

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

April 14, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of March 29, 1992, Council Meeting (which was reconvened and finally adjourned on March 30).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Resignations

Item #2: April 21: Shut Down Day

Item #3: Friday, April 17 (Good Friday)

Item #4: Impact of P.L. 1991, ch. 780 on the Legislative Budget

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Interim Studies

a. Requests from Committees

- (1) Staff Study on Enhancement of Penalties for Environmental Crimes
(Request from Committees on Energy & Natural Resources and Judiciary)

b. Statutory Studies

- (1) Blue Ribbon Commission to Examine Alternatives to the Workers' Compensation System
(Resolves of 1991, ch. 59)

c. Joint Standing Committee on Audit & Program Review: Proposed Scope and Schedule of Reviews (correspondence enclosed)

Item #2: Council of State Governments:

a. Reconsideration of Dues

b. Invitation to Host 1995 ERC Annual Meeting

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

March 29 - 30, 1992

MEETING SUMMARY

APPROVED APRIL 14, 1992

CALL TO ORDER

The Chair called the Council to order at 12:30 p.m., on March 29, in the Council Chambers.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Cahill Absent: Sen. Webster
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council David Kennedy, Revisor of Statutes

SECRETARY'S REPORT

The Summary of the March 19, 1992, Council meeting was approved and placed on file. (Motion by Rep. Mayo; second by Rep. Marsano; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing deferred to David Kennedy for a brief report on the work remaining in his office; Mr. Kennedy observed that the workload at this point was primarily amendments. The Chair, Senator Pray, extended his compliments to the staff in all of the staff offices for the work they had done this session.

No Council action was required.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Requests to Carry Bills Over to the Third Special Session

Council members had a list of the pending requests from Committees to carry bills over to the Third Special Session. The Chair, Senator Pray reported that it was his understanding that each of the requests had received bi-partisan support from the requesting committees. Rep. Marsano asked where the Council derived either express or implied authority to carry legislation beyond sine die. Sen. Pray replied that the ultimate authority was not the Council's, but required action by the entire Legislature (joint order). He further observed that the Legislature had already enacted a bill that implies that the Legislature will convene in special session in the fall to consider recommendations from the Blue Ribbon Commission to Examine Alternatives to the Workers' Compensation System. Sen. Cahill then asked why LD 2220 was being carried over; and the Chair responded that the interested parties agreed that they could work out their differences between now and a special session. Finally, the Chair reminded Council members that approval of a carryover bill does not imply any authority for a Committee to meet.

Motion: That all of the carry over requests be approved to the next special session. (Motion by Speaker Martin; second by Rep. Mayo; approved 8-1).

A list of the bills approved for carry over is attached to this Meeting Summary.

Item #2: Joint Standing Committee on Judiciary for Approval of a Staff Study for the Purpose of Analyzing the Confidentiality Provisions in Maine Statutes.

Rep. Whitcomb asked if there would be an opportunity for other committees to request studies; and the Chair, Sen. Pray, affirmed that the Council would be considering other requests at a future meeting.

Motion: That the Judiciary Committee's request be approved. (Motion by Sen. Pray; second by Speaker Martin; unanimous).

Item #3: 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.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was recessed, on the motion of the Chair, at 12:56 p.m.

RECONVENE

The Chair reconvened the Council meeting on Monday, March 30, at 9:55 p.m. All Council members were present except Rep. Mayo.

The Council resumed its consideration of items under **NEW BUSINESS.**

NEW BUSINESS (cont.)

Item #4: Requests to Carry Bills over to the Third Special Session

Motion: That the additional requests to carry bills over to the next special session be approved. (Motion by Speaker Martin; second by Sen. Clark; approved 6-3).

A list of the bills approved for carry over is attached to this Meeting Summary.

