

MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING
(Informal Meeting)
Legislative Council Chamber

November 7, 1973

CALL TO ORDER

The meeting was convened at 1:45 p.m. by chairman Simpson.

ROLL CALL

SENATORS: Berry, Brennan, Danton, MacLeod, Sewall

REPRESENTATIVES: Birt, Martin, McTeague, Simpson (Hewes
arrived at 3:45 p.m.)

LEGISLATIVE FINANCE OFFICER: William H. Garside

LEGISLATIVE STAFF: Mrs. Suzanne Havens

GUESTS: Mr. James E. Mitchell, Director, State Housing Authority
Commissioner William F. Kearns, Jr., Mental Health &
Corrections
Mr. Henry L. Cranshaw, Administrative Director, MH&C
Mr. Roy A. Ettlenger, Superintendent, Augusta Mental Health
Institute
Mr. David H. Stevens, Secretary-Treasurer, Maine Turnpike
Authority
Mr. Frank Howe, Executive Director, Maine Turnpike Authority
Mr. Richard G. Bachelder, Planning Engineer, Bureau of
Public Improvements
Sen. Walter W. Hichens and Rep. Roswell E. Dyar, Health &
Institutional Services Committee
Sen. Edwin H. Greeley, Transportation Committee
Attorney General Jon A. Lund
Assistant Attorney General, Gordon Scott

LEGISLATIVE FINANCE OFFICER: The Legislative Finance Officer submitted
a report of the Legislative Account and Committee Expense Accounts
through October 31, 1973. (See attached)

STATE HOUSING DIRECTOR, JAMES E. MITCHELL presented a report of his
Authority to the Council and detailed a request for approval to
hire 2 new employees, an on-site manager and an assistant in the
finance division of the Authority. A 3rd new position was

STATE HOUSING DIRECTOR (Cont'd)

mentioned for a new employee in the insurance section of the Authority in the future.

MR. RICHARD G. BACHELDER of BUREAU OF PUBLIC IMPROVEMENTS presented a report on a study of the space available at the Ray Building at the Augusta Mental Health Institute. (Copy attached). Mr. Bachelder advised the Council that the Departments of Conservation and Environmental Protection have been recommended to occupy this space. He requested permission to continue with the project and to hire an architect so that his department could come up with a fund figure to present to the Legislature during the special session.

SENATOR WALTER W. HICHENS AND REPRESENTATIVE ROSWELL E. DYAR detailed their request for the Health & Institutional Services Committee to visit various boarding home facilities for former Pineland patients as part of their general study.

COMMISSIONER WILLIAM F. KEARNS, DEPARTMENT OF MENTAL HEALTH & CORRECTIONS appeared before the Council to explain the patient-employee ratio at certain institutions within the Department of Mental Health & Corrections. Mr. Roy A. Ettlenger, Supervisor of the Augusta Mental Health Institute, appeared with him.

After this discussion, Commissioner Kearns and Mr. Ettlenger were asked if they were in opposition to, or planned to, oppose the use of the Ray Building at the Augusta Mental Health Institute for general office space outside their Department. The answer was in the negative.

COMMISSIONER DAVID H. STEVENS, D.O.T. and MR. FRANK HOWE, MAINE TURN-PIKE AUTHORITY detailed the reasons why all reconstruction activities

on the Maine Turnpike, except for the present 6-mile reconstruction project, have been curtailed. Attorney General Jon Lund appeared to discuss the opinions rendered by his office relative to this problem. The problem revolves around the use of toll funds for reconstruction or improvement of the Maine Turnpike.

The Chairman called the informal meeting to order for a business session with all members present.

MOTION

Sen. Berry: That the request of James E. Mitchell, Director of the State Housing Authority, to be allowed to hire 2 new employees within his Authority, be tabled until the next meeting of this Council.

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Rep. Martin: That we approve the recommendations of the Bureau of Public Improvements for the renovation and development of the Ray Building at the Augusta Mental Health Institute into state office space, and also the use of the Tyson Building for the sheltered workshop program at the Augusta Mental Health Institute.

Seconded: Rep. Birt

Discussion: The Council does not have authority to approve the use of funds for such a move, but felt that the Bureau of Public Improvements should not lose time in this much needed project and that every effort should be expended to have this project ready as soon as possible for legis-

lative action at the special session.

Motion carried unanimously.

MOTION

Sen. Berry: That we reconsider our action of the last meeting on Rep. Martin's motion to recommend to the Executive Council that a loan of \$100,000 be made to the State Housing Authority.

