

MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING
Legislative Council Chamber

July 23, 1975

CALL TO ORDER

The meeting was called to order at 10:20 a.m. by the chairman, Senator Jerrold B. Speers.

ROLL CALL

Senators: Conley, Cummings, Sewall, Speers

Representatives: Martin, McKernan, Najarian, Palmer, Rolde

Staff: William H. Garside, Legislative Finance Officer
David S. Silsby, Director, Legislative Research
Suzanne Havens, Director, Legislative Assistants
Edith L. Hary, Law Librarian

Guests: Rep. Edward Kelleher
Philip Pimentel, President, Pinetree Gasoline
Retailers Association

SECRETARY'S REPORT

MOTION

Rep. Martin: That the secretary's report be accepted as presented.

Seconded: Rep. Palmer

Motion carried unanimously.

STAFF REPORTS

The Legislative Administrative Director presented to members a report on all Acts and Resolves enacted by 107th Legislature, regular session affecting General Revenue and Surplus. (Copy attached)

MOTION

Rep. Martin: That the report submitted by the Legislative Administrative Director be accepted and placed on file.

Seconded: Rep. Rolde

Motion carried unanimously.

STAFF REPORTS (Cont'd)

Legislative Administrative Director - cont'd.

MOTION

Rep. Martin: That we retain the tape recordings of the 106th Legislative Council on file, and in conformity with the policy set by the 106th Legislative Council, anyone wishing to copy or transcribe a tape may do so at his own expense, but the tapes may not be removed from the hands of the Legislature. This same policy applies to recording tapes of the Joint Standing Committees. It is the intent of the Council that tapes be retained for one full legislative session subsequent to the session taped and only then be erased to be reused.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

Legislative Staff Assistants Director - presented a Staff Work Report. (Copy attached)

MOTION

Sen Sewall: That the Legislative Finance Officer be authorized to purchase 5 file cabinets for use by the Office of Legislative Staff Assistants.

Seconded: Rep. Palmer

Motion carried unanimously.

MOTION

Rep. McKernan: That the Office of Legislative Staff Assistants be authorized to explore the possibility of establishing an internship program at no expense to the State which will work through the Director of the Office of Legislative Assistants, possibly using facilities offered at the University of Maine Law School, and to make a report to this Council of progress made, either to the August or September meeting of this Council.

Seconded: Sen. Conley

Discussion.

Motion carried unanimously.

STAFF REPORTS (Cont'd)

Legislative Staff Assistants Director - cont'd

MOTION

Sen. Conley: That Legislative Staff Assistant Tom Downing be authorized expenses to attend a workshop on patient and inmate care at the Council of State Government's Regional Meeting on social services at Cape Cod, Massachusetts, September 10 - 12.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

At the conclusion of a discussion concerning establishment of a salary policy for legislative staff members, the Director of the Office of Legislative Staff Assistants was requested to prepare for presentation to the next meeting of the Council a proposed salary policy for consideration by the Council.

MOTION

Rep. Martin: That we table and assign the matter of legislative staff salary policy to the next meeting of this Council.

Seconded: Rep. Palmer

Motion carried unanimously.

The Law Librarian advised members of activities within her entity and requested certain changes affecting employees of the library.

MOTION

Rep. Martin: That the Law Librarian is authorized to pay Ruth M. Robinson salary for 3 1/2 days work at the rate of \$3.50 per hour for work done at the library, also that she be allowed to hire Mrs. Robinson occasionally as additional help is needed in the law library.

Seconded: Rep. Rolde

Motion carried unanimously.

LEGISLATIVE STAFF REPORTS (Cont'd)

Law Librarian - Cont'd

MOTION

Rep. Palmer: That the Law Librarian be authorized to reclassify Mrs. Alice Nute's position in the Law Library from Librarian II to Librarian V.

Seconded: Rep. McKernan

Discussion.

Motion carried unanimously.

