# MAINE STATE LEGISLATURE

The following document is provided by the

**LAW AND LEGISLATIVE DIGITAL LIBRARY**

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib

Reproduced from scanned originals with text recognition applied

(searchable text may contain some errors and/or omissions)

REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR

118th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

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

# MEETING SUMMARY

**JANUARY 21, 1998**

**Approved February 23, 1998**

## CALL TO ORDER

The Chair, Speaker Mitchell, called the Legislative Council to order at 10:25 a.m., in the Taxation Committee Hearing Room, State House.

## ROLL CALL

| | |
|---|---|
| Senators: | President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Kieffer |
| Representatives: | Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl<br>Absent: Rep. Campbell |
| Legislative Officers: | John Wakefield, Director, Office of Fiscal and Program Review<br>David Boulter, Director, Office of Policy and Legal Analysis<br>Margaret Matheson, Revisor of Statutes<br>Lynn Randall, State Law Librarian<br>Joy O'Brien, Secretary of the Senate<br>Joseph Mayo, Clerk of the House<br>Sally Tubbesing, Executive Director, Legislative Council |

## SUMMARY OF DECEMBER 18, 1997, COUNCIL MEETING

**Motion**: That the Meeting Summary be approved and placed on file. (Motion by Rep. Saxl; second by Sen. Rand, unanimous).

The Council proceeded to **New Business,** out of order, in deference to those sponsors who were present.

## NEW BUSINESS

### Item #1: 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.

Upon concluding the list of requests, the Chair, Speaker Mitchell, stated that she had learned late the previous day of an opportunity regarding potential acquisitions for the Maine State Museum. She recognized Joseph R. Phillips, Director of the Museum, and Earle Shettleworth, Executive Director of the Maine Historic Preservation Commission, and invited them to make a brief presentation to the Council. Mr. Shettleworth passed around a color photo of a watercolor depicting the original State House in Portland, noting that it is the only known view of Maine's first seat of government. He stated that this watercolor was part of a collection of more than 700 items that a local Hallowell family -- well known antique collectors -- had decided to sell at auction.

Mr. Phillips reported that his staff had gone through the catalogue that the auctioneer had published and identified 24 items that would fill in key gaps in the Museum's collection -- items that are significant historic "documents". His staff had tried to estimate the price that each item would command and concluded that they needed to raise $162,000 to cover the total amount. He noted that the Museum had turned first to individuals who had assisted the Museum with purchases in the past, but that these same sources had supported three major acquisitions in the past year, and appeared to be temporarily "tapped out."

The Chair, Speaker Mitchell, stated that this was an extraordinary request, but that it was also an extraordinary collection, and she reminded Council members that if they approved a bill for introduction to fund these purchases, it would require final action by the Legislature at its next session the following Monday since the auction was two days later. She opened the floor for discussion. Council members' questions and comments focused on the following

- How does the State usually acquire art and/or artifacts? (Rep. Saxl)

  Mr. Phillips: 90% of the Museum's acquisitions come as direct donations from the owner. The Museum has $10,000 in its General Fund budget for this purpose, but these funds have already been spent in the current fiscal year.

- Has the Museum explored other funding sources?

  - Governor's Contingency Fund? (Speaker Mitchell)

    Mr. Phillips: The Governor has indicated he would support legislation, but that his Contingency Fund does not have the funds available to cover this purchase.

  - Outdoor Heritage Trust Fund? (Sen. Kieffer)

Mr. Phillips: This Fund has never been suggested before. He added that he and his staff would continue to explore private funding sources.

The Chair, Speaker Mitchell, noted that the Museum is in the process of establishing an Endowment Fund, which would provide a resource in the future for this kind of opportunity. Mr. Phillips stated that the Museum has come to the Legislature for General Fund support for specific acquisitions only twice in the past - once to purchase the well known painting of the State House by Charles Codman and, again, in 1972, to purchase items from the Shaker collection at Sabbathday Lake.

- How does the Museum know the market value of individual items? What if the bids exceed the Museum's estimates? (Sen. President Lawrence)

  Mr. Phillips: The Museum's curatornial staff are very knowledgeable about market prices, and their estimates are conservative. Because it is at auctions of this nature that the market value of items gets reset, he and his staff have developed a priority list to ensure that the available funds would be used on the highest priority items.

- Why the notice for such a significant auction was so limited (Sen. Kieffer)

  Mr. Shettleworth: Although his staff and Museum staff knew the auction was coming up, the catalogue, which was published only two weeks ago, provided the first information about the specific items that would be auctioned. The ice storm delayed "mobilization" efforts as well.

**Motion:** That the Council approve for introduction a bill with the following title: **Resolve, to Authorize the Maine State Museum to Purchase Historic Maine Artifacts** (Motion by Sen. President Lawrence; second by Rep. Kontos; unanimous).