Seconded: Rep. Hewes

Discussion: The objections were raised to the legality of this meeting and the rights of us to take such action.
The Chair declared that this was a legally constituted meeting with business before us and a motion in order.

CHALLENGE:

Sen. Brennan challenged the ruling of the Chair.

A vote was taken and the Chair was upheld 6 - 4:

For: Rep. Birt, Rep. Hewes, Sen. Berry, Rep. Simpson,
Sen. MacLeod, Sen. Sewall.

Against: Sen. Brennan, Sen. Danton, Rep. Martin,
Rep. McTeague

Further Discussion.

The original motion carried by vote of 6 - 4:

For: Rep. Birt, Rep. Hewes, Sen. Berry, Rep. Simpson,
Sen. MacLeod, Sen. Sewall

Against: Sen. Brennan, Sen. Danton, Rep. Martin,
Rep. McTeague

MOTION

Sen. Berry: That it is the feeling of this Council that any action by the Executive Council relative to the motion of Rep. Martin on October 17, 1973, pertaining to the request of James E. Mitchell, Director of the State Housing Authority, for \$100,000 not be acted upon until such time as this Council can further review the matter; and that the Executive Council be so notified by the Chairman.

Seconded: Rep. Hewes

Discussion.

Motion carried by vote of 6 - 4:

For: Rep. Birt, Rep. Hewes, Sen. Berry, Rep. Simpson,
Sen. MacLeod, Sen. Sewall

Against: Sen. Brennan, Sen. Danton, Rep. Martin,
Rep. McTeague

MOTION

Sen. Berry: That the Health & Institutional Services Committee be authorized to travel to Bangor and Presque Isle for the purpose of visiting State institutions for the mentally retarded and that the subcommittee within the Committee to visit boarding homes for the mentally retarded throughout the State.

Seconded: Rep. Hewes

AMENDMENT

Rep. Martin: That the section "and that the subcommittee within the Committee to visit boarding homes for the mentally retarded throughout the State" be removed from the main motion.

Seconded: Rep. McTeague

Discussion.

Amendment passed with vote of 7 - 3 (Against:

Sen. Berry, Rep. Hewes, Rep. Simpson)

Main motion carried unanimously, as amended.

MOTION

Rep. Martin: That the Health & Institutional Services Committee outline a scheduled approach for boarding home visitation and submit it to this Council before making any such visit.

Seconded: Sen. MacLeod

Discussion.

Motion carried by vote of 7-3 (Against: Sen. Berry, Rep. Hewes, Rep. Simpson)

MOTION

Rep. Hewes: That the Transportation Committee be authorized to consider, prior to the special session, any proposals concerning the Department of Transportation's budget.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Sen. MacLeod: That the Public Lands Committee be authorized to hold public meetings by a subcommittee, in Ellsworth and Portland.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Sen. Berry: That the Education Committee be authorized to conduct public hearings in Presque Isle and Fort Kent.

Seconded: Rep. Birt

Discussion.

Motion carried unanimously.

MEETING ADJOURNED at 5:30 p.m.

LEGISLATIVE ACCOUNT

Expenditures - July 1, 1973 - October 31, 1973

| | | |
|--------------------------------------|--------------------|----------------------------|
| Regular Salaries & Wages | \$50,938.12 | |
| Temporary Salaries & Wages | 35,552.51 | |
| Per diem Salaries & Wages | 9,060.00 | |
| Total Salaries | | \$ 95,550.63 |
| Employer Retirement Costs | | 6,774.05 |
| Total Personal Services | | <u>\$102,324.68</u> |
| Legal Services | 1,350.00 | |
| Religious Services | 1,800.00 | |
| Misc. Professional Fees | 3,155.52 | |
| Travel Expenses - In state | 41,548.13 | |
| Travel Expenses - Out-of-state | 11,095.63 | |
| Telephone & telegraph | 19,575.61 | |
| Rental of Office Machines | 1,897.67 | |
| Repairs to Equipment | 277.93 | |
| Health Insur. State Share | 2,139.61 | |
| Meter Postage | 2,108.27 | |
| Intragov't. Service | 188.46 | |
| Printing, Binding - State | 4,061.74 | |
| Advertising notices | 1,119.00 | |
| Other Adv. & Publicity matter | 32,146.69 | |
| State Employee Tuition | 50.00 | |
| Periodicals, Newspaper subscriptions | 6,724.53 | |
| Dues | 100.00 | |
| Office supplies: | 2,541.60 | |
| Clothing | 11.30 | |
| Misc. Supplies | 431.05 | |
| Misc. Minor Equipment | 963.49 | |
| Total - All Other | | 133,286.23 |
| Equipment | 767.00 | |
| Total - Capital | | <u>767.00</u> |
| TOTAL EXPENDITURES | | <u><u>\$236,377.91</u></u> |
| Balance Fwd: July 1, 1973 | \$267,111.14 | |
| Total Appropriation 1973-74 | <u>705,839.00</u> | |
| Total Available | 972,950.14 | |
| Total Expenditures to 10/31/73 | <u>-236,377.91</u> | |
| Balance available | \$736,572.23 | |

