

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
Wednesday, December 15
PRELIMINARY AGENDA**

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of November 6, 1993, Council Meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Personnel Actions

a. New Hires

Jay Selberg, Paralegal Assistant (job share) Office
of the Revisor

Margaret Jones, Proofreader (session), Office of
the Revisor

Maryann White, Proofreader (full-time), Office of
the Revisor

Item #2: "Disclaimer Statement" to be Added to LD's (memo
enclosed).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

Committee on Review of the Audit Process

Personnel Committee

OLD BUSINESS

Item #1: Remarks by the Bureau of General Services regarding the
Structural Soundness of the State House. (Request of
Rep. Patrick E. Paradis; tabled at October 24 meeting).

NEW BUSINESS

Item #1: Request for Council Authorization of a Meeting for the Human Services Committee to review the Greene Acres Manor case (letter from Sen. Paradis and Rep. Treat, Chair)

Note: The Committee chose to take this topic up on December 3, the same day they met pursuant to Council authorization, to review bill titles.

Item #2: Reports from Study Committees

- a. Juvenile Corrections Task Force (an adjunct committee to the Health and Social Services Transition Team)
- b. Progress Report regarding donations from the Task Force to Study the Safe Mobility of Maine's Aging Population (letter from Katherine Freund, Chair).

Item #3: After Deadline Bill Requests (preliminary list enclosed).

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



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

November 6, 1993

MEETING SUMMARY

CALL TO ORDER

The Chair, Rep. Gwadosky, called the Legislative Council to order at 11:13 a.m.

ROLL CALL

Senators: Sen. Dutremble, Sen. Esty, Sen. Cahill,
Sen. Bustin, Sen. Carpenter

Representatives: Speaker Martin, Rep. Gwadosky, Rep.
Paradis, Rep. Zirkilton
Absent: Rep. Whitcomb

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
Margaret Matheson, Interim Revisor of
Statutes
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House

SECRETARY'S REPORT

The Summary of the October 24 Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Bustin; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Personnel Actions

Sally Tubbesing informed Council members that Carolin Hanoian had been hired to fill the vacant session-only secretarial position in the Office of Policy & Legal Analysis and noted that Ms. Hanoian's resume was in members' agenda packets.

Motion: That the Executive Director's report be accepted and placed on file. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

REPORTS FROM COUNCIL COMMITTEES

- Search Committee for Revisor of Statutes

This item was tabled on the motion of Speaker Martin, until later in the meeting.

OLD BUSINESS

Item #1: Remarks by the Bureau of General Services regarding the Structural Soundness of the State House. (Request of Rep. Patrick E. Paradis; tabled at October 24 meeting).

Motion: That the item be tabled. (Motion by Rep. Paradis; second by Speaker Martin; unanimous).

NEW BUSINESS

Item #1: Recommendation from State House & Capitol Park Commission to Award Contract for Restoration of State House Retaining Wall.

Ms. Tubbesing drew members' attention to information in their packets regarding the bids that had been received for repair and restoration of the granite retaining wall that surrounds the State House. She stated that the State House Commission had worked with the Bureau of General Services to prequalify both contractors and stone masons for this project and that all of the firms who bid had been prequalified.

Motion: That the Executive Director be authorized to enter a contract with Granger, Northern, Inc., with the provision that the work on the north steps and the iron fence be issued as amendments to the contract as funds become available.

(Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Item #2: Consideration of Legislators' Appeals of Council Action on Bill Requests

Note: The results of the Council's action on appeals have been provided to individual legislators for their own bills. Copies of the Council's action on all appeals may be obtained from the Legislative Information Office.

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.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

The Council proceeded to go into Executive Session at 2:25 p.m.

RECONVENE

The Chair reconvened the regular Council meeting at 2:38 p.m.

Motion: That the Legislative Council authorize coverage under the Income Protection Plan to eligible employees as recommended. (Motion by Sen. Bustin; second by Speaker Martin; unanimous).

Motion: That Margaret E. Matheson be appointed to the position of Revisor of Statutes, effective Monday, November 8, and that she be assigned to Salary Range 14, Step 5. (Motion by Sen. Bustin; second by Speaker Martin; unanimous).

The Chair, Rep. Gwadosky congratulated Ms. Matheson on behalf of the entire Council. He noted that the Search Committee had had the good fortune to consider several qualified applicants and that the Committee's recommendation to the Council reflected Ms. Matheson's ability, her suitability, her genuine interest in the legislative institution, and her drafting skills.

