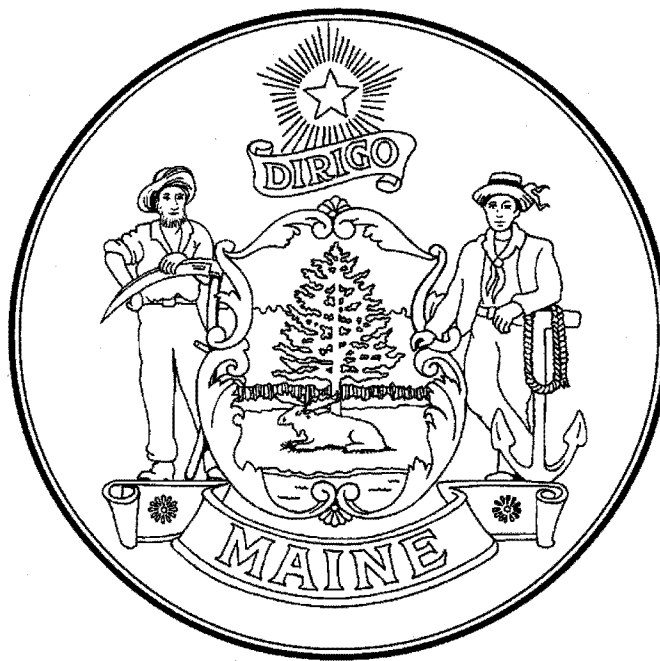


# MAINE STATE LEGISLATURE

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**  
**APRIL 2, 1998**  
**Approved April 15, 1998**

**CALL TO ORDER**

The Chair, Speaker Mitchell, called the Council to order at 9:20 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Lawrence, Sen. Pingree, Sen. Amero,  
Sen. Rand, Sen. Kieffer

Representatives: Speaker Mitchell, Rep. Kontos, Rep. Donnelly,  
Rep. Saxl, Rep. Campbell

Legislative Officers: Joseph Mayo, Clerk of the House  
Sally Tubbesing, Executive Director,  
Legislative Council  
John Wakefield, Director, Office of Fiscal  
and Program Review  
David Boulter, Director, Office of Policy  
and Legal Analysis  
Paul Mayotte, Director, Legislative  
Information Services

The Chair, Speaker Mitchell, proceeded directly to **New Business**.

## **NEW BUSINESS**

### **Item #1: Proposed Studies on the Appropriations Table**

The Chair, Speaker Mitchell, stated that the purpose of the meeting was to take action on those bills that had been assigned to the Appropriations Table that propose interim studies and noted that the Appropriations Committee had set these aside for Council action. She asked Sally Tubbesing the total amount that would be required to fund all of the proposed studies, and Ms. Tubbesing responded \$100,940; and then asked Jim Clair how much money was left to fund these bills. Mr. Clair drew Council members' attention to a chart that he had distributed that summarized the Appropriations Committees' actions to date on bills assigned to the table. He stated that a balance of \$642,130 remained "unspent". Senator Kieffer, noting that this balance appeared to be in the Tobacco Tax Relief Fund, asked Mr. Clair to confirm that these funds were specifically for tax relief; and Mr. Clair responded affirmatively.

The Chair, Speaker Mitchell, then asked Mr. Clair if the Appropriations Committee had, in fact, funded some "tax relief" bills out of the General Fund. Senator Amero stated that she would not vote for any of the studies, given the lack of General Fund monies; but the Chair, Speaker Mitchell, suggested that the Council look at the studies on their merits and then go back to the Table to identify specific bills that could legitimately be funded with the Tax Relief funds.

Representative Campbell then asked whether the Council wanted to set general guidelines for funding studies as it had in the past. Ms. Tubbesing stated that the Council had tried to impose consistency on study commissions with regard to both compensation of legislative members, and the reporting date. She noted that most of the studies before the Council lacked emergency preambles; thus, they would not take effect until 90 days following adjournment -- and that the earliest most of these could begin work would be in late August or early September. Senator Pingree asked if there was not some way other than the emergency preamble to address the effective date; and Senate President Lawrence suggested that the Council could kill the individual bills and enact the studies by means of a Joint Order.

The Chair, Speaker Mitchell, then proceeded to take up the studies on the list that had been distributed. The Council's action on the studies is summarized on the enclosed list.

## **EXECUTIVE DIRECTOR'S REPORT**

### **REPORTS FROM COUNCIL COMMITTEES**

#### **Legislative Facilities Committee**

Rep. Saxl, Committee Chair, reported that interviews with the 3 firms that had submitted Qualifications Packages for Construction Manager had been conducted earlier in the day. The Interview Team had consisted of the architect; the structural, electrical and mechanical engineers; the Director of the Division of Professional Services, Bureau of

General Services; and Sally Tubbesing. Rep. Saxl stated that while the demands of a legislative session had prevented him and Rep. Campbell from fully participating in all of the interviews, Rep. Campbell had attended a segment of each of the interviews, and that both he and Rep. Campbell had participated in the general discussion that followed the interviews.

