

# MAINE STATE LEGISLATURE

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# LEGISLATIVE COUNCIL

Wednesday, September 11

## REVISED AGENDA

### CALL TO ORDER

### ROLL CALL

### SECRETARY'S REPORT

Summary of August 22, 1991, Council Meeting

### EXECUTIVE DIRECTOR'S REPORT

### REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

### OLD BUSINESS

Item #1: Proposed Procedures for Council Review and Approval of Applications to Use Capitol Park (Tabled at August 22 meeting)

### NEW BUSINESS

Item #1: Correspondence from Jon Oxman, Chair, Special Committee on the New Capital Area Master Plan

Item #2: Correspondence from Director of Capitol Security regarding Parking Violation Fees.

### ANNOUNCEMENTS AND REMARKS

Notices of Future Meetings

\* October Council Meeting \*  
Monday, October 14

\* Committee on Legislators' Expenses \*  
Thursday, September 12  
3:30 p.m.  
Rep. Mayo's Office

### ADJOURNMENT

SEN. CHARLES P. PRAY  
CHAIR

REP. DAIN 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**

**AUGUST 22, 1991**

### **MEETING SUMMARY**

**APPROVED SEPTEMBER 12, 1991**

### **CALL TO ORDER**

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Sen. Pray, at 9:10 a.m.

### **ROLL CALL**

**Senators:** Sen. Pray, Sen. Dutremble, Sen. Cahill  
Absent: Sen. Clark, Sen. Webster

**Representatives:** Rep. Martin, Rep. Gwadosky, Rep.  
Whitcomb, Rep. Mayo, Rep. Marsano

**Legislative Officers:** Sally Tubbesing, Executive Director,  
Legislative Council  
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 Summary of the July 9, 1991, Council meeting was approved and placed on file. (Motion by Speaker Martin; second by Rep. Marsano; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items for the Council's review and consideration:

**Item #1: Interim Studies: Staffing Assignments**

Ms. Tubbesing drew members' attention to the list of staffing assignments for interim studies.

No Council action was required.

**Item #2: Repairs to State House Roof: Status Report**

Ms. Tubbesing drew members' attention to a copy of a memo that she had sent to members of the State House and Capitol Park Commission, which described the process that had been used to pre-qualify contractors. She reported that firms had submitted pre-qualification statements and that, following review of those statements and interviews with each firm, a selection committee had selected 3 firms to submit complete bids for the work. The bid opening is scheduled for Wednesday, August 28, and the contract will be executed as soon thereafter as possible. Since the September Council meeting had not yet been scheduled, Ms. Tubbesing requested Council authorization to sign a contractual agreement with the successful bidder, with the understanding that the bid price was within the funds currently available.

**Motion:** That the Executive Director be authorized to award a contract for repairs to the State House roof. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

**Item #3: Out of State Travel for Legislative Staff**

Ms. Tubbesing noted that the finally passed budget for the Legislature includes \$175,000 for out-of-state travel in FY 92 and expressed her hope that non-partisan staff would be able to attend meetings and conferences on a very selective basis. She used the annual meeting of the Eastern States Fiscal Officers Association, scheduled in mid-September in Harrisburg, Pennsylvania, as an example of a meeting that provides an invaluable opportunity to learn from the experience of legislatures in other states during the past year when virtually all of the states had made significant budget cuts.

**Motion:** That the non-partisan staff offices be allotted the same percentage of the total out-of-state travel budget as they have been in prior years and, further, that the Executive Director be authorized to approve out-of-state travel by non-partisan staff in accordance with procedures previously adopted by the Legislative Council. (Motion by Speaker Martin; second by Rep. Marsano; approved 7-1).

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

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

The Chair, Sen. Pray, noted that the proposed procedures had been drafted by the Executive Director at his request. Ms. Tubbesing pointed out that these procedures were designed to amend the permit application process currently administered by the Department of Public Safety, noting that it would be important to administer the amended process in cooperation with the Department, as well as the Bureau of Public Improvements.

**Motion:** That the procedures be approved. (Motion by Speaker Martin; second by Sen. Dutremble).

Discussion focussed on what the current process is (Rep. Whitcomb) and whether the intent of the proposed amendment was to allow camping in Capitol Park (Sen. Cahill). Sen. Pray responded that the intent was to adopt revised procedures to reflect the Council's previous action with no reference to camping; Sen. Cahill then asked whether the proposal could be amended to prohibit camping. Finally, Rep. Marsano expressed concern that the procedure did not define any time frames.

**Motion:** That the item be tabled. (Motion by Rep. Mayo; second by Rep. Marsano; unanimous).

## NEW BUSINESS

- Item #1: Primary Care Residency Commission (ch. 545, P.L. 1991): Proposed Funding from the Bingham Betterment Fund

Council members had received material prior to the meeting that provided information about the Bingham Betterment Fund, a private family foundation established specifically to support education and public health programs in Maine. The Fund has awarded a \$15,000 grant to support the work of the Primary Care Residency Commission, pending the Council's approval. Ms. Tubbesing noted that her research indicated that the funding source did not appear to present any conflict of interest issues for either the Council or legislative members of the Commission.

**Motion:** That the grant from the Bingham Betterment Fund and the budget proposed for the Commission's work be approved. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Item #2 Study of the Feasibility of a Universal Health Care Program

Speaker Martin requested that the Council authorize the establishment of the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program as described in L.D. 1727, a bill passed by both Houses of the Legislature but not signed by the Governor. He pointed out that the funds to support the Commission had been included in the budget which was finally passed and are, therefore, available.

