

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)

SEN. MARK W. LAWRENCE
CHAIR

REP. G. STEVEN ROWE
VICE-CHAIR



119th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. RICHARD A. BENNETT
REP. MICHAEL V. SAXL
REP. THOMAS W. MURPHY, JR.
REP. DAVID C. SHIAH
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
JANUARY 31, 2000
APPROVED FEBRUARY 29, 2000

CALL TO ORDER

The Chair, Senate President Lawrence, called the Council meeting to order at 1:15 p.m. in the Legislative Council Chamber.

ROLL CALL

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

Representatives: Speaker Rowe, Rep. Saxl, Rep. Shiah, Rep. Campbell
Absent: Rep. Murphy

Legislative Officers: Joseph Mayo, Clerk of the House
Millicent MacFarland, Assistant Clerk
of the House
Sally Tubbesing, Executive Director,
Legislative Council
James Clair, 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

SUMMARY OF DECEMBER 16, 1999 COUNCIL MEETING

Motion: That the Summary be accepted and placed on file. (Motion by Rep. Shiah; second by Rep. Campbell; unanimous)

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

▪ **Interim Study Commissions: Status**

David Boulter, Director, Office of Policy and Legal Analysis, drew Council members' attention to a Status Report in their agenda packets which indicated that 33 study committee have concluded their work; 9 are nearing completion; and a few will require additional meetings to complete their work.

This item required no formal Council action.

▪ **Fiscal Update**

Jim Clair, Director, Office of Fiscal and Program Review, provided Council members with materials that summarized revenue collections through December, 1999, for both the General Fund and the Highway Fund. He also distributed a document that summarized the preliminary findings of the Consensus Economic Forecasting Commission, which had met that morning. General Fund revenues are up approximately \$10 million compared to estimates year-to-date, and Highway Fund revenues exceed estimates by about \$1 million for this same period. Mr. Clair noted that actual revenues through December – the first 6 months of FY 2000 – were very close to the estimates his office had prepared. While these figures show no indication of an economic slowdown, the Commission has chosen to conservatively project a slight downturn in Personal Income in the 2001/2002 biennium, based on forecast models. He noted that the Revenue Forecasting Commission is scheduled to meet on February 22, and predicted that the Commission would focus on revenues from the capital gains tax at that meeting.

This item required no formal Council action.

▪ **Bill Drafting Status**

Margaret Matheson, Revisor of Statutes, drew Council members' attention to her summary report in the agenda packet. Her office has sent more than 290 bills to the chambers for introduction; those still in production are mostly bills emerging from studies and after deadline bills previously approved by the Council.

This item required no formal Council action.

▪ **Renovations Status**

Stan Fairservice, the Council's Owner's Representative, reported that the Banking and Insurance Committee Room was ready to be furnished, that the 2nd floor spaces (Appropriations Committee Room, OFPR and Information Services) would be ready for occupancy on February 14; and that the 1st floor would be available for furnishing on March 6. Speaker Rowe asked Mr. Fairservice if it was safe to occupy the 2nd floor since the South Entrance was still closed. Mr. Fairservice responded that he had checked with the State Fire Marshall and been assured that this was acceptable.

This item required no formal Council action.

REPORTS FROM COUNCIL COMMITTEES

▪ Migration Project Steering Committee

Paul Mayotte reported that although the Steering Committee had not met again since the December Council meeting, KPMG was in the process of developing a statement of scope for the work that the Council had approved at the December meeting. He stated that KPMG and IRC were still trying to negotiate a contract. Finally, Mr. Mayotte reported that the Subcommittee to Review Migration Project Costs, which had been scheduled to meet that morning, had had to postpone its meeting due to weather.

This item did not require any formal Council action.

▪ Committee on Allocation of Legislative Space

Senator Rand, who chairs the Committee, stated that the Committee had continued to work with Earle Shettleworth, Chair of the State House and Capitol Park Commission, and the architects, Weinrich + Burt, to further develop the design for the proposed skylight in the new Connector. She stressed that, despite Representative Murphy's absence, it was essential for the Council to finally approve a design at today's meeting so that the design process can proceed. She then asked Rick Burt to present the design options.