**Item #1: Submission of Study Reports**

- Commission to Determine the Adequacy of Services to Persons with Mental Retardation (Resolves of 1997, Chapter 79)

- Select Committee to Study the Health Effects of Reformulated Gasoline (Established by Presiding Officers)

- Task Force to Review the Applied Technology Centers and Applied Technology Regions (Resolves of 1997, Chapter 74)

- Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits (Resolves of 1997, Chapter 63)

**Motion:** That these study reports be accepted and placed on file. (Motion by Senate President Lawrence; second by Rep. Donnelly; unanimous).

- Blue Ribbon Commission to Study the Effects of Government Costs on Small Businesses in Maine

The Council had received a memorandum from Representative Arthur F. Mayo, III, who chairs this Commission. Rep. Mayo reported that the Commission had had to postpone its final meeting as a result of the ice storm and required additional time beyond the deadline previously approved by the Council.

**Motion:** That the Blue Ribbon Commission be granted an extension of its reporting deadline until Friday, January 23. (Motion by Sen. President Lawrence; second by Rep. Donnelly; unanimous).

**Item #2: Requests to Extend Reporting Deadlines**

The Chair, Speaker Mitchell, noted that most of the requests that the Council was about to discuss were attributable to the ice storm. She stressed that it was important for Council members to keep in mind that granting extensions beyond the week ending January 30 would divert OPLA staff from their work for the joint standing committees.

- Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities

  The memorandum from the Commission Chair, Senator Treat proposed that the Commission continue to meet until February 6 and then resume following adjournment s**ine die** to complete the Commission's work by September 30, 1998.

  **Motion:** That the Commission be authorized to have one additional meeting on January 26, 1998 and that it be requested to submit its final report to the Legislative Council following that meeting. (Motion by Senate President Lawrence; second by Speaker Mitchell; unanimous).

- Task Force on Improving Access to Prescription Drugs for the Elderly

  The letter from Senator Pingree, who chairs the Task Force, requested an extension until February 13. In response to a question from the Chair, Speaker Mitchell, David Boulter indicated that a draft final report had been completed and he thought the Task Force could complete its work with a day's worth of meeting.

  **Motion:** That the extension be approved as requested. (Motion by Senate President Lawrence; second by Sen. Pingree; unanimous).

- Commission to Study the Use of Pharmaceuticals in Long-Term Care Settings

  A letter from Michael J. Fiori, Commission Chair, requested authorization either to continue work following completion of the Second Regular Session, or to schedule one final meeting and conclude the Commission's work.

  **Motion:** That the Commission be authorized to have one final meeting for the purpose of completing a report and to submit a final report by January 23, 1998. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

- Commission to Study the Unemployment Compensation System

  A letter from the Commission Chair, Senator Treat, requested that the Commission be granted an additional extension to February 15. In discussion, Senate President Lawrence noted that the issues that the Commission had been charged with addressing were significant and that Maine faces a shortfall in the Unemployment Compensation Fund in 2003. Senator Rand added that these issues are not new and that the Joint Standing Committee on Labor had been dealing with them for several years.

  The Chair, Speaker Mitchell, turned to David Boulter, who indicated that a final report had not yet been drafted and that substantial work remained. He further stated that the unemployment issue was before the Labor Committee this session.

  **Motion:** That the Commission be authorized to hold its scheduled meeting on January 27, and issue a final report at that time, and, further, that it be directed to transmit its work papers to the Labor Committee, with the understanding that any additional work that was necessary on this policy issue would be carried out by the Labor Committee. (Motion by Senate President Lawrence; second by Sen. Pingree; unanimous).

- Task Force to Study the Feasibility of Creating a Maine Mobility Fund

  The letter from Alan B. Stearns, Task Force Chair, requested an extension of the reporting deadline from January 1 to October 15, 1998, with suspension of all activity until after adjournment of the Second Regular session. The Chair, Speaker Mitchell, recognized Mr. Stearns, and asked him whether the Legislature's Transportation Committee had a position on the request to delay reporting until the 119th Legislature. Mr. Stearns indicated that he was not aware of the Committee's position, but reminded Council members that this Committee's original recommendation to create the study had been a divided report, and speculated that Committee members would still be divided. Senate President Lawrence pointed out that the extension would not require legislation, and offered the following motion:

  **Motion:** That the extension be denied. (Motion by Sen. President Lawrence; second by Sen. Amero; unanimous).

Mr. Boulter stated that there were additional study commissions staffed by his office that had not requested extensions even though their reporting deadlines had passed, and that clarification from the Council regarding how to proceed would be helpful. The Council took action as follows.

- **Joint Select Committee on Research and Development: Motion:** That an extension be approved to permit the Committee to finalize technical issues and issue its final report by January 30, 1998. (Motion by Sen. President Lawrence; second by Rep. Donnelly; unanimous).

