

# MAINE STATE LEGISLATURE

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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**  
**FEBRUARY 29, 2000**  
**Approved March 27, 2000**

**CALL TO ORDER**

The Chair, Senate President Lawrence, called the Council to order at 2:45 p.m. in Room 427, the Banking and Insurance Committee Room.

**ROLL CALL**

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

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

Legislative Officers: Joy O'Brien, Secretary of the Senate  
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 JANUARY 31, 2000 COUNCIL MEETING**

**Motion:** That the Meeting Summary be accepted and placed on file. (Motion by Senator Bennett; second by Representative Shiah; unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

### ▪ Renovations

- a. Status and Schedule
- b. Proposed Relocation Plan for West Wing Occupants

Stan Fairservice reported that Granger Northern was on schedule to complete work on the 1<sup>st</sup> floor of the South Wing by March 6. Furnishings are scheduled to be installed beginning March 6, and the two committee rooms will be available for use by the end of that week. He stated that the South Entrance would be open for public use on Monday, March 13. Sally Tubbesing drew Council members' attention to a preliminary schedule for moving committees back from the Civic Center. Council members discussed the need to identify areas where those committees who will not have designated hearing rooms can meet during the final weeks of the session and asked Ms. Tubbesing to identify the options.

This item required no formal Council action.

### ▪ Drafting and Committee Work: Status

Margaret Matheson, Revisor of Statutes, had distributed a brief summary of the status of bill drafting. She reported that the bills remaining in her office are primarily bills pursuant to studies and after deadline bills, noting that 54 after deadline bills have been accepted up to today's Council meeting.

David Boulter, Director, Office of Policy and Legal Analysis, reported that Committees have completed work on 75% of all of the bills referred by February 25. He noted that the presiding officers had extended the March 10 deadline for completing work on **all** bills to March 17 for those bills that have been referred only recently.

Mr. Boulter then drew members' attention to a status report on legislative studies, stating that most studies have been completed and the final reports issued.

This item required no formal Council action.

### ▪ Fiscal Update

Jim Clair, Office of Fiscal and Program Review, drew Council members' attention to the briefing packet that had been distributed. He stated that the Revenue Forecasting Committee had met the previous week and had reprojected General Fund revenues upward as follows:

Fiscal Year 2000/2001 biennium:	\$88.97 million increase
Fiscal Year 2002/2003 biennium:	\$92.24 million increase

Mr. Clair reported that the decision to reproject was driven by three revenue sources: individual income tax; investment income, and estate taxes. The Committee did not make any rejections in the Highway Fund. The Chair, Senate President Lawrence, asked Mr. Clair if the Committee had observed any reduction in Sales and Use Tax with the growth in Internet sales. Mr. Clair responded that the Committee had discussed this and had concluded that it is difficult to attribute the reduction to Internet sales. Mr. Clair

stated the Governor had presented a change package to the Appropriations Committee earlier that day and that his Office was in the process of analyzing it, with the goal of having information available in the next day or so.

Speaker Rowe asked Mr. Clair how the newly-renovated offices were working out, and Mr. Clair's response was positive.

This item required no formal Council action.

## REPORTS FROM COUNCIL COMMITTEES

### ▪ Subcommittee to Review Migration Costs

Representative Shiah reported in the absence of the Subcommittee Chair, Senator Bennett. He stated that the Subcommittee is still trying to get more information to support the figures involved in the various proposals so that the Subcommittee understands more clearly what it is buying. Rep. Saxl asked if there was a time table and if partisan staff had been included in the Subcommittee's deliberations. Mr. Mayotte responded that he was working with Senator Bennett to schedule a Subcommittee meeting and that all Subcommittee meetings are open and that staff from some of the Leadership offices had attended.

This item did not require any formal Council action.

### ▪ Committee on Allocation of Legislative Space

Senator Rand reported that the Committee continues to work on completing a proposal for assignment of space in the West and North Wings for consideration by the full Council. She stated that the Committee had learned that the Museum staff has concluded that the flags currently displayed in the Hall of Flags must be moved out during the renovations this summer as a protective measure, particularly in view of the additional blasting that will occur and presented the following motion:

**Motion:** That the Museum be authorized to remove the historic flags from the Hall of Flags during the renovations. (Motion by Rep. Saxl; second by Rep. Murphy).

#### **Discussion**

Sen. Rand then acknowledged the presence of Joseph R. Phillips, Museum Director, and asked Mr. Phillips to elaborate on the situation and the Museum's plans.