MOTION

Rep. Martin: That the Law Librarian be authorized to solicit and interview candidates for the position of Librarian I, to be trained as a reference librarian, at a salary of \$155.60 per week.

Seconded: Rep. Palmer

Motion carried unanimously.

In discussing the matter of whether or not legislative studies previously completed have been indexed, the Law Librarian advised that all of the last (1973) reports of the Legislative Research Committee and all reports of interim committees or later reports, have been cataloged.

The Director of the Office of Legislative Research discussed the matter of availability of publications with the Council and stated that the Register of Bills and Resolves would cost over \$2,000 for 600 copies. He also recommended a salary increase for the Legislative Indexer, and brought up the problem of space for his office.

LEGISLATIVE STAFF REPORTS (Cont'd)

Legislative Research Office

MOTION

Sen Sewall: That the Director of Legislative Research be authorized to increase the salary of the Legislative Indexer from \$169.70 to \$177.80, retroactive to June 2, 1975.

Seconded: Rep. Palmer

Motion carried unanimously.

MOTION

Rep. Martin: That the Legislative Finance Officer be authorized to pay for 600 copies of the Register of Bills and Resolves.

Seconded: Rep. Palmer

Discussion.

Motion carried unanimously.

COMMUNICATIONS

MOTION

Sen. Conley: That items 1,2,3, 5 and 6 on the July 23rd agenda under communications be accepted and transmitted to the Law Library.

Seconded: Rep. Martin

Motion carried unanimously.

MOTION

Sen. Sewall: That we accept the letter from the State Budget Officer re accessing of data in legislative system and purchase of hard copy printouts from Legislative Information Office.

Seconded: Rep. Martin

Motion carried unanimously.

COMMITTEE REPORTS

MOTION

Rep. Martin; That we accept the final report of the Transportation Committee on the study assigned to it by the 106th Legislative Council and place it on file.

Seconded: Rep. Rolde

Motion carried unanimously.

NEW BUSINESS

Rep. Edward Kelleher addressed the Council stating his concern over the high pricing of gasoline in the State and requested that the Council authorize a study into this matter.

Mr. Philip Pimentel, President of Pine Tree Gasoline Retailers Association also spoke to the Council concerning gasoline prices and the differential in prices from one area of the State to another. (A copy of his remarks is attached)

MOTION

Sen. Conley: That the Joint Standing Committee on Energy be directed to investigate means to reduce the cost of gasoline to Maine consumers and to investigate changes needed to make Maine's excess profits statutes workable.

Seconded: Sen. Cummings

Discussion.

Motion carried unanimously.

The Council recessed for lunch at noon and reconvened at 1:40 p.m.

NEW BUSINESS (Continued)

MOTION

Sen. Sewall: That the invoice from the Council of State Governments for payment of services for individuals who participated in the study of data processing be transmitted to the Department of Finance & Administration, Division of Computer Services, pursuant to previously agreed action by this Council.

Seconded: Sen. Cummings

Motion carried unanimously.

MOTION

Rep. Martin: That we table unassigned the payment of invoice in the amount of \$27,660 to the National Conference of State Legislatures, until such time as Sen. Theodore Curtis is available to report to the Council on a trip to the National Council of State Legislatures.

Seconded: Sen. Conley

Discussion.

Motion carried unanimously.

NEW BUSINESS (Cont'd)

There was discussion concerning a letter from Edwin H. Pert, Clerk of the House, regarding the publication of roll call votes. It was unanimously agreed that should any roll call votes be published, all the roll call votes would be published, rather than having a few individuals decide which issues would be included. It was decided that any explanation of votes would be strictly limited to a succinct explanation of the parliamentary meaning of the motion only. Mr. Pert will prepare several example votes for presentation and approval at the next Council meeting.

MOTION

Rep. Rolde: That we table and specially assign the matter of publication of roll call votes until the next meeting of this Council.