Motion: That the Executive Director and the newly-appointed Revisor be authorized to fill the vacant Principal Analyst position and that the Council delegate to the Search Committee the authority to consider their recommendation. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Sen. Esty inquired whether this review would not be more appropriately delegated to the Personnel Committee, and the Speaker replied that the sole intent of his motion was to ensure timely review of the recommendation. The motion stood.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Chair adjourned the Council at 3:40 p.m.

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



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 8, 1993

TO: Honorable Dan A. Gwadosky, Chair
and Members of the Legislative Council

FROM: Sally *Greely*

SUBJECT: "Disclaimer Statement" for LD's

At the Council's direction, we have developed a "disclaimer" which will be printed at the end of most of the bills and resolves that are printed during the Second Regular Session. Representatives from 3 staff offices involved in drafting - Revisor, Policy & Legal Analysis, and Fiscal & Program Review - collaborated in developing this statement.

The statement is:

"This document has not yet been reviewed to determine the need for cross reference, stylistic and other technical amendments to confirm existing law to current drafting standards."

The statement will be located at the bottom of the last page of all bills to which it applies, following the Statement of Fact.

It is important to point out that some initial bills will continue to be fully-drafted and, thus, will not carry the disclaimer statement. These include:

- Budget bills
- Bills developed by the Audit & Program Review Committee
- Bills reported by committee pursuant to Joint Order
- Errors bills
- Recodifications; and
- Constitutional Resolutions

We hope this statement reflects your interest in flagging the new bill drafting protocols and would be happy to discuss it with you.

JUDY A. PARADIS, DISTRICT 1, CHAIR
JOHN E. BALDACCIO, DISTRICT 10
PHILIP E. HARRIMAN, DISTRICT 26



PAUL SAUCIER, LEGISLATIVE ANALYST
VALERIE MITCHELL, COMMITTEE CLERK

SHARON ANGLIN TREAT, GARDINER, CHAIR
DONALD H. GEAN, ALFRED
JOLINE LANDRY BEAM, LEWISTON
MICHAEL F. BRENNAN, PORTLAND
MICHAEL J. FITZPATRICK, DURHAM
BIRGER T. JOHNSON, SOUTH PORTLAND
ELIZABETH TOWNSEND, PORTLAND
PEGGY A. PENDELETON, SCARBOROUGH
JOAN M. PENDEXTER, SCARBOROUGH
JOSEPH BRUNO, RAYMOND

STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON HUMAN RESOURCES

November 16, 1993

The Honorable Dan A. Gwadosky, Chair
Legislative Council
Maine Legislature
State House Station #115
Augusta, ME 04333

Dear Mr. Chair:

We request authorization to convene the Human Resources Committee for the purpose of reviewing the facts in the Greene Acres Manor case and discussing related mental health services issues. We have enclosed a request from the Long-term Care Ombudsman to discuss these issues with the Committee.

Many residents of Greene Acres need specialized mental health services that may or may not be available. The ability of the Department of Human Services to find appropriate homes for them is certainly in doubt, especially given the ongoing reduction of capacity in the nursing home sections of BMHI and AMHI.

Also related to this problem is the plan being developed by the Department of Mental Health and Mental Retardation to consolidate BMHI and AMHI into a single facility. We would like to meet with the Department to receive a status report on that plan.

We request authorization to meet for 1 day in addition to the committee planning day already authorized. Depending on the date selected for the planning day, we would anticipate holding our second meeting on the next day.

Thank you for your consideration.

Sincerely,

Judy Paradis
Judy A. Paradis
Senate Chair

Sharon Treat
Sharon Anglin Treat
House Chair

5600LHS



MAINE STATE LEGISLATURE
Augusta, Maine 04333

JUVENILE CORRECTIONS TASK FORCE

December 8, 1993

The Honorable Dan A. Gwadosky, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333

Dear Mr. Chair:

This letter is to inform you that the Juvenile Corrections Task Force has submitted the attached report of our study of juvenile corrections service to the Health and Social Services Transition Team, pursuant to chapter 38 of the Resolves of 1993.

Sincerely,

Cushman D. Anthony
Cushman D. Anthony, Chair *MDA*

**Task Force to Study the Safe Mobility
of Maine's Aging Population**
(P.L. 1993 Chapter 297)

November 23, 1993

Honorable Dan Gwadosky, Chair
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Chair Gwadosky,

You may recall that the Task Force to Study the Safe Mobility of Maine's Aging Population was established by the 115th Legislature to (Sec. C-1) "review transportation alternatives for an aging population, licensing provisions for the driving population, highway travel considerations for an aging population and educational programs to improve driving performance and confidence." Since there were no general funds available to fund the task force's work, the legislation further provides that (Sec. C-9 Funding) " [t]he Legislative Council may accept on behalf of the task force grants and other sources of outside funding to hire staff and carry out the task Force's activities."