Sally Tubbesing then stated that although the **Maine Commission on Outstanding Citizens** was not staffed by the Legislature, it did require an extension and should be included in the "omnibus bill" that the Council had authorized. The Chair, Speaker Mitchell, directed the Revisor's Office to include this Commission in the "omnibus" extension bill. The Council took no other action on this item. (**Note:** It was later determined that this extension did not require legislation).

The Chair, Speaker Mitchell then returned to the remaining items on the agenda.

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew members' attention to the following items:

**Item #1: New Employees/ Office of Policy and Legal Analysis**

Ms. Tubbesing reported that Mr. David Webb and Ms. Danielle Tetreau had recently joined the OPLA staff as Legislative Analysts. Mr. Webb has been hired on a temporary basis to fill in for Carrie McFadden, who is on leave, and he will be staffing the Business and Economic Development Committee. Ms. Tetreau, a graduate of the Muskie School of Public Service, has been the Regional Director of the American Heart Association. She will be co-staffing the State and Local Government and Legal and Veterans Affairs Committees.

This item did not require Council action.

**Item #2: State House Renovations: Inquiries**

## EXECUTIVE SESSION

**Motion:** That the Council go into Executive Session for the purpose of discussing matters related to current contracts. (Motion by Rep. Saxl; second by Sen. Rand).

The Council proceeded to go into Executive Session at 11:32 a.m.

## RECONVENE

The Chair reconvened the Council in open session at 11:52 a.m.

## REPORTS FROM COUNCIL COMMITTEES

**None.**

## OLD BUSINESS

**Item #1: Request to Pay Maine's Annual Dues to the Assemblée Internationale des Parlementaires de Langue Française (AIPLF).** (Tabled at December 18 meeting pending further information.)

The Chair, Speaker Mitchell, drew Council members' attention to information that Ms. Tubbbesing had compiled regarding the Legislature's participation in the AIPLF in prior years. She then recognized Senator Judy Paradis and asked her to describe the work of the organization. Sen. Paradis stated that she is the new President of the Maine section of the AIPLF, whose membership includes 52 countries throughout the world. Sen. Paradis indicated that Maine benefits from professional and technical support that the organization provides to French-speaking areas in Maine, and pointed out that the AIPLF had been involved in negotiating a potato contract with one of the French-speaking African counties. She expressed her embarrassment that Maine had not paid its dues for several years and noted that the AIPLF has even paid for her travel.

Senator Amero asked why the organization continued to allow Maine to participate, given the dues situation; and Sen. Paradis responded that the participation of French-speaking Americans was of great value to the organization. Senator Kieffer followed by asking what benefits Maine is deriving from Sen. Paradis' participation in the AIPLF; and Sen. Paradis reiterated the activities she had mentioned earlier, including the materials that are provided to many schools in Maine and the potato contract negotiations. Senator Kieffer inquired whether the Maine Potato Growers or any of the other large growers' organizations have been involved in these negotiations, and Senator Paradis responded no. The Chair, Speaker Mitchell, suggested that it is important to share information about the organization with a broader group of legislators.

**Motion:** That the Council authorize payment of the annual dues to the AIPLF for the current year only, in an amount not to exceed $2,200.00. (Motion by Sen. Pingree; second by Sen. President Lawrence; approved 6-3).

**Item #2: Production of a Video on the Legislative Process: Progress Report**

The Chair, Speaker Mitchell, recognized Rep. Kontos, who reported that since the December Council meeting, the Maine Development Foundation had agreed to serve as the fiscal agent for the Project, and the planning group has now obtained firm pledges of $25,000 out of the projected budget of $30,000. She continued that the group is in the process of forming a formal Advisory Committee for the purpose of reviewing the text to ensure accuracy. Members of this committee would include 4 legislators, the Secretary of the Senate, the Clerk of the House, and representatives from the Offices of Fiscal & Program Review, Policy & Legal Analysis and the Revisor. She concluded by saying that enthusiasm for the project continues to grow, and that there is interest in producing additional videos.

The Chair, Speaker Mitchell, congratulated Rep. Kontos. Senate President Lawrence echoed the congratulations and specifically commended the idea of having a written agreement with the Maine Development Foundation. He offered several suggestions that were incorporated in the ensuing motion.

**Motion:** That the Legislative Council formally authorize this project and that the Council's authorization be included in the credits on the video; and, further, that the written agreements with the Maine Development Foundation and Spring Point specifically define the ownership of the videos; and further, that the presiding officers work with Rep. Kontos to appoint the legislators to the Advisory Committee and to

assure bipartisan, bicameral representation. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

Rep. Kontos concluded the discussion with an invitation to all Council members to attend a reception and previews of the video on January 28.

## ANNOUNCEMENTS AND REMARKS

None.

## ADJOURNMENT

**Motion:** That the Council adjourn. (Motion by Sen. President Lawrence; second by Rep. Donnelly). The Council adjourned at 12:30 p.m.