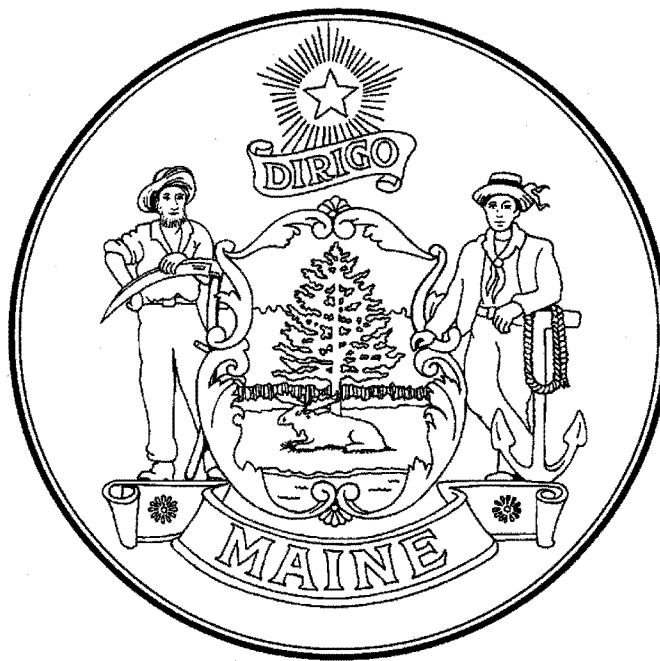


MAINE STATE LEGISLATURE

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118TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY

October 27, 1997

Approved November 20, 1997

CALL TO ORDER

The Chair, Speaker Mitchell, called the Legislative Council to order at 11:14 a.m. in the Council Chambers.

ROLL CALL

Senators:	President Lawrence, Sen. Amero, Sen. Rand, Sen. Kieffer Absent: Sen. Pingree
Representatives:	Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl, Rep. Campbell
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House Millicent MacFarland, Assistant Clerk of the House Rose Marie Breton, Assistant for Administrative Services, Office of the Executive Director of the Legislative Council

NEW BUSINESS

The Chair, Speaker Mitchell, proceeded directly to **NEW BUSINESS**, Item #6.

Item #6: Consideration of Requests to Introduce Legislation to the Second Regular Session.

Speaker Mitchell first thanked Margaret Matheson, David Boulter and John Wakefield and their staffs for their work in compiling the information in the Notebooks. She reported that legislators had filed 569 bill requests, compared to 456 two years ago. She reminded Council members that the workload for the Second Regular Session already includes 170 carryover bills, 70 bills that have been filed by departments and independent agencies, and the potential for more than 30 bills from the interim studies that are currently underway.

At the Chair's suggestion, Council members discussed ways to consolidate some of the bill requests, and two options were considered:

Motion: That all of the bill requests that emerged from the work of the informal "Housecleaners" study be consolidated into a single bill. (Motion by Sen. President Lawrence; second by Sen. Rand; approved).

Motion: That all of the "housekeeping" bill requests be defeated. (Motion by Sen. Amero; second by Rep. Campbell; motion failed 5-2).

The Chair, Speaker Mitchell, then asked Ms. Matheson to briefly review the information contained in the notebooks to facilitate members' use of it, and she closed her remarks by reminding those present that a bill requires **6 affirmative votes** to be accepted.

A summary of the Council's action on bill requests was distributed to individual sponsors following the meeting. The information is available on the Legislature's Website; and paper copies may be obtained from the Legislative Information Office.

The Chair, Speaker Mitchell, then returned to the **Agenda**. Lacking a quorum at this point, those members present informally discussed several items on the agenda. A brief summary of the discussion of those items taken up follows. The Council took no formal action on any of these items.

EXECUTIVE DIRECTOR'S REPORT

Item #2: Interim Study Commissions: Status Report

The status report revealed that several commissions have not yet convened. Some of those that have begun work have already explored requesting extensions of their reporting deadlines, and discussion focused on **a)** the staffing issues this creates (since OPLA staff will need to turn their attention to joint standing committees by mid-December) and **b)** the fact that the "short session" does not offer much leeway for extensions.