Item #5: Consideration of Study Requests

The Chair, Sen. Pray, stated that the proposed studies that the Council would be considering were those incorporated in bills that were currently on the Appropriations Table. The Table included 3 such study requests. Sen. Pray drew members' attention to the Summary that staff had prepared and reminded Council members that they had several options:

1. Voting to pass the bill out in their current form.
2. Approving the language in the bill, but amending out the appropriations.
3. Voting to "kill" the bill outright.
4. Voting to kill the bill, but approving a study on the same topic to be performed under the Council's direct oversight.

A summary of the Council's action on the proposed statutory studies is attached to this Meeting Summary.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

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

Carry Over Requests
Approved by the
Legislative Council
as of
March 31, 1992

DB: TEST5
RPT: SPEC06

Committee Name	Title	Sponsors	Date Approved/Action
L.D. 2454	An Act to Provide Skills Training for Unemployed Workers (Reported Pursuant to Joint Order, HP1766)		03/30/92 Jt. Order HP 1780
L.D. 2461	An Act to Increase Criminal Penalties on Deliberate Polluters	MARSH GAUVREAU TREAT ST. ONGE	03/30/92 Jt. Order HP 1780
Banking & Insurance			
L.D. 2181	An Act Regarding Workers' Compensation Rate Proceedings and Rate Hearings	BUSTIN PINEAU RAND MCCORMICK	03/29/92 Jt. Order HP 1777
L.D. 2218	An Act to Revise the Workers' Compensation Laws	PLOURDE PINEAU VOSE LIPMAN	03/29/92 Jt. Order HP 1777
L.D. 2442	An Act to Deregulate Workers' Compensation Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund	KANY MITCHELL E	03/29/92 Jt. Order HP 1777
Labor			
L.D. 2423	An Act to Reform the Workers' Compensation System	LIPMAN CARPENTER HASTINGS CARLETON	03/29/92 Jt. Order HP 1777
State & Local Government			
L.D. 2220	Resolve, to Establish A Unified Department of Children and Families	JOSEPH MARTIN J PRAY	03/29/92 Jt. Order HP 1777

— End of Report —

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 29, 1992

Action

SPONSOR: Rep. Michael

FAILED

LR JOINT RESOLUTION to Petition the Congress of the
United States to Revoke It's Congressional Pay
Raises

Cosponsors: Sen. Webster
Sen. Baldacci

SPONSOR: Rep. Oliver

FAILED

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

SPONSOR: Rep. Oliver

FAILED

LR An Act to Transfer the Bureau of Rehabilitation
to the Department of Education

SPONSOR: Rep. Pouliot

ACCEPTED

LR 3878 An Act to Require that Administrative Cost
Reductions Be a First Priority in the Event of
Revenue Shortfalls

Cosponsors: Rep. Gwadosky
Rep. Morrison
Rep. Aliberti

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Marsh

TABLED
3/29/92

LR An Act to Increase the Penalties on Deliberate
Polluters

Cosponsors: Rep. St. Onge
Rep. Treat
Sen. Gauvreau

LEGISLATIVE COUNCIL
ACTION ON PENDING STATUTORY STUDY REQUESTS

March 30, 1992

	Proposed Membership	Staffing	Appropriation	Report	Council Action
Commission on Transferring County Jails to the State (LD 1447)	11 members (3 legislators; 8 by Governor)	Leg. Council	\$ 8,100	Interim: 4/15/93 Final : 1/01/94	FAILED (5-4)
Commission on Recall (LD 1964)	12 members (6 legislators; 2 by President; 2 by Speaker; 2 by Governor)	Leg. Council	\$ 3,300	12/15/92	FAILED (5-4)
Commission on the Reorganization of Health, Social & Developmental Services (LD 2384)	13 members (all legislators)	Leg. Council	(Stripped/ Table)	11/01/92	TABLED

