

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

December 6, 1985

REVISED AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. SECRETARY'S REPORT

IV. DIRECTOR'S REPORT

V. REPORTS FROM COUNCIL COMMITTEES

Item #1: Personnel Committee

VI. OLD BUSINESS

Item #1: Possible changes in Procedures for Drafting legislation (at request of Senator Pray).

VII. NEW BUSINESS

Item #1: Request for staff assistance for Commission on the Administration and Financing (letter from Rep. Peter Manning, Chairman).

Item #2: Request to broaden scope of approved study of State Employee Recruitment and Retention (letter from Sen. Kany and Rep. Gwadosky, Chairs, Committee on State Government).

Item #3: Request for two additional meetings of the Joint Select Committee to Study the Shoe Industry (letter from Sen. Tuttle, Senate Chair).

Item #4: Request from Committee on Legal Affairs to extend deadlines for Dram Shop Study (letter from Sen. Trafton and Rep. Reeves, Committee Chairs).

- Item #5: Request from Committee on Business and Commerce to extend deadline for Study of Handling Fees and Recapture of Unclaimed Refunds under the Returnable Container Law (letter from Sen. Bustin and Rep. Brannigan, Committee Chairs).
- Item #6: Requests for staff assistance and extension from Joint Select Committee on Learning Disabilities (letters from James Meehan, Chair, Sen. Brown and Rep. Roberts).
- Item #7: After Deadline Requests



MAINE STATE LEGISLATURE
OFFICE OF LEGISLATIVE ADMINISTRATIVE DIRECTOR

December 6, 1985

Hon. John L. Martin, Chair
and Members of the Personnel Committee
Legislative Council
State House
Augusta, Maine 04333

Dear Representative Martin and Members of the Committee:

I am writing to recommend that the Personnel Committee make the following recommendations to the Legislative Council regarding appointment and assignment of staff:

New Hires

1. Barbara Gage to position of Analyst in the Legislative Finance Office.

The Finance Office has selected Ms. Gage to fill the vacancy created by Shirrin Blaisdell's resignation. Ms. Gage has been working on a contract basis on the NCSL-funded study of Recruitment and Retention of Teachers. Her resume is attached.

Recommended Salary: \$20,893.08 - Step A.

2. Sandra Mayer to position of Office Support Coordinator in the Office of the Executive Director,

We advertised this position within the Legislature before looking outside but concluded that it was essential to have someone with system administration to support our large Wang network. Ms. Mayer has a strong background in the administration of Wang word processing systems. Her resume is enclosed.

Recommended Salary: \$16,815.24.

Hon. John L. Martin
Members of the Personnel Committee

December 6, 1985

3. Susan Hague to position of Legislative Specialist I in the Legislative Research Office.

Recommended Salary: \$11,584.56...

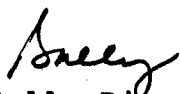
Permanent Assignment

1. Joyce Garside to position of Legislative Technician I in the Legislative Research Office.

Ms. Garside worked as a Legislative Specialist last Session. She will fill the vacancy created by the resignation of Carol Weeks in June.

We are all very pleased to recommend each of these appointments to you and would be happy to answer any questions you may have.

Sincerely,


Sally Diamond

Enclosures

cc: David Silsby, Director, Legislative Research
Bent Schlosser, Legislative Finance Officer
John Bailey, Information Systems Manager

SCD/tl

Charles P. Pray
President of the Senate

Tel: (207) 289-1500



The Senate of Maine
Augusta, Maine 04333

November 21, 1985

Ms. Sarah Diamond
Legislative Administrative Director
State House
Augusta, ME 04333

Dear Sally:

Several meetings ago, the Legislative Council suggested asking Committee Chairs if they were interested in revising the bill drafting procedure.

Attached is the memo I sent to them regarding this matter and a list of responses I have received to date.

Please bring this to Rep. Diamond's attention so that we may follow-up at an upcoming Council meeting.

Sincerely,

Charles P. Pray

Charles P. Pray
President of the Senate

OLD BUSINESS

ITEM #1

Charles P. Pray
President of the Senate

Tel: (207) 289-1500



State of Maine
Senate Chamber
Augusta, Maine 04333

M E M O R A N D U M

FROM: CHARLES P. PRAY, PRESIDENT OF THE SENATE
TO: HOUSE AND SENATE COMMITTEE CHAIRS
DATE: NOVEMBER 7, 1985
RE: DRAFTING OF LEGISLATION

The Legislative Council has been discussing the current procedure for drafting legislation and possible modifications which would streamline the process.

