

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

FEBRUARY 28, 1979

A. CALL TO ORDER

The meeting was held in the Council Chamber and called to order by Sen. Richard H. Pierce, Chairman, at 2:10 p.m.

B. ROLL CALL

Senators: Sen. Conley, Sen. Katz, Sen. Pierce, Sen. Pray,
Sen. Sewall.

Representatives: Rep. Garsoe, Rep. Martin, Rep. Mitchell,
Rep. Tarbell, and Rep. Tierney.

Staff: William Garside, Legislative Administrative Director
Helen Ginder, Coordinator of Legislative Assistants
Edith L. Hary, State Law Librarian
Ronald Lord, Legislative Finance Director
David Silsby, Legislative Research Director

Taken out of order, with no objection:

G. OLD BUSINESS

1. TABLED AND SPECIALLY ASSIGNED ITEMS

- a. Sen. Trotzky's "Joint Resolution Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget"

Discussion.

Sen. Katz: The Senate this morning passed a Joint Order which seems to direct this Body to report the Joint Resolution out to a Public Hearing before the Judiciary Committee. At the moment the Joint Order has not been acted on by the House. It was the position of the prevailing point of view in the Senate this morning that the Joint Resolution is not properly before this Body and should be submitted to the Legislature as a whole.

MOTION

Sen. Katz: I move the Legislative Council surrender Sen. Trotzky's Resolution to the Legislature for reference for whatever appropriate action the Legislature may deem necessary.

Motion was seconded by Rep. Tarbell.

Further discussion.

The vote was taken.

YES: Garsoe, Katz, Sewall, Tarbell, and the Chair.

NO: Conley, Martin, Mitchell, Pray, Tierney.

Five in the affirmative and five in the negative. Six being needed for this Motion to pass, the Motion failed to be enacted.

Further discussion.

MOTION

Sen. Katz: I will now move that the Legislative Council accept for admission the Joint Resolution offered by Sen. Trotzky.

Motion was seconded by Rep. Garsoe.

Further discussion.

MOTION

Sen. Katz: I just move the question then, and inasmuch as the Tabled and Assigned Item - the question is its introduction.

Mr. Chairman: All those in favor of moving the question?

Sen. Katz: I don't think a motion is necessary moving the question. I think the matter is before us.

Mr. Chairman: Then I assume, Sen. Katz, you withdraw your motion to move the question. We will take the vote on the main Motion.

YES: Garsoe, Katz, Sewall, Tarbell, and the Chair.

NO: Conley, Martin, Mitchell, Pray, Tierney.

Five in favor and five against, therefore the Motion that we accept this does not prevail.

Taken out of order, with no objection:

H. NEW BUSINESS

5. Sen. Ault--A Memorial to the Congress of the United States Expressing the Wishes of the Legislature of the State of Maine

MOTION

Rep. Garsoe moved that this item - Dickey-Lincoln proposal - be Tabled.

The vote was taken.

YES: Garsoe, Katz, Sewall, Tarbell, and the Chair.

NO: Conley, Martin, Mitchell, Pray, Tierney.

The Motion is whether to allow this in.

YES: Garsoe, Katz, Sewall, Tarbell, and the Chair.

NO: Conley, Martin, Mitchell, Pray, Tierney.

The Motion fails; it is not admitted.

Joint Resolution Memorializing the United States Secretary of Transportation to Establish and Maintain AMTRAK Services in the State of Maine.

MOTION

Chairman: I understand that Rep. Martin moves that this be Tabled until the next Legislative Council meeting.

Rep. Martin: Everyone should have a copy of it before we vote.

The vote was taken.

In favor of Tabling: Garsoe, Katz, Sewall, Tarbell, Conley, Martin, Mitchell, and the Chair.

Opposed to Tabling: Sen. Pray and Sen. Tierney.

The Motion to Table does carry.

Also out of order, with no objection:

MOTION

Sen. Katz: I move that the Chairman of the Council send a letter to the Maine Commission of Arts and Humanities thanking them for the beautiful art work they've placed around here.

Motion was seconded by Rep. Martin and carried unanimously.

Returning to original Agenda

C. SECRETARY'S REPORT

MOTION

Rep. Martin moved that the secretary's report of the last meeting, January 30th, be accepted.

The motion was duly seconded and carried.

