

# MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL  
CHAIR

SEN. MARK W. LAWRENCE  
VICE-CHAIR



Sally Tubbesing  
Legislative Council Info.

SEN. CHELLIE PINGREE  
SEN. JANE A. AMERO  
SEN. ANNE M. RAND  
SEN. R. LEO KIEFFER  
REP. CAROL A. KONTOS  
REP. JAMES O. DONNELLY  
REP. MICHAEL V. SAXL  
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

118th MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

## MEETING SUMMARY

January 16, 1997

Approved February 27, 1997

### CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 2:45 p.m.

### ROLL CALL

**Senators:** President Lawrence; Sen. Pingree;  
Sen. Amero; Sen. Rand; Sen. Kieffer

**Representatives:** Speaker Mitchell; Rep. Kontos;  
Rep. Saxl

**Absent:** Rep. Donnelly; Rep. Campbell

**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  
Joy O'Brien, Secretary of the Senate  
Joseph Mayo, Clerk of the House

### SUMMARY OF PREVIOUS MEETING

**Motion:** That the Summary of the December 5 Council meeting be accepted and placed on file. (Motion by Rep. Kontos, second by Sen. Rand; unanimous).

## **EXECUTIVE DIRECTOR'S REPORT**

### **Item #1: The "Pace": Status Report on Drafting**

Ms. Tubbesing turned to Margaret Matheson, Revisor of Statutes, who reported that as of that morning, more than 250 bills had been sent up for introduction; more than 400 had been released for sponsor review and signature; and about 100 requests have been voided. She noted that these figures reflect that bill production is nearly double what it was 2 years ago.

No Council action was required on this item.

### **Item #2: Emergency Budget: Impact on Legislative Appropriations**

"Emergency Budget" included a request for a \$2 million to the Reserve Fund for State House Preservation and Maintenance, a request which the Council had originally included in its Part I request for the fiscal 1998-1999 beinnium.

The Council took no formal action on this item at this time.

### **Item #3: Legislature's Strategic Plan: Status**

Ms. Tubbesing noted that the deadline for submission of the Legislature's final Strategic Plan, as well as the performance budget for the Law Library, was February 1. The Chair asked Ms. Tubbesing to circulate the most recent draft of the Plan to Council members.

The Council took no formal action on this item.

## **REPORTS FROM COUNCIL COMMITTEES**

### **Item #1: Review of Council Committees and Chairs' Appointments**

The Chair, Speaker Mitchell, drew members' attention to the appointments she had made to various Council Committees, including the Personnel Committee; the Committee on Legislative Facilities; the Committee on Legislative Information Technology; and a Search Committee for the newly-created position of Director, Legislative Information Services. A copy of those appointments is attached to these minutes.

This item did not require any further action.

**Item #2: CSG/ERC Legislative Steering Committee**

The Chair, Speaker Mitchell, recognized Sen. Amero and Rep. Kontos, who co-chair the Steering Committee. Sen. Amero reported that in addition to the meeting in July, the ERC Executive Committee will meet in Portland March 7 - 9; a Subcommittee of the Steering Committee has been working to prepare for that meeting. The Steering Committee's top priority is identifying co-chairs for the Private Sector Host Committee for the summer meeting, who will have primary responsibility for raising the \$125,000 that it is estimated will be required to support the activities for which Maine is responsible -- evening social events; a Junior Delegates' Program; and daytime activities for delegates' spouses. Rep. Kontos added that the anticipated attendance at the summer meeting will be 1,000 - 1,200 and that a successful conference will require everyone's help.

Speaker Mitchell noted that the Conference sounds like a wonderful opportunity and thanked both Sen. Amero and Rep. Kontos for their work.

No formal Council action was required on this item.

