MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Wednesday, March 11, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of March 2, 1992, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Verification of Public Notice of Public Hearing on LD 2159, "An Act Related to Hydropower Relicensing Standards."

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Request to Reconsider Council's Action to Approve an After Deadline Request sponsored by Rep. Lebowitz, "An Act to Eliminate the Position and Office of the Chancellor of the University of Maine System" (LR 3791).

Item #2: Capitol Planning Commission and the Special Committee on the New Capitol Area Master Plan: Authority and Responsibilities.

NEW BUSINESS

Item #1: After Deadline Bill 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

Monday, March 2, 1992 MEETING SUMMARY

Approved March 11, 1992

CALL TO ORDER

The Chair, Senator Pray, called the Council meeting to order at 12:10 p.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 Martha Freeman, Director, Office of

Policy and Legal Analysis

David Kennedy, Revisor of Statutes

Joy J. O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summaries of the February 4 and February 10 Council meetings were approved and placed on file. (Motion by Sen. Webster; second by Rep. Mayo; unanimous)

EXECUTIVE DIRECTOR'S REPORT

Item #1: Status of Bills in Drafting and Committee

Sally Tubbesing, Executive Director, deferred to David Kennedy and Martha Freeman to update the Council on the status of bills in drafting and in committee. Mr. Kennedy reported that approximately 20 of the bills approved for introduction to date had yet to be released by his office and that all but 2 of these were out for final sponsor review and signature. He added that the Revisor's Office was anticipating receiving the budget shortly.

Ms. Freeman then drew Council members' attention to the Committee Status Report, noting that Committees had yet to complete their deliberations on 146 bills and that the presiding officers had set Wednesday, March 4, as the final deadline for all but the four Committees with the largest workloads (and the Appropriations and Taxation Committees). Finally, she predicted that Committee amendments would more than take up any slack in the Revisor's Office as initial bill drafting winds down and that these amendments would all require fiscal review by OFPR.

The Chair, Sen. Pray, thanked Mr. Kennedy and Ms. Freeman for their report; and Sen. Clark expressed appreciation for the staff's efforts.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request from Joint Standing Committee on Education to report out 2 bills.

The Chair, Senator Pray, recognized Representative Crowley, House Chair of the Joint Standing Committee on Education. Rep. Crowley reported the Committee's interest in having the Legislature act on two issues during the current session. The first is the proposed consolidation of Maine's two public broadcasting companies. Rep. Crowley noted that Sen. Brannigan had already filed an After Deadline Request which was on today's agenda. Sen. Clark asked for clarification about issues related to the employees of the two existing stations and about the disposition of property that has been purchased with public funds. Rep. Crowley responded that the Committee would be addressing these issues as it debated the bill.

The Chair, Sen. Pray, then asked why the consolidation couldn't be handled as an amendment to the budget; and Rep. Crowley replied that the issue was significant enough to have the substantive committee work on it.

Rep. Crowley reported that the Committee's second concern grows out of a report from the Advisory Committee on Medical Education, which suggests changes in the existing financial assistance for postgraduate medical students.

The Council deferred action on these two specific After Deadline Requests until it took up additional requests later in the meeting.

Motion: That the Committee's letter be accepted and placed on file. (Motion by Rep. Mayo; second by Sen. Clark; unanimous).

Item #2: Correspondence from the Joint Standing Committee on Audit & Program Review regarding the Capitol Planning Commission and the Special Committee on the New Capitol Area Master Plan.

Council members had received a letter from the Audit
Committee which proposed to restore the Capitol Planning
Commission's sole authority to review and approve all
construction and improvement projects within the statutorily
defined Capitol Area. The Committee argued that this was
appropriate since funds were not currently available to
support the continued activity of the Special Committee on
the New Capitol Area Master Plan.

Speaker Martin expressed his concern that the Committee's proposal would subvert the entire long range planning process that has been set up by law under the oversight of the Special Committee on the New Capitol Area Master Plan.

Motion: That the Joint Standing Committee on Audit & Program Review be informed that its proposal is unacceptable. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

Item #3: Final Report of the Motorcycle Driver Education Study Committee (submitted pursuant to Ch. 522, P.L. 1991).