The Chair, Speaker Mitchell indicated that she would set up a Subcommittee of the Council to look at current policies and practices related to establishing interim studies.

REPORTS FROM COUNCIL COMMITTEES

Committee on Legislative Information Technology

Rep. Carleton, Committee Co-Chair, had had to leave by the time the Council took up this item. Paul Mayotte, Director, Legislative Information Services, reviewed with Council members the report that the Committee had prepared with recommendations for equipping committee hearing rooms and offices

with 486 PC's before the start of the Second Regular Session. Rep. Campbell asked whether the printers that would be installed could include a fax capability. The Chair, Speaker Mitchell, stated that it is essential that the needs of the Legislature's committees be addressed.

OLD BUSINESS

Item #1: Executive Orders

Sally Tubbesing drew members' attention to the memo which Dave Boulter and his staff had prepared in response to the Council's request at its September meeting. Council members agreed that they all want to have copies of Executive Orders as they are issued and Rep. Kontos asked that staff develop a process for analyzing them to identify any policy issues of interest to the Council.

NEW BUSINESS

Item #1: Request to Extend November 4th Deadline for Filing Information for Members of China Delegation

Council members agreed to deal with these requests on a case-by-case basis.

Item #2: Oblate House Feasibility Study (at request of Speaker Mitchell)

The Chair, Speaker Mitchell, stated that the State must make a decision about whether it will accept the gift of the Oblate House by Friday, October 31, and noted that a group had been working to explore all the options for use of this facility which had originally been the private residence of the Hill family. She recognized Charles Jacobs, Deputy Commissioner of Financial and Administrative Services, who reported that he had worked with a small group to draft a historical preservation easement to ensure the original house would be protected regardless of its ownership. Mr. Jacobs also stated that, based on preliminary study, it would require an estimated \$2.5 million outlay to make the building suitable for public use (compliance with life safety and ADA requirements; parking; etc.) Christine Burke, representing the Augusta Board of Trade, and representatives from the firm of Bunker & Savage were also in attendance, and participated in a discussion of the potential use of space in the building; estimated revenues to be derived from renting out both conference and office space; and the assumptions that had been used to develop these estimates.

Speaker Mitchell indicated that the Governor did not want to accept the gift without the support of the Legislative Council, and stated that the Council and the Governor have an extraordinary opportunity to be "visionary" and acquire a facility that would provide a unique public space and that could meet some of the State's priority functional requirements. Mr. Jacobs responded that, despite its architectural significance, the highest priority is to concentrate existing resources on renovating the State Office Building and, ultimately, some of the buildings on the AMHI Campus. He noted that the State's record for maintaining buildings, particularly preserving historical buildings, is not strong.

The discussion concluded with those members present agreeing to pursue the discussion with the Governor.

ADJOURNMENT

The Council was adjourned at 4:50 p.m.

October 20, 1997

TO: Members of the 118th Legislature

FROM: Elizabeth H. Mitchell, Chair
Mark W. Lawrence, Vice-Chair

SUBJECT: Legislative Council Review of Bill Requests for the Second Regular Session

As you know, the Legislative Council screens legislators' bill requests for the Second Regular Session pursuant to our Joint Rules. 580 legislator bills by the October 6 cloture date; and the Council will meet next Monday, October 27, to consider each of these bills. The screening process was designed to provide a mechanism for limiting the workload in the Second Regular Session. Lists of bills titles will be available in the offices of all Council members, as well as the Legislative Information Office, the Offices of the Secretary and Clerk and all of the staff offices.

Joint Rule 203 provides that each bill or resolve proposed for introduction have a roll call vote. Because of the time involved in this process, we have agreed to follow tradition and will **not** permit sponsors to present -- or defend -- their bill requests at the screening meeting next Monday. A complete list of bills, including the Council's action of this meeting will be mailed out to all members later that week, along with information about the procedure for filing appeals. In the event that you wish to appeal a bill request that the Council initially rejected, you are authorized to attend the "Appeals Meeting" in November; and we will reimburse your mileage.

We hope this information is useful to you and would be happy to answer your questions.