Rep. Saxl reported that each member of the Review Team had rated each of the three firms relative to several pre-established evaluation criteria. The ratings confirmed that all three firms are extremely well-qualified; and, based on the composite scores, Granger Northern, Inc., of Portland, Maine came out on top. He then presented the following motion to the Council:

**Motion:** That, pending the satisfactory outcome of the remaining reference checks, the Legislative Council authorize the Executive Director, in consultation with the Facilities Committee, to proceed with the negotiation of a contract with Granger Northern, Inc., to serve as Construction Manager for the renovations to be carried out in the State House during the 1998 interim. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

Rep. Campbell noted that it is extremely important to expedite contract negotiations so that actual work can begin as soon as possible. He also stressed the need to proceed rapidly with the selection of the Owner's Representative.

## **OLD BUSINESS**

None.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 11:05 p.m., at which point the members of the Council continued their review of the Appropriations Table as Leadership.

**LEGISLATIVE COUNCIL  
ACTION ON PROPOSED STUDY COMMISSIONS  
4/2/98**

COMMISSION/STUDY	MEMBERSHIP	STAFFING	REPORT	COMPENSATION	PROPOSED BUDGET	COUNCIL ACTION
<b>Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent</b>						
L.D. 341	13 members; 10 legislators	Legislative Council	1/1/99	Per diem and expenses for legislative members	4 meetings PS: \$2,200 AO: \$3,400	Approved
<b>Commission on Performance Budgeting</b>						
L.D. 2002 - EMERGENCY	13 members; 6 legislators	Legislative Council				Approved as Amended
<b>Legislative Compensation Commission</b>						
L.D. 2108	5 members	Legislative Council	3/1/00	Per diem and expenses	8 meetings P.S.: \$2,200 AO: \$2,000	Approved
<b>Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings</b>						
L.D. 2142	17 members; 2 legislators	Legislative Council	10/30/98	Per diem and expenses for legislative members Others: expenses only	4 meetings PS: \$440 AO: \$4,900	Approved
<b>Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (Extension of existing commission)</b>						
L.D. 2161 - EMERGENCY	16 members; 4 legislators	Legislative Council	11/20/98	Per diem and expenses for legislative members	12 meetings PS: \$2,640 AO: \$4,860	Approved as Amended
<b>Maine Economic Opportunity Advisory Committee</b>						
L.D. 2203	18 members; 4 legislators	Legislative Council	2/1/00	Per diem and expenses for legislative members	2 meetings annually PS: \$440 AO: \$2,400	Failed
<b>Task Force to Study the Need for an Ombudsman for the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services</b>						
L.D. 2207	13 members; 3 legislators	Legislative Council	12/15/98	Per diem and expenses for legislative members	4 meetings PS: \$660 AO: \$1,100	Approved as Amended

COMMISSION/STUDY	MEMBERSHIP	STAFFING	REPORT	COMPENSATION	PROPOSED BUDGET	COUNCIL ACTION
<b>Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities</b> (Continuation of Commission)  L.D. 2266 - EMERGENCY	13 members; 3 legislators	Legislative Council	1/15/99	Per diem and expenses for legislative members	1 meeting PS: \$165 AO: \$1,150	Approved as Amended
<b>Study Group to Review and Analyze the Data Reported to the Dept. of MHMR &amp; SA by Law Enforcement Agencies</b>  L.D. 753 - EMERGENCY	9 members; 2 legislators	Dept. of MHMR & SA & Legislative Council (for drafting)	1/1/99	Per diem and expenses for legislative members	3 meetings FY 98: PS: \$330 AO: 300  7 meetings FY 99: PS: \$770 AO: \$700	Failed
<b>Task Force to Develop Recommendations to Implement the Unification of the Superior and District Courts</b>  L.D. 1372	Number not specific; no legislative members	Legislative Council (drafting)	Interim 3/15/99  Final 12/15/99	Not authorized		Approved
<b>Planning Task Force to Develop a Plan to Enhance the Enforcement of Civil and Criminal Penalties</b>  L.D. 1482 Resolves, c. 103	7 members; no legislators	Legislative Council (drafting)	12/15/98			No action required
<b>Task Force to Review the Maine Revised Statutes (technical changes to the State's Criminal Statutes)</b>  L.D. 1938 Resolves, c. 105	Not specified	DPS, AG and Judicial Dept.  Legislative Council (drafting)	1/1/99	Not authorized		No action required
<b>Task Force on State and Federal Tax Filing</b> (Continuation of Task Force)  L.D. 2171	11 members; 3 legislators	Bur. of Revenue Svcs.; and Legislative Council (legal support)	1/1/99	Per diem and expenses for legislative members  Expenses for business community members	4 meetings PS: \$660 AO: \$2,700	Approved as Amended