Mr. Phillips introduced Mr. Renny Stackpole, Chair of the Museum's Commission; Mr. Dennis Thoet, Executive Director, Friends of the Maine State Museum; Mr. Douglas Hawes, Curator of Historical Collections; and Mr. Ron Harvey, Conservation Consultant. Mr. Hawes then took the floor, stating that the Museum's recommendations are based on three years of study of the flags on display in the State House, as well as on the experience of other states who are involved in preservation of their historic flags. He related that the present flag cases were originally installed between 1908 and 1910, and that by 1962, there were 129 flags in these cases. A major conservation effort was undertaken in 1962, at which time many of the flags were returned to the Museum. However, the conservation technique that was used -- applying netting to the flags -- actually accelerated the pace of deterioration. Mr. Hawes circulated a series of

photographs to illustrate the damage that has occurred, and stated that preservationists now understand that the best way to display flags is either flat or on a slightly slanted solid surface. He noted that several other states have removed their Civil War flags from traditional displays for this reason. He stressed that the Hall of Flags poses threats to the historic flags beyond the manner in which the flags are displayed, noting particularly, the almost daily use of this area by outside groups when the Legislature is in session. The Museum staff have considered various options for displaying the historic flag collection, including rotating the flags periodically and displaying replica flags.

Following Mr. Hawes' presentation, Council members asked several questions:

- Where is the 20<sup>th</sup> Maine Flag now? (Speaker Rowe)

Mr. Hawes circulated a photograph of this flag, which has now been conserved and is in the Museum.

- How would the flags be displayed in the future? (Speaker Rowe)

Mr. Hawes, pointing to a photograph, responded that they would be displayed unfurled so that people can actually see them.

- Can the netting be removed from those flags to which it had been applied? (Sen. Pringree)

Mr. Hawes responded that this process is generally considered to be irreversible.

- How would Maine citizens see the historic flags if only replicas are displayed in the Hall of Flags. (Rep. Campbell)

Mr. Hawes responded that this could be done by appointment and that the Museum could selectively display some of the flags in the future, though there is no flag display program currently. Rep. Campbell expressed concern about the "by appointment" process.

The Chair, Senate President Lawrence, recognized Mr. Phillips, who suggested that Museum staff work with the Committee on Allocation of Space to further explore options for displaying flags in the Museum's collection. Rep. Campbell expressed his concern that some of the original flags be returned to the State House and asked that the motion originally offered by Rep. Saxl be amended to this end. Speaker Rowe agreed with the concept of such an amendment, noting that having artifacts is of little value unless they are available to the public; but he also expressed a desire to leave some flexibility based on additional information that will be gained. Rep. Saxl asked Ms. Tubbesing whether there was anything in the budget to support the restoration and/or replication of the flags, and Ms. Tubbesing replied that the budget included funds for temporary removal of the flags and for restoration of the flag cases themselves to upgrade lighting, to replace the glass and to install climate control. Rep. Campbell then offered the following amendment to the original motion:

**Motion to Amend:** That the Council appoint a Committee to work with the Museum to explore opportunities to have an appropriate display and to maintain public access to and observation of the historic flags. (Motion by Rep. Campbell; second by Rep. Saxl; unanimous).

The vote on the amended motion was then taken, and it was approved unanimously.

Senator Rand then turned to a second issue that the Committee had considered -- plans for the temporary relocation of the Law Library in the summer of 2001, when the North Wing undergoes renovation. Sally Tubbesing stated that she and Lynn Randall had been working with the Leased Space Division in the Bureau of General Services to find appropriate space for the Library so that it would be open to the public during the renovations. Space at 161 Capitol Street has been identified that meets the requirements. The State has leased it for 5 years, and has begun looking for tenants to occupy it beginning in the spring of 2001, when the current occupants are scheduled to move back into the renovated State Office Building.

**Motion:** That the Legislative Council authorize the Maine State Museum to remove the flags from the cases in the Hall of Flags in preparation for the West Wing renovation and construction of the new connector; and, further, that the Council Chair appoint a committee to work with the Museum to develop plans for the display of flags in the State House when the renovations have been completed. (Motion by Rep. Campbell; second by Rep. Saxl; unanimous).

## OLD BUSINESS

None.