**OLD BUSINESS****Item #1: Part I Budget Request for Legislative Accounts: Status and Review**

At Speaker Mitchell's request, Sally Tubbesing walked Council members through materials which compared the budget request originally submitted by the Council with the Governor's recommendations, which would require reductions in the "All Other" budget of nearly \$1.3 million over the 1998-1999 fiscal biennium. She then drew members' attention to a list of possible reductions that she, Secretary of the Senate Joy O'Brien and Clerk of the House Joe Mayo had been asked by the Chair, Speaker Mitchell to prepare for purposes of discussion.

Speaker Mitchell reported that the Appropriations Committee had scheduled the public hearing on the Legislative request Friday, January 24 and that she would be scheduling a work session on the budget.

The Council took no formal action on this item at this time.

**NEW BUSINESS****Item #1: Judicial Compensation Commission: Submission of First Report**

**Motion:** That the Commission's report be accepted and placed on file. (Motion by Sen. Amero, second by Rep. Saxl, unanimous).

**Item #2: Request from Senator Daggett for Extension of the Cloture Deadline for her Bills**

The Chair, Speaker Mitchell, recognized Sen. Daggett, who was present. After discussion, Council members agreed that the circumstances merited special consideration.

**Motion:** That the Council's rules requiring a roll call vote on each after deadline request be suspended for Sen. Daggett's bills. (Motion by Sen. Pingree; second by Sen. Kieffer; unanimous).

The results of the Council's action on Sen. Daggett's bill requests are included on the list attached to this Summary.

**Item #3: Recommendation that the Legislative Council Join the National Council of Legislators from Gaming States. (Letter from Gerald E. Rudman, Chair, Advisory Committee on Gambling).**

**Motion:** That the item be tabled, in Rep. True's absence. (Motion by Rep. Kontos, second by Rep. Saxl; unanimous).

**RECESS**

**Motion:** That the Council stand in recess until 4 p.m. (Motion by Sen. Rand; second by Rep. Kontos).

The Council recessed at 3:06 p.m.

**RECONVENE**

The Chair, Speaker Mitchell, reconvened the Council meeting at 4:00 p.m.; and the Council resumed its consideration of agenda items under **New Business**.

**NEW BUSINESS (con't)****Item #4: After Deadline Bill Requests**

Requests to introduce legislation to the Second Regular Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Council meeting was adjourned at 5:02 p.m., on the motion of Rep. Saxl.

# 118th Legislative Council

## Committee Membership

### Personnel Committee

Representative Elizabeth H. Mitchell, **Chair**

Senator Mark W. Lawrence

Senator Jane A. Amero

Senator Anne M. Rand

Representative James O. Donnelly

#### **Ex officio, non-voting:**

Joy O'Brien, Secretary of the Senate

Joe Mayo, Clerk of the House

Sally Tubbesing, Executive Director of the Legislative Council

### Legislative Facilities Committee

Representative Michael V. Saxl, **Chair**

Senator Anne M. Rand

Senator R. Leo Kieffer

Representative Richard H. Campbell

### Committee on Legislative Information Technology

Senator Chellie Pingree, **Chair**

Representative Joe Carleton, Jr., **Vice-Chair**

Senator R. Leo Kieffer

Senator I. Joel Abromson

Senator Robert E. Murray

Senator Sharon Anglin Treat

Representative Robert F. Fisk

Representative David Shiah

Representative Verdi Tripp

Representative John Vedral

Joy O'Brien, Secretary of the Senate

Joe Mayo, Clerk of the House

Sally Tubbesing, Executive Director

Director, Legislative Information Systems

**Strategic Planning Working Group**

(to be named)

**CSG ERC Legislative Steering Committee**

Senator Jane A. Amero, Co-Chair  
Representative Carol A. Kontos, Co-Chair

Senator I. Joel Abromson  
Senator John W. Benoit  
Senator Jill M. Goldthwait  
Senator Philip E. Harriman  
Senator Judy A. Paradis  
Senator Anne M. Rand