COMMISSION/STUDY	MEMBERSHIP	STAFFING	REPORT	COMPENSATION	PROPOSED BUDGET	COUNCIL ACTION
<b>Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services</b>						
L.D. 2185 - EMERGENCY	13 members; 2 legislators	Dept. of Corrections  Legislative Council (drafting)	1/15/00	Per diem and expenses for legislative members	5 meetings PS: \$550 AO: \$500	Approved
<b>Maine Commission on Children's Health</b> (continuation of Commission)						
L.D. 2225 - EMERGENCY	16 members; 7 legislators	SPO and Legislative Council	12/15/98	Per diem and expenses for legislative members	2 meetings PS: \$770 AO: \$1,200	Failed**
<b>**Presiding officers will authorize the Joint Standing Committee on Health and Human Services to meet to monitor the implementation of the recommendations of the Maine Commission on Children's Health Care.</b>						
<b>Children's Mental Health Oversight Committee</b>						
L.D. 2295	17 members; 6 legislators	DMHMR & SA  Legislative Council staff upon request	2/1/98 and annually thereafter	Per diem and expenses for legislative members	6 meetings PS: \$1,980 AO: \$8,300	Approved as Amended
<b>Maine Millenium Commission on Hunger and Food Security</b>						
L.D. 1661	15 members; 4 legislators	Dept. of Human Services and SPO	12/15/01	Per diem and expenses for legislators	(Future Costs)	Approved
<b>Commission on Eating Disorders</b>						
L.D. 1975 (EMERGENCY)	19 members; 3 legislators	DMHMR & SA	1/1/99	Per diem and expenses for legislative members	2 meetings FY 98: PS: \$330 AO: \$300  7 meetings FY 99: PS: \$1,155 AO: \$1,550	Approved as Amended
<b>Task Force to Increase Primary and Secondary Forest Product Manufacturing</b>						
L.D. 2077	14 members; 4 legislators	DECD	1/1/99	Per diem and expenses for legislative members  Nonstate or nonfederal employees: Mileage and expenses	4 meetings (\$1,000 transfer from Bur. of Revenue Svcs. DECD to absorb remaining costs.)	Approved as Amended

COMMISSION/STUDY	MEMBERSHIP	STAFFING	REPORT	COMPENSATION	PROPOSED BUDGET	COUNCIL ACTION
<b>Advisory Commission on Radioactive Waste and Decommissioning</b>						
L.D. 2119	17 members; 6 legislators	DHS & DEP	15-Feb annually	Legislative per diem for all members	4 meetings per year	Approved
<b>Task Force to Study Strategies to Support Parents as Children's First Teachers</b> (Continuation of Task Force)						
L.D. 2260	16 members; 2 legislators	Dept. of Human Services	12/15/98	Per diem and expenses for legislative members	4 meetings PS: \$440 AO: \$900	Approved
<b>Economic Development Incentive Commission</b>						
L.D. 2243	11 members; 4 legislators	Bur. of Revenue Svcs.	Biannually	Per diem and expenses for legislators	11 meetings PS: \$2,420 AO: \$3,200	Approved
<b>Consumer Health Care Division Advisory Council</b>						
L.D. 1848	11 members; 2 legislators	Dept. of Prof & Fin. Reg.	1-Jan annually	Per diem and expenses for legislators Others: Expenses only	2 meetings annually GF PS: \$220 OSR AO: \$200	Approved
<b>Task Force on Intergovernmental Cooperation</b>						
L.D. 2244	Not specified 4 legislators	Not specified		Per diem and expenses for legislative members	6 meetings PS: \$1,320 AO: \$1,200	Approved



COMMISSION/STUDY	MEMBERSHIP	STAFFING	REPORT	COMPENSATION	PROPOSED BUDGET	COUNCIL ACTION
<b>Legislation Requiring Interim Committee Meetings</b>						
<b>Alternative Fuels Study</b>						
L.D. 660	Requires DEP to consult with Natural Resources Committee		Interim Report 1/15/99  Final 1/15/00			Approved
<b>Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators</b>						
JOINT ORDER (H.P. 1653)	13 legislators	Legislative Council	10/15/98	Per diem and expenses	4 meetings PS: \$2,860 AO: \$3,100	Tabled
(President shall appoint 3 members from the Senate who either serve on Judiciary or Criminal Justice or who are interested in developing a program; Speaker shall appoint 10 members from the House who either serve on Judiciary or Criminal Justice or who are interested in developing a program. The first Senate member named is the Senate Chair; the first House member named is the House Chair.)						
<b>Joint Standing Committee on Inland Fisheries and Wildlife</b>						
Request to Legislative Council	13 legislators	Legislative Council		Per diem and expenses	4 meetings PS: \$2,860 AO: \$3,100	Tabled
Committee to provide policy direction and legislative oversight over a comprehensive review of state fish and wildlife laws.						
<b>Joint Select Committee on Substance Abuse</b>						
Request to Legislative Council for 6 additional meetings and authorization for compensation of travel and meal expenses.	Total not specified; 13 legislators	Substance Abuse Services Commission and Legislative Council		Compensation for travel and meals for legislative members and Public Hearing Costs	4 meetings AO: \$5,600	Approved as Amended
<b>Committee to Review the Governance Structure of the Governor Baxter School for the Deaf</b>						
Request to Legislative Council to authorize payment of per diem and expenses for legislative member, staffing assistance and funding for interpreter services.	20 members; 1 legislator	Legislative Council	12/15/98	Per diem and expenses for legislative member and Interpreter Costs	8 meetings PS: \$440 AO: \$3,600	Tabled