

# MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING

Legislative Council Chamber  
Augusta, Maine

August 29, 1973

CALL TO ORDER

The meeting was called to order at 10:20 a.m. by Chairman Simpson.

ROLL CALL

SENATORS: Berry, Brennan

REPRESENTATIVES: Birt, Hewes, Martin, McTeague, Simpson

LEGISLATIVE FINANCE OFFICER: William H. Garside

LEGISLATIVE STAFF: Mrs. Suzanne Havens

GUEST: Rep. Roswell Dyar

SECRETARY'S REPORT

MOTION

Rep. Hewes: That the secretary's report be accepted as mailed.

Seconded: Sen. Berry

Motion carried unanimously.

COMMUNICATIONS

The chairman advised members of correspondence from Jon Doyle advising that he had interviewed two lawyers to replace Roland Berry.

Correspondence concerning Natural Resources Committee received by the Chairman will be taken up under New Business.

COMMITTEE REPORTS

1. Legislative Finance Officer:

MOTION

Rep. Martin: That the Public Lands Committee be considered by the Legislative Council as a regular standing committee of the Legislature and that they be paid per diem, plus their actual expenses, pursuant to Public Law, chapter 590.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Sen. Berry: That the Council members be issued individual telephone credit cards.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

2. Legislative Staff: (See attached Memo)

MOTION

Rep. Birt: That a list of the approved study orders to date be compiled and distributed through the Legislative Research Office.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Sen. Berry: That all requests for bill drafting and major research be submitted, in writing, to the Legislative Council for approval.

Seconded: Rep. Birt

Discussion.

Motion carried unanimously.

MOTION

Rep. Hewes: That legislators should contact the Legislative Staff on inquiries and requests of limited scope.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

REPORTS OF COMMITTEES - None

OLD BUSINESS

MOTION

Rep. Martin: That the subject matter of H.P. 1536, Registering and Licensing Opticians, not be considered for study.

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Rep. Martin: That the Legislative Council Rules as submitted by the Legislative Staff be adopted.

(see attached copy)

Seconded: Rep. Hewes

Discussion.

Motion carried by vote of 6 -1. (Sen. Brennan objected to Rule #10)

NEW BUSINESS

1. Rep. Dyar addressed the Council concerning the study of tri-state maximum security facilities being conducted by institutional services of Maine, Vermont and New Hampshire.

MOTION

Rep. Hewes: That Sen. Hichens and Rep. Dyar be reimbursed for travel expenses to date and that the Council authorize expenditure of \$25 per day, plus expenses, for continuance of their study on a maximum security prison for Maine, New Hampshire and Vermont.

Seconded: Sen. Berry

Motion carried unanimously.

2. Legislative Staff Member, George Viles, and Stephen Locke, Director of Central Computer Services, addressed the Council concerning a bill status system for the 106th Special Session. (See attached reports)

MOTION

Sen. Berry: That the Council authorize the initiation of phase one of a proposed bill status system for the next special session of the Legislature.

Seconded: Sen. Brennan

Discussion.

Motion carried unanimously.

There was discussion on correspondence from the Natural Resources Committee Chairman. It was concluded that Legislative Staff members are assigned to projects and not to committees. No action was necessary on this matter.

ANNOUNCEMENTS AND REMARKS

1. Next meeting, September 19, 1973

ADJOURNMENT

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 3 MRSA § 161, as repealed and replaced by PL 1973, c. 590, § 3, is amended by adding a new sentence at the end, to read:

When the Legislature is not in session, Legislative Council members shall be paid \$25 for every day's attendance on days when Council meetings are held and shall be reimbursed for their actual expenses with the exception of mileage which shall be paid at the same rate received by state employees.

Sec. 2. 3 MRSA § 162, sub-§ 6, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

6. To appoint ~~a-Legislative-Administrative Director; a Director-of-Legislative-Research Reviser of Statutes, a Finance Officer, a Constituent-Service-Officer; and~~ a State Law Librarian, and a Legislative ~~Staff~~ Director, each of whom shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office; each to be appointed for a term of 7 years from the date of his appointment and to serve until his successor has been appointed and qualified;

Sec. 3. 3 MRSA § 162, sub-§7, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

7. To establish operating policies for and coordinate the activities of each Legislative agency and office;

Sec. 4. 3 MRSA § 162, sub-§ 13, as repealed and replaced by PL 1973, c. 590, § 4, is repealed and replaced to read:

13. To appoint legislative staff assistants who shall be chosen without reference to party affiliations and solely on the basis of fitness to perform the duties to be assigned to them;

Sec. 5. 3 MRSA § 163, as repealed and replaced by PL 1973, c. 590, § 5, is repealed.