Motion: That the report be accepted and placed on file. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

Item #4: After Deadline Bill Requests

Requests to introduce legislation to the Second Regular Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary. Item #5: Proposal to Use Minimum Security Prisoners from the Kennebec County Jail for Maintenance and Repair Projects in the State House

The Chair, Senator Pray, introduced the Kennebec County Sheriff, Frank Hackett, who was in attendance at the meeting. Sheriff Hackett proposed that the Council consider using minimum security prisoners to supplement the workforce in the Bureau of General Services for maintenance of the State House and grounds. He noted that Kennebec County had just assumed responsibility for prisoners in Sagadahoc County as well; thus, he would have a workforce of between 12 and 40 at any given time.

Council members expressed general support for the idea, but raised the following questions:

1. What liability issues were raised under such an arrangement. (Sen. Dutremble).

Rep. Marsano responded that such arrangements were specifically exempted in the statute.

2. What supervision would be available. (Speaker Martin).

Sheriff Hackett responded that this would have to be worked out with the Bureau of General Services. He noted that if a corrections officer were required to supervise, he would request reimbursement from the State.

Motion: That Dick Sawyer, Administrative Services Director, meet with representatives from the Bureau of General Services and Sheriff Hackett to see what arrangements can be worked out. (Motion by Speaker Martin; second by Rep. Whitcomb; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:11 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

February 27, 1992

Honorable Charles P. Pray, Chair Legislative Council 115th Legislature State House Augusta, Maine 04333

Dear Senator Pray:

This letter is to confirm that notice of the Public Hearing on the redraft of L.D. 2159, "An Act Related to Hydropower Relicensing Standards", was posted in the State House and State Office Building on February 27, 1992. A copy of the notice is attached.

Sincerely,

Teen Ellen Griffin

Administrative Coordinator

Bentlen Heffin

NOTICE

A Public Hearing on the redraft of

L.D. 2159 "An Act Related to Hydropower Relicensing Standards"

will be held before the

Energy and Natural Resources Committee

on Friday, March 27, 1992

at 9:30 a.m.

in Room 120 of the State Office Building

SEN. CHARLES P. PRAY CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR



STATE OF MAINE

115th LEGISLATURE

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REP. FRANCIS C. MARSANO

SARAH C. TUBBESING EXECUTIVE DIRECTOR

March 9, 1992

TO:

Members of the Legislative Council

FROM:

Charles P. Pray, Chair

SUBJECT:

Authority of the Capitol Planning Commission

Following the March 2 Council meeting, when we voted unanimously to reject the Audit Committee's proposal regarding the Capitol Planning Commission; I met with the Committee Chairs at their request.

The Chairs expressed to me their concern about the impact of our decision on proposed projects in the defined Capitol Area. As you know, the law creating the Special Committee on the New Capitol Area Master Plan imposes a moratorium on construction projects in the defined Capitol Area and provides that that Committee may recommend approval of a particular project based on the findings and recommendations of the "master planner."

Because funding to support the continued development of a master plan is not included in the FY 93 budget, it would appear that we do need to amend the current legislation to provide an alternate vehicle for review of proposed projects until we are again able to employ a master planner. The attached amendment would accomplish this, I think, and, at the same time, preserve the vital role of the Special Committee.

Resolve, to Amend the Authority of the Special Committee on the New Capitol Area Master Plan

_	
6	Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after
8	adjournment unless enacted as emergencies; and
10 12	Whereas, the Special Committee on the New Capitol Area Master Plan has jurisdiction over a moratorium on construction of facilities on state-owned land within the City of Augusta; and
14	Whereas, a mechanism must be established to allow the Special Committee to efficiently consider requests for special exemptions and as that mechanism must take effect before the expiration of the 90-day period; and
18	
20	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately
22	necessary for the preservation of the public peace, health and safety; now, therefore, be it
24	Soc 1 Decelve 1980 a 60 810 amended Decelved: What Decelves
26	Sec. 1. Resolve 1989, c. 60, §10, amended. Resolved: That Resolve 1989, chapter 60, section 10, 2nd sentence is repealed and the
28	following enacted in its place:
30	Exceptions for hardship may be granted only if a specific exemption is approved by a 2/3 majority of the membership of the
32	subcommittee established by section 13. The appointing authorities must be given notice of all applications for hardship
32	exceptions and must be provided with a copy of the decision on
34	each application.
36	; and be it further
38	Sec. 2. Resolve 1989, c. 60, §13, enacted. Resolved: That Resolve
40	1989, chapter 60, section 13 is enacted to read:
	Sec. 13. Subcommittee. Resolved: That there is established a
42	subcommittee of the special committee. The subcommittee shall review applications for exceptions for hardship and shall perform
44	other duties assigned to it by the appointing authorities. The
46	subcommittee consists of at least 5 and not more than 9 members of the special committee. All members of the subcommittee must
<i>1</i> 0	be jointly appointed by the Governor, the President of the Senate
48	and the Speaker of the House of Representatives. Appointments to the subcommittee must be made within 30 days of the effective
50	date of this resolve.

