

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
Tuesday, May 11, 1993
AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of April 27, 1993, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Arrangements related to Support the Supreme Judicial
Court in Reapportionment

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Committee on the Legislative Budget

OLD BUSINESS

NEW BUSINESS

Item #1: Letter from Earle Shettleworth, Chair, State House &
Capitol Park Commission

Item #2: Request to Hold a Civil War Encampment in Capitol Park,
in September, 1993

Item #3: Fence Surrounding State House (by request of Sen. Esty)

Item #4: Requests to Carry Bills Over to the Second Regular
Session

Item #5: After Deadline Bill Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

Lynn Randall
Legislative Council Info.



REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. DONALD E. ESTY, JR.
SEN. PAMELA L. CAHILL
SEN. BEVERLY MINER BUSTIN
SEN. DAVID L. CARPENTER
REP. JOHN L. MARTIN
REP. WALTER E. WHITCOMB
REP. PATRICK E. PARADIS
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

Tuesday, April 27, 1993

MEETING SUMMARY

Approved May 11, 1993

CALL TO ORDER

The Chair, Rep. Gwadosky, called the Council to order at 3:35 p.m.

ROLL CALL

Senators:	Sen. Dutremble, Sen. Esty, Sen. Cahill, Sen. Carpenter Absent: Sen. Bustin
Representatives:	Rep. Gwadosky, Rep. Whitcomb, Rep. Paradis, Rep. Zirnkilton Absent: Speaker Martin
Legislative Officers:	Sally Tubbesing, Executive Director Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis David Kennedy, Revisor of Statutes Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House

SECRETARY'S REPORT

The Summary of the April 6 Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing deferred to Martha Freeman and David Kennedy to present a status report on bill drafting and committee work. Mr. Kennedy reported that there were currently 209 bills left to be printed, of which 155 were out for sponsor review and signature or, for Governor's bills, final review by the Governor's Office. Ms. Freeman then reported that of the total number of bills referred, approximately 50% -- or 700 -- have yet to be voted on by committees. She noted that committees are working hard to meet their deadlines and suggested that the Council and the presiding officers needed to adopt clear policies regarding how the 209 bills that are still to be printed should be handled in terms of hearings, etc.

Council members then engaged in a general discussion of how to help committees balance the need to complete their work by the established deadlines (May 1 for small & moderate workload committees; May 13 for large workload committees) with their responsibility to give each bill individual consideration. Sen. Dutremble stated that at this point in the session committees must decide whether to "kill or carry" - that is, whether to kill a bill, or request that it be carried over to the Second Regular Session. He reported that he had instructed Senate Chairs to group bills as much as possible for purposes of public hearings and work sessions and then observed that this Legislature is a part-time legislature and must cut down on the amount of work it can reasonably do. Sen. Cahill expressed concern that some of the bills just being printed are bills filed before cloture and that the sponsors of those bills were not to blame. Sen. Dutremble responded that the issue is not one of who's to blame, but that there is simply too much work for the time available. The Chair, Rep. Gwadosky, reminded Council members that most committees had devoted considerable time to the budget this year with no offsetting decrease in their bill workload.

Discussion then shifted to the pros and cons of carrying over bills. Rep. Paradis stated that the budget should be the committees' priority and supported carrying over bills, noting that it had worked well for the Judiciary Committee two years ago. There appeared to be consensus that allowing committees to carry over bills was the best approach; however, Sen. Dutremble noted that this could simply transfer the workload to the shorter session. He went on to suggest that the Council and others should consider a change in the Joint Rules to require any bill introduced in the Second Regular Session to have an emergency preamble, thus requiring adoption by a 2/3 vote. At this point, discussion shifted to how the Council should proceed with After Deadline bill requests.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Gwadosky, Committee Chair, drew members' attention to a policy establishing a Sick Leave Bank Committee which had been distributed to members in advance of the meeting. He noted that the Committee had spent considerable time developing the policy and represented a unanimous Committee recommendation.

Motion: That the policy establishing a Sick Leave Bank Committee be adopted as proposed. (Motion by Sen. Dutremble; second by Sen. Carpenter; unanimous).

Budget Committee

Sen. Dutremble reminded Committee members of their next scheduled meeting -- Thursday, April 29.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request for Comment on Procedures for the Next Census

Motion: That the item be tabled. (Motion by Sen. Dutremble; second by Rep. Gwadosky; unanimous).