Prepared 3/92

LEGISLATIVE COUNCIL

ANALYSIS OF IMPACT OF P.L. 1991, ch. 780 ON FY 1993 LEGISLATIVE BUDGETS

	"PRE-CH. 780"	REDUCTIONS AUTHORIZED BY COUNCIL	ADDITIONAL REDUCTIONS	TOTAL REDUCTIONS Ch 780	REVISED BUDGET
Personal Services	\$ 11,200,972	\$ 448,830	\$ 29,699 ³	\$ 478,529 ⁴	\$ 10,722,443 ⁴ (4.3%)
All Other	5,915,013	505,642	500,000	1,005,642	4,909,371 (17.0%)
Capital	80,000	---	---	---	80,000 (--)
Other	(339,089) ¹	---	138,355 ^{4/5}	138,355 ⁵	(477,444)
Total	\$ 16,856,896	\$ 954,472 ²	\$ 668,054	\$ 1,622,526	\$ 15,234,370 ⁴ (9.7%)

- Notes: 1. 2% across-the-board reduction pursuant to Ch. 622. This reduction has not yet been allocated to specific lines.
2. FY 92 budget was also cut by \$232,732, the cost of the 2nd Special Session.
3. "Value" of extending the 3% and 2% salary reductions for all legislative employees with salaries of \$50,000 or more. This figure includes Law Library personnel.
4. The reductions to reflect the 1 hour reduction in the work week and the "freeze" on step increases have not yet been allocated to individual departments. Thus, these figures will change.
5. .9% reduction pursuant to Part KKK. The law provides that this be prorated among the 3 line categories in proportion to the appropriation and "in such a way as to achieve permanent savings". A "strict" proration would result in the following reductions:

Personal Services	\$ 96,502
All Other	41,133
Capital	720
	<u>\$138,355</u>

LAW & LEGISLATIVE REFERENCE LIBRARY
ANALYSIS OF IMPACT OF P.L. 1991, ch. 780 ON FY 1993 BUDGET

	"PRE-CH. 780"	REDUCTIONS AUTHORIZED BY COUNCIL	ADDITIONAL REDUCTIONS	TOTAL REDUCTIONS Ch 780	REVISED BUDGET
Personal Services	\$ 702,764	\$ —	\$ — ²	\$ —	\$ 702,764 ³
All Other	327,338	—	—	—	327,338
Capital	1,500	—	—	—	1,500
Other	(20,148) ¹	—	9,104 ^{3/4}	(9,104) ⁴	(29,252)
Total	\$ 1,011,454	\$ —	\$ 9,104	\$ (9,104)	\$ 1,002,350 ³

Notes: 1. 2% across-the-board reduction pursuant to Ch. 622. This reduction has not yet been allocated to specific lines.

2. Reduction to reflect 3% and 2% cuts for Library employees whose salaries exceed \$50,000 is included in General Legislative Account at this time.