COMMITTEE EXPENSE ACCOUNTS - PAID THROUGH 10/31/73

| | |
|--------------------------------|-----------------|
| Legislative Compensation Comm. | \$ 1,257.10 |
| Veterans & Retirement | 422.50 |
| Transportation | 525.47 |
| State Government | 933.09 |
| Public Utilities | 3,127.99 |
| Public Lands | 2,525.09 |
| Liquor Control | 43.50 |
| Council | 3,846.14 |
| Legal Affairs | 439.25 |
| Judiciary | 561.40 |
| House Apportionment | 1,191.09 |
| Health & Institutions | 478.26 |
| Education | 362.53 |
| Collective Bargaining | 744.30 |
| Business Legislation | 1,017.63 |
| Appropriations | <u>2,701.46</u> |
| | \$ 20,176.80 |

Bureau of Public Improvements
 Assignments for
 Ray Building, Augusta State Hospital

Net Floor Space Available

8 Wings @ 5,000 s.f./wing 40,000 s.f.

Needed Space by Agency

Department of Environmental Protection

103 employees @ 150 s.f./employ 15,450 s.f.
 5 employees plus Laboratory 5,000 s.f.

Total say 20,000 s.f.

Department of Conservation

| | | | |
|---------------------|----|---------|--|
| Administration | 1 | Employ. | |
| Parks & Recreation | 40 | " | |
| Forestry | 13 | " | |
| Land Use Regulation | 38 | " | |
| Geology | 3 | " | |
| Public Lands | 4 | " | |
| Total | 99 | | Employees @ 150 s.f./Employ. say 15,000 s.f. |

Cafeteria 2,000 s.f.

Unassigned 3,000 s.f.

Total 40,000

PROJECT INFORMATION FORM
REQUEST FOR CAPITAL IMPROVEMENTS

STATE OF MAINE
BUREAU OF PUBLIC IMPROVEMENTS

INSTITUTION AND LOCATIONPreliminary Estimate.....

PROJECT TITLERenovation of Ray Building, Augusta State Hospital. DATENov. 7, 1973

ESTIMATED COST OF ENTIRE PROJECT

I. Professional Services

| | | |
|--|-----------------|------------------------|
| A. Architectural and/or Engineering Fees | \$.....60,000.. | |
| B. Survey, Sounding and Site Investigation | \$.....--- | |
| Total Professional Services | | \$.....60,000.. |

II. Land

\$.....---

III. Construction

| | | |
|--|---------------------------------------|-------------------------|
| A. Structure (General, Mechanical, Electrical, Heating, Ventilating and All Fixed Equipment) | \$.....600,000.. (40,000 sf @ \$15 sf | |
| B. Services (Sewer, Water Power, Lights, etc.) Not Within Building or Facility. | \$.....--- | |
| C. Site (Grading, Landscaping, Roads, Walks, etc.) Within Project Area (parking) | \$.....30,000.. | |
| D. Purchase of Materials | \$.....--- | |
| E. Casual Labor | \$.....--- | |
| Total Construction | | \$.....630,000.. |

IV. Field Supervision

| | |
|---------------------------------------|----------------|
| Field Inspection, Not Included in I-A | \$.....6,000.. |
|---------------------------------------|----------------|

V. Equipment and Supplies, Not Included in III-A

| | | |
|-------------------------------------|-----------------|------------------------|
| A. Equipment (7200) | \$.....10,000.. | |
| B. Supplies (5300-6300) | \$.....--- | |
| Total Equipment and Supplies | | \$.....10,000.. |

VI. Other (Specify) (moving)

\$.....12,000..