Representative Gerald N. Bouffard  
Representative Robert A. Cameron  
Representative Joseph G. Carleton, Jr.  
Representative Thomas M. Davidson  
Representative Jean Ginn Marvin  
Representative Elizabeth H. Mitchell  
Representative G. Steven Rowe

Muriel Mosher, Special Assistant, Senate Republican Office  
Patricia Eltman, Chief of Staff, Speaker's Office  
Sally Tubbesing, Executive Director of the Legislative Council

**Member at Large:** Vivian St. Onge

**DIRECTOR, LEGISLATIVE INFORMATION SERVICES**

**SEARCH COMMITTEE**

**January, 1997**

**Chair:** Senator Mark W. Lawrence\*

Senator Chellie Pingree  
Senator Jane A. Amero  
Representative Elizabeth H. Mitchell  
Representative Carol A. Kontos  
Representative Joe Carleton, Jr.\*

Joy O'Brien, Secretary of the Senate\*  
Joe Mayo, Clerk of the House\*  
Sally Tubbesing, Executive Director of the Legislative Council\*  
David Boulter, Director, Office of Policy and Legal Analysis  
Polly Gosselin, Legislative Information Services\*  
Margaret E. Matheson, Revisor of Statutes  
Lynn E. Randall, State Law Librarian  
Gerry Thibault, Manager, Information Systems  
John Wakefield, Director, Office of Fiscal and Program Review\*

\*Appointee will also serve on the Subcommittee that will conduct formal interviews with the finalists selected by the full Committee.



LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
January 16, 1997

		Action
SPONSOR:	Sen. Bennett, Richard A.	ACCEPTED
LR 2322	An Act to Amend the Real Estate Brokerage Act	
SPONSOR:	Rep. Bolduc, Brian	ACCEPTED
LR 2368	An Act to Require that All State-owned Flag Poles Fly the Prisoner of War Flag	
SPONSOR:	Rep. Bolduc, Brian	FAILED
LR 2369	An Act to Decrease the Width of a Right-of-way Required to Build on a Parcel of Land Lacking Road Frontage	
SPONSOR:	Sen. Butland, Jeffrey H.	ACCEPTED
LR 2327	An Act to Establish Minimum Safety Requirements for Ash Recycling Facilities	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2340	An Act to Promote Fiscal Accountability in State Contracts	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2341	Resolve, to Require the Maine State Housing Association to Review Safety Standards in Public Housing	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2342	An Act to Democratize the Board of Trustees of the University of Maine System	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2343	An Act to Promote the Health of Maine's Children	

		Action
SPONSOR:	Sen. Daggett, Beverly C.	WITHDRAWN
LR 2344	An Act to Prevent Insurance Prejudice Against Those Who have Genetic Testing	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2345	An Act to Permit the Creation of Cooperative Municipal Fire Districts	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2346	An Act to Clarify the Appeal Period and Process after the Service of a Writ of Possession	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2347	An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2348	An Act to Promote Access to Health Care	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2371	An Act to Assist At Risk Students and Strengthen Their Families	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2372	An Act to Expand Retirement System Options	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2373	An Act to Encourage the Payment of Delinquent Taxes	
SPONSOR:	Sen. Daggett, Beverly C.	FAILED
LR 2374	An Act to Prohibit the Sale of Disposable Diapers	