preamble, this resolve takes effect when approved.

52

54

Emergency clause. In view of the emergency cited in the

STATEMENT OF FACT

4	This resolve amends the authority of the Special Committee
	on the New Capitol Area Master Plan and establishes a
6	subcommittee to hear and determine requests for hardship
	exceptions. The subcommittee is comprised of at least 5 and up
8	to 9 members jointly appointed by the Governor, the President of
	the Senate and the Speaker of the House of Representatives. The
10	subcommittee may authorize exceptions by a 2/3 vote.

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR JOHN J. CLEVELAND, DISTRICT 22 DONALD L. RICH, DISTRICT 27

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW CHERYL RING, PRINCIPAL ANALYST LOCK KIERMAIER, ANALYST KATHRYN VAN NOTE, ANALYST



STATE OF MAINE

PHYLLIS R. ERWIN, RUMFORD, CHAIR
HARRIET A. KETOVER, PORTLAND
BEVERLY C. DAGGETT, AUGUSTA
HAROLD M. MACOMBER, SOUTH PORTLAND
JOHN A. ALIBERTI, LEWISTON
GEORGE A. TOWNSEND, EASTPORT
WILLIAM LEMKE, WESTBROOK
ELEANOR M. MURPHY, BERWICK
CATHARINE KOCH LEBOWITZ, BANGOR
WESLEY FARNUM, SOUTH BERWICK

ONE HUNDRED AND FIFTEENTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

February 28, 1992

Honorable Charles P. Pray, Chair Legislative Council Members of the Legislative Council 115th Maine State Legislature

Dear Chairperson Pray and Members of the Legislative Council:

The Joint Standing Committee on Audit and Program Review is considering whether to continue the Capitol Planning Commission under the provisions of the Maine Sunset Law. As you may know, the Special Committee on the New Capitol Area Master Plan, the Committee has previously continued the Capitol Planning Commission for 2 one year periods. These one year continuations were in recognition of the moratorium on further development in the Capitol area, until the work of the Special Committee has been completed and the Master Plan implemented.

However, the Committee would like to continue the Capitol Planning Commission and statutorily authorize that body to resume its customary responsibilities until the funding for the Special Committee, and the Master Plan, can be restored. Members of the Committee believe that a number of routine projects within the Capitol area need to be promptly addressed.

Given our impending deadline for the completion of the Committee's bill, we respectfully request that the Council consider this proposed recommendation. Please do not hesitate to call on either of us for any further information.

Sincerely,

Beverly M. Bustin

Senate Chair

Phyllis R. Erwin

House Chair

cc: Jon Oxman

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

March 3, 1992

TO:

Honorable Joseph W. Mayo, Chair

Members of the Redistricting Planning Committee and

Honorable Mary MacBride

FROM:

Sally X

SUBJECT:

Computer Software for Redistricting: The Options and

Related Information

When the Committee last met, you asked for more background information in order to justify both the amount of the proposed supplemental budget request (\$48,610) and the tentative selection of the GeoDistrict software.

Gerry, Marc and I have done some further work. I regret that getting these results to you has taken a back seat to the preparation of various materials for the Appropriations Committee.

Criteria for Software Selection

When the Committee met last May, the discussion focussed on what kinds of capabilities you wanted the two caucuses to have for analyzing and "manipulating" the computerized Census data files. From that discussion we developed the following criteria for software selection:

1. "Completeness" of the software product

Many of the software products are designed as "shells," which require extensive tailoring -- or custom programming -- before the product is usable. That programming is, in some cases, done by the software vendor and, in others, by the client (legislature, party, etc.). In either case, it is very expensive: many states have hired large technical staffs to support their redistricting efforts.