Item #2: Requests to Carry Bills Over to the Second Regular Session

Motion: That the item be tabled. (Motion by Sen. Cahill; second by Sen. Dutremble; unanimous).

Item #3: After Deadline Bill Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The meeting was adjourned at 4:18 p.m., on the motion of Sen. Dutremble.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
April 27, 1993

Action

SPONSOR: Sen. Brannigan

ACCEPTED

LR 2317 An Act to Make Allocations from the Maine Turnpike
Authority Funds for the Maine Turnpike Authority for
the Fiscal Year Ending December 31, 1994

JOINT RESOLUTION

SPONSOR: Rep. Ahearne

FAILED

LR 2322 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
PRESIDENT TO URGE THE RETENTION OF SMALL ISSUE
INDUSTRIAL DEVELOPMENT BONDS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Coffman	TABLED 02/02/93
LR 2117	An Act to Freeze Tuition Rates for all In-State University of Maine System Students	
SPONSOR:	Rep. Coffman	TABLED 04/27/93
LR 2323	Resolve, to Require an Independent Audit of the Office of the Chancellor of the University of Maine System	
SPONSOR:	Rep. Coffman	TABLED 04/27/93
LR 2324	An Act to Establish Zero-based Budgeting for the University of Maine System Chancellor's Office and System-wide Services	
SPONSOR:	Sen. Conley, Jr.	TABLED 04/27/93
LR 2314	An Act to Allow Police Officers to Prosecute Traffic Infractions	
SPONSOR:	Rep. Fitzpatrick	TABLED 03/02/93
LR 2194	An Act to Prevent Criminalization and to Promote Jail Diversion	
SPONSOR:	Rep. Gray	TABLED 01/07/93
LR 2104	An Act to Abolish the Workers' Compensation System	
SPONSOR:	Rep. Gwadosky	TABLED 03/16/93
LR 2248	An Act to Establish the Maine Street Revitalization Program	
SPONSOR:	Rep. Hatch	TABLED 03/16/93
LR 2241	An Act to Enhance the Ability of the Department of Human Services to Collect Child Support Payments	
SPONSOR:	Rep. Hichborn	TABLED 04/27/93
LR 2309	An Act to Reapportion Maine School Administrative District Number 30	

SPONSOR:	Rep. Larrivee	TABLED 03/02/93
LR 2196	An Act to Create a Sales Tax Exemption for Eye Banks	
SPONSOR:	Rep. Martin, John L.	TABLED 03/02/93
LR 2213	An Act Relating to Private Property Rights	
SPONSOR:	Sen. McCormick	TABLED 03/02/93
LR 2200	An Act to Encourage Economic Recovery in the Construction Industry	
SPONSOR:	Rep. Mitchell, James	TABLED 03/02/93
LR 2209	An Act to Authorize a Referendum Vote for Approval of a Contract for Disposal of Low-level Radioactive Waste Generated in this State	
SPONSOR:	Rep. Oliver	TABLED 04/06/93
LR 2293	An Act to Prohibit Discrimination in the Assignment of School Attendance Areas	
SPONSOR:	Sen. Paradis, Judy	TABLED 03/02/93
LR 2217	An Act to Provide Savings for the State While Providing Services for the State's Long-term Care Consumers	
SPONSOR:	Sen. Paradis, Judy	TABLED 03/30/93
LR 2276	An Act to Expand Access to Recreational Hunting	
SPONSOR:	Rep. Plowman	TABLED 03/16/93
LR 2229	Resolve, Directing the Trustees of the University of Maine to Develop a Plan	
SPONSOR:	Rep. Tardy	TABLED 04/27/93
LR 2327	An Act to Provide Franchise and Dealership Protection	

JOINT RESOLUTION

SPONSOR:	Rep. Simoneau	TABLED 01/07/93
LR 0960	JOINT RESOLUTION MEMORIALIZING CONGRESS ALLOWING STATES TO SET THEIR OWN TAX POLICIES FOR CREDIT UNIONS	



MAINE STATE LEGISLATURE
Augusta, Maine 04333

STATE HOUSE AND CAPITOL PARK COMMISSION

May 10, 1993

Honorable Dan Gwadosky, Chair
and Members of the Legislative Council
116th Maine Legislature
Augusta, Maine 04333

Dear Representative Gwadosky and Council Members:

The purpose of this letter is to provide you with a report of the Commission's activities during the past six months and to bring several matters to your attention. Although the Commission has been meeting less frequently in order to preserve as much of our budget as possible for work on the State House, the importance of the issues before us has not diminished.

