

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

December 3, 1986

PRELIMINARY AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. SECRETARY'S REPORT
  - Minutes of November 24, 1986, Council Meeting
- IV. DIRECTOR'S REPORT
- V. REPORTS FROM COUNCIL COMMITTEES
- VI. OLD BUSINESS
- VII. NEW BUSINESS
  - Item #1: Election of Council Officers
  - Item #2: Adoption of Rules of Procedure
  - Item #3: Submission of Interim Study Report on the Revision of Title 30 from the Joint Standing Committee on Local and County Government

REP. JOHN N. DIAMOND  
CHAIRMAN

SEN. CHARLES P. PRAY  
VICE-CHAIRMAN



STATE OF MAINE  
LEGISLATIVE COUNCIL  
STATE HOUSE  
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK  
SEN. BARBARA A. GILL  
SEN. THOMAS R. PERKINS  
SEN. PAUL E. VIOLETTE  
REP. LELAND C. DAVIS, JR.  
REP. MARTIN S. HAYDEN  
REP. JOHN L. MARTIN  
REP. THOMAS W. MURPHY, JR.

## LEGISLATIVE COUNCIL

November 24, 1986

### MEETING SUMMARY

(Approved with corrections and placed  
on file December 3, 1986)

### CALL TO ORDER

The meeting of the Legislative Council was called to order in  
the Council Chambers by the Chairman, John N. Diamond, at 2:29 p.m.

### ROLL CALL

Senators: Sen. Clark, Sen. Gill, Sen. Perkins, Sen. Pray,  
Absent: Sen. Violette

Representatives: Rep. Davis, Rep. Diamond, Rep. Hayden, Rep.  
Martin, Rep. Murphy

### Legislative Officers:

Sally Diamond	Executive Director, Legislative Council
Peter Siegel	Law Librarian
Bent Schlosser	Director, Office of Fiscal and Program Review
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes

### SECRETARY'S REPORT

The minutes of the Council's October 17, 1986, meeting were  
approved and placed on file. (Motion by Rep. Martin; second by Rep.  
Hayden; unanimous).

## DIRECTOR'S REPORT

The report submitted by Sally Diamond, Executive Director, included the following:

Item #1: Approved Step Increases

Lock Kiermaier, Analyst, Office of Fiscal and Program Review, from Step B to Step C, effective November 5.

Grant Pennoyer, Analyst, Office of Fiscal and Program Review, from Step B to Step C, effective November 13.

Item #2: Approved Out-of-State Travel

Kevin Madigan, to attend NCSL Seminar on Current Issues in Criminal Justice, December 1-2, 1986.

Lars Rydell, to attend a two part workshop for state legislative staff on preparing oversight reports of states' policies and programs for reducing the rates of school dropouts and youth unemployment. Sponsored by NCSL, the first workshop is in Washington, DC, and the second in Denver Colorado.

Ms. Diamond also reported that Haven Whiteside has been invited by the Council of American Physical Society to be a member of its Panel on Public Affairs. Since this will involve attending a series of meetings over the next year, Council policy is to authorize acceptance of the invitation to participate

Motion: That Haven Whiteside be authorized to accept the invitation of the Council of the American Physical Society to be a member of its Panel on Public Affairs (Motion by Rep. Martin; second by Sen. Pray; unanimous).

Item #3: Legislative Printing Contracts

Ms. Diamond reported that the low bidders had been determined for each of the major legislative printing contracts for the 113th biennium. They include:

LD's: Twin City Printery, Lewiston

House & Senate  
Calendars: Twin City Printery, Lewiston

Legislative Record: Quality Copy, Hallowell

Acts & Resolves: Quality Copy, Hallowell

House & Senate  
Register: J.S. McCarthy

Ms. Diamond noted that the bid price for each of the first four contracts was lower than the bid for the 112th biennium and attributed this to the fact that the Legislature's computer system not only permits the utilization of technology which reduces the cost of printing but also expands the pool of potential bidders, thus increasing the competitiveness of the bidding process.

Motion: That the Legislative Council ratify the recommendations of the Executive Director regarding the award of printing contracts. (Motion by Sen. Gill; second by Sen. Pray; unanimous).

Item #4: Recommendations for Transfer of Engrossing

At its October 17 meeting, the Council had directed Sally Diamond and David Silsby to meet with the Deputy Secretary of State to develop recommendations for the transfer of the engrossing function to the Legislature. Members of the Council had received a letter from Ms. Diamond and Mr. Silsby summarizing their recommendations in advance of the meeting. These included:

- Assignment to the Revisor of Statutes of the full responsibility for engrossing bills, assigning chapter numbers, and immediate distribution of both engrossed and chaptered copies. No legislation is required to effect these changes.
- Creation of three new full-time permanent positions in the Revisor's Office to support the engrossing process.
- Authorization to hire session employees to provide additional support during peak load times.

Ms. Diamond introduced Carrie Berry and Jean Blair, who were present. Both will transfer from the Secretary of State's Office to the Legislature to work in the new Engrossing Division.