Although applications for financial support were made to several organizations, including the National Safety Council, the Maine Community Foundation, and the Bureau of Highway Safety, no direct financial support has materialized. However, I am happy to present to you and the other members of the Legislative Council the following offers of in kind contributions:

1. The Southern Maine Area Agency on Aging has given me a desk from which to work on the task force's activities, and to pay my photocopying, telephone, and postage expenses.
2. The Edmund S. Muskie Institute of Public Affairs has agreed to co-sponsor a conference with the task force, February 25, 1994, at the University of Southern Maine Portland Campus (see attached letter.) The title of the conference is *Safe Mobility for Maine's Aging Population: Transportation as a Lifelong Need*. Senator Joseph Brannigan has accepted an invitation to give the opening remarks for the conference, and six guest speakers have agreed to come at their own expense. (Some will come at their personal expense; others await approval from their respective organizations.) They are: 1) Dr. Loren Staplin, the Scientex Corporation, Lansdale, Pennsylvania; 2) Donn Maryott, Director of the Senior Highway User Program for New York State; 3) Dr. Germaine Odenheimer, Geriatric Neurologist, Harvard Medical School; 4) a speaker from the Washington office of the American Association of Retired Persons; 5) Dr. Tom Ranney, Liberty Mutual Research Center, Hopkinton, Massachusetts; and 6) Jackie Anapolle, National Mobility Institute, Boston, Massachusetts. I have offered to take guest speakers to dinner at my personal expense, and to put them up at my home or the homes of family or friends.
3. In addition to sending a guest speaker, the American Association of Retired Persons has also offered to pay for lunch for approximately twenty people for a task force meeting and

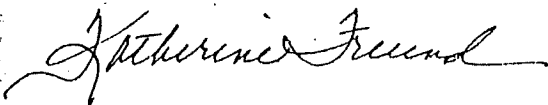
to print the task force's final report (see attached letter.) I will ask AARP if the task force may use this luncheon offer to help pay for lunch for conference attendees.

4. Several members of the task force, including myself, have furnished photocopying and postage for the task force's activities.
5. I am speaking with Maine Public Television and the University of Southern Maine public access channel about television coverage of the February conference for possible use in a documentary about safe mobility for Maine's aging population. Maine Things Considered has already expressed interest in covering the conference.
6. I am applying to several universities for student interns to help me with the staffing and research responsibilities for the task force. These universities include the University of Southern Maine Policy Scholars Program, the Muskie Institute, Bates, Bowdoin, Colby, and the Margaret Chase Smith School of Public Administration in Orono.
7. I am applying to the Maine Association of Dispute Resolution Professionals for pro bono facilitation; former Representative Merle Nelson has volunteered to help facilitate the task force's activities, as has Mr. John Forssen.
8. I have applied to Legal Services for the Elderly for help with legal questions; Attorney Tim Vogel, an expert in elder law, has agreed to provide pro bono legal advice, but not research, and I have spoken with Attorney Howard Reben about the possibility of providing the task force with pro bono legal advice.
9. I am applying to UNUM Charitable Foundation for a grant to conduct a survey of transportation opinions and needs of senior Maine citizens.

I hope I have not burdened you with unnecessary detail, but I want to do everything properly. My main concern for the task force has been the resources to assure public outreach and participation. This is a difficult task without funds for postage and photocopying. However, we will work with newsletters, bulletins, radio, television, press releases, and what resources we can ourselves provide for direct mail to interested parties. The truth may very well be that necessity will make us resourceful and creative, and produce a better result for the effort.

Thank you for your time and consideration. I look forward to hearing from you. I can be reached at the Southern Maine Area Agency on Aging, P.O. Box 10480, Portland, ME 04104, telephone 775-6503. Please feel free to contact me if you or any members of the Council have questions about the information in this letter or about any of the task force's activities.

Respectfully yours,



Katherine Freund, Chair

Enclosures

cc: Task Force Members

Sally Tubbesing, Executive Director, Legislative Council

UNIVERSITY OF MAINE

SCHOOL OF LAW



246 DEERING AVENUE
PORTLAND, MAINE 04102

M E M O R A N D U M

TO: Katherine Freund
P.O. Box 15321
Portland ME 04101

FROM: Barbara E. Gauditz

DATE: October 25, 1993

RE: Room Confirmation

This is to confirm that the Moot Courtroom is reserved on Friday, January 7, all day for the Conference to Study Safe Mobility. January 8 is also reserved for the Snow Date. We ask you to leave the room as you found it.