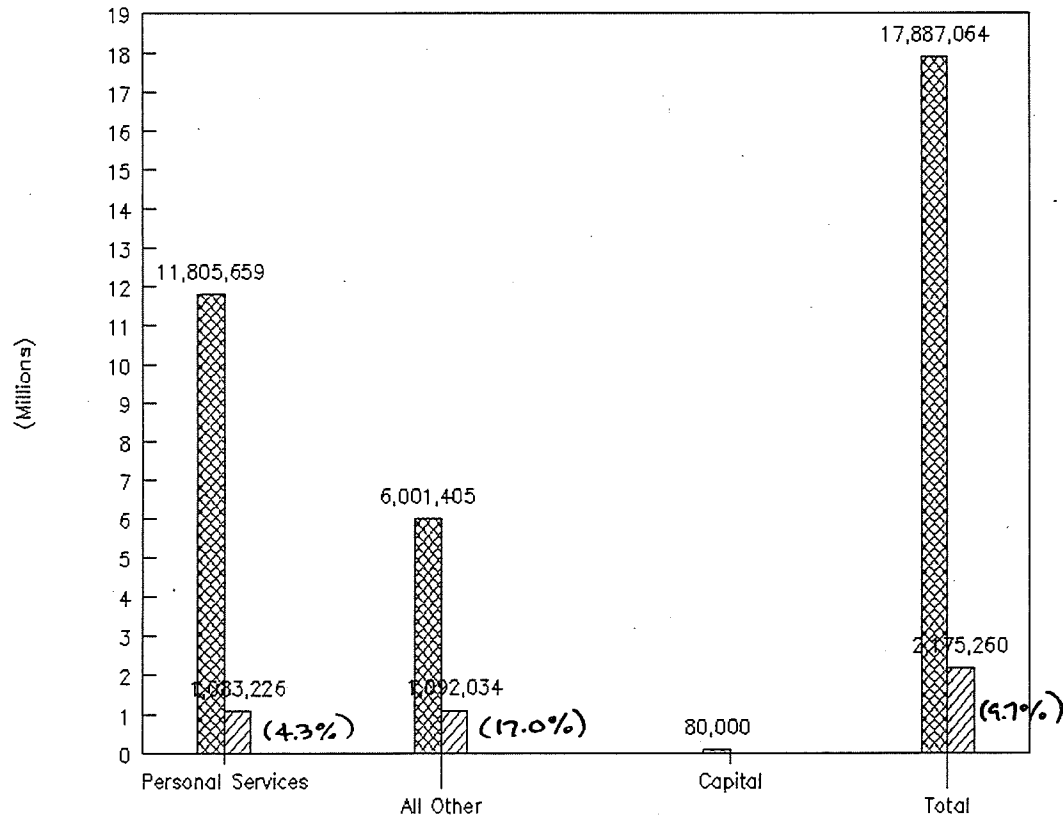
3. The reductions to reflect the 1 hour reduction in the work week and the "freeze" on step increases have not yet been allocated to individual departments. Thus, these figures will change.

4. .9% reduction pursuant to Part KKK. The law provides that this be prorated among the 3 line categories in proportion to the appropriation and "in such a way as to achieve permanent savings". A "strict" proration would result in the following reductions:

Personal Services	\$ 6,325
All Other	2,765
Capital	14
	<u>\$ 9,104</u>

LEGISLATIVE COUNCIL

REDUCTIONS IN LEGISLATIVE ACCOUNT FY 93



CHAPTER 780, P.L. 1991
PROVISIONS AFFECTING LEGISLATIVE PERSONNEL

- | | | |
|--|----------|----------|
| 1. All step increases are frozen for FY 93 (7/1/92 - 6/30/93) | Part V | (p. 237) |
| 2. Prohibition on creation of new, "ongoing" positions without specific appropriation of funds | Part 00 | (p. 330) |
| 3. Reduction in work schedule to 39 hrs/week
(Effective week of June 8) | Part WW | (p. 338) |
| 4. "Roll forward" of last paycheck in FY 93
(from June 30, 1993 to July 1 for "Cycle B employees) | Part GGG | (p. 362) |
| 5. Extension of 2% and 3% salary reductions for employees with annual salaries of \$50,000 or more | Part III | (p. 366) |
| - Law restores the 3% to other legislative and confidential employees | | |

New Employees Only

- | | | |
|---|----------|----------|
| 6. Increase employee retirement contribution by 1%
(from 6.5% to 7.5%) | Part HHH | (p. 363) |
| - Affects employees hired after July 1, 1992 | | |

Other

- | | | |
|--|----------|----------|
| 7. .9% across-the-board deappropriation
(prorated among appropriated line categories) | Part KKK | (p. 369) |
| 8. Reassignment of Law Library to a separate appropriation account | Part EEE | |



MAINE STATE LEGISLATURE

Augusta, Maine 04333

March 30, 1992

Sen. Charles P. Pray, Chair
Legislative Council
115th Legislature

Re: Staff study on environmental crimes

Dear Senator Pray:

The Joint Standing Committee on Energy and Natural Resources joins with the Joint Standing Committee on Judiciary to request a staff study on enhancement of penalties for environmental crimes. As you know, legislation attempting to revise the criminal sanctions for environmental violations has been the subject of many discussions, meetings and floor debates. A new bill (LD 2461) has been proposed to be held over until the next special session when legislators will have more time to understand the implications of each element.