Under consideration is eliminating the need for the Legislative Research Office to draft the entire legislation. In lieu of this, we have been considering drafting only the bill's title and the legislator's intent. The Committee would then review the bill, consider the intent, and work out a final legislative document. This would streamline the process for the Research Office and allow the Committee to participate more fully in the bill's development. It would eliminate the need for later modifications and additional amendments.

I would be interested in hearing from those of you who would be interested in trying this approach on a trial basis. If I receive positive responses from you, the Council will pursue the issue; if not, we will eliminate this approach as a possibility.

Please write me, or phone the office, and let me know if you are interested in this change or not.

Thank you in advance for your consideration.

Sincerely,

Charles P. Pray
President of the Senate

CPP/cc



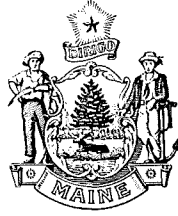
State of Maine
Senate Chamber
Augusta, Maine 04333

M E M O R A N D U M

FROM: CAROTHERS
TO: PRAY
DATE: NOVEMBER 21, 1985
RE: RESPONSE TO YOUR MEMO REGARDING
DRAFTING OF LEGISLATION

I have received the following responses to your memo suggesting that Committees could become more involved in the drafting of legislation -- changing the current system by having legislators submit titles and intentions and allowing the Committee to draft the bill itself.

- * Senator Chalmers was violently opposed because she felt that it would create additional work, such as the need to hold two public hearings on bills. She was not at all interested in participating.
- * Rep. Beaulieu was concerned that it would simply delay the session, particularly at the end of the session when committees get frantic to get the work finished.
- * Rep. McHenry felt it was a really terrific idea and he would be interested in trying it in his committee.
- * Nat Crowley was not interested and didn't like the idea at all.
- * Senator Brown thought it was a good idea, had merit, and he would be willing to give it a serious try.



STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

November 26, 1985

John N. Diamond
Chairman Legislative Council
State House
Augusta, Maine 04333

Dear John:

At the first commission meeting on the Administration and Financing of General Assistance, the commission voted to ask the Legislative Council for additional staff person. The reasoning behind this proposal, is that the Department of Human Services feel they might be prejudice in staffing and writing the final recommendations. It was felt by the members of the commission that the Department could handle much of the research that would be needed. It also agreed with the Department's role in the Commission.

The commission realizes that staffing is very short however, we strongly felt that an independent staff person would be needed. I hope the council can assist the commission in any possible means.

Yours, truly,

A handwritten signature in cursive script that reads "Peter Manning".

Rep. Peter Manning
Chairperson

PM:yc

NEW BUSINESS

ITEM #1

SPECIAL SELECT COMMISSION ON THE ADMINISTRATION
AND FINANCING OF GENERAL ASSISTANCE
(Ch. 79, Private & Special Laws)
MEMBERSHIP

Sen. Georgette B. Berube

Lewiston, Maine 04240
Home:

Rep. Priscilla G. Taylor

Camden, Maine 04843
Home:

Mary Ann Chalila, Director
Dept. of Welfare
107 Texas Avenue
Bangor, Maine 04401
Business: 947-0341

Severn Towle
Womancare/Aegis
Union Square
Dover Foxcroft, Maine 04426
Business: 564-2016

Judy Guay, President
Me. Assoc. of Interdependent
Neighborhoods

Bangor, Maine 04401
Home:
Business: 947-0511 Ext. 448

William H. Whittaker, Ph.D.

Orono, Maine 04473
Home:

Patrick Cowley, Assistant Commissioner
Dept. of Human Services
State House Station 11
Augusta, Maine 04333
Business: 289-2507
Home:

Rep. Merle Nelson

Portland, Maine 04102
Home:

Rep. Peter Manning

Portland, Maine
Home:

Tim Honey, City Manager
Portland City Hall
389 Congress Street
Portland, Maine 04102
Business: 775-5451

Jody Harris
Administrative Asst.
Town Office
E. Millinocket, Me. 04430
Business: 746-5565

Robert Philbrook, Dir.
We Who Care

Portland, Maine 04102
Home:

Donald A. Strout
Town Manager
Corinth, Maine
Home:
Business: 285-3271

0203K
96.42

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

H.P. 916 - L.D. 1309

AN ACT to Improve the Administration of
General Assistance.

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

Sec. 1. Commission established. There is established a Special Select Commission on the Administration and Financing of General Assistance, which shall investigate present and alternative methods of administering and financing the general assistance program within the State.