Sec. 6. 3 MRSA § 164, first sentence, as last amended by PL 1971, c. 480, § 4, is amended to read:

§ 164. Functions and services of ~~direetor~~ reviser

The ~~Direetor-of-Legislative-Research~~ Reviser of Statutes shall perform the following functions and duties:

Sec. 7. 3 MRSA § 164, sub-§§ 1, 2 and 3, as last amended by PL 1971, c. 480, § 4, are repealed.

Sec. 8. 3 MRSA § 164, sub-§ 11, is amended to read:

11. Office hours. The office of the ~~direetor~~ reviser shall be kept open during the time provided for other state offices, and when the Legislature is in session at such hours, day and night, as are most convenient for Legislators;

Sec. 9. 3 MRSA § 164, sub-§ 12, as last amended by PL 1973, c. 590, § 6.7, is amended to read:

12. Assistants. The ~~direeter~~ reviser shall appoint, with the approval of the Legislative Council, an assistant ~~direeter~~ reviser for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified, and such technical assistants; and shall ~~appoint; -subject-to-the-Personnel-Law;-such~~ clerical assistants, as may be necessary to carry out this chapter.

Sec. 10. 3 MRSA § 165, second sentence, as enacted by PL 1973, c. 590, § 8, is amended to read:

In addition to authority assigned by rules of the Legislature, Such such committees shall have the authority; -both-when-the-Legislature-is-in-session and-when-it-is-not-in-session:

Sec. 11. 3 MRSA § 165, sub-§ 1, as enacted by PL 1973, c. 590, sub-§ 8, is amended to read:

1. To collect information concerning the government and general welfare of the State as related to assignments received from the ~~conseil~~ Legislative Council;

Sec. 12. 3 MRSA § 165, sub-§ 7, first sentence, as enacted by PL 1973, c. 590, § 8, is amended to read:

7. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court.

Sec. 13. 3 MRSA § 166, as enacted by PL 1973, c. 590, § 9, is repealed and replaced to read:

§ 166. Legislative Staff Director; duties

The duties of the Legislative Staff Director shall be:

1. To provide a comprehensive research service on legislative problems;
2. To prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this State or elsewhere, when so directed by the Legislative Council or by either or both branches of the Legislature;
3. To provide research assistance to any Joint Standing or Select Committee or other agency created by the Legislature;
4. To assign, with the approval of the Legislative Council, the Legislative Staff Assistants to assist the Joint Standing or Select Committees, to work as directed by the Committee Chairmen;
5. To undertake such other duties as are assigned by the Legislative Council.

The Legislative Staff Director shall recommend to the Legislative Council applicants for positions as Legislative Staff Assistants. Following interviews by the Legislative Council, the Council shall appoint Legislative Staff Assistants to a probationary term of one year, after which an Assistant may be appointed by the Council to an additional six year term. Additional terms shall be for seven years.

The Legislative Staff Director shall appoint such clerical assistants as may be necessary to carry out this section.

Sec. 14. 3 MRSA § 167, as enacted by PL 1973, c. 590, § 10, is amended by adding new sub-~~§§~~ 5 and 6, to read:

5. To act as executive officer of the Legislature when it is not in session, and unless the Legislature shall otherwise order, he shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit State departments to use legislative property. He shall, with the approval of the President of the Senate and the Speaker of the House, dispose of surplus or obsolete material through the continuing property records section of the Bureau of Public Improvements. He shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property shall be maintained under the supervision of the Legislative Council and an accounting thereof shall be made to the Legislature upon its request.

6. To act as a vehicle through which the several agencies, departments and offices of the the Legislature may report to the Legislative Council their budget requests, and to assist the Legislative Council in the orderly disposition of these requests.

Sec. 15. 3 MRSA § 167, next to last paragraph, as enacted by PL 1973, c. 590, § 10, is amended by adding a new sentence at the end, to read:

The Finance Officer shall also appoint, with the approval of the Legislative Council, such technical assistants, and shall appoint such clerical assistants, as may be necessary to carry out this section.