Vietnam Veterans' Memorial in Capitol Park

Pursuant to the Council's approval last November, we extended the contract with Pressley & Associates for the helping the Commission review the proposal from Mr. David Lovejoy. The total cost of that contract extension is \$2,393.55. We have formed a Subcommittee to ensure that the proposed enhancements to the Memorial are done in a manner that is consistent with both the original landscaping plan for the Park, developed by Frederick Law Olmsted, and with the intentions of those veterans' groups who were originally involved in the design of the Memorial. We have been fortunate to have Roger Richmond, who designed the Memorial, and members of the former Vietnam Veterans' Leadership Project (VVLV) participate in our review, as well as Mr. Lovejoy. A list of the Subcommittee is enclosed for your information.

The Subcommittee's activity has been on hold through the winter, pending the disappearance of the snow; however, a meeting is scheduled for May 20, and we expect to complete our work and submit a final proposal to the Council sometime in late May or early June so that any work can proceed during the summer.

Honorable Dan Gwadosky, Chair
and Members of the Legislative Council
May 10, 1993
Page Two

Priorities for Repairs and Improvements to the State House

The Commission continues to place the highest priority on developing a comprehensive plan for the maintenance, repair and restoration of the State House and its immediate grounds. We have just initiated the process for seeking and selecting a qualified firm to develop the Historic Structures Report as authorized by the Council last November. This project represents a major undertaking; and, given the severe limitation of funds it will probably have to be completed over a period of 2 - 3 years.

Members of the Commission note with concern the visible deterioration in and around many areas of the State House. We believe that the studies that we have sponsored provide the information required to proceed with work in some areas - areas that we are confident will be identified as priorities in the Historic Structures Report once it has been completed. These include:

1. Replastering and repainting the dome ceiling.

Estimated cost:	\$ 27,900
Structural reinforcement:	<u>17,000</u>
	\$ 44,900

2. Continued exploration of the buckling of the tile on the 1st floor.

Estimated cost:	\$ 3,500
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3. Repair and replacement of the cast iron fence and supporting stone wall.

Estimated cost:	\$250,000
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4. Repairs and reupholstering of furniture in public areas.

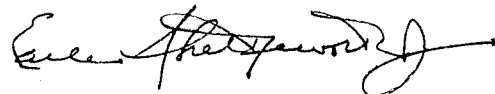
Honorable Dan Gwadosky, Chair
and Members of the Legislative Council
May 10, 1993
Page Three

Proposal to Redesign Old Museum Area

The Commission has had some discussion about the Klir Beck nature dioramas. Our discussion was precipitated by a report from Joseph R. Phillips, Director of the State Museum and a Commission member, that both the lighting in the cases and the glass itself need to be replaced. We believe there is an opportunity to improve the public's access to these displays and to improve the functionality of the space for legislative use at the same time. We would like to present our ideas to you or a subcommittee that you may designate.

In closing, I would note that we all feel that the recent Commission meetings have been particularly productive, and the level of participation has been excellent. Designed to bring together members of the public, each having an impressive background in historic preservation, with representatives of the various state agencies whose missions include some direct responsibility for the State House, the Commission offers a unique resource to the Legislature. We look forward to continuing to work with you and would be happy to meet with the Council to discuss the priorities for work that we have identified, as well as the Commission's work in general.

Sincerely,

A handwritten signature in dark ink, appearing to read "Earle Shettleworth, Jr.", with a stylized flourish at the end.

Earle Shettleworth, Jr.
Chair
State House & Capitol Park
Commission

Enclosure

STATE HOUSE & CAPITOL PARK COMMISSION

Subcommittee on Vietnam Veterans' Memorial

Earle Shettleworth, Jr., Chair

Nonie Ames

Sally Rand

David Lovejoy

Roger Richmond

John Fitzsimmons (VVLP)

Phil Vampatella (VVLP)

James Keil, Director, Bureau of General Services

Joseph R. Phillips, Director, Maine State Museum

Ex officio

Representative Ruth Joseph

Representative Patrick E. Paradis, House Majority Whip

May 3, 1993



MAINE STATE MUSEUM

State House Station 83
Augusta, Maine 04333-0083

(207) 287-2301

May 3, 1993

Legislative Council
Maine State Legislature
State House Station #115
Augusta, Maine 04333

Subject: Request for Permission to hold an event in Capitol Park

Honorable Members:

The Maine State Museum, and our non-profit support group Friends of the Maine State Museum, are engaged in an effort to provide better care for, and interpretation of the State's historic flag collection. This effort has just been titled "Save Maine's Colors*".

