

MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING
Législative Council Chamber

September 19, 1973

CALL TO ORDER

The meeting was called to order at 10:05 a.m. by Chairman Simpson.

ROLL CALL

SENATORS: Berry, Brennan, Danton, MacLeod, Sewall

REPRESENTATIVES: Birt, Hewes, Martin, McTeague, Simpson

LEGISLATIVE FINANCE OFFICER: William H. Garside

LEGISLATIVE STAFF: Mrs. Suzanne Havens

GUESTS: James K. Keefe, Commissioner of Department of Commerce & Industry, with Mr. Jerome Barnett and Mr. Victor Peachy.

Niran C. Bates, Director, Bureau of Public Improvements, with George H. Gray, Architect.

SECRETARY'S REPORT

MOTION

Sen. MacLeod: That the secretary's report be accepted as mailed.

Seconded: Sen. Berry

Motion carried unanimously.

COMMUNICATIONS

The chairman advised members of a communication received from Rep. Lawrence Greenlaw concerning Rep. David Emery's clam bill (see attached)

A communication was received from Rep. William Garsoe, Chairman, advising that he has met with his committee concerning the Municipal Employees Labor Relations Law. Another meeting is planned for September 27 when Attorneys Chapman and McMahon will be present.

COMMUNICATIONS Cont'd

Correspondence was received from Rep. Kenneth Mills concerning the incoming WATS line and the problem of obtaining the line at certain times.

Attorney Jon Doyle submitted a letter of resignation from Legislative Aide, Roland Berry.

MOTION

Rep. Martin: That the Legislative Council accept the resignation of Legislative Staff Assistant Roland Berry, and that an appropriate letter of thanks be forwarded to Mr. Berry to this effect.

Seconded: Rep. McTeague

Motion carried unanimously.

Sen. Walter Hichens' letter concerning the assignment of H.P. 1642, Advertising of Prescription Drugs to the Appropriations Committee was discussed.

MOTION

Rep. Birt: That the Council reconsider the matter whereby the subject matter of H.P. 1642, Advertising of Prescription Drugs, was referred to the Appropriations Committee.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Rep. Birt: That the subject matter of H.P. 1642, Advertising of Prescription Drugs, be referred to the Health and Institutional Services Committee.

Seconded: Rep. Hewes

Discussion.

COMMUNICATIONS Cont'd

Rep. Martin: That the subject matter of H.P. 1642 be tabled until the next meeting of this Council.

Seconded: Rep. Hewes

Motion carried by vote of 6 - 2 (Sen. MacLeod and Rep. Simpson)

COMMITTEE REPORTS

1. Legislative Finance Officer - no report.
2. Legislative Staff - See attached report.
3. Subcommittee on Legislative Reorganization -
Niran C. Bates, Director, and George H. Gray, Architect,
Bureau of Public Improvements, discussed construction plans with members.
4. Bill Status System - no report.
5. Excise Tax Study - See attached report.
6. Disaster Planning - See attached report.
7. Appropriations and Financial Affairs - no report.
8. Business Legislation - See attached report from Sen. Cox.
9. Education - no report.
10. Judiciary - no report.
11. Labor - no report.
12. Legal Affairs - no report.
13. Liquor Control - no report.
14. Natural Resources - no report.
15. Public Utilities -

MOTION

Sen. Berry: That the Legislative Council approve the request of the Public Utilities Committee to hire as consultants, Winston C. Robbins, Engineer, and Steven Murray, Attorney, to assist in their

COMMITTEE REPORTS cont'd

committee's study of construction and maintenance of dams.

Seconded: Rep. Hewes

Discussion.

Motion carried unanimously.

16. State Government - no report.
17. Transportation - no report.
18. Veterans and Retirement - no report.

MOTION

Sen. Brennan: That the Committee Reports be accepted as presented.

Seconded: Rep. Birt

Motion carried unanimously.

OLD BUSINESS

MOTION

Sen. Berry: That the Bureau of Public Improvements be authorized in the changeover to construct a new Majority Floor Leader's Office, to move the Post Office next to the Docket Room, and that the Chairman of the Legislative Council be authorized to authorize this plan.

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Rep. Birt: That item 2c pertaining to H.P. 1535, Central Computer Services, be removed from the table.