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Sen. Amero LR 2812
of Cumberland ACCEPTED ON: 10/27/97
An Act to Simplify the Process of Transferring Business
Ownership under the Terms of a Divorce Settlement

SPONSOR: Rep. Baker LR 2875
of Bangor ACCEPTED ON: 10/27/97
An Act to Establish the Endowment Incentive Program

SPONSOR: Rep. Barth, Jr. LR 2873
of Bethel ACCEPTED ON: 10/27/97
An Act Regarding the Delayed Reregistration of Certain
Trucks

SPONSOR: Rep. Belanger LR 3080
of Wallagrass ACCEPTED ON: 10/27/97
An Act to Amend the Laws Regarding Sexual Offenders

SPONSOR: Rep. Belanger LR 3280
of Wallagrass ACCEPTED ON: 10/27/97
An Act to Create an Enterprise Zone in Aroostook County

SPONSOR: Rep. Berry, Sr. LR 3059
of Belmont ACCEPTED ON: 10/27/97
An Act to Repeal Certain Changes Made to State Employee
and Teacher Retirement Benefits

SPONSOR: Rep. Bisulca LR 2541
of Penobscot Nation ACCEPTED ON: 06/16/97
An Act to Amend the Act to Implement the Maine Indian
Claims Settlement

SPONSOR: Rep. Bragdon LR 3191
of Bangor ACCEPTED ON: 10/27/97
An Act to Encourage Open Adoption for Children in Department
of Human Services Custody

SPONSOR: Rep. Bragdon LR 3194
of Bangor ACCEPTED ON: 10/27/97
An Act to Allow Public Housing Projects to Use the Most
Cost-effective Heating Fuel or Source

SPONSOR: Rep. Brennan LR 2627
of Portland ACCEPTED ON: 10/27/97
An Act to Promote Access to Public Higher Education

SPONSOR: Rep. Brennan LR 2632
of Portland ACCEPTED ON: 10/27/97
An Act to Provide Property Tax Relief and to Ensure
Equitable School Funding

ACCEPTED BILLS

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Rep. Bunker, Jr. LR 2679
of Kossuth Township ACCEPTED ON: 10/27/97
JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENFORCE NAFTA
PROVISIONS DEALING WITH MAINE AND NEW BRUNSWICK

SPONSOR: Sen. Butland LR 2728
of Cumberland ACCEPTED ON: 10/27/97
An Act to Appropriate Funds for the Year 2000 Project

SPONSOR: Sen. Butland LR 3219
of Cumberland ACCEPTED ON: 10/27/97
An Act to Clarify the Law Requiring the Appointment of the
Pineland Development Authority

SPONSOR: Rep. Cameron LR 2929
of Rumford ACCEPTED ON: 10/27/97
An Act to Require a Tax Identification Number for Sales Tax
Exemptions on Hay and Animal Bedding

SPONSOR: Rep. Campbell LR 3239
of Holden ACCEPTED ON: 10/27/97
An Act to Promote Competitiveness Regarding the Sale of
Recreational Vehicles by Allowing Better Discounts

SPONSOR: Sen. Carey LR 3173
of Kennebec ACCEPTED ON: 10/27/97
An Act Clarifying the Public Service Corporation Exception

SPONSOR: Sen. Cathcart LR 2865
of Penobscot ACCEPTED ON: 10/27/97
An Act to Extend the Prevailing Wage Laws to the Maine
Turnpike Authority

SPONSOR: Sen. Cathcart LR 3111
of Penobscot ACCEPTED ON: 10/27/97
An Act to Restore the Normal Retirement Age for State
Employees and Teachers

SPONSOR: Rep. Chick LR 2675
of Lebanon ACCEPTED ON: 10/27/97
An Act to Allow the York County Commissioners to Send Out
Tax Bills to Towns Twice a Year

SPONSOR: Rep. Cianchette LR 2808
of South Portland ACCEPTED ON: 10/27/97
An Act to Amend the Law Governing the Filing of Municipal
Campaign Reports

SPONSOR: Sen. Cleveland LR 2909
of Androscoggin ACCEPTED ON: 10/27/97
An Act to Continue Work-based Learning for Maine's Youth