Mr. Burt stated that he had worked closely with Earle Shettleworth following the December Council meeting to develop other forms for the skylight and that he had tried to respond specifically to the Council's expressed desire for a curved form. He stressed that as he and his colleagues continued to work on design options, it became clear that the skylight should not become a form that makes an independent artistic statement. He presented several designs and pointed to his recommendation. Mr. Shettleworth stated that he concurred with Mr. Burt's recommendation, noting that it offered a sense of lightness and openness. Rep. Campbell asked a series of questions regarding the dimensions of the proposed skylight and the details of its construction. He expressed concern that, based on his construction experience, the use of silicones to seal the joints in the skylight would not be durable. Mr. Burt responded that he had been working with people in Michigan, which has a climate that is comparable to Maine's, in the design and that he is satisfied that the proposed materials would meet the standard of durability. Rep. Campbell then asked Mr. Fairservice what impact this design would have on the budget for the Connector. Mr. Fairservice responded that Granger Northern is confident that the design can be accomplished within the existing budget.

Motion: That the Council accept the proposed design for the skylight based on the proportions of Option #1 and the glazing approach of Option #3 as presented by Mr. Burt. (Motion by Sen. Rand; second Rep. Saxl; unanimous).

In discussion that followed the vote, Council members, led by the Chair, Senate President Lawrence, encouraged Mr. Burt to give every thought to safety as he proceeded with this design.

▪ Subcommittee to Review Migration Project Cost Proposal

(See Report from Migration Project Steering Committee above).

OLD BUSINESS

Item #1: Budget Management System

The Chair, Senate President Lawrence, recognized Jim Clair and Paul Mayotte and asked them to brief the Council on the current status of the evaluation of the Budget Management System. Mr. Clair reported that he had scheduled a meeting with the Chairs and Republican Leads of the Committees on Appropriations and Financial Affairs, Taxation, and Transportation to brief them on the system and the options it offered, noting that while the attendees had raised many questions, they had not offered much specific feedback. Mr. Mayotte stated that he and his staff had done some further technical research in consultation with Mr. Clair and the Office of Fiscal and Program Review staff and concluded that the Legislature does not require as big a system as the Executive Branch since OFPR works with a much higher level of data than individual agencies do. He has concluded that as long as both the Executive and Legislative branches use data base products that employ open architecture, it is not necessary for both branches to use the **same** data base product in order to pass data back and forth. He reported that Legacy, the software firm, has provided KPMG with a price for the module to support the Legislature and that the price was significantly less than that originally reported by the Executive Branch (\$300,000 - \$350,000 compared to \$1.1 million).

Mr. Clair stated that the product they were seeking from Legacy is a "very scaled down module" that is designed to support OFPR's bill production and analysis needs. He added that the Executive Branch is very interested in having access to the fiscal notes that OFPR prepares and had been planning to develop a parallel system, but that executive branch officials have now indicated their willingness to share OFPR's fiscal notes once they become public. Senate President Lawrence and Speaker Rowe asked Mr. Clair if he had presented this information formally to the Chairs and Leaders. Mr. Clair responded that he had not asked this group directly whether they approved the hybrid system that has evolved.

Motion: That the Council authorize incorporation of the proposed hybrid approach in the overall Migration project. (Motion by Rep. Campbell; second by Rep. Shiah; unanimous).

Rep. Saxl asked Mr. Clair if he would prepare a side-by-side analysis, comparing the hybrid approach to the original proposal for the February Council meeting, and Mr. Clair confirmed that he would do this.

NEW BUSINESS

Item #1: Submission of Study Reports

- Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services (pursuant to Resolve 1997, Chapter 124)
- Committee to Study the Enhancement of Fire Protection Services Throughout the State (pursuant to Resolves 1999, Chapter 65)
- Commission to Encourage Incorporations in Maine (pursuant to Resolves 1999, Chapter 67)

- Task Force to Study the Effect of Government Regulation on Small Businesses (pursuant to Resolves 1999, Chapter 74)
- Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies (pursuant to Resolves 1999, Chapter 75)
- Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits (pursuant to Resolves 1999, Chapter 78)
- Blue Ribbon Commission to Establish a Comprehensive Internet Policy (pursuant to Resolves 1999, Chapter 89)
- Committee to Examine the Adequacy of Services at the Togus Veterans Administration Medical Center (pursuant to HP 1052, Chapter 78)
- Joint Select Committee on the Year 2000 Computer Problem (pursuant to Joint Order, S.P. 190)
- Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps (pursuant to Resolves 1999, Chapter 83)
- Task Force to Study the Operation of and Support for the Board of Environmental Protection (pursuant to Resolves 1999, Chapter 85)
- Commission to Review Traffic Congestion Including Truck Traffic Along the Route 1 York Corridor and the Route 236 Corridor (pursuant to Resolves 1999, Chapter 236)
- Select Commission to Study State Participation in Funding Cleanup and Remediation of Uncontrolled Hazardous Substance Sites (pursuant to P.L. 1999, Chapter 505)
- Study of Long-term Care in Maine submitted by the Joint Standing Committee on Health and Human Services
- Staff Study of Laws Outside Title 35-A Potentially Affected by Restructuring
- Staff Study to Explore Disability Access Issues in Relation to Outdoor Sporting Activities