## NEW BUSINESS

### Item #1: Submission of Study Reports

- Business Advisory Commission on Quality Child Care Financing (pursuant to Resolves 1999, Chapter 66)
- Task Force to Study the Improvement of Public Water Supply Protection (pursuant to Resolves 1999, Chapter 80)
- Task Force to Study the Need for an Agricultural Vitality Zone Program (pursuant to Resolves 1999, Chapter 81)
- Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims (pursuant to 1999 Resolve, Chapter 84)
- Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf (pursuant to Joint Study Order H.P. 1587)

**Motion:** That these reports be accepted and placed on file. (Motion by Rep. Shiah; second by Rep. Murphy; unanimous).

### Item #2: Reports from Committees Pursuant to Government Evaluation Act

- Joint Standing Committee on Banking and Insurance: State Employee Health Commission
- Joint Standing Committee on Marine Resources: Lobster Advisory Council

- Joint Standing Committee on Natural Resources: Advisory Commission on Radioactive Waste and Decommissioning
- Joint Standing Committee on Health and Human Services: Maine Advisory Committee on Mental Retardation

**Motion:** That these reports be accepted and placed on file. (Motion by Rep. Saxl; second by Rep. Murphy; unanimous).

Item #3: Requests to Introduce Legislation

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 412 p.m. (Motion by Rep. Shiah; second by Rep. Campbell; unanimous).

**LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
February 29, 2000**

<b>SPONSOR:</b>	<b>Sen. Carey, Richard J.</b>	<b>ACCEPTED</b>
LR 4058	An Act to Extend the Removal of the Deadline for Certain Repaired Concrete Underground Oil Storage Tanks	
<b>SPONSOR:</b>	<b>Rep. Cote, William R.</b>	<b>ACCEPTED</b>
LR 3919	An Act to Amend the Laws Regarding Foster Parents	
<b>SPONSOR:</b>	<b>Rep. Duplessie, Robert W.</b>	<b>ACCEPTED BY BALLOT</b>
LR 4040	An Act to Modify Adjustments in Property Valuation	
<b>SPONSOR:</b>	<b>Sen. Goldthwait, Jill M.</b>	<b>ACCEPTED</b>
LR 4073	An Act to Appropriate Funds for the Sunset Bay Ferry Company	
<b>SPONSOR:</b>	<b>Sen. Lawrence, Mark W.</b>	<b>ACCEPTED</b>
LR 4072	An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the United States Naval Shipyard in Kittery, Maine	
<b>SPONSOR:</b>	<b>Rep. Norbert, William S.</b>	<b>ACCEPTED BY BALLOT</b>
LR 4067	Resolve, to Direct the Department of Transportation to Review the Opportunities to Avoid the Need to Widen I-295	
<b>SPONSOR:</b>	<b>Rep. Perkins, Royce W.</b>	<b>WITHDRAWN</b>
LR 4049	An Act to Require That Children Age 14 and Older Be Treated As Adults for Purposes of Prosecution for Bomb Threats in Schools	
<b>SPONSOR:</b>	<b>Rep. Perkins, Royce W.</b>	<b>WITHDRAWN</b>
LR 4064	An Act to Suspend the Operation of the Fingerprinting and Background Check Requirement for School Personnel	



<b>SPONSOR:</b>	<b>Sen. Pingree, Chellie</b>	<b>ACCEPTED BY BALLOT 02/25/2000</b>
LR 4056	An Act to Allow the Construction of Court Facilities in Maine	
<b>SPONSOR:</b>	<b>Sen. Ruhlin, Richard P.</b>	<b>ACCEPTED</b>
LR 3921	An Act to Support Maine's Only Representative to the Nation's Capitol Bicentennial Celebration	
<b>SPONSOR:</b>	<b>Rep. Saxl, Michael V.</b>	<b>ACCEPTED</b>
LR 4069	An Act to Create the Community Health Plan Demonstration Project	
<b>SPONSOR:</b>	<b>Rep. Saxl, Michael V.</b>	<b>ACCEPTED</b>
LR 4070	An Act to Strengthen the Habitual Motor Vehicle Offender Law	
<b>SPONSOR:</b>	<b>Rep. Tracy, Richard H.C.</b>	<b>ACCEPTED</b>
LR 4020	An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License	
<b>SPONSOR:</b>	<b>Rep. Wheeler, Edgar</b>	<b>WITHDRAWN</b>
LR 3995	An Act to Eliminate the Requirement that an Application for a Driver's License Include a Social Security Number	