V. REPORTS FROM COUNCIL COMMITTEES

Item #1: Personnel Committee

Because the Committee had not been able to meet prior to the Council meeting, Rep. Martin, Committee Chair, moved that the Council go into Executive Session for the purpose of discussing personnel issues.

## EXECUTIVE SESSION

Motion: That the Council recess at 2:33 p.m. and move into Executive Session.

## RECONVENE

Motion: That the Council reconvene at 3:25 p.m. (Motion by Sen. Pray; second by Sen. Gill; unanimous).

Rep. Martin, Committee Chair, presented the following recommendations on behalf of the Committee:

1. That the Council authorize hiring Carrie Berry and Jean Bailey to fill two of the positions created by earlier Council action to support the engrossing function effective December 1 and that they be assigned to Salary Range 5 based on the recommendation of the Revisor. (Motion by Rep. Martin; second by Sen. Gill; unanimous).
2. That the Legislative Council award a 4% cost-of-living increase to all legislative employees retroactive to July 1, 1986, in a manner consistent with the action taken for all other state employees.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Clark; unanimous).

3. That the Council adopt NCSL's proposed classification and Salary Plan for Partisan Staff, effective January 1, 1987, with each of the five salary ranges starting at Step B of the comparable ranges recently adopted for nonpartisan staff.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Gill; unanimous).

4. That Salary Range 4 in the new Salary Scale previously adopted by the Council be adjusted upward pursuant to the recommendation from Cindy Simon. Step A would be increased to \$14,900 and all subsequent steps in the range adjusted accordingly.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Clark; unanimous).

5. That the Council authorize conversion of one Research Assistant position in the Office of Policy and Legal Analysis from a "project" position to a permanent position, consistent with the intent of the Council's Reorganization in December, 1985.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Gill; unanimous).

6. That the Council authorize conversion of the Associate Law Librarian position occupied by Jane Edwards from a "project" position to a permanent position effective January 1.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Clark; unanimous).

7. That the Council establish two permanent clerical positions in the Law and Legislative Reference Library.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Gill; unanimous).

8. That the Council direct the Personnel Committee to meet with Helen Ginder to discuss her appeal of the classification of the secretaries in her office.

Motion: That the recommendation be accepted (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Item #2: Committee on Allocation of Legislative Space

Sen. Pray, Committee Chair, reported that the Committee had met and concluded that it was not possible to complete the assignments of staff and committee space until the committee structure for the 113th Legislature was decided. He further reported that he and Rep. Martin, as presiding officers, had directed that the three additional parking spaces which have been created outside of the "Governor's Entrance" be designated as "Handicapped-Legislators".

No Council action required.

Item #3: Committee on Data and Word Processing

Rep. Hayden, Committee Chair, reported that the Committee had no business to report at this time. Sally Diamond provided a brief status report on expanding access to the "public" bill status system. The Bureau of Data Processing (formerly Central Computer Services) is in the process of installing additional security features to ensure that non state-agency users are totally blocked from access to all other data on the system. These security features may slow system response time, but are essential to ensure the integrity of the system. Following brief discussion, Council members agreed that it would be important to monitor the implementation of this project to expand access.

No Council action required.

#### OLD BUSINESS

Item #1: Joint Standing Committee on Transportation: Study of Effect of Subsidies on Maine's Transportation Industry

A letter from the Chairs of the Joint Standing Committee on Transportation indicated that the Committee would submit a request to conduct a study on the subject at the close of the First Regular Session of the 113th Legislature.

(No Council action required)

#### NEW BUSINESS

Item #1: Submission of Interim Study Report on "The Blue Mussel Resource and Harvesting in Maine" from the Joint Standing Committee on Marine Resources

Motion: That the Council accept the report of the Committee and place it on file (Motion by Rep. Martin; second by Rep. Davis; unanimous).

Item #2: Cost-of-Living Increases for Constitutional Officers

By statute, the Council sets the salaries of the three Constitutional officers (Secretary of State, Treasurer of State, Attorney General) and the State Auditor. Thus, Council action was required to apply the cost-of-living increase recently adopted for all other state employees to the salaries of these individuals. Following discussion, Council members agreed that the action taken by this Council could affect only the period up through December, when the 112th Legislature expires.

Motion: That the Council award a 4% cost-of-living increase for the period July 1 - December 2, 1986 to the Constitutional Officers and the State Auditor (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Item #3: Request from Special Commission to Study the Utilization of Vacant Buildings at Pineland Center to Extend Deadline

A letter from Rep. Carroll, Commission Chair, requested that the Council extend the Commission's reporting deadline. Council members noted that since the deadline was established in statute, the extension would require amendment of the law.



Motion: That the Revisor of Statutes be directed to prepare legislation extending the Commission's reporting deadline until January 15, 1987 (Motion by Sen. Clark; second by Rep. Martin; unanimous).

DISCUSSION: Rep. Diamond requested that the name of the principal staff member appear on the cover page for every report in which legislative staff are involved.