VII. Contingency

\$.....50,000..

| | |
|---|-------------------------|
| ESTIMATED COST OF ENTIRE PROJECT | \$.....768,000.. |
|---|-------------------------|

CONSTRUCTION COST PER SQUARE FOOT (Based on Sum of III-A and/or D and E)

ESTIMATED CONSTRUCTION COST \$..... ÷ By Area S.F. = \$...../S.F.

MEMORANDUM

TO: Members of the 106th Legislature
FROM: Legislative Council
RE: Legislative Studies
DATE: October 24, 1973

As of October 24, 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)

13. Forest Practices Act (H.P. 1301 - L.D. 1757)
H.P. # 1619 Natural Resources Committee
14. Subject Matter of S.P. 406 - L.D. 1208, and H.P. 1397 - L.D. 1808
S.P. # 675 Labor Committee
15. Subject Matter of H.P. 1377 - L.D. 1833
H.P. # 1626 Appropriations Committee
16. Relative to Special Commission on Acupuncture
H.P. # 1629 no committee - assigned to staff
(The staff has at this point been asked to find answers to preliminary questions on this subject and report back to the Council.)
17. The Maine Housing Authority
S.P. # 687 State Government Committee
18. Maine State Retirement System
H.P. # 1387 Veterans and Retirement Committee
19. Trespass on Certain Lands Surrounding Lakes and Other Bodies of Water
(H.P. 459 - L.D. 614)
H.P.# 1634 Judiciary Committee
20. Post-secondary educational services by the University of Maine
S.P. # 688 Education Committee
(Study to be combined with that of S.P. # 699 - see #24 below)
21. Proposals Involving Prison and Parole Reform (L.D.s 473, 1153, 1156, 1262, 1416, 1422, 1730, 1749, 1752 and 1840)
S.P. # 690 Judiciary Committee
22. Funding of Maine Law Enforcement Academy (H.P. 1575 - L.D. 2004)
H.P. # 1636 State Government Committee
23. Petition Process Under the Constitution
H.P. # 1644 Judiciary Committee
24. The University of Maine at Portland - Gorham
S.P. # 699 Education Committee
(Study to be combined with that of S.P. 688 - see #20 above)
25. Operations and Procedures Employed by the Bureau of Alcoholic Beverages
S.P. # 698 Liquor Control Committee
26. (No order)
Study of future impact of Educational Funding Laws
Appropriations Committee
27. (No order)
Study of Disclosure Laws relating to political campaigns
State Government Committee

28. (No order)
Study of Legislative Ethics Laws
Ethics Committee
29. Establishment of Data Processing Center
H.P. #1535
State Government Committee
30. Health Maintenance Organizations
H.P. # 1541
Health and Institutional Services Committee
31. Needs and Health Care for Retarded People of Maine
S.P. # 641
Health and Institutional Services Committee
32. Central Computer Services
H.P. # 1638
State Government Committee
33. (No order)
Study of Present law on Charitable organizations seeking the use of
"Maine" in their name.
Legal Affairs Committee

As indicated, the following studies have been tabled unassigned or are not to be studied.

1. Subject Matter of L.D. Nos. 87, 107, 119, 147, 181, 243, 482, 574, 672 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 Not to be studied
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. Advisory Committees assisting Departments of Mental Health and
Corrections and Health and Welfare
H.P. # 1542 Not to be studied
5. Financing of Certain Bond Issues (L.D.s 211, 639, 1502 and 1744)
S.P. # 650 Not to be studied
6. Marketing and Distributing Gas and Oil in Maine
H.P. # 1569 Tabled unassigned
7. Examinations by Joint Standing Committees on Education, Health and
Institutional Services and Transportation
H.P. # 657 Not to be studied
8. Costs and Benefits of the Liquor Business in Maine
H.P. # 1598 Not to be studied
9. Feasibility of Law Courses to Legislators
H.P. # 1601 Not to be studied
10. Existing Regulations and Guidelines Relative to Local School
Construction and Transportation
S.P. # 689 Not to be studied
11. Collection of State Income Tax by the Federal Government
H.P. # 1637 Not to be studied
12. Maine Development Act
S.P. # 693 Not to be studied
13. Special Commission on tax laws
S.P. # 694 Not to be studied

- | | |
|--|-------------------|
| 14. County Government S.P. # 696 | Not to be studied |
| 15. Policy-making by students H.P. # 1643 | Not to be studied |
| 16. Prescription Drugs H.P. # 1642 | Tabled unassigned |