OLD BUSINESS Cont'd

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Rep. Birt: That the subject matter of H.P. 1535, relative to Central Computer Services, be referred to the State Government Committee.

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Sen. Berry: That item 2d pertaining to H.P. 1541, Maine Health Maintenance Organization Act, be removed from the table.

Seconded: Rep. Martin

Motion carried unanimously.

MOTION

Rep. Martin: That the subject matter of H.P. 1541, pertaining to Maine Health Organization Act, be referred to the Health and Institutional Services Committee.

Seconded: Sen. Danton

Motion carried unanimously.

MOTION

Rep. Hewes: That the subject matter of S.P. 641, Retarded Residential Accomodations, be taken off the table.

Seconded: Sen. MacLeod

Motion carried unanimously.

OLD BUSINESS Cont'd

MOTION

Rep. Hewes: That the subject matter of S.P. 641, Retarded Residential Accomodations, be referred to the Health and Institutional Services Committee.

Seconded: Sen. Sewall

Motion carried unanimously.

MOTION

Sen. Danton: That item 2h pertaining to H.P. 1629, Acupuncture, be removed from the table.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Sen. Brennan: That a member of the Legislative Staff be assigned to consult with the Attorney General's Office, the Maine Medical Association and Rep. Domenico Santoro, M.D., to determine the need for a study of H.P. 1629 (Acupuncture) and the legality of the practice of Acupuncture in the State of Maine.

Seconded: Rep. Birt

Discussion.

Motion carried unanimously.

MOTION

Rep. Birt: That the subject matter of H.P. 1638, Central Computer Services, be removed from the table.

Seconded: Rep. McTeague

Motion carried unanimously.

OLD BUSINESS Cont'd

MOTION

Rep. Birt: That the subject matter of H.P. 1638, pertaining to Central Computer Services, be assigned to the State Government Committee to be studied in conjunction with H.P. 1535.

Seconded: Sen. Danton

Motion carried unanimously.

MOTION

Rep. Martin: That the Joint Standing Committee Rules, as submitted by the Legislative Staff, be accepted and that they supersede all previous rules of the Legislative Council relative to the Joint Standing Committees.

Seconded: Rep. Birt

Motion carried unanimously.

NEW BUSINESS

MOTION

Rep. Martin: That the request of the Commissioner of Commerce and Industry to enter into a new lease agreement for a new building be assigned to the Building Subcommittee of the Appropriations Committee and that a report of its recommendations be submitted to this Council.

Seconded: Sen. Danton

Discussion.

Motion carried unanimously.

NEW BUSINESS Cont'd

MOTION

Rep. Birt: That the subject matter of placing Legislative Printing out to bid be tabled until the next meeting of this Council.

Seconded: Sen. MacLeod

Motion carried unanimously.

MOTION

Sen. Brennan: That the Legislative Council send a communication to the University of Maine Board of Trustees to urge them to hold public hearings prior to the implementation of the Maine Management and Cost Survey Team's recommendations in regard to the merger of VTI's with the U of M and in regard to the reduction to 2-year colleges in Washington and Aroostook Counties should the trustees in their wisdom deem it in the best interests of the people of the State of Maine to implement the recommendations of the Maine Management and Cost Survey Team.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

A memorandum from the Governor's office concerning a Resolution from the Territory of Guam was circulated for members' review. The members indicated that this Resolution should not be introduced at the special session and their recommendation was forwarded to the Governor.

NEW BUSINESS Cont'd

The chairman proposed that a possible study be made of the State Commissions, Boards, Agencies, Departments and Authorities pertaining to differences in salaries, per diem, duties, etc. This item will be placed on the next agenda.

A discussion of the recent Maine Management and Cost Survey Team's report resulted in the chairman requesting the Legislative Staff to prepare a list of those items that the Council should consider as legislative items, executive items, and those items already implemented by the 106th Legislature.

In light of recent publicity surrounding the shooting of seals on the Maine coast, a member of the Council expressed his concern over whether or not the Maine laws in this matter were adequate. No action taken.

The Council was advised that 3 Legislative Staff members are planning to attend computer courses being offered to State employees.