Users of law School facilities are reminded that they are responsible for any special arrangements in connection with the event, such as coordination with Media Services, Police & Safety, ARA, or Facilities Management. Please send me any published announcements of the event, so that we can make our staff aware of scheduled uses of Law School rooms.

It is also your responsibility to ensure that announcements of the event include a statement, required under the Americans with Disabilities Act, such as:

"Please indicate if you need special services, assistance, or accommodations to participate fully in this program by contacting (person in your dept.) at (phone #) or TT (Teletex TDD) 780-5586."

The Law School is not responsible for any additional accommodations required by the ADA.



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November 18, 1993

Ms. Katherine Freund
P.O. Box 15321
Portland, Maine 04101

Dear Ms. Freund:

The purpose of this letter is to confirm that AARP can provide support to your Task Force to Study the Safe Mobility of Maine's Aging Population in the following ways:

- o Attendance at a Task Force meeting by AARP transportation expert, at AARP's expense
- o Pick up the tab for lunch of the task force meeting, for approximately 20 persons
- o Print the final report of the Task Force. We can do this internally at AARP. If printing is to be done elsewhere, we would need to know the approximate projected cost before making that commitment.

As you may know, Steve Lee, our transportation expert is on a leave of absence. We hope to have a temporary replacement with similar expertise on board within the next few weeks. That individual can then pick up where Steve left off in working with your Task Force. In the meantime, if I can be of any assistance, please let me know.

We look forward to assisting you in this important and challenging effort.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robin Talbert".

Robin Talbert
Assistant Manager
Consumer Affairs

cc: Ernest C. Mariner
Nancy Dale

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 7, 1993

Action

SPONSOR: Sen. Berube

LR 3125 An Act to Ensure that Surplus Revenues in
Androscoggin County are Used to Reduce the Tax Levy

SPONSOR: Sen. Cahill

LR 3121 Resolve, Directing the Department of Transportation
to Erect Signs Indicating the Bath-Brunswick
Topsham Recreational Area

Cosponsors: Sen. Harriman

SPONSOR: Rep. Cathcart

LR 3124 An Act to Provide for Comprehensive Investigations
of Suspicious Deaths of Children

SPONSOR: Rep. Faircloth

LR 3119 Resolve, to Extend the Reporting Date of the Healthy
Start Task Force

SPONSOR: Sen. Foster

LR 3122 An Act to Protect the Interests of the Town of Otis
in Certain Ponds

SPONSOR: Rep. Ketterer

LR 3127 An Act to Amend the Charter of the Madison Water
District

SPONSOR: Sen. Lawrence

**LR 3128 An Act to Remove the Automatic Repeal of Exemption
from Liability for Recycling Activities**

SPONSOR: Sen. Luther

**LR 3123 An Act to Amend the Charter of the Canton Water
District**

SPONSOR: Rep. Morrison

**LR 3126 An Act to Amend the Laws Governing Refuse Disposal
Districts**

SPONSOR: Sen. Pingree

**LR 3132 An Act to Establish Trap Limits and Establish Limits
on Lobster and Crab Fishing Licenses**

SPONSOR: Rep. Spear

**LR 3133 An Act to Extend the Moratorium on the Laws Governing
Biosynthetic Bovine Somatotropin**

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Erwin	TABLED
		10/24/93
LR 3089	An Act to Regulate Cultivation and Sale of Ginseng	
SPONSOR:	Rep. Gray	TABLED
		11/06/93
LR 3114	An Act to Stablize the Economic Impact of Timber Exports on the Timber Industry	
SPONSOR:	Rep. Morrison	TABLED
		10/24/93
LR 3108	An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions	
SPONSOR:	Sen. Dutremble, Dennis L.	TABLED
		10/24/93
LR 2550	An Act to Clarify the Definition of "Teacher" under the Laws of the Maine State Retirement System	

JOINT RESOLUTIONS

SPONSOR:	Rep. Donnelly	TABLED
		10/24/93
LR 2516	JOINT RESOLUTION REQUESTING THE MAINE CONGRESSIONAL DELEGATION TO ADOPT THE SO-CALLED VETERANS' PLEDGE	
SPONSOR:	Rep. Farren, Jr.	TABLED
		10/24/93
LR 2849	JOINT RESOLUTION MEMORIALIZING CONGRESS TO EXTEND THE MAINE TERRITORIAL COASTAL WATERS FROM 3 MILES TO 12 MILES	
SPONSOR:	Sen. Summers	TABLED
		10/24/93
LR 2515	JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS LEGISLATION SPECIFICALLY AUTHORIZING LIMITATIONS ON UNPROCESSED TIMBER	