundation, Ellsworth, Maine.

A payment of \$50,000. for charitable distributions and operating expenses (Seventh year of grant support); a payment of \$25,000. for the King Cummings Memorial Fund (Second year of three year grant); and a payment of \$250. for administrative support for the October grantmakers' conference.