

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
Wednesday, January 24, 1996

AGENDA

CALL TO ORDER

ROLL CALL

SUMMARY OF JANUARY 17 COUNCIL MEETING

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Retirement of Theresa Coughlin, Senior Secretary,
Office of Fiscal and Program Review (Letter enclosed).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature and
Subcommittee on Rules

- Proposed Recodification of Joint Rules: Presentation and
Discussion

OLD BUSINESS

NEW BUSINESS

- Item #1: Commission on Higher Education Governance: Request to
Reconsider Commission Scope and Schedule

- Item #2: Northern New England Passenger Rail Authority:
Submission of First Annual Report

- Item #3: After Deadline Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. JANE A. AMERO
CHAIR

REP. ELIZABETH H. MITCHELL
VICE-CHAIR



SEN. JEFFREY H. BUTLAND
SEN. R. LEO KIEFFER
SEN. MARK W. LAWRENCE
SEN. BEVERLY MINER BUSTIN
REP. DAN A. GWADOSKY
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY

January 17, 1996

CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 9:45 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Lawrence, Sen. Kieffer, Sen. Bustin, Sen. Amero Absent: President Butland
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Mitchell, Rep. Carleton
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes May Ross, Secretary of the Senate Joseph Mayo, Clerk of the House

DECEMBER 5 COUNCIL MEETING

Motion: That the Meeting Summary be approved. (Motion by Rep. Jacques; second by Sen. Lawrence; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew Council members' attention to the following items:

Item #1: Personnel Changes

Ms. Tubbesing reported that the following individuals had been hired pursuant to the Council's prior authorization to fill vacant positions on the non-partisan staff:

Office of the Revisor

Hilayne Cavanaugh, Legal Proofreader/session
Thomas Downey, Legal Proofreader
Sarah McSorley, Legal Proofreader/session

Office of Policy & Legal Analysis

Jon Kachmar, Researcher
Kathleen Norris, Secretary/session

No Council action was required on this item.

Item #2: Retirement of Germaine Longley

Ms. Tubbesing announced that Germaine Longley had announced her decision to retire from the legislative staff, effective January 19, after a career in state government of more than 37 years, the last 20 of which had been in the Legislature.

Sen. Amero expressed the Council's appreciation for Mrs. Longley's long service, and asked that the Council's gratitude be conveyed to her.

No formal Council action was required.

Item #3: Bill Drafting: Status Report

At Ms. Tubbesing's suggestion, the Chair, Sen. Amero, recognized Margaret Matheson, Revisor of Statutes, who reported that her office had completed the initial drafting of all bills that had been authorized for introduction to date. She noted that her office was working on changes to a small number of bills, as requested by sponsors, and that the office retained custody of approximately 30 bills pending sponsor/cosponsor signature.

Ms. Tubbesing then drew Council members' attention to the Report of Bills in Committee, observing that the majority of bills had been referred and that Committees had embarked upon their work for the Second Regular Session.

This item required no action by the Council.

Item #4: Interim Study Committees & Commissions: Status

Ms. Tubbesing drew Council members' attention to a Status Report for the statutory study commissions that had been active during the interim. The Report included information regarding the status of each commission's final report and of its total expenditures to date. She pointed out that three of the Commissions had requested that the Council authorize extensions of their reporting deadlines, an action which would require introduction of legislation in each of the cases.

Motion: That the Council authorize extending the statutory reporting deadline for the Task Force on Tax Increment Financing to January 31, 1996. (Motion by Rep. Mitchell; second by Speaker Gwadosky; unanimous).

Motion: That the Council authorize extending the statutory reporting deadline for the Commission on Higher Education Governance to March 1, 1996 and that the Commission be requested to revise its schedule to conform to this deadline. (Motion by Rep. Mitchell; second by Rep. Jacques).