Motion: That these Study Reports be accepted and placed on file. (Motion by Rep. Campbell; second by Rep. Saxl; unanimous).

Item #2: Commission to Study Children in Need of Services: Request for Extension Until March 1 (Memo from Sen. Mary Cathcart, Senate Chair and Rep. Michael Quint, House Chair)

Motion: That the request be approved. (Motion by Rep. Campbell; second by Speaker Rowe, unanimous).

Item #3: 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.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:09 p.m., on the motion of Rep. Saxl (second by Rep. Shiah).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 31, 2000**

		Action
SPONSOR:	Sen. Berube, Georgette	ACCEPTED
LR 3978	An Act Concerning Fingerprinting and Background Checks for School Employees	
SPONSOR:	Rep. Campbell, Richard H.	ACCEPTED
LR 3950	An Act to Provide Consumer Safety Certification for Snowmobiles or All Terrain Vehicles	
SPONSOR:	Sen. Davis, Paul T.	ACCEPTED
LR 3975	An Act to Amend the Charter of Hospital Administrative District No. 4	
SPONSOR:	Rep. Dudley, Benjamin F.	ACCEPTED
LR 3976	An Act to Transfer the Lobster License of a Father Killed in a Fishing Accident to His Son	
SPONSOR:	Rep. Etnier, David	ACCEPTED
LR 3875	An Act to Increase Public Participation in the Maine Residents' Property Tax and Rent Refund Program	
SPONSOR:	Sen. LaFountain III, Lloyd P.	ACCEPTED
LR 3874	An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium	
SPONSOR:	Sen. Lawrence, Mark W.	ACCEPTED
LR 3958	An Act to Appropriate Matching Funds for Kittery Shipyard Non-defense Projects	

SPONSOR:	Rep. McKee, Linda Rogers	ACCEPTED
LR 3964	An Act to Restore the Chaplaincy in the Maine Correctional Center in Windham	
SPONSOR:	Sen. Mills, S. Peter	WITHDRAWN
LR 3903	An Act to Increase the Borrowing Authority of the Moscow Water District to Make Use of Certain Matching Funds	
SPONSOR:	Sen. Mitchell, Betty Lou	ACCEPTED
LR 3935	An Act to Implement the Recommendations of the Task Force to Review Solid Waste Management Policy	
SPONSOR:	Rep. Nass, Richard A.	ACCEPTED
LR 3972	An Act to Create the Alfred Water District	
SPONSOR:	Sen. Nutting, John M.	ACCEPTED
LR 3970	An Act to Ensure Equity to High School Athletes Participating in Skiing	
SPONSOR:	Sen. Rand, Anne M.	ACCEPTED
LR 3974	An Act to Provide Legal Access to Marijuana for Medical Use	
SPONSOR:	Sen. Ruhlin, Richard P.	ACCEPTED
LR 3904	An Act to Provide Educational Benefits For Maine National Guard Members	
SPONSOR:	Sen. Ruhlin, Richard P.	ACCEPTED
LR 3914	An Act to Provide an Angling Season for Atlantic Salmon	

SPONSOR: Rep. Saxl, Michael V. ACCEPTED

LR 3967 An Act to Enhance Competition Among Elevator Inspectors

SPONSOR: Rep. Saxl, Michael V. ACCEPTED

LR 3977 An Act to Promote Microbreweries

SPONSOR: Rep. Saxl, Michael V. FAILED

LR 3869 An Act to Amend the Trainee Provisions Under the Barbering and Cosmetology Licensure Act

SPONSOR: Rep. Thompson, Richard H. ACCEPTED

LR 3971 An Act to Prohibit the Importation of Milfoil into the State

SPONSOR: Rep. Twomey, Joanne T. WITHDRAWN

LR 3947 An Act to Repeal the Laws that Require Fingerprinting of School Personnel