Our goal was to find a product that would accommodate the Maine data with a minimum of custom programming and that our existing technical staff could support throughout the process.

2. Ease of Use

In 1983, 83.7% of the total funds spent on redistricting were for contractual services, of which at least two-thirds was for technical support. With the advances in computer technology since then, it was our goal to find a piece of software that could be used comfortably by staff in the leadership offices with any necessary technical support from the Information Systems staff, thus significantly reducing -- or even eliminating -- expenditures for outside technical support.

3. Simplicity of the Product

Maine's redistricting process is fairly straightforward. We have a very homogeneous population and are, thus, one of the few states in the country that do not require "preclearance" by the U.S. Dept. of Justice. Many software packages have been designed to accommodate more complex redistricting situations; and cost of the software and complexity are highly correlated.

Our goal was to avoid paying for a complexity that Maine did not need.

4. Quality of Vendor Support

Based on our discussions with staff in several other statues, we learned that the level, quality, and cost of vendor support varied widely. Because Maine's plan needs to be drawn in a very short period of time, we felt that we needed a high level of assurance that the vendor had a "quick response" capability.

5. "Non-Partisan" Vendor

Many of the companies that have developed redistricting software are affiliated with polical consulting firms. The redistricting packages offered by these firms tend to be very expensive because they include political consulting as well as technical support.

Our goal was to find a piece of software that would be used by both parties.

6. Cost

Given the severe budget constraints, cost became a major factor in our review of the software alternatives.

Our goal was to find a product that met the other requirements and that could be used on computer equipment that we already owned or that was compatible with the Legislature's computer system and could thus be "recycled" after the adoption of a redistricting plan to upgrade the capability of one of the staff offices (the prime candidate would probably be the Office of Fiscal & Program Review).

Leave vs. Purchase

At your last meeting, Rep. MacBride asked if we had explored renting the equipment we would need rather than purchasing it. We have found that because rental or lease agreements are structured to recover the total equipment cost in a short period, there is often little difference. For example, the total purchase price of 2 HP Paintjet Printers is \$4,200; the cost of leasing them from November through April would be approximately \$3,300.

Survey of Selected States

Finally, we did do some more follow-up with several states to determine what software product they selected and the cost of their redistricting effort. We have summarized information about the selected states on the Attachment to this mmeo.

Redistricting Vendors

In addition to the political consulting firms, we identified 4-5 other vendors who have marketed redistricting software and support. These include:

- ARC INFO (one of the leaders in the GIS field; of which redistricting is a natural outgrowth). 12 States have used ARC INFO
- GeoDistrict/GDT 12 States are using the GDT software, some through EDS
- EDS (uses GeoDistrict software, but customizes it to a particular state's needs)
- LogiSys
- PSA (runs on DEC/Vax computer)

I would only note that the consensus among all of those we talked with was that 1) we have tentatively selected a very good and reliable piece of software, and 2) the proposed expenditure is far below the costs incurred by many other states.

We would be happy to pursue this in any way that would be useful to you.

SURVEY OF STATES

State	Software	Est. Cost	Comments
Nevada Total Pop.: 800,493 Senate: 21 House: 42 Congressional: 2		\$500,000	Figure includes cost of reassigning in-house data processing staff for 1 1/2 years to support the redistricting efforts.
New Hampshire Total Pop.: 920,610 Senate: 24 House: 400 Congressional: 2		N/A	N/A
Idaho Total Pop.: 943,935 Senate: 42 House: 84 Congressional: 2		N/A	N/A
Vermont Total Pop.: 511,456 Senate: 30 House: 150 Congressional: 1		\$ 10,000	Product required extensive customizing to fit Vermont data; staff time is not included in the cost.
South Dakota Total Pop.: 690,768 Senate: 35 House: 70 Congressional: 1		\$ 7,000	Plan developed outside of the Legislature & the Redistricting Commission; thus actual cost unknown. The \$7,000 was the amount of the contract with the University to produce maps.
Iowa Total Pop. : 2,913,808 Senate : 50 House : 100 Congressional: 6		\$600,000	Redistricting Plan was developed by non- partisan staff. In addition to \$600,000 contract, 2 staff were hired on a full-time basis specifically for this project.
Connecticut Total Pop. : 3,107,576 Senate : 36 House : 151 Congressional: 6		\$800,000	Had problems with software.
Mississippi Total Pop. : 2,520,638 Senate : 52 House : 122 Congressional: 5		Not available	Legislature contracted with a special GIS group in the state.
Delaware Total Pop.: 594,338 Senate: 21 House: 41 Congressional: 1		Software & support: \$65,700 Equipment: \$40,000	Very pleased with the software and the vendor support, although reports that the vendor "leaves a lot to be desired on the business side." Would recommend GDT, however.