Discussion: Rep. Mitchell, noting that the Commission had requested an extension until June 30, expressed her concern that the Legislature would not be in session on June 30 and that her motion to set a March 1 reporting date would assure that this Legislature could respond to the recommendations. Sen. Kieffer asked if the schedule could be compressed.

The vote was taken and the motion was approved unanimously.

Motion: That the Council authorize extending the statutory reporting deadline for the Commission to Study Biotechnology & Genetic Engineering from November 1, 1995, to February 15 of this year. (Motion by Rep. Jacques; second by Sen. Kieffer; unanimous).

REPORTS FROM COUNCIL COMMITTEES**Committee on Total Quality Management in the Legislature**

Sally Tubbesing stated that Representative Carol Kontos, House Chair of the TQM Committee, had a scheduling conflict that prevented her from being available to present the first product of the efforts of the TQM Committee and the TQM Subcommittee on Rules -- a proposed recodification of the Legislature's Joint Rules. (Copies of the proposed recodification were distributed to members subsequently). She conveyed the two committees' recommendation that the Council schedule a working session in the near future to go over the proposed changes.

Speaker Gwadosky acknowledged the enormous amount of time and energy that members of both committees had devoted to this effort and endorsed scheduling a special meeting of the Council to review the proposed recodification.

The Council took no action on this item at this time; however, Sen. Amero indicated that she and Rep. Mitchell would try to schedule a meeting of the Council within the next week for the purpose of reviewing the proposed recodification.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Reports

- Loring Development Authority of Maine: Annual Report, pursuant to MRSA § 13080
- Study Commission on Property Rights and the Public Health, Safety and Welfare (Resolves of 1995, ch. 45)
- Commission to Study Trespass Laws (Resolves of 1995, ch. 53)
- Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife (P.L. 1995, ch. 455)
- Task Force to Review the Beverage Container Law (Resolves of 1995, ch. 52)
- Work Group on Electric Industry Restructuring (Resolves of 1995, ch. 48)

Motion: That each of the reports be accepted and placed on file and that a letter be sent to each commission expressing the Council's appreciation for the Commission's work and their timeliness. (Motion by Rep. Mitchell; second by Rep. Jacques; unanimous).

Item #2: Task Force on Learning Results: Presentation of Major Findings and Discussion

Senator Amero recognized Marjorie Medd, Chair of the Task Force and thanked her for appearing. Ms. Medd, who also chairs the State Board of Education proceeded to trace the emergence of the Task Force on Learning Results, from the federal "Goals 2000 Project" in the last 1980's, through a series of Maine-based initiatives that brought the education and business communities together to discuss the reform of education in Maine.

Ms. Medd reported that the Task Force had developed "Guiding Principles", as well as "Content Standards," which define "what we want our kids to know and to be able to do." The Report is designed to provide a foundation for systemic change in education, so that all students are prepared, not just some.

Ms. Medd stated that the Task Force's Report has been accepted by the State Board of Education; and the State Board is currently in the process of a) identifying essential services and essential programming; b) looking at school consolidation; and c) working with both the Department of Education and the Board of Higher Education to look at 8 pilot projects in teacher education. She briefly described some of the initiatives which the Task Force felt were critical to the achievement of their goals.

Senator Amero expressed her appreciation for Ms. Medd's presentation and for the leadership she had provided to the very significant achievement that the Task Force's report represents.

Item #3: After Deadline 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 Council meeting was adjourned at 11:35 a.m., on the motion of Sen. Lawrence; second by Rep. Jacques).