1. Membership. The commission shall consist of 13 members as follows: Three representatives from the Joint Standing Committee on Human Resources, appointed by the Speaker of the House; one Senator from the Joint Standing Committee on Human Resources, appointed by the President of the Senate; one representative of the Department of Human Services, appointed by the Commissioner of Human Services; and 2 representatives of municipalities, not from the same municipality, one appointed by the Speaker of the House and one appointed by the President of the Senate, in consultation with the Maine Municipal Association; 2 municipal welfare directors or assessors, one appointed by the Speaker of the House, one appointed by the President of the Senate, in consultation with the Welfare Director Association; 2 representatives of private nonprofit charitable organizations with knowledge and experience in general assistance, one appointed by the Speaker of the House and one by the President of the Senate; and 2 representatives of low-income recipients of general assistance; one ap-

pointed by the Speaker of the House and one by the President of the Senate.

2. Duties. The commission shall inquire into the experience and adequacy of the present methods of administration and financing of the general assistance program and the extent to which low-income citizens currently receive the benefits provided by law and required to provide the basic necessities essential to maintain themselves and their families. The commission shall investigate alternative methods of administration of the financing of the general assistance program to more completely, efficiently or more equitably meet the program's objectives. The commission's inquiry shall include, but not be limited to, whether the State should assume more complete responsibility for financing and administering general assistance. The commission shall make recommendations to the Second Regular Session of the 112th Legislature, including recommended changes in the laws, administration and appropriations.

3. Staff assistance. The Department of Human Services and the Division of Community Services shall provide research, clerical and computer assistance to the commission and give unrestricted access to their records, rules, policies and data, except for those items which they are legally obligated to keep confidential.

4. Procedure of per diem. The commission shall hold an organizational meeting, called by the Chairman of the Legislative Council, within 30 days of the effective date of this Act and shall elect a chairman and a vice-chairman at that meeting from any of the members.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

In House of Representatives, 1985

Read twice and passed to be enacted.

..... Speaker

In Senate, 1985

Read twice and passed to be enacted.

..... President

Approved 1985

..... Governor

1985-86

LEGISLATURE

Special Select Commission on the
Administration and Financing
of General Assistance

All Other

\$5,000

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR
THOMAS H. ANDREWS, DISTRICT 30
WALTER W. HICHENS, DISTRICT 35

TED POTTER, LEGISLATIVE ASSISTANT



HOUSE

DAN A. GWADOSKY, FAIRFIELD, CHAIR
CONSTANCE D. COTE, AUBURN
BRADFORD E. BOUTILIER, LEWISTON
ARTHUR G. DESCOTEAUX, BIDEFORD
ELAINE LACROIX, OAKLAND
GUY R. NADEAU, SACO
ROBERT G. DILLENBACK, CUMBERLAND
DONALD F. SPROUL, AUGUSTA
ALBERTA M. WENTWORTH, WELLS
CLYDE A. HICHBORN, LAGRANGE

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON STATE GOVERNMENT

November 20, 1985

Rep. John Diamond, Chairperson
Legislative Council
State House
Augusta, ME 04333

Dear Representative Diamond,

The Joint Standing Committee on State Government, at the request of the Joint Standing Committee on Audit and Program Review and with the approval of the Legislative Council is conducting a study of the personnel system with respect to employee recruitment and retention. The original definition of the study related the issue to compensation of employees, particularly employees in positions requiring specialized skills or knowledge that are in short supply and positions for which competition from the private sector is severe.


The subcommittee of the State Government Committee conducting the study has found that the compensation factor is only a small part of the puzzle. In fact, the letter from the Committee on Audit and Program Review indicates that compensation is only one factor of the problem. As a result, the subcommittee has broadened its focus and concentrated on the major factors affecting employee retention and recruitment.

The Committee on State Government respectfully requests Legislative Council approval to continue its study of the

New Brunswick
ITEM #2

issues by using the broadened approach to include the several factors affecting employee recruitment and retention. It should be noted that the wider focus will not require any additional meetings.

The Committee looks forward to your response.


Dan A. Gwadosky
House Chairperson

Sincerely,


Judy C. Kany
Senate Chairperson

TP/e1k/4120

SENATE

JOHN L. TUTTLE, JR., D-YORK, CO-CHAIR
N. PAUL GAUVREAU, D-ANDROSCOGGIN
JEROME A. EMERSON, R-PENOBSCOT
PRES. CHARLES P. PRAY, EX-OFFICIO
D-PENOBSCOT



HOUSE

PHYLLIS R. ERWIN, D-RUMFORD, CO-CHAIR
RICHARD W. ARMSTRONG, R-WILTON
BRADFORD E. BOUTILIER, D-LEWISTON
THOMAS A. DUFFY, D-BANGOR
SPEAKER JOHN L. MARTIN, EX-OFFICIO
D-EAGLE LAKE

GILBERT W. BREWER, LEGISLATIVE STAFF
JOHN B. KNOX, LEGISLATIVE STAFF

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
JOINT SELECT COMMITTEE
TO STUDY THE SHOE INDUSTRY

November 18, 1985

Rep. John Diamond
Chairman, Legislative Council
State House
Augusta, Maine 04333

Dear Rep. Diamond:

This letter is to request two additional meetings for the Joint Select Committee to Study the Shoe Industry.