ANNOUNCEMENTS AND REMARKS

Next meeting, October 17, 1973

ADJOURNMENT

The meeting adjourned at 12:20 p.m.



STATE OF MAINE

ONE HUNDRED AND SIXTH LEGISLATURE

COMMITTEE ON MARINE RESOURCES

September 12, 1973

Hon. Larry E. Simpson
Rt. #1
Sebago Lake, Maine 04075

Dear Larry,

I should have talked with you this morning at the Management and Cost Survey presentation, but it slipped my mind. Two matters come to mind that I would like to make recommendations to you as Chairman of the Legislative Council.

One matter deals with David Emery's clam bill, which you no doubt remember was referred to the Marine Resources Committee for future study. I understand that the Council is referring these issues to the appropriate committee for study. Clam management is an area of marine resources which needs extensive examination. Spence Apollonio can certainly fill you in on the importance of such a study. I hope that you will consider the possibility of referring this matter very soon.

The second matter deals with the meetings and action of the Legislative Council. There has been no communications to my knowledge between the Council and members of the Legislature. Since legislative reform was an issue which resulted in many hard feelings among some of the legislators, I would suggest that some communication on a regular basis be initiated to keep members of the Legislature informed of what you are doing as a group. Such a procedure might go a long way to healing some of the hard feelings and develop an atmosphere where a legislative reform package may be passed during the Special Session in January.

If you would like to discuss this further, please feel free to contact me. Thanks for listening!

Véry truly yours,

Skip

Lawrence P. Greenlaw, Jr.
State Representative
Stonington

LPG:ftg

September 17, 1973

Honorable Lawrence P. Greenlaw, Jr.
Stonington
Maine

Dear Skip:

By now you should have received a package from the Council giving a full detailed report on the status of our study orders as well as some of our other activities to date.

It is my intention to keep the legislators informed of the actions taken by the Council, but not on a month to month basis. Most of our activities in the coming months will be in the area of legislative reorganization and the work orders assigned to the Joint Standing Committees.

I don't recall David Emery's clam bill ever being referred to the Marine Resource Committee for future study and we do not have, nor have we had, a copy of any such order before the Council. If you feel there was one passed, please try to locate it and give us the details.

See you in January.

Sincerely,

Larry E. Simpson, Chairman

csd

MEMORANDUM

TO: Legislative Council
FROM: Suzanne Havens
SUBJECT: Legislative Staff
DATE: September 19, 1973

Although there are still some problems with particular study assignments, most committee chairmen have now begun preliminary work on the studies assigned by the Council. Although information has been sent to all Legislators concerning the availability of staff for limited information seeking, we have had very few requests to date. We previously had received a few drafting requests which I had kept on file. I am planning to write these legislators to remind them that requests for drafting should be made to the Council.

The staff members are presently involved with efforts to better regulate office procedures and to establish channels of communication among ourselves. A central, on-going file system is in the planning stage and as soon as we are able to get the necessary filing cabinets and bookshelves will be implemented. The necessity for some central filing so that our work product will be available for future use by all staff has become more urgent because of Roland Berry's departure.

This week we had a most profitable staff meeting at which we shared ideas about the procedures mentioned above, and other subjects which were of interest to various staff

members. One subject which was discussed at some length was the relationship (or non-relationship) of the interim function of staff members, and the function of staff members during the session, as committee research persons. Many staff persons feel that they should be doing follow-up work during the interim on important areas of ongoing interest to various committees if committees are going to have the full benefit of staff expertise during the session. However, the feeling seems to be that this utilization of time may be in conflict with Council directives concerning use of staff time in the interim. I am presenting this summary of our discussion in the hope that the Council will discuss at some time what the best long-range use of staff persons should be.

I am planning to continue staff meetings on a semi-regular basis as long as these prove productive.

All staff persons have tried to complete a "first reading" of the Maine Management and Cost Survey. Attached is a listing of those recommendations covered in legislation passed in the 106th regular session, and legislation introduced but defeated. A few of the recommendations are included within topics currently assigned for study to the Joint Standing Committees, and we have also tried to indicate these.