**TABLED BY THE LEGISLATIVE COUNCIL**

<b>SPONSOR:</b>	<b>Sen. Amero, Jane A.</b>	<b>TABLED</b>
LR 3961	An Act to Exempt from Excise Tax the Cost to Make a Vehicle Handicapped Accessible	<b>01/31/00</b>
<b>SPONSOR:</b>	<b>Rep. Bryant, Bruce S.</b>	<b>TABLED</b>
LR 3928	An Act to Eliminate the One Week Waiting Period for Unemployment Insurance Compensation	<b>01/31/00</b>
<b>SPONSOR:</b>	<b>Sen. Cassidy, Vinton E.</b>	<b>TABLED</b>
LR 3861	An Act to Authorize the Land Use Regulation Commission to Establish Conservation Easements	<b>01/31/00</b>
<b>SPONSOR:</b>	<b>Sen. Cassidy, Vinton E.</b>	<b>TABLED</b>
LR 3862	An Act to Divide Land Use Regulatory Commission Territories into 7 Regions	<b>01/31/00</b>
<b>SPONSOR:</b>	<b>Rep. Gerry, Belinda A.</b>	<b>TABLED</b>
LR 3991	Resolve, Directing the Attorney General to Examine the Feasibility of Filing Suit to Recover the Costs of Groundwater Cleanup Resulting from Reformulated Gas Contamination	<b>02/29/00</b>
<b>SPONSOR:</b>	<b>Rep. Hatch, Pamela H.</b>	<b>TABLED</b>
LR 3988	An Act to Provide Tax Amnesty for the Citizens of the State	<b>02/29/00</b>
<b>SPONSOR:</b>	<b>Rep. Hatch, Pamela H.</b>	<b>TABLED</b>
LR 4062	An Act to Clarify Application of the Employment Leave Law for Victims of Violence	<b>02/29/00</b>
<b>SPONSOR:</b>	<b>Rep. Matthews, Zachary E.</b>	<b>TABLED</b>
LR 3866	An Act to Enact a Patient's Bill of Rights	<b>01/31/00</b>
<b>SPONSOR:</b>	<b>Rep. McKee, Linda Rogers</b>	<b>TABLED</b>
LR 4080	An Act to Increase Choice in the Designation of Public Safety Answering Points in the E-9-1-1 System	<b>02/29/00</b>
<b>SPONSOR:</b>	<b>Rep. Mendros, Stavros J.</b>	<b>TABLED</b>
LR 3982	An Act to Repeal the Requirement that School Personnel Submit to Fingerprinting and Criminal Records Checks	<b>02/29/00</b>

<b>SPONSOR:</b>	<b>Sen. Paradis, Judy</b>	<b>TABLED</b>
		<b>01/31/00</b>
LR 3863	An Act to Amend the Environmental Laws to Change the Name of the Native Americans' Representative Agency	
<b>SPONSOR:</b>	<b>Rep. Rowe, G. Steven</b>	<b>TABLED</b>
		<b>01/31/00</b>
LR 3939	An Act to Enhance Law Enforcement Compensation	
<b>SPONSOR:</b>	<b>Rep. Trahan, A. David</b>	<b>TABLED</b>
		<b>01/31/00</b>
LR 3957	An Act to Provide an Alternative to the Fingerprinting of School Employees	
<b>SPONSOR:</b>	<b>Rep. Tuttle, Jr., John L.</b>	<b>TABLED</b>
		<b>01/31/00</b>
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	
<b>SPONSOR:</b>	<b>Rep. Twomey, Joanne T.</b>	<b>TABLED</b>
		<b>01/31/00</b>
LR 3947	An Act to Repeal the Laws that Require Fingerprinting of School Personnel	

#### JOINT RESOLUTIONS

<b>SPONSOR:</b>	<b>Rep. McKee, Linda Rogers</b>	<b>TABLED</b>
		<b>01/31/00</b>
LR 3871	JOINT RESOLUTION MEMORIALIZING CONGRESS TO SECURE A NUCLEAR WEAPONS ABOLITION TREATY	
<b>SPONSOR:</b>	<b>Rep. Mendros, Stavros J.</b>	<b>TABLED</b>
		<b>01/31/00</b>
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	
<b>SPONSOR:</b>	<b>Rep. Mendros, Stavros J.</b>	<b>TABLED</b>
		<b>02/29/00</b>
LR 3990	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE SECRETARY OF ENERGY TO DRAW DOWN THE STRATEGIC PETROLEUM RESERVE TO PROVIDE RELIEF FOR OIL CONSUMERS	
<b>SPONSOR:</b>	<b>Rep. Murphy, Jr., Thomas W.</b>	<b>TABLED</b>
		<b>02/29/00</b>
LR 4039	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF STATE, THE SECRETARY OF DEFENSE AND THE UNITED STATES CONGRESS TO CONSIDER WITHHOLDING FOREIGN AID TO THE MEMBERS OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES IN AN EFFORT TO RESTORE STABLE OIL PRICES	