As per my letters to you of June 11 and June 20, we had originally requested 9 meetings, consisting of 3 hearings, 3 factory visits and 3 work sessions. The initial hearings turned up much material which we had not anticipated, including items dealing with employee ownership, the State pension fund, worker retraining, hazardous waste and firms supplying the shoe industry. Because of this we have had to increase the number of hearings to 5. We have cut the factory visit days to 2 but this still leaves us short of one original work session request and also needing 1 additional work session day beyond the original 3 to deal with the material that the 2 additional hearing days have developed. I might add that we have begun every day at 9:00 and have never concluded before 3:00. At this point we have one work session day remaining of our original allotment.

I hope that the Council will act favorably upon this request as the activities of the Committee to date have proved to be most productive and we need this additional time to make sure that we extract all possible value from our efforts.

Sincerely,

Joe Tuttle
John L. Tuttle, Jr.
State Senator

JK/4096M/tb

NEW BUSINESS
ITEM # 3

SENATE

RICHARD L. TRAFTON, DISTRICT 22, CHAIR
MARY NAJARIAN, DISTRICT 29
COURTNEY E. STOVER, DISTRICT 24

MARGARET REINSCH, LEGISLATIVE ASSISTANT
SUSAN SARGENT, COMMITTEE CLERK



HOUSE

POLLY REEVES, PITTSTON, CHAIR
FRANCIS J. PERRY, MEXICO
NORMAN R. PAUL, SANFORD
ROLAND A. RIOUX, BIDDEFORD
DANIEL R. WARREN, SCARBOROUGH
ROBERT G. DILLENBACK, CUMBERLAND
ELEANOR M. MURPHY, BERWICK
JOHN E. MASTERMAN, MILO
JOHN C. BOTT, ORONO
ROY I. NICKERSON, TURNER

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS

December 3, 1985

John N. Diamond, Chair
Legislative Council

Subject: Dram Shop Study

Dear Representative Diamond:

The Joint Standing Committee on Legal Affairs requests a 30-day extension for the completion of the report and any proposed legislation for the Dram Shop Study. We have had difficulty obtaining information from the insurance industry which significantly delayed our progress. In addition, we chose to give the two groups most affected by liquor liability claims and litigation, the hospitality industry and the trial lawyers, an opportunity to make legislation recommendations to the Committee. They will present their reports at the last Study meeting on December 13th. We will not have adequate time to review the groups' recommendations and complete our report within 14 days of the start of the Second Session as required by Joint Rule 19. The additional 30 days we are requesting, however, should be sufficient for us to perfect the report and any accompanying legislation suggested by the Committee.

If you have any questions, please do not hesitate to contact us or our Legislative Assistant.

Thank you.

Sincerely,

Richard L. Trafton
Richard L. Trafton, by *WJR*
Senate Chair

Polly Reeves,
House Chair

4073/pr

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR
PETER W. DANTON, DISTRICT 31
CHARLOTTE ZAHN SEWALL, DISTRICT 20

SARAH HOOKE, LEGISLATIVE ASSISTANT
TAMMY RAYMOND, COMMITTEE CLERK



HOUSE

JOSEPH C. BRANNIGAN, PORTLAND, CHAIR
HILDA C. MARTIN, VAN BUREN
ROBERT E. MURRAY, JR., BANGOR
PATRICIA M. STEVENS, BANGOR
JOHN A. ALIBERTI, LEWISTON
CHARLENE B. RYDELL, BRUNSWICK
JOHN TELOW, LEWISTON
RICHARD W. ARMSTRONG, WILTON
ALAN L. BAKER, ORRINGTON
GERALD A. HILLOCK, GORHAM

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON BUSINESS AND COMMERCE

December 5, 1985

Rep. John N. Diamond, Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Representative Diamond:

We request an extension on our study concerning handling fees and recapture of unclaimed refunds under the returnable container law. We have discovered that we will be unable to schedule the last public meeting on this study before the January session due to the other studies and hearings we are conducting. The committee has two other fairly large studies in addition to the investigation into the property casualty and liability insurance crisis. These other studies will be completed on schedule. Also, the committee was without a Legislative Assistant during August and most of September, resulting in a shorter time frame in which to conduct the necessary meetings.