COMMISSION ON HIGHER EDUCATION GOVERNANCE

(Chapter 395, P.L. 1995)

MEMBERSHIP

Appointments by the President

David M. Sparks
10 Reg Roc Road
Falmouth, Maine 04105
(207)781-5803

Richard G. Strout
P.O. Box 180
South Harpswell, Maine 04079
(207)833-2962

Loring Hart
216 North Road
North Yarmouth, Maine 04097
(207)846-6051

Appointments by the Speaker

Michael D. Pearson
HC 67, Box 1051
Enfield, Maine 04433
(207)732-4800

David W.C. Putnam
225 East Grand Avenue
Old Orchard Beach, Maine 04064

J. Duke Albanese, Superintendent
SAD 47
20 Heath Street
Oakland, Maine 04963
(207)465-7384

Appointments by the Governor

James Mullen
P.O. Box 929
Bangor, Maine 04401
(207)942-5501

Meg Weston, Chair
39 Wallace Avenue
So. Portland, Maine 04106
(207)883-7200

Elinor Multer
P.O. Box 68
Orrs Island, Maine 04066
(207)833-5476

Norman Fournier
Wallagrass, Maine 04781

Robert Binswanger
Box 244
Rockport, Maine 04856
(207)594-2843

Staff

Michael Higgins
Office of Policy & Legal Analysis
13 State House Station
Augusta, Maine 04333-0013
(207)287-1670

1866-A, subsection 1 by this Part, each deposit initiator shall submit a final report on or before March 20, 1996.

2. Notwithstanding the repeal by this Part of Title 32, section 1866-A, subsection 2, each deposit initiator shall submit a final payment to the Treasurer of State on or before March 20, 1996 in an amount equal to 50% of the unclaimed minimum deposits held by the deposit initiator for the 3-month period ending on the last day of December 1995.

3. Subject to audit, all unclaimed minimum deposits in deposit transaction accounts remaining after any required payment to the State or as of March 20, 1996, whichever is later, may be retained by and become the property of the deposit initiator.

4. Notwithstanding the repeal by this Part of the provisions relating to the administrative costs of the Treasurer of State in Title 38, section 2201, the Maine Solid Waste Management Fund must support allocations approved by the Legislature for administrative expenses and reimbursement costs directly related to the phaseout of the unclaimed beverage container deposit laws through June 30, 1996. Auditing and reimbursement costs of the Treasurer of State may be paid from any amounts recovered in enforcement efforts continuing beyond June 30, 1996.

Sec. P-11. Effective date. Sections 1 to 3 and 5 to 8 of this Part take effect December 31, 1995.

P.L. 1995, Chapter 395

PART Q

Sec. Q-1. Commission established. The Commission on Higher Education Governance, referred to in this Part as the "commission," is established.

Sec. Q-2. Commission membership. The commission consists of 11 members, none of whom may be employed by public or private institutions of higher education in the State, appointed as follows:

1. Five members, including the chair of the commission, appointed by the Governor;

2. Three members appointed by the President of the Senate; and

3. Three members appointed by the Speaker of the House of Representatives.

Sec. Q-3. Appointments; meetings. All appointments must be made no later than 30 days following the effective date of this Part. Within 15 days of the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

Sec. Q-4. Duties. The commission shall:

1. Review the missions, roles, organizational structure and leadership structure of the State's public institutions of higher education, including the Maine Maritime Academy, the Maine Technical College System and the University of Maine System;

2. Examine the adequacy of opportunities offered to meet the diverse needs of people of the State by public institutions of higher education and the role of the State's private institutions of higher education in complementing those opportunities;

3. Examine how effectively and productively resources are utilized to achieve higher education institutional missions and address the State's economic and social needs;

4. Conduct a review of state funding levels among all constituent entities of public higher education in the State in relationship to each other and to national averages and trends;

5. Review the level and type of state-funded financial aid available to resident students;

6. Examine the provision of community college services, associate degree programs, baccalaureate programs and graduate programs to ensure that the full range of needed academic programs are widely available in the State and are delivered without wasteful overlap by the appropriate institutions;

7. Examine the role, scope, nature and resource needs of distance learning through instructional television provided by the University of Maine System; and

8. Examine the relationship between State Government and the State's private institutions of higher education, including the role of the Legislature in approving degree programs at private institutions of higher education.

Sec. Q-5. Staff assistance. The commission shall request staffing assistance from the Legislative Council and the University of Maine System. The commission may also contract for necessary professional assistance.