		Action
<b>SPONSOR:</b>	<b>Sen. Jenkins, John T.</b>	<b>ACCEPTED</b>
LR 2323	An Act to Authorize a Bond Issue to Assist Individuals with Disabilities and to Assist Small Businesses in Improving Accessibility	
<b>SPONSOR:</b>	<b>Sen. Jenkins, John T.</b>	<b>ACCEPTED</b>
LR 2325	An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program	
<b>SPONSOR:</b>	<b>Sen. Kilkelly, Marjorie L.</b>	<b>ACCEPTED</b>
LR 2351	An Act to Create a Centralized Listing of Municipal Ordinances that Apply to Forest Practices	
<b>SPONSOR:</b>	<b>Rep. Lemont, Kenneth F.</b>	<b>ACCEPTED</b>
LR 2355	An Act Concerning Fuel Taxes for Carriers Operating as School Buses	
<b>SPONSOR:</b>	<b>Rep. Mitchell, Elizabeth H.</b>	<b>ACCEPTED</b>
LR 2326	An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds	
<b>SPONSOR:</b>	<b>Rep. Mitchell, Elizabeth H.</b>	<b>ACCEPTED</b>
LR 2360	An Act to Authorize a General Fund Bond Issue to Make Necessary Improvements to the State House	
<b>SPONSOR:</b>	<b>Rep. Mitchell, J. Elizabeth</b>	<b>WITHDRAWN</b>
LR 2317	An Act to Amend the Pesticide Control Act of 1975	
<b>SPONSOR:</b>	<b>Rep. Muse, Christopher T.</b>	<b>ACCEPTED</b>
LR 2353	An Act to Transfer All Training and Certification of Police and Correctional Personnel from the Maine Criminal Justice Academy to the State's Vocational Colleges	
<b>SPONSOR:</b>	<b>Sen. Paradis, Judy</b>	<b>ACCEPTED</b>
LR 2370	An Act Regarding the Regulation of Livestock Raised for Commercial Purposes in the Unorganized Territory	

Accepted

SPONSOR: Sen. Pendleton, Peggy A.

ACCEPTED

LR 2324 An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education

SPONSOR: Rep. Underwood, John H.

ACCEPTED

LR 2376 An Act to Require the Department of Inland Fisheries and Wildlife to File Monthly Revenue Reports

#### JOINT RESOLUTIONS

SPONSOR: Rep. Belanger, Duane J.

ACCEPTED

LR 1459 JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF THE GOVERNOR'S CABINET TO VISIT EACH COUNTY IN THIS STATE AT LEAST ONCE A YEAR

SPONSOR: Sen. Bennett, Richard A.

WITHDRAWN

LR 2190 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENACT A BALANCED BUDGET AMENDMENT

SPONSOR: Rep. Davidson, Thomas M.

ACCEPTED

LR 1977 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO URGE FOR A BAN ON THE USE OF ANTIPERSONNEL LANDMINES WORLDWIDE

SPONSOR: Rep. Vigue, Marc J.

ACCEPTED

LR 1475 JOINT RESOLUTION REQUESTING THAT THE BALANCED BUDGET AMENDMENT TO THE UNITED STATES CONSTITUTION BE SUBMITTED TO THE STATES FOR RATIFICATION

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Donnelly, James O.	TABLED 01/16/97
LR 1393	JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS A CONSTITUTIONAL AMENDMENT PROTECTING THE UNITED STATES FLAG	
SPONSOR:	Rep. Donnelly, James O.	TABLED 01/16/97
LR 2319	JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONSIDER PREVAILING WINDS CAUSING POLLUTION FROM OTHER AREAS IN PRIORITIZING ENVIRONMENTAL STANDARD REQUIREMENTS	
SPONSOR:	Rep. Donnelly, James O.	TABLED 01/16/97
LR 2320	JOINT RESOLUTION MEMORIALIZING CONGRESS CONCERNING FLAG DESECRATION	
SPONSOR:	Sen. Ruhlin, Richard P.	TABLED 01/16/97
LR 2318	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES POSTAL SERVICE AND MAINE'S CONGRESSIONAL DELEGATION TO RETAIN AND PRESERVE THE HISTORIC POST OFFICE IN CASTINE, MAINE	
SPONSOR:	Rep. Winsor, Tom J.	TABLED 01/16/97
LR 2191	JOINT RESOLUTION MEMORIALIZING CONGRESS TO ADOPT A BALANCED BUDGET OR CALL A CONSTITUTIONAL CONVENTION IF PASSAGE FAILS	