Three staff persons, George Viles, Bob Clarke and Nancy Ross, are interested in attending a series of seminars on data processing to be conducted by Steve Locke, Deputy Director

of Central Computer Services, starting in October. This seminar meets in the evening and as I understand it is at no cost to those participating. The only problem is that participating departments are limited to 1 place. Since it will be impractical for staff to plan to attend the second series - which will undoubtedly overlap with the special session - these staff members would like to ask the Council to request from Mr. Locke a special priority admittance for the three staff.

MEMORANDUM

TO: Legislative Council
FROM: George Viles
SUBJECT: Excise Tax Study
DATE: September 18, 1973

Approximately three hours have been spent on the Excise Tax Study for the Legislative Council. On September 19, I will be meeting with representatives of the Maine Municipal Association and the Bureau of Taxation. I expect to meet later with representatives of the automobile dealers and consumer interests.

MEMORANDUM

TO: Legislative Council
FROM: Bob Clarke
RE: Disaster Relief Study

A meeting with Emelion Levesque, State Director of Civil Defense, provided background information regarding several proposed changes in the current Maine law. In addition, the Council of State Governments has furnished model legislation as well as some specific comments about the current Maine law.

An evaluation of the different versions of the proposed changes is now proceeding. When the evaluation is completed, a draft of legislation will be developed incorporating the changes determined to be useful. Director Levesque will be consulted during the drafting of this bill.



State of Maine
Senate Chamber
Augusta, Maine 04330

239 Essex Street
Bangor, Maine

September 17, 1973

Legislative Council
c/o Legislative Research Office
State House
Augusta, Maine 04330

Gentlemen:

The Business Legislation Committee met on Wednesday, September 12, 1973 in Executive Session. The purpose of the meeting was to review recommended changes as submitted by members of the Committee and to further clarify many other sections of L.D. 1803, the Maine Consumer Credit Code. This was done along with representatives of the Banking Department. No motions were made or decisions reached.

The meeting was called to order at 9:10 A.M., with final adjournment at 3:50 P.M. The Committee is scheduled to meet again on Tuesday, September 25th at 9:00 A.M. to further review those areas discussed after Legislative Aide Tom Downing has researched them.

Those Legislators in attendance were:

Senators Cox, Katz
Representatives Trask, Maddox, Donaghy,
Hamblen, Jackson, O'Brien (part of the session),
Boudreau, Clark, Deschaies, Tierney

Absent:

Senator Marcotte

Others in attendance were:

Committee Clerk Glenys Lovett
Legislative Aide Tom Downing
Banking Dept. Philip Gingrow, Harry Giddinge



State of Maine
Senate Chamber
Augusta, Maine 04330

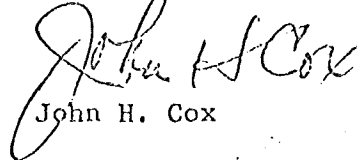
Legislative Council

- 2 -

September 17, 1973

Complete details of the discussion and questions can be obtained from Tom Downing, if needed.

Very truly yours,


John H. Cox

JHC/eh

cc: Glenys Lovett
Claude Trask, House Chairman

To Legislative Counsel

Dept. _____

From Governor Kenneth M. Curtis

Dept. _____

Subject _____

I have attached, for your information, a resolution received from the Twelfth Guam Legislature suggesting a constitutional amendment to permit the interruption of interstate commerce in emergency situations.

Please let me know whether you believe this item is appropriate for the January special session.

K.M.C.

njm
McLean - no
Jen - no
KPM - no
PW of
Rusby

R. D. Hewes - No
J. E. Brennan - NO
WAB - no

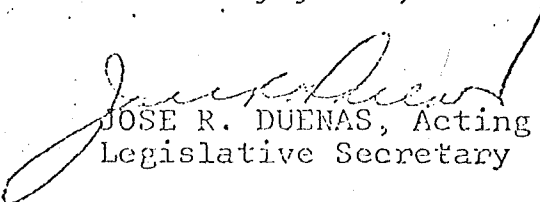
5 SEP 1973

The Honorable Kenneth M. Curtis
Governor of Maine
State House
Augusta, Maine 04330

Dear Governor Curtis:

Transmitted herewith is Resolution No. 67, "Relative to requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to provide that interstate commerce may be interrupted in cases of emergency", duly and regularly adopted by the Legislature.