We hope that you will consider these extenuating circumstances and grant us an extension on this one study.

Bev Bustin JB

Sen. Beverly Miner Bustin
Senate Chair

Joe Brannigan JB

Rep. Joseph Brannigan
House Chair

JG/e1k/4246

SENATE

LARRY M. BROWN, DISTRICT 7, CHAIR
N. PAUL GAUVREAU, DISTRICT 23
WALTER W. HICHENS, DISTRICT 35

LARS RYDELL, LEGISLATIVE ASSISTANT
DAVID ELLIOTT, LEGISLATIVE ASSISTANT
CHERYLE HOVEY, COMMITTEE CLERK



HOUSE

ADA K. BROWN, GORHAM, CHAIR
STEVEN E. CROUSE, CARIBOU
STEPHEN M. BOST, ORONO
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
GWILYM R. ROBERTS, FARMINGTON
KENNETH L. MATTHEWS, CARIBOU
MARY E. SMALL, BATH
JUDITH C. FOSS, YARMOUTH
WILLIAM F. LAWRENCE, PARSONSFIELD

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

November 20, 1985

Rep. John N. Diamond
Chair, Legislative Counsel
State House
Augusta, ME 04333

Dear Rep. Diamond:

The Joint Select Committee on Learning Disabilities has recently been appointed and is anxious to commence work. The Resolve creating the committee provided that the committee could request staff assistance from the Legislative Council. That is the purpose of this letter.

David Elliott worked with the bill as staff to the Education Committee. We would appreciate it if he could be assigned as staff to our committee.

Thank you for your attention to this matter.

Sincerely,

James Meehan
Chair, Joint Select Committee

Sen. Larry M. Brown
Member

Rep. Gwilym R. Roberts
Member

SENATE

LARRY M. BROWN, DISTRICT 7, CHAIR
N. PAUL GAUVREAU, DISTRICT 23
WALTER W. HICHENS, DISTRICT 35

LARS RYDELL, LEGISLATIVE ASSISTANT
DAVID ELLIOTT, LEGISLATIVE ASSISTANT
CHERYLE HOVEY, COMMITTEE CLERK



HOUSE

ADA K. BROWN, GORHAM, CHAIR
STEVEN E. CROUSE, CARIBOU
STEPHEN M. BOST, ORONO
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
GWILYM R. ROBERTS, FARMINGTON
KENNETH L. MATTHEWS, CARIBOU
MARY E. SMALL, BATH
JUDITH C. FOSS, YARMOUTH
WILLIAM F. LAWRENCE, PARSONSFIELD

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON EDUCATION

December 2, 1985

Rep. John N. Diamond
Chairman, Legislative Council
State House
Augusta, ME 04333

Dear Rep. Diamond:

The Joint Select Committee on Learning Disabilities has recently been appointed and our first meeting will be December 5.

Our charge is, in our opinion, a very important one and will require considerable effort on our part. Part of our duties include holding 3 public hearings around the State prior to issuing a final report. The resolve establishing the committee (1985, ch. 43) calls for our report by January 1.

Given the late date at which the commission was appointed and the ambitious workload assigned to it, I feel it will be impossible to report by January 1. Therefore, I am requesting an extension of the deadline for the committee to issue its report and any legislation to February 28, 1986.

Thank you for your consideration in this matter. If you have any questions please contact me or another member of the committee.

Sincerely,

A handwritten signature in cursive that reads "James Meehan".
James Meehan
Chairman

TABLED AFTER DEADLINE REQUESTS

For consideration at the December 6, 1985 meeting of the Legislative Council

LR5358

SPONSOR: Paradis, E.

TITLE: AN ACT to Protect the Town of Bradley from Loss of Property Tax in the Event of Transfers under Provision of Land Trust Transfers.

LR5137

SPONSOR: Vose, H

TITLE: AN ACT to Repeal the Sardine Inspection Tax.

adtabagenda12/06

AFTER DEADLINE REQUESTS

December 6, 1985

LR5533

SPONSOR: Carpenter, M

TITLE: AN ACT to Amend the Requirements for Personal Service
in an Action for a Guardianship or Conservatorship.

LR5483

SPONSOR: Pray, C

TITLE: AN ACT Clarifying Maine's Regulatory Process.

adagenda12/06

ADDITIONAL AFTER DEADLINE REQUESTS

December 6, 1985

LR5534

Rep. Callahan

AN ACT to Change the Lime Law.