Seconded: Sen. Cummings

Motion carried unanimously.

Concerning a request from John Salisbury, Chairman of the Governor's Special Tax Policy Committee, to have Legislative Assistant James McKenna assigned to work with this committee, the following motion ensued:

MOTION

Rep. Martin: That pursuant to request from John Salisbury concerning assignment of Legislative Staff Assistant James McKenna to work with the Governor's Special Tax Policy Committee, Mr. McKenna be authorized to participate in this study on the same basis as he is assigned to other committees.

Seconded: Sen. Cummings

Motion carried unanimously.

Discussion was held relative to need of the Council to address the issue of Legislative Rules and Procedures. Specific suggestions will be made to the Legislative Staff for presentation at the next Council meeting. The suggestion was made that the full Council may wish to set aside several specific dates on which legislative rules and procedures alone will be discussed in depth and acted upon.

Pending court action, Rep. Stephen Perkins, vs David S. Silsby, Director of Legislative Research, concerning confidentiality of records was briefly discussed and Mr. Silsby was asked if there was anything the Council could do to assist in the matter.

NEW BUSINESS (Cont'd)

In discussing the matter of S.P. 537, concerning the problem of efficient management, disposition, preservation and servicing of legislative records, the legislative staff was requested to prepare a suggested program of procedures to be followed in maintaining the records to be considered by the Council in the future.

MOTION

Rep. Martin: That we table unassigned the matter of S.P. 537.

Seconded: Rep. Palmer

Motion carried unanimously.

MOTION

Sen. Conley: That we table unassigned Rep. Walter Birt's letter on suggested proposals on updating the publication of the Maine Revised Statutes by West Publishing Company.

Seconded: Rep. Rolde

Motion carried unanimously.

(Copy of letter attached)

MOTION

Sen. Cummings: That the report of the subcommittee on suggestions for computer savings (Sen. Conley, Rep. Najarian, Rep. Palmer) be tabled unassigned.

Seconded: Rep. McKernan

Motion carried unanimously.

MOTION

Sen. Conley: That a subcommittee of 4 members of the Council, Sen. Sewall, Rep. Palmer, Rep. Martin and Rep. Rolde, meet prior to the next meeting of this Council to establish the direction of study of the University of Maine budget.

Seconded: Rep. Najarian

Discussion.

Motion carried unanimously.

NEW BUSINESS (Cont'd)

A letter addressed to Sen. Sewall from Philip E. Butterfield, Executive Director of the Peoples' Regional Opportunity Program was discussed by the Council and it was decided to postpone this matter until the next meeting of the Council at which time Mr. Butterfield, Ms. Lynn Fulton, Director of the Bureau of Human Services and David E. Smith, Commissioner of the Department of Health and Welfare would be invited to discuss contractual problems and funding of the Priority Social Services Act. (Copy of Mr. Butterfield's letter is attached)

MOTION

Rep. Martin: That the item concerning legislation enacted funding the Priority Social Services Act be tabled and assigned to the next meeting of this Council.

Seconded: Sen. Sewall

Motion carried unanimously.

The matter of assignment of study orders approved by the regular session of the 107th Legislature to the Joint Standing Committees was discussed and each order taken up individually. Following are motions made in that regard:

MOTION

Rep. Martin: That study order S.P. 530, concerning licensing and bonding laws in the potato industry, and H.P. 1710, which concerns wood measuring methods, be referred to the Joint Standing Committee on Agriculture for study.

Seconded: Rep. Palmer

Discussion.

Motion carried unanimously.

MOTION

Sen. Conley: That study order H.P. 1541 concerning the State budget process; H.P. 1766, concerning State, county and municipal construction service contracts; H.P. 1793, savings in state agencies and S.P. 615, concerning State bidding procedures be referred to the Joint Standing Committee on Appropriations and Financial Affairs for study.

Seconded: Rep. Rolde

Motion carried unanimously.