D. STAFF REPORTS

1. MOTION

Rep. Martin moved that approval be given the Legislative Administrative Director's recommendation that in accordance with the pay plan adopted in October 1976, a one-step merit increase be granted effective March 1-st for two of the secretarial staff in the Legislative Assistants' Office.

The motion was seconded by Rep. Tarbell and carried unanimously.

2. Legislative Assistants Coordinator - No report

3. MOTION

Rep. Martin moved that the hiring of Kevin M. Madigan of Bangor as Program Analyst, as recommended by the Legislative Finance Officer, be approved.

The motion was seconded by Rep. Garsoe and carried unanimously.

4. State Law Librarian - No report

5. MOTION

Rep. Martin moved that Mr. Brian Blaisdell be hired at the rate of what the Assistant Director is paid, based on the recommendation of the Legislative Research Director, for seven years (unless the Legislature changes the law, in which case he will be affected like everybody else).

The motion was seconded by Rep. Garsoe and carried unanimously.

E. COMMUNICATIONS

1. MOTION

Sen. Conley moved that communication from H. Sawin Millett, Jr., Commissioner of Educational and Cultural Services, re. appointment of Dale Douglass regarding Legislative relations, be received and placed on file.

The motion was seconded by Rep. Mitchell and carried unanimously.

2. Publications: None

F. COMMITTEE REPORTS

15. Marine Resources - Letter from Commissioner Vinal Look

MOTION

Sen. Conley moved that the Chairman of Legislative Council write the new Commissioner of Marine Resources making him aware of the vast differences of opinion between the Committee and the Department, and asking that he make this one of his first priorities to bring the parties together to see if he can make some kind of rationale out of what has gone on.

The motion was seconded by Sen. Pray and carried unanimously.

G. OLD BUSINESS

1. TABLED AND SPECIALLY ASSIGNED ITEMS

a. (see page one of this report)

b. MOTION

Sen. Conley moved that Rep. Birt's Report on the Vocational Technical Institute-s be placed on file.

The motion was seconded by Rep. Mitchell and carried unanimously.

c. MOTION - after lengthy discussion

Sen. Conley moved that the Sunset Report be Tabled for a special meeting of the Legislative Council to take just this one subject up, as soon as possible.

Everyone seemed agreeable.

d. MOTION - after lengthy discussion

Rep. Garsoe moved that the Legislative Council act as a Committee-as-a-whole to be in Liaison with the Governor.

The motion was duly seconded and carried unanimously.

e. Report of Subcommittee - Concerning State Mailing.

Tabled.

For Information: Chairman Pierce stated that Sen. Collins and Rep. Hobbins had given him a change in the Joint Rules to deal with the Errors & Inconsistencies Bill which proposes that Amendments have to be on our desks 24 hours in advance - the Judiciary Committee has this worked out and wants approval of the Legislative Council to go ahead and put in that Joint Order.

After much discussion it was decided this was just "informative to us" -- There was no objection.

2. TABLED AND UNASSIGNED ITEMS - None discussed

H. NEW BUSINESS

1. Nancy R. Knapp, Legislative Correspondent, Information - Request for use of Photo Copy Equipment.

Tabled.

2. Study Order #2351 regarding Investment Tax Credits

MOTION

Rep. Garsoe moved that the Council give a directive ordering the Committee on Taxation to report out a bill re. Investment Tax Credits in compliance with Study Order #2351.

Motion was duly seconded and carried.

3. Request for the Legislature to have April 13th and 16th as time off.

Agreed.

4. Welcome Back Day. Chairman Pierce indicated he will ask that the Secretary of the Senate and Clerk of the House put together the usual committee - under the direction of the Legislative Administrative Director and coordinate it for Welcome Back Day which will be April 18, 1979, a Wednesday.

5. Sen. Ault--A Memorial to the Congress of the United States Expressing the Wishes of the Legislature of the State of Maine

(see page 3, taken out of order)

6. After Deadline Request

- a. Sen. Trotzky - "AN ACT to Relocate the Head of Tide on the Penobscot River for the Protection of Atlantic Salmon."

Tabled until next meeting.

- b. Sen. Minkowsky - Claim for Damages by State Ward - Gordon Whitney.

Tabled until next meeting.

- c. VTI - MacEachern

This emergency measure was allowed in unanimously.

The Legislative Council adjourned at 4:15 p.m.