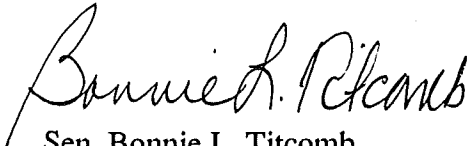
The Committees therefore request assignment of staff within the Office of Policy and Legal Analysis to collect background information and analyze the proposals in the new bill and, if time permits, others being advanced by interested parties. We suggest that the tasks to be performed in the staff study include:

- Identification of violations and crimes currently codified in Title 38 of the Maine Revised Statutes Annotated. An examination of land use violations located in Title 30-A may be useful for comparison and to ensure consistency;
- Collection and analysis of data regarding environmental violations in Maine, including case studies of particularly egregious violations, and comparison of possible treatment of those violations under federal law or the laws of other states;
- Collection of information regarding criminal penalties under federal law and in other states, including: prohibited activities; culpable mental states; severity of potential penalties; imposition of penalties, including jail time; necessity for felony status;
- Review of model legislation prepared on environmental crimes;

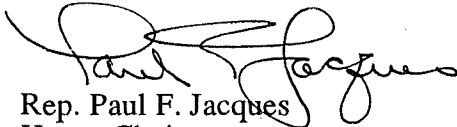
- Summary of criminal law concepts and their uses in the environmental enforcement arena, including: the use of affirmative defenses; culpable mental states; prosecutorial discretion; de minimus infractions;
- Analysis of potential application of LD 2461; and
- Collection and analysis of any other information that would be useful to the Legislature's deliberation on environmental crimes.

We would request that the staff report to both Committees no later than September 1, 1992.

Thank you for your consideration.



Sen. Bonnie L. Titcomb
Senate Chair
Energy and Natural Resources



Rep. Paul F. Jacques
House Chair
Energy and Natural Resources

Sincerely,



Sen. N. Paul Gauvreau
Senate Chair
Judiciary



Rep. Patrick E. Paradis
House Chair
Judiciary

#3866LHS

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

March 27, 1992

Honorable Beverly Miner Bustin, Senate Chair
Honorable Phyllis R. Erwin, House Chair
Joint Standing Committee on Audit & Program Review
115th Maine Legislature

Dear Senator Bustin and Representative Erwin:

The Legislative Council will meet shortly following adjournment to review requests from committees for interim studies. As you know, we review these requests not only from the perspective of their scope and objectives, but to ensure that interim work is conducted in the most cost-effective way. Cost-effectiveness has assumed even greater importance, as the Legislature's budget for Fiscal Year 1993 has absorbed cuts that now total more than \$2 million, or 11.4% of our original budget.

In order for the Council to have a complete picture of the potential interim workload, I am writing to request that you provide the following information for our review:

1. A list of agencies and departments that are scheduled for review this year with an indication of which of these reviews would be continuations of reviews initiated in a prior review cycle.
2. The primary focus of your review in each of these departments.
3. Your plan for conducting these reviews, including:
 - The number of subcommittees you propose to establish
 - The number of committee and subcommittee meetings and a preliminary meeting schedule through November 1.

Honorable Beverly Miner Bustin, Senate Chair
Honorable Phyllis R. Erwin, House Chair
March 26, 1992
Page Two

I would appreciate having this information by next Tuesday, March 31, so that the Council can include it in its broader consideration of requests for interim work. Please see me if you have any questions.

Sincerely,

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

Charles P. Pray, Chair
Legislative Council

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

April 8, 1992

TO: Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: Staff Study: Analysis of Confidentiality Provisions in the Statutes

This is the study you approved at the last Council meeting. I thought you would be interested in having a copy of the Committee's request which provides more information about the scope and objectives of this study.

Enclosure

STUDIES PREVIOUSLY AUTHORIZED
BY THE LEGISLATIVE COUNCIL

1. Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program (approved July, 1991; reporting deadline of 11/1/92)
2. Staff Study: Analysis of the Confidentiality Provisions in Maine Statutes (approved March, 1992; reporting deadline of 12/1/92)