MOTION

Rep. Palmer: That the 6 items concerning business legislation, H.P. 1705, Children camps; S.P. 542, Regulation of audiologists and speech pathologists; H.P. 1673, Inclusion of home health care coverage in health policies; H.P. 1711, Regulation of charitable soliciatations; H.P. 1599, Barbering and cosmetology statutes, and H.P. 1767, Duplications in health and auto insurance coverage, be referred to the Joint Standing Committee on Business Legislation for study.

Seconded: Rep. McKernan

Motion carried unanimously.

MOTION

Sen. Conley: That S.P. 600, study order concerning proposals for dealing with socially disruptive behavior in youth, be referred to the Joint Standing Committee on Education for study.

Seconded: Sen. Sewall

Motion carried unanimously.

MOTION

Sen. Cummings: That study order H.P. 1646, a general review of the election laws, be referred to the Joint Standing Committee on Election Laws for study.

Seconded: Rep. Rolde

Discussion.

Motion carried unanimously.

MOTION

Rep. McKernan: That study order H.P. 1540, concerning financing of energy-saving homes; H.P. 1716, concerning hydroelectric dams, and H.P. 1728, concerning energy use correlated vehicle sales and use taxes be referred to the Joint Standing Committee on Energy.

Seconded: Sen. Conley

Motion carried unanimously.

MOTION

Sen. Sewall: That study order 1724, concerning priorities in service to the mentally retarded; H.P. 1704 regarding free drugs to the elderly and S.P. 180 concerning distribution of social services funds be referred to the Joint Standing Committee on Health & Institutional Services for study.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Sen. Sewall: That study order H.P. 1060, concerning the effects of inflation on the elderly be tabled and unassigned.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Rep. Najarian: That study order H.P. 1750 concerning patient and inmate rights be referred to the Joint Standing Committee on Human Resources for study.

Seconded: Rep. Palmer

Motion carried unanimously.

MOTION

Rep. Martin: That study order H.P. 1752 concerning the mechanics liens; H.P. 1653, concerning judicial appeals procedure; S.P. 528 concerning costs and effectiveness of correctional system; S.P. 583 concerning expungement of records; H.P. 1763 concerning landlord-tenant laws; H.P. 1765 concerning Maine statutes - civil rights laws/decisions; S.P. 605 concerning divorce laws and H.P. 1782 concerning effect of confirmation procedure of judicial appointments be referred to the Joint Standing Committee on Judiciary.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

MOTION

Rep. Palmer: That H.P. 1775, concerning unemployment laws, be referred to the Joint Standing Committee on Labor.

Seconded: Rep. McKernan

Motion carried unanimously.

MOTION

Sen. Cummings: That H.P. 1597 concerning record keeping procedures on individuals, and H.P. 1607 concerning licensing of detectives be referred to the Joint Standing Committee on Legal Affairs.

Seconded: Rep. Rolde

Motion carried unanimously.

MOTION

Sen. Conley: That study order H.P. 1499 concerning liquor licenses be referred to the Joint Standing Committee on Liquor Control.

Seconded: Rep. Palmer

Motion carried unanimously.

MOTION

Sen. Conley: That study order H.P. 1477 concerning salaries of county officers; H.P. 1739 concerning village corporations; H.P. 1670 concerning county government in general and H.P. 1760 concerning uniform fiscal years be referred to the Joint Standing Committee on Local and County Government.

Seconded: Rep. Palmer

Discussion.

Motion carried unanimously.