Sec. 16. 3 MRSA § 169, as enacted by PL 1973, c. 590, § 12,  
is repealed.

Sec. 17. 3 MRSA § 174, second sentence, as enacted by PL  
1971, c. 480, § 1, is amended to read:

He shall employ, ~~subject to the Personnel Law~~, such  
assistants as may be necessary to carry out this  
subchapter.

MEMORANDUM

TO: Edith Hary, State Law Librarian  
FROM: Suzanne Havens  
RE: Legislative Studies  
DATE: August 17, 1973

As of August 17, the following studies have been assigned to committees or otherwise as indicated.

1. Excise Tax Structure  
H.P. # 878 no committee - assigned to staff
2. Personnel Laws  
H.P. # 1388 State Government Committee
3. Manner and Costs of Processing Claims  
H.P. #1469 Legal Affairs Committee
4. Telecommunications  
S.P. # 605 Public Utilities Committee
5. Evaluation of Maine's Disaster Contingency Plans  
H.P. # 1496 no committee - assigned to staff
6. Study of Village Corporations  
S.P. # 647 Legal Affairs Committee
7. Consumer Credit Code  
H.P. # 1551 Business Legislation Committee
8. Commuter-type Tickets for Maine Turnpike  
S.P. # 649 Transportation Committee
9. Subject matter of Bill, "An Act to Amend the Site Location of Development Act." (H.P. 1375 - L.D. 1831)  
S.P. # 655 Natural Resources Committee  
(Study to be combined with that of H.P. # 1608 - see #12 below)
10. Review and Evaluation of State Budget Appropriations  
H.P. # 1567 Appropriations Committee
11. No-fault Insurance  
S.P. # 663 Business Legislation Committee
12. Study of Environmental Laws  
H.P. # 1608 Natural Resources Committee  
(To be combined with #9 above)



MEMORANDUM

TO: Edith Hary, State Law Librarian  
FROM: Suzanne Havens  
RE: Study Orders  
DATE: August 17, 1973

As indicated, the following study orders have been tabled, tabled unassigned, or are not to be studied. I am unsure as to the distinction between the first two, but thought you might want to be aware of potential studies still unassigned.

1. Subject matter of L.D. Nos. 87, 107, 119, 147, 181, 243, 482, 574, 671, and 706. (Additional Motor Vehicles Offices)  
S.P. # 604 Not to be studied
2. Subject matter of "An Act to Register and License Dispensing Opticians.  
(H.P. 1233 - L.D. 1610)  
H.P. # 1536 Tabled unassigned
3. Subject matter of H.P. 1115 - L.D. 1451; S.P. 464 - L.D. 1495;  
H.P. 1291 - L.D. 1679; and H.P. 1357 - L.D. 1813. (Consumer  
members on Boards and Commissions)  
H.P. # 1534 Not to be studied
4. Establishment of Data Processing Center  
H.P. # 1535 Tabled unassigned
5. Health Maintenance Organizations  
H.P. # 1541 Tabled unassigned
6. Needs and Health Care for Retarded People of Maine  
S.P. # 641 Tabled unassigned
7. Advisory Committees assisting Departments of Mental Health and  
Corrections and Health and Welfare  
H.P. # 1542 Tabled unassigned
8. Financing of Certain Bond Issues (L.D.s 211, 639, 1502, and 1744)  
S.P. # 650 Not to be studied
9. Marketing and Distributing Gas and Oil in Maine  
H.P. # 1569 Tabled unassigned
10. Examinations by Joint Standing Committees on Education, Health and  
Institutional Services and Transportation  
H.P. 657 Tabled unassigned
11. Costs and Benefits of the Liquor Business in Maine  
H.P. #1598 Not to be studied
12. Feasibility of Law Courses to Legislators  
H.P. # 1601 Not to be studied

13. Existing Regulations and Guidelines Relative to Local School  
Construction and Transportation  
S.P. # 689 Not to be studied
14. Collection of State Income Tax by the Federal Government  
H.P. # 1637 Not to be studied
15. Central Computer Services  
H.P. # 1638 Tabled unassigned
16. Maine Development Act  
S.P. # 693 Not to be studied
17. Special Commission on tax laws  
S.P. # 694 Not to be studied
18. County Government  
S.P. # 696 Not to be studied
19. Policy-making by students  
H.P. # 1643 Not to be studied