JOINT RESOLUTION

SPONSOR: Rep. McKee, Linda Rogers ACCEPTED

LR 3965 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SECURE A NUCLEAR WEAPONS ABOLITION TREATY

TABLED

SPONSOR: Sen. Amero, Jane A.	Tabled
	1/31/00
LR 3961	An Act to Exempt from Excise Tax the Cost to Make a Vehicle Handicapped Accessible
SPONSOR: Sen. Berube, Georgette B.	Tabled
	12/16/99
LR 3864	An Act Regarding the Payment of Child Support in Cases of Delayed Parental Notification
SPONSOR: Rep. Bryant, Bruce S.	Tabled
	1/31/00
LR 3928	An Act to Eliminate the One Week Waiting Period for Unemployment Insurance Compensation
SPONSOR: Sen. Cassidy, Vinton E.	Tabled
	12/16/99
LR 3861	An Act to Authorize the Land Use Regulation Commission to Establish Conservation Easements
SPONSOR: Sen. Cassidy, Vinton E.	Tabled
	12/16/99
LR 3862	An Act to Divide Land Use Regulatory Commission Territories into 7 Regions
SPONSOR: Rep. Cote, William R.	Tabled
	1/31/00
LR 3919	An Act to Amend the Laws Regarding Foster Parents
SPONSOR: Rep. Hatch, Pamela H.	Tabled
	1/31/00
LR 3968	An Act to Provide Consistency in the Laws Governing Retirement by Changing the Vesting Period for Members of the Legislative Retirement System, the Judicial Retirement System and Participating Local Districts
SPONSOR: Rep. Lindahl, David A.	Tabled
	1/31/00
LR 3918	Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$170,000 to Build the Waldo County Communications Center

SPONSOR:	Rep. Madore, David R.	Tabled 1/31/00
LR 3945	An Act Authorizing the Appointment of a Special Prosecutor in Cases Where Sexual Harassment is Alleged Against Any Employee Within the Department of the Attorney General	
SPONSOR:	Rep. Madore, David R.	Tabled 1/31/00
LR 3946	Resolve, Authorizing the Award of Damages in a Case of Alleged Sexual Harassment within the Department of the Attorney General	
SPONSOR:	Rep. Martin, John L.	Tabled 1/31/00
LR 3922	An Act to Repeal the Fort Kent Utility District	
SPONSOR:	Rep. Matthews, Zachary E.	Tabled 12/16/99
LR 3866	An Act to Enact a Patient's Bill of Rights	
SPONSOR:	Sen. Paradis, Judy	Tabled 12/16/99
LR 3863	An Act to Amend the Environmental Laws to Change the Name of the Native Americans' Representative Agency	
SPONSOR:	Rowe, G. Steven	Tabled 1/31/00
LR 3939	An Act to Enhance Law Enforcement Compensation	
SPONSOR:	Sen. Ruhlin, Richard P.	Tabled 1/31/00
LR 3921	An Act to Support Maine's Only Representative to the Nation's Capitol Bicentennial Celebration	
SPONSOR:	Rep. Trahan, A. David	Tabled 1/31/200
LR 3957	An Act to Provide an Alternative to the Fingerprinting of School Employees	

SPONSOR: Rep. Tuttle, Jr., John L. **Tabled**
1/31/00

LR 3912 An Act to Require the Secretary of State to Take the Registration
Plates of a Person Whose License has been Suspended or Revoked

SPONSOR: Rep. Wheeler, Gary Jr. **Tabled**
1/31/00

LR 3959 An Act to Grandfather Apprentices in the Lobstering Program
For Lobster Zone Purposes

JOINT RESOLUTION

SPONSOR: Rep. McKee, Linda Rogers **Tabled**
12/16/99

LR 3871 JOINT RESOLUTION MEMORIALIZING CONGRESS TO SECURE A
NUCLEAR WEAPONS ABOLITION TREATY

SPONSOR: Rep. Mendros, Stavros J. **Tabled**
1/31/00

LR 3915 JOINT RESOLUTION MEMORIALIZING THE POSTMASTER
GENERAL OF THE UNITED STATES POSTAL SERVICE TO
RESPECT THE RECENT DECISION TO LOCATE THE NEW
MAIL PROCESSING CENTER IN THE LEWISTON-AUBURN
AREA AND TO RESPECT THE PROCESS BY WHICH THAT
DECISION WAS MADE