MOTION

Rep. Martin: That we dispense with further reference of these study orders, with the exception of those suggested for the Joint Standing Committee on Performance Audit, and refer the remaining study orders as follows:

H.P. 1604, concerning fisheries industry; H.P. 1761 concerning conservation of lobster fisheries and H.P. 1759 concerning regulation of shellfish and fisheries industry to the Joint Standing Committee on Marine Resources;

S.P. 539 concerning land use planning; H.P. 1669 concerning recycling of consumer and industrial goods; and H.P. 527 concerning solid waste disposal regulations to the Joint Standing Committee on Natural Resources;

S.P. 540 concerning regulation and rate control of public utilities; S.P. 557 concerning public utility rate increase under bond; and H.P. 1723 concerning structure of energy rates to the Joint Standing Committee on Public Utilities;

H.P. 1741, concerning rules for investigating committees; S.P. 511 concerning administrative leave; H.P. 1776 concerning personnel policies; H.P. 1781 concerning statutory revision, Executive Council; and H.P. 1424 (LD 1816) concerning central licensing bureau to the Joint Standing Committee on State Government;

H.P. 1555 concerning state tax structure to the Joint Standing Committee on Taxation; and

S.P. 543 concerning state ferry service advisory board to the Joint Standing Committee on Transportation.

Seconded: Sen. Conley

Discussion.

Motion carried unanimously.

MOTION

Sen. Conley: That study order S.P. 509, concerning transfer of truth-in-lending; H.P. 1735 concerning performance and funding of state agencies; S.P. 587 concerning operations and funding of Department of Inland Fisheries and Game; H.P. 529 concerning administration of AFDC; H.P. 512, concerning payments to boarding homes; H.P. 543 concerning medical payments, and H.P. 696 concerning bidding procedures be referred to the Joint Standing Committee on Performance Audit.

Seconded: Rep. Martin

Discussion concerning H.P. 529, and H.P. 696.

Motion carried unanimously.

MOTION

Rep. Najarian: That H.P. 1773, concerning Housing Authority legislation be referred to the Joint Standing Committee on Appropriations.

Seconded: Rep. Martin

Motion did not carry. (Vote of 4 - 4)

MOTION

Rep. Najarian: That H.P. 1773 be tabled and assigned to the next meeting of the Legislative Council.

Seconded: Rep. Martin

Motion did not carry (Vote: 4 - 4)

MOTION

Sen. Conley: That H.P. 1773 be referred to the Joint Standing Committee on Performance Audit:

Seconded: Rep. Palmer

Motion carried (Vote 6 - 2)

After referring study orders to various committees the matter of rules of operating procedure for the committees was discussed.

MOTION

Rep. Martin: That the rules of operating the Joint Standing Committees as established by the 106th Legislative Council be the rules of operation for the Joint Standing Committees of the 107th Legislature.

Seconded: Sen. Sewall

Motion carried unanimously.

Discussion following referring of study orders to committees concerned special committees that have been appointed. It was noted that the President of the Senate and Speaker of the House have several appointments to make pursuant to H.P. 1518 relative to a joint interim committee to study laws pertaining to annual excise tax on railroads, and H.P. 837 relative to joint select committee to study the forest resources.

MOTION

Sen. Sewall: That no expenses for Joint Standing Committees outside of Augusta be authorized without the express authorization of the Legislative Council.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Rep. Palmer: That the regular monthly meeting of the Legislative Council is to be the 3rd Thursday of each month and will convene at 10:00 a.m.

Seconded: Rep. McKernan

Motion carried unanimously.

MOTION

Sen. Conley: That no Joint Standing Committee is authorized to employ outside counsel for its interim studies without the express approval of the Legislative Council.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

I. ANNOUNCEMENTS & REMARKS

Discussion on a meeting with the Presidents of the University of Maine was postponed as there is a subcommittee preparing to establish a direction for study of the University of Maine budget.

A possible meeting at the Maine Maritime Academy was discussed briefly and it was decided that this meeting pertained only to the President of the Senate and Speaker of the House rather than the Council.

The date and time for future meetings of the 107th Legislative Council was set for the 3rd Thursday of each month, 10:00 a.m.

J. ADJOURNMENT

The Council adjourned its meeting at 3:45 p.m. The next meeting will be August 21, 1975, 10:00 a.m..