Sec. Q-6. **Reimbursement.** The members of the commission are entitled to receive the legislative per diem and must be reimbursed for expenses upon approval of the chair of the commission and application to the Executive Director of the Legislative Council.

Sec. Q-7. **Report.** The commission shall submit a report outlining its findings pursuant to section 4 of this Part, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature no later than December 15, 1995.

Sec. Q-8. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1995-96

LEGISLATURE

Commission on Higher Education Governance

Personal Services	\$6,050
All Other	68,950

Provides funds to the Commission on Higher Education Governance for the per diem and expenses of members, to contract for professional services and for miscellaneous commission expenses.

LEGISLATURE

TOTAL

\$75,000

PART R

Sec. R-1. 22 MRSA §391, sub-§1, as amended by PL 1995, c. 368, Pt. W, §1, is further amended to read:

1. **Assessments.** Every hospital subject to regulation under this chapter is subject to an assessment of not more than .15% of its gross patient service revenues. Notwithstanding any other provision of law, the commission shall reduce the assessment to hospitals. The commission shall determine the assessments annually prior to July 1st and shall assess each hospital for its pro rata share. Each hospital shall pay the assessment charged to it on a quarterly basis, with payments due on or before July 1st, October 1st, January 1st and April 1st of each year. For fiscal year 1995-96, the assessments may not exceed in total \$1,600,000 \$1,300,000.

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 24, 1996**

Action

SPONSOR: Rep. Bisulca, Paul J.

LR 3039 An Act to Place Penobscot Land in Trust

***SPONSOR: Rep. Hatch, Pamela H.**

LR 3051 An Act to Authorize Actions under the Unfair Trade
 Practices Act Regarding Habitability of Dwelling Units

SPONSOR: Rep. Lemke, William

LR 3050 An Act Requiring Qualified Investigation of all Truck
 and Bus-related Fatalities

***SPONSOR: Rep. Mitchell, J. Elizabeth**

LR 3043 An Act to Ensure the Proper and Humane Care of Persons
 Requiring Mental Health Services

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Fitzpatrick, Michael J.	TABLED
		10/22/95
LR 2917	An Act to Promote Hunting in the State by Persons With Mobility Impairment or Dexterity Impairment (Similar to LR 2786 - Sp. Ault)	
SPONSOR:	Rep. Gates, Gordon P.	TABLED
		11/09/95
LR 2929	An Act to Remove Megunticook Lake as a Source of Water Supply	
SPONSOR:	Rep. Gerry, Belinda A.	TABLED
		12/05/95
LR 2963	An Act Regarding Low-Income Home Energy Assistance and Food Stamps	
SPONSOR:	Sen. Hanley, Dana C.	TABLED
		01/17/96
LR 2987	An Act to Clarify the Definition of Commercial Whitewater Outfitter	
SPONSOR:	Sen. Hathaway, W. John	TABLED
		01/17/96
LR 3029	An Act to Provide A Statute Limitations for Tax Filing	
SPONSOR:	Rep. Mitchell, Elizabeth	TABLED
		01/17/96
LR 2993	An Act to Create the Viatical Settlement Act	
SPONSOR:	Sen. O'Dea, John J.	TABLED
		12/05/95
LR 2964	An Act to Allow a Change in the Speed Limit on Certain Highways	
SPONSOR:	Sen. Ruhlin, Richard P.	TABLED
		10/30/95
LR 2916	An Act to Amend Certain Provisions of the Act Creating the Atlantic Salmon Authority	
SPONSOR:	Rep. Townsend, Elizabeth	TABLED
		10/22/95
LR 2926	An Act to Protect the Well Being of Maine's Elderly	
SPONSOR:	Rep. Wheeler, Edgar M.	TABLED
		01/17/96
LR 3023	An Act to Repeal the 24-Hour Limit on Holding Juveniles	