ACCEPTED BILLS

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Sen. Cleveland LR 3066
of Androscoggin ACCEPTED ON: 10/27/97
An Act to Assist People with Housing Needs

SPONSOR: Sen. Cleveland LR 3216
of Androscoggin ACCEPTED ON: 10/27/97
An Act to Establish the Maine Renewable Energy Investment
and Economic Development Fund

SPONSOR: Rep. Colwell LR 2910
of Gardiner ACCEPTED ON: 10/27/97
An Act Regarding the Energy Testing Laboratory of Maine

SPONSOR: Sen. Daggett LR 2804
of Kennebec ACCEPTED ON: 10/27/97
An Act to Foster Economic Development and Tourism in Maine

SPONSOR: Sen. Daggett LR 3001
of Kennebec ACCEPTED ON: 10/27/97
An Act to Update the Guide Dog Access Law

SPONSOR: Rep. Driscoll LR 3212
of Calais ACCEPTED ON: 10/27/97
An Act to Amend Road Signs along I-95 and the Maine Turnpike
to Indicate the Location of Full-service Gas Stations by
Using the Handicap Accessibility Symbol

SPONSOR: Rep. Dutremble LR 2849
of Biddeford ACCEPTED ON: 10/27/97
An Act to Amend the Laws Governing Secession

SPONSOR: Rep. Farnsworth LR 2798
of Portland ACCEPTED ON: 10/27/97
An Act to Grant the Legislature Additional Oversight of
Medicaid Funds Used by the Department of Human Services for
Educational Services

SPONSOR: Sen. Ferguson, Jr. LR 2859
of Oxford ACCEPTED ON: 10/27/97
An Act Regarding Short-rotation Tree Fiber Farming and
Genetically Engineered Trees

SPONSOR: Rep. Green LR 3063
of Monmouth ACCEPTED ON: 10/27/97
An Act to Equalize and Clarify the Tax on Hard Cider

SPONSOR: Rep. Green LR 3238
of Monmouth ACCEPTED ON: 10/27/97
An Act to Ensure Long-term Funding of Agricultural Research
Stations Connected with Land Grant Colleges

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Sen. Harriman LR 2668
of Cumberland ACCEPTED ON: 10/27/97
An Act to Prohibit the Taxing of Retirees' Pensions

SPONSOR: Sen. Harriman LR 2756
of Cumberland ACCEPTED ON: 10/27/97
An Act to Ensure the Safety of Maine Children with Mental
Health Problems

SPONSOR: Rep. Hatch LR 3225
of Skowhegan ACCEPTED ON: 10/27/97
An Act to Allocate Funds for the Maine Apprenticeship
Program

SPONSOR: Rep. Jabar, Sr. LR 2968
of Waterville ACCEPTED ON: 10/27/97
An Act to Amend the Definition of Design Professionals

SPONSOR: Rep. Jones LR 2817
of Greenville ACCEPTED ON: 10/27/97
An Act to Amend the Charter of the Guilford-Sangerville
Water District to Increase the Bond Authorization

SPONSOR: Rep. Kerr LR 2937
of Old Orchard Beach ACCEPTED ON: 10/27/97
An Act to Enhance Home-based Services for Maine's Elderly

SPONSOR: Sen. Kieffer LR 3211
of Aroostook ACCEPTED ON: 10/27/97
An Act to Permit the Consideration of Any Location in the
State for the Location of the New Criminal Justice Academy

SPONSOR: Rep. Kneeland LR 2698
of Easton ACCEPTED ON: 10/27/97
An Act to Correct and Supplement Funding for the Maine
School of Science and Mathematics

SPONSOR: Rep. Kontos LR 2856
of Windham ACCEPTED ON: 10/27/97
An Act to Protect Children from Sexual Predators

SPONSOR: Rep. Kontos LR 3090
of Windham ACCEPTED ON: 10/27/97
An Act to Facilitate Local Distribution of Natural Gas

SPONSOR: Rep. Kontos LR 3157
of Windham ACCEPTED ON: 10/27/97
An Act to Continue the Membership of the Maine Legislature
in the Council of State Governments