**Motion:** That the Joint Select Committee be established as described in L.D. 1727. (Motion by Speaker Martin; second by Rep. Mayo; approved 7-1).

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned on the motion of the Chair at 9:32 a.m.

# DRAFT

## 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.

LINNELL, CHOATE & WEBBER

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OF COUNSEL

FRANK W. LINNELL  
1908-1977

August 28, 1991

Charles P. Pray, Chair  
State of Maine Legislative Counsel  
State House Station 115  
Augusta, ME 04333

Rep. John L. Martin  
House of Representatives  
State House Station 115  
Augusta, ME 04333

Hon. John R. McKernan, Jr., Governor  
State of Maine Office of the Governor  
Augusta, ME 04333

Dear Senator Pray, Representative Martin and Governor McKernan:

As you may recall, I am the Chairman of the Special Committee for the New Master Plan for the Capital area. Because I am a "citizen" member of the Commission, along with many of the others, I am not certain to whom to turn for the answers to the questions I will raise below. Accordingly, I seek your assistance.

The legislation which formed the Special Committee for the New Master Plan requires the Committee to accomplish a number of matters. As you are well aware, we are in the process of completing the Master Plan, and will move vigorously to do so once we have been given the funds to complete that project. However, pending funding, we also have a review function in which we review applications by the State to sell, grant, lease, transfer or convey, or in any other way alter any old or new facility or establish public ways or the like within the capital district, pursuant to Section 10 of the resolve. In order to perform that review, we have to first obtain a recommendation from the Master Planner for a specific exemption and then approve by a two thirds majority of the membership of the Special Committee.

The Master Planner is a Boston, Massachusetts international planning firm, which, as I understand it is not inclined to perform substantial work for the State of Maine without being paid. Our mandate requires us to consult the Master Planner before making a decision. I am also disinclined to invite the 24 other members of the Commission to travel to Augusta without being able to offer them reimbursement for their transportation costs.

I attach a copy of the letter dated August 22, 1991 to me from the acting director of the Bureau of Public Improvements inquiring



LINNELL, CHOATE & WEBBER

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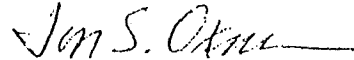
as to what procedures must now be followed for moratorium exceptions.

Could one or all of you please advise me how I should follow the legislative mandate.

Thank you for your courtesy.

Very truly yours,

LINNELL, CHOATE & WEBBER

A handwritten signature in dark ink, appearing to read "Jon S. Oxman", followed by a horizontal line.

Jon S. Oxman, Esq.

JSO/tt

Enc.

John R. McKernan, Jr.  
Governor



Henry E. Warren  
Acting Director

Department of Administration  
**BUREAU OF PUBLIC IMPROVEMENTS**  
Telephone (207) 289-4000  
Fax (207) 289-4008  
TDD (207) 289-4537

August 22, 1991

Mr. Jon Oxman, Esq.  
Chairman  
Special Committee for the New  
Capitol Area Master Plan  
c/o Linnell, Choate & Webber  
P.O. Box 190  
Auburn, Maine 04210

Dear Jon:

Now that the legislative session and budget are behind us we are turning our attention to several building related projects in the Augusta area. While none of them are large, they would require action by the Committee as I read the statute.

Given that the Legislature failed to provide funds for Committee operations and for the Master Planner, I am unclear as to the procedures the Committee will now be using to respond to requests for moratorium exceptions. Could you please advise me on the procedures you will be following.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Warren".

Henry E. Warren  
Acting Director

prs

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

To: Sarah Tubbesing, Executive Director  
From: Donald J. Suitter, *DS* Director of Capitol Security  
Subject: Parking Violations  
Date: 9/9/91

This letter is to advise the Legislative Council that the Bureau of Capitol Security is in the process of adopting a new parking fee schedule for all parking violations by way of the Administrative Procedures Act.

"Part W" of the recently passed budget of the 115th Legislature stated the following about parking violation fees. "The rules must provide for a \$10.00 fine for all parking violations that occur on State controlled property within the Capitol area."

Please note that adopting this new flat fee of \$10.00 causes problems of collection and enforcement for the Bureau of Capitol Security. Under this new flat fee system, there is no incentive to make timely payments as presently exists. Also, there is no scale to keep violations like "Handicapped parking" at a higher fee than "Overtime parking".

cc: Commissioner Atwood

DEPARTMENT OF PUBLIC SAFETY  
Bureau of Capitol Security

Rules Relating to Parking on State Property (excerpt)

✓ 4. Parking Violations

A person charged with a violation of parking regulations may waive court action by making payment of appropriate fee.

Appropriate parking violation fees will be set at the following:

Parking in Handicapped area \$5.00 fee.

Parking in Legislative area \$4.00 fee.

Parking in Reserved area \$4.00 fee.

Parking in Travel lane \$4.00 fee.

Parking in Outside Agency area \$3.00 fee.

Overtime parking \$3.00 fee.

Improper parking \$3.00 fee.

No Parking zone \$3.00 fee.

All other violations will carry a \$3.00 fee.

All fees not paid within seventy-two (72) hours of date of issue will increase violation fee charge by \$2.00. Parking fees are due and payable within 14 days of receipt of a ticket by the violator. Failure to pay such fees within

the applicable specified time without approval of the CHIEF OF CAPITOL SECURITY may void the waiver of court action provision of this article and the penalties stipulated under 25 M.R.S.A Section 2910 shall be invoked.

5. Penalties

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine of not less than \$10.00 for each offense.