Sincerely yours,



JOSE R. DUENAS, Acting
Legislative Secretary

Enclosure

Introduced by

J. F. Ada
P. M. Calvo
A. M. Palomo
J. M. Rivera
G. R. Salas
A. A. Sekt
A. C. Ysrael

Relative to requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to provide that interstate commerce may be interrupted in cases of emergency.

1 BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF GUAM:

2 WHEREAS, the unique geographical situation of Guam, which
3 is physically isolated and separated by thousands of miles of
4 water from both the noncontiguous States of Alaska and Hawaii
5 and the forty-eight coterminous States of the Mainland United
6 States, generates unique transportation needs for the people
7 of Guam; and

8 WHEREAS, surface water transportation, particularly from
9 the major West Coast seaports, is the equivalent of Guam's life
10 line for the supply of food and other essentials of life
11 necessary to the people; and

12 WHEREAS, Hawaii, Alaska and other coastal states of the
13 Union are also affected by the interruption of coastal and
14 interstate commerce, and also those states surrounded on all
15 sides by land when there is an interruption of surface
16 commerce; and

17 WHEREAS, during such interruptions of interstate surface
18 transportation, air transportation is insufficient due to the
19 lack of planes and is overly expensive in terms of cost to the
20 people forced to rely on such air transportation during times
21 of commercial emergency; and

3 would help those regions affected by the interruption of
4 commerce; and

5 WHEREAS, the United States Congress, despite the immediate
6 and imperative need therefor evidenced by long shipping strikes,
7 during the year of 1972, has failed to enact legislation to
8 help landlocked and coastal states and Guam in times of
9 commercial interruption; and

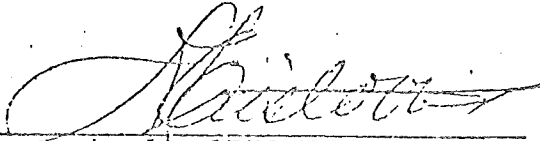
10 WHEREAS, in the event of such congressional inaction,
11 Article V of the Constitution of the United States grants to
12 the states the right to initiate constitutional changes by
13 applications from the Legislatures of two-thirds of the several
14 states to the Congress, calling for a constitutional convention;
15 and

16 WHEREAS, the Congress of the United States is required by
17 the Constitution to call such a convention upon receipt of
18 applications from the Legislatures of two-thirds of the several
19 states; now therefore be it

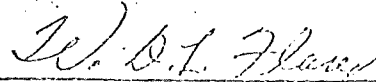
20 RESOLVED, by the Twelfth Guam Legislature that, pursuant
21 to Article V of the United States Constitution, the Twelfth
22 Guam Legislature does hereby urge the Legislatures of each of
23 the several states to call a convention for the sole and
24 exclusive purpose of proposing a constitutional amendment which
25 shall provide that those regions of the United States which are
26 affected by an interruption of commerce may act by interrupting
27 interstate commerce or by other means to alleviate the hardships
28 created by such interruption of commerce and that states and
29 territories affected by the interruption of commerce may come
30 to the aid of each other; and be it further

2 Secretary attest the adoption hereof and that thereafter copies
3 shall be transmitted to the Governor of each state and the
4 presiding officer of each state Legislature and to every
5 member of the Congress of the United States.

DULY AND REGULARLY ADOPTED ON THE 10TH DAY OF JULY, 1973.



— A. L. CRISTOBAL
Acting Legislative Secretary



— W. D. L. FLORES
Acting Speaker

MEMO

September 20, 1973

TO: Chairmen, Joint Standing Committees

FROM: Hon. Larry E. Simpson, Chairman

Legislative Council

SUBJECT: Study Orders

The Council feels that we would like to have as many as possible of the studies completed and legislation drafted for the upcoming special session. It is our feeling that the Legislature which authorized the studies would be better equipped and prepared to handle the legislation. This would also make the studies more meaningful.

We realize many of you have a heavy work load and might not meet the deadline, but we would sincerely appreciate your cooperation and assistance.

We also anticipate a somewhat lengthy special session and feel that many of you will be able to work on your studies during the session, which will save us money.

Please be reminded that the Council meets on the 3rd Wednesday of each month at 10:00 a.m. and that we expect a written report from your committee.