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Rep. Kontos LR 3181
of Windham ACCEPTED ON: 10/27/97
An Act Relative to the Jurisdiction of the Public Utilities
Commission over Nonutility Attachments to a Public Utility
Plant

SPONSOR: Rep. Kontos LR 3184
of Windham ACCEPTED ON: 10/27/97
An Act to Ensure the Transferability of the Generating
Assets of Electric Utilities

SPONSOR: Rep. Kontos LR 3243
of Windham ACCEPTED ON: 10/27/97
An Act to Amend the Laws Concerning Access to Capital for
Maine Businesses

SPONSOR: Sen. LaFountain III LR 3262
of York ACCEPTED ON: 10/27/97
An Act Relating to Reciprocal and Captive Insurance
Companies

SPONSOR: Rep. LaVerdiere LR 2735
of Wilton ACCEPTED ON: 10/27/97
An Act to Preserve Certain Electric Utility Billing
Arrangements Until Competition is Implemented

SPONSOR: Sen. Lawrence LR 2902
of York ACCEPTED ON: 10/27/97
An Act to Permit Off-label Use of Prescription Drugs for
Cancer, HIV or AIDS

SPONSOR: Sen. Lawrence LR 2904
of York ACCEPTED ON: 10/27/97
An Act to Prevent Employment Discrimination Due to Medical
History

SPONSOR: Sen. Lawrence LR 2905
of York ACCEPTED ON: 10/27/97
An Act to Improve the Efficiency of Maine's Public Drinking
Water Control Program

SPONSOR: Sen. Lawrence LR 2907
of York ACCEPTED ON: 10/27/97
An Act to Establish Ethical Standards for the Office of
Governor

SPONSOR: Sen. Lawrence LR 2981
of York ACCEPTED ON: 10/27/97
An Act to Dedicate Certain Income from Fines to Land
Acquisition

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Sen. Longley LR 3251
of Waldo ACCEPTED ON: 10/27/97
An Act to Create Incentives for Employers to Contribute
toward the Cost of Comprehensive Health Insurance for
Families

SPONSOR: Sen. MacKinnon LR 2723
of York ACCEPTED ON: 10/27/97
An Act to Amend the Sanford Water District

SPONSOR: Rep. McAlevey LR 2647
of Waterboro ACCEPTED ON: 10/27/97
An Act to Enhance the Bail Requirements for Persons Charged
with Murder

SPONSOR: Rep. McElroy LR 2838
of Unity ACCEPTED ON: 10/27/97
An Act Regarding the State Subsidy for Kindergarten Programs

SPONSOR: Rep. McKee LR 2805
of Wayne ACCEPTED ON: 10/27/97
An Act to Amend the Charter of the State Young Men's
Christian Association of Maine

SPONSOR: Sen. Michaud LR 2974
of Penobscot ACCEPTED ON: 10/27/97
An Act to Amend the Laws Regarding Tax Exemptions for
Pollution Control Equipment

SPONSOR: Rep. Mitchell LR 2803
of Vassalboro ACCEPTED ON: 10/27/97
An Act to Transfer Spectacle Pond from the State of Maine to
the Town of Vassalboro

SPONSOR: Rep. Mitchell LR 2930
of Vassalboro ACCEPTED ON: 10/27/97
An Act to Allow Maine Technical College System Employees to
Participate in Teacher's Insurance and Annuity
Association-College Retirement Equity Fund

SPONSOR: Rep. Mitchell LR 2786
of Portland ACCEPTED ON: 10/27/97
An Act to Minimize State Revenue Loss to Ineffective Health
Coverage

SPONSOR: Rep. Mitchell LR 2872
of Portland ACCEPTED ON: 10/27/97
An Act to Support the Long-term Care Steering Committee

SPONSOR: Rep. Mitchell LR 3009
of Portland ACCEPTED ON: 10/27/97
An Act to Address the Crisis in Access in Dental Care for
Low-income Children

ACCEPTED BILLS

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Rep. Murphy, Jr. LR 2789
of Kennebunk ACCEPTED ON: 10/27/97
An Act to Amend the Charter of the Kennebunk Light and Power District