LEGISLATIVE COUNCIL REQUESTS TO INTRODUCE LEGISLATION SECOND REGULAR SESSION March 9, 1992

Action

SPONSOR: Rep. Daggett

LR 3826 An Act to Dedicate Certain Funds

SPONSOR: Sen. Gauvreau

LR 3796 RESOLUTION, Proposing an Amendment to the

Constitution of Maine Revising Grand Jury

Requirements

Cosponsors: Rep. Paradis, Patrick E.

(NOTE: This request was previously rejected.)

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Berube	TABLED 02/10/92
LR 3776	An Act to License Civil Process Servers	
SPONSOR:	Rep. Boutilier	TABLED 02/10/92
LR 3769	An Act to Authorize Department of Transportation Bond Issues in the Amount of \$45,000,000 for Infrastructure Improvements and to Create Jobs	02/10/32
	Cosponsors: Rep. Bailey, Ronald C. Sen. Twitchell Rep. Macomber	
SPONSOR:	Rep. DiPietro	TABLED
LR 3742	An Act to Prevent Sexual Exploitation of Minors	01/28/92
SPONSOR:	Rep. Goodridge	TABLED 01/28/92
LR 3668	An Act Authorizing the Issuance of Limited Licenses for Plumbers	
SPONSOR:	Rep. Gwadosky	TABLED 01/28/92
LR 3669	An Act to Support the Governor's Task Force on Defens Realignment and the Maine Economy to Ensure its Timel Comprehensive, Statewide Response to Defense Spending Cuts and Realignments in Maine	е У,
SPONSOR:	Sen. Kany	TABLED 01/28/92
LR 3603	An Act Pertaining to Workers Compensation	01/20/92
	Cosponsors: Rep. Mitchell, Elizabeth H.	
SPONSOR:	Rep. Kilkelly	TABLED 02/04/92
LR 3765	An Act Concerning the Lincoln County Budget Committee	
SPONSOR:	Rep. Manning	TABLED 01/28/92
LR 3737	An Act to Preserve the Benefits of Former Employees of the Division of Community Services	

SPONSOR: Sen. Matthews TABLED 03/02/92

LR 3777 An Act to Create a Retirees Pension Fund to Generate

Economic Growth

SPONSOR: Rep. Mitchell, Elizabeth H. TABLED

02/04/92

LR 3751 An Act to Amend the Reporting Deadlines of the Special

Commissions to Study the Workers' Compensation

Commission and the Regulation of the Insurance Industry

SPONSOR: Rep. Mitchell, James TABLED

01/28/92

LR 3593 An Act Amending the Maine Insurance Code

SPONSOR: Rep. Oliver TABLED

01/28/92

LR 3357 An Act to Restructure the Division for the Blind and

Visually Impaired

ADDENDUM

LEGISLATIVE COUNCIL REQUESTS TO INTRODUCE LEGISLATION SECOND REGULAR SESSION March 11, 1992

Action

SPONSOR: Rep. Murphy

LR 3835 An Act to Require Proof of Liability Insurance

Before Registering a Motor Vehicle

SPONSOR: Rep. Murphy

LR 3836 An Act to Allow Existing Zoning Ordinances to

Remain Valid Pending Adoption of New Ordinances

SPONSOR: Rep. Murphy

LR 3837 An Act to Amend the Laws Governing the Publication

of Municipal Annual Reports

JOINT RESOLUTIONS

SPONSOR: Rep. Lawrence

LR 3840 JOINT RESOLUTION MEMORIALIZING CONGRESS ON THE FUTURE

OF THE UNITED STATES NAVAL SHIPYARD AT KITTERY, MAINE