Several groups have stepped forward to assist with raising funds and public awareness. Two of these are involved in "living history" demonstrations of Civil War era military and civilian life.

I am requesting your permission to sponsor a Civil War encampment in Capitol Park in September of 1993. The setup day will be Friday, the 10th with demonstrations of camp life on the 11th and 12th. This will not involve battle re-enactments. Lectures on historical subjects will be concurrently presented in the Museum building. We will arrange for sanitary facilities, trash removal, etc.

Yours Sincerely,

Joseph R. Phillips
Museum Director

JRP/gs

* Colors: A flag or banner, as of a country or military unit.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR

GERALD THIBAUT
INFORMATION SYSTEMS
MANAGER

TEEN ELLEN GRIFFIN
LEGISLATIVE INFORMATION OFFICE
MANAGER



Lynn Randall
Legislative Council Info.

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

May 12, 1993

TO: Members of the Legislative Council and Interested Parties
FROM: Sally *Jeay*
SUBJECT: Correction in List of Approved Carry Over Bills

The list of Carryover requests that you approved at your meeting yesterday included a bill in the Transportation Committee that **should not have been there**. It is LD 1456, the allocation bill for the Maine Turnpike Authority.

We have enclosed a corrected list of the bills that have been approved for carryover. You may feel that you need to take action at the next Council meeting to "unapprove" the carryover of this bill; however, we wanted to make sure you had the information in the meantime.

Please call me if you have any questions.

Enclosure

CORRECTED COPY

Carry Over Requests
Approved by the
Legislative Council
as of
May 12, 1993

DB: TEST6
RPT: SPEC06

Committee Name	Title	Sponsors	Date Approved/Action
Aging, Retirement & Veterans			
L.D. 232	An Act to Increase the Earnings Cap of a Disability Retirement Benefit	NORTON	05/11/93
L.D. 1058	An Act to Clarify Mandatory Coverage Requirements for Participating Local Districts within the Maine State Retirement System	SAXL BALDACCI	05/11/93
L.D. 1411	An Act Concerning the Eligibility of Children of Disabled Veterans to Obtain Education Benefits	SUMMERS	05/11/93
Banking & Insurance			
L.D. 1115	An Act to Require Insurers to Obtain Written Consent from the Policy Owner before Transferring a Policy to Another Insurer	CARLETON	05/11/93
Business Legislation			
L.D. 720	An Act to License Athletic Trainers	KNEELAND	05/11/93
L.D. 1070	An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services	BUSTIN	05/11/93
L.D. 1151	An Act to Amend the Laws Regulating the Practice of Optometry	HOGLUND	05/11/93
Corrections (Jt. Select)			
L.D. 421	An Act Concerning Split Sentences	HANDY	05/11/93
L.D. 733	An Act to Amend the Laws Governing Protective Custody	CLEVELAND	05/11/93
L.D. 901	An Act to Reinstate a System of Parole	HOLT BUSTIN	05/11/93
Energy & Natural Resources			
L.D. 49	An Act to Set Reasonable Dioxin Levels	GRAY	05/11/93
L.D. 356	An Act to Establish the Advisory Council on Energy and the Environment	GRAY	05/11/93
L.D. 554	An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws	MELENDY	05/11/93
L.D. 923	An Act to Amend the Underground Oil Storage Tank Replacement Fund	JACQUES LUDWIG	05/11/93