SPONSOR: Sen. Murray, Jr. LR 2654
of Penobscot ACCEPTED ON: 10/27/97
An Act to Make Corrections to the Laws Governing the Maine Bail Code

SPONSOR: Rep. Muse LR 2914
of South Portland ACCEPTED ON: 10/27/97
An Act to Approve a Maine Technical College System Lease with the South Portland Housing Authority

SPONSOR: Sen. Nutting LR 3172
of Androscoggin ACCEPTED ON: 10/27/97
An Act to Ensure That Temporary Structure Property Is Subject to Taxation

SPONSOR: Rep. O'Neal LR 3137
of Limestone ACCEPTED ON: 10/27/97
An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers

SPONSOR: Rep. O'Neal LR 3138
of Limestone ACCEPTED ON: 10/27/97
An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics

SPONSOR: Rep. Ott LR 2935
of York ACCEPTED ON: 10/27/97
An Act to Delay the Implementation of Performance-based Budgeting for State Government

SPONSOR: Sen. Paradis LR 3275
of Aroostook ACCEPTED ON: 10/27/97
An Act Concerning Highway Construction in Aroostook County

SPONSOR: Sen. Pingree LR 2773
of Knox ACCEPTED ON: 10/27/97
An Act to Encourage Accountability and Return on Investment for Maine Taxpayers with Economic Development Initiatives

SPONSOR: Sen. Rand LR 3068
of Cumberland ACCEPTED ON: 10/27/97
An Act to Improve Traffic Safety

118TH LEGISLATURE - SECOND REGULAR SESSION

SPONSOR: Rep. Saxl LR 2961
of Bangor ACCEPTED ON: 10/27/97
An Act to Restructure the Penobscot Energy Recovery Company
Power Purchase Agreement

SPONSOR: Rep. Saxl LR 2744
of Portland ACCEPTED ON: 10/27/97
An Act to Create a Maritime Empowerment Zone

SPONSOR: Rep. Sirois LR 2895
of Caribou ACCEPTED ON: 10/27/97
An Act to Construct a Full Service Rest Area on Interstate
95 30 Miles North of the Medway Rest Area

SPONSOR: Sen. Small LR 3151
of Sagadahoc ACCEPTED ON: 10/27/97
An Act to Ensure Indoor Environmental Quality Assessments
for Public Schools

SPONSOR: Rep. Snowe-Mello LR 2953
of Poland ACCEPTED ON: 10/27/97
An Act to Encourage Private Schools to Provide Flexible and
Diverse Counseling and Residential Services

SPONSOR: Rep. Stevens LR 2959
of Orono ACCEPTED ON: 10/27/97
An Act to Make Voting Places Accessible to Handicapped
People

SPONSOR: Rep. Watson LR 2922
of Farmingdale ACCEPTED ON: 10/27/97
An Act to Appropriate Funding for the Maine Arts Commission
to Implement the Learning Results

--- End of Report ---

82 October 30, 1997

1:07 PM

November 12, 1997

TO: All Legislators Who Have Filed Appeals on Bill Requests

FROM: Elizabeth H. Mitchell, Chair
Mark W. Lawrence, Vice-Chair

SUBJECT: Legislative Council Meeting to Consider Appeals

The Legislative Council will meet next Thursday, November 20, beginning at 2:30 p.m., to consider the appeals that have been filed with the Revisor's Office. We wanted to share with you information about how we have organized this meeting so that you can plan accordingly.

Each member of the Council will have received copies of all of the appeal letters that were filed and had an opportunity to review them prior to next week's meeting. Following the Council's past practice, we will give legislators who are present the opportunity to speak briefly on behalf of their bills; however, we would stress that it is not necessary for you to be present in order for your request to be considered. We will be taking up the appeals in reverse alphabetical order; however, we will try to accommodate those legislators who have long distances to travel by taking them out of order if they are present.

In order to get through the 211 appeals that have been filed, we will ask you to limit your remarks on each request that you have appealed to 3 minutes. Your remarks should focus on the emergency nature of your proposed legislation. Council members may have questions following your remarks.

We hope this information will assist you in planning your schedule, and encourage you to call either of us or other members of the Council if you have questions about the appeal process.

cc: Members of the Legislative Council