Committee Name	Title	Sponsors	Date Approved/Action
Marine Resources			
L.D. 1304	An Act Concerning Commercial Divers	TOWNSEND G VOSE	05/11/93
Transportation			
L.D. 324	An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way	FARNSWORTH	05/11/93
L.D. 841	An Act to Revise and Recodify the Maine Revised Statutes, Title 29		05/11/93
L.D. 1152	An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring	STROUT	05/11/93
Utilities			
L.D. 305	An Act to Require the Public Utilities Commission to Include Externalities in Least-cost Planning Procedures	KONTOS	05/11/93
L.D. 530	An Act to Allow Public Utilities to Develop Economic Development Rates	MORRISON VOSE	05/11/93
L.D. 661	An Act to Amend the Charter of the Passamaquoddy Water District	CLARK CLEVELAND	05/11/93
L.D. 1007	An Act to Enhance Competition in Electric Utilities	CARPENTER	05/11/93
L.D. 1037	An Act to Cause the Renegotiation of Utility Contracts for Electric Power Generated at Private Facilities	CARPENTER	05/11/93
L.D. 1119	An Act to Deregulate Consumer-owned Electric Utilities	PARADIS J CLARK	05/11/93
L.D. 1406	An Act Pertaining to Pole Attachment Rate Disputes	CASHMAN	05/11/93

— End of Report —

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
May 6, 1993

Action

SPONSOR: Sen. Foster

LR 2349 An Act to Require Annual Report on Unfunded Mandates
by the Congressional Delegation

SPONSOR: Rep. Melendy

LR 2332 Resolve, Regarding the Release of Certain Ballots to
the Municipal Officers of the City of Rockland

SPONSOR: Rep. Strout

LR 2330 An Act to Continue the 2 Cent Gas Tax Increase

JOINT RESOLUTION

SPONSOR: Rep. Ahearne

LR 2338 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT
OF THE UNITED STATES TO URGE THE RETENTION OF SMALL ISSUE
INDUSTRIAL DEVELOPMENT BONDS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Coffman	TABLED 02/02/93
LR 2117	An Act to Freeze Tuition Rates for all In-State University of Maine System Students	
SPONSOR:	Rep. Coffman	TABLED 04/27/93
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LR 2248	An Act to Establish the Maine Street Revitalization Program	
SPONSOR:	Rep. Hatch	TABLED 03/16/93
LR 2241	An Act to Enhance the Ability of the Department of Human Services to Collect Child Support Payments	
SPONSOR:	Rep. Larrivee	TABLED 03/02/93
LR 2196	An Act to Create a Sales Tax Exemption for Eye Banks	

SPONSOR:	Rep. Martin, John L.	TABLED
		03/02/93
LR 2213	An Act Relating to Private Property Rights	
SPONSOR:	Sen. McCormick	TABLED
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LR 2200	An Act to Encourage Economic Recovery in the Construction Industry	
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SPONSOR:	Rep. Plowman	TABLED
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LR 2229	Resolve, Directing the Trustees of the University of Maine to Develop a Plan	
SPONSOR:	Rep. Tardy	TABLED
		04/27/93
LR 2327	An Act to Provide Franchise and Dealership Protection	

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
May 11, 1993**

Action

SPONSOR: Rep. Barth, Jr.

LR 2363 An Act to Increase Disclosure in Local School
District Budgets

SPONSOR: Rep. Bennett

LR 2360 An Act to Amend the Charter of the Oxford Water
District

SPONSOR: Rep. Farnsworth

LR 2364 An Act Relating to Access for Persons with
Disabilities

SPONSOR: Sen. Ludwig

LR 2362 An Act to Maintain Confidentiality of Certain
Information Received by Counseling Professionals,
the Board of Counseling Professionals Licensure and
the Department of Professional and Financial Regulation

SPONSOR: Rep. Wentworth

LR 2356 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
PRESIDENT OF THE UNITED STATES TO ENSURE THE SOVREIGNTY
AND ECONOMIC INTEGRITY OF THE STATES IN THE CONSIDERATION
OF THE NORTH AMERICAN FREE TRADE AGREEMENT

JOINT RESOLUTION

SPONSOR: Sen. Foster

LR 2349 JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL
DELEGATION TO ADDRESS A JOINT SESSION OF THE LEGISLATURE
REGARDING UNFUNDED FEDERAL MANDATES

SPONSOR: Rep. Young

LR 2359 JOINT RESOLUTION MEMORIALIZING THE DEFENSE BASE
CLOSURE AND REALIGNMENT COMMISSION TO RECONSIDER ITS
DECISION TO CLOSE LORING AIR FORCE BASE IN LIMESTONE

SPONSOR: Sen. Dutremble

An Act Concerning the Maine Capital Corporation