Item #4: Letter from Joint Standing Committee on State Government Regarding the Need for Emergency Legislation for the Allocation of the State Ceiling on Industrial Development Bonds

The Committee had met pursuant to statute to review the impact of federal tax reform legislative on the current state ceiling. A letter from the Committee Chairs informed members of the Council that the Governor and Governor-Elect had agreed to support the introduction of emergency legislation.

No Council action required.

Item #5: Recommended Price Schedule for 1986 MRSA "Pocket Parts"

The Legislative Council is authorized by statute to set the price for sets of the Maine Revised Statutes Annotated and for the pocket parts which are published annually following adjournment of each legislative session. Traditionally, the Legislature has ordered 1100 sets of pocket parts and mailed them to a distribution list and recouped 50% of the cost from a segment of the total distribution list. The cost of all copies distributed to the Attorney General's Office, the judicial branch, and executive departments has been borne by the Legislature. The total cost for the 1100 sets just received is \$177,600 and continuation of the traditional policy would result in an offset of approximately \$32,560.

Council members agreed that a comprehensive review of both the distribution and pricing policies should be undertaken, and, further, that an interim revision in the pricing policy should be adopted.

Motion: That the current policy of billing 50% of the total cost be continued through June 30, 1987, and that all "subscribers", including the judicial branch, Attorney General, and executive departments, be notified that they will be billed for the full cost of both pocket parts and replacement volumes of the Maine Revised Statutes Annotated effective July 1, 1987, and should take the necessary steps to revise their budget requests accordingly (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Item #6: Joint Standing Committee Structure for the 113th Legislature

Rep. Armstrong appeared before the Council to speak about the need to review the scope of the subject area assigned to the Joint Standing Committee on Business and Commerce during the 112th Legislature. He recommended that the work of this committee be divided between two committees: a Committee on Business Regulation, and a Committee on Commerce and Industry.

Following discussion, Council members noted that the Committee structure is the province of the Legislature: traditionally, a Joint Order is introduced on the opening day of the Legislature.

No Council action required.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 4:09 p.m.  
(Motion by Rep. Martin; second by Sen. Pray; unanimous).

JOHN N. DIAMOND  
CHAIRMAN

SEN. CHARLES P. PRAY  
VICE-CHAIRMAN



STATE OF MAINE  
LEGISLATIVE COUNCIL  
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December 3, 1986

TO : Members of the Legislative Council  
FROM : Charles P. Pray, President of the Senate  
SUBJECT : Organizational Meeting

*CPP sel*

By tradition, the Senate President convenes the first meeting of the Legislative Council. The primary purpose of this meeting is to elect the Chair and Vice-Chair.

I think it is important to do this immediately so that the Council can deal promptly with any necessary issues during the month of December. I would like, therefore, to schedule our first meeting for today, immediately following adjournment of the last house. We will meet in the Legislative Council Chamber.

A preliminary agenda and a copy of Proposed Rules of Procedure are enclosed for your review prior to the meeting.

Enclosure

cc: Joy J. O'Brien, Secretary of the Senate  
Edwin H. Pert, Clerk of the House  
Legislative Staff Directors  
Charlotte Carrie

# **MAINE LEGISLATIVE COUNCIL**

## **113th LEGISLATURE**

### **RULES OF PROCEDURE**

Adopted December 3, 1986

1. **Chair:** The Council shall select a chair who shall preside at all meetings of the Council when present. The chairmanship shall be alternated in succeeding sessions between members from the Senate and members from the House.
2. **Vice Chair:** The Council shall select a Vice Chair who shall act as chair in the absence of the chair. The Vice Chair shall not be a member of the same branch of the Legislature as the Chair.
3. **Organizational meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session and preside until the election of the Chair.
4. **Quorum:** The Council shall conduct no business in the absence of a quorum, which shall consist of 6 members. Any affirmative action of the Council shall require the affirmative votes of not less than 6 members.
5. **Meetings:** The regular monthly meeting of the Council shall be determined by vote of the Council or by call of the Chair.
6. **Meeting location:** The official meeting place of the Legislative Council shall be the Legislative Council Chamber, and all meetings shall be convened there unless a different place is specified in the call of the meeting.

7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call shall give the date, time, place of the meeting and such other information as the Chair may direct.

8. **Public Meetings:** All meetings of the Council shall be public, except for executive sessions, and all final action shall be taken at a public meeting.

9. **Council Subcommittees:** Subcommittees of the Council shall be named by the Chair and shall consist of not less than three members. All subcommittees shall have representation from each of the two major political parties.

10. **Council Records:** The Executive Director of the Legislative Council shall maintain an accurate permanent public record of all meetings and proceedings of the Council.

11. **Order of Business:** The regular order of business of the Council shall be:

1. Call to Order
2. Roll Call
3. Secretary's Report
4. Director's Report
5. Committee Reports
6. Old Business
7. New Business
8. Announcements and Remarks
9. Adjournment

12. **Statements to the Press:** Official statements to the press or public on behalf of the Legislative Council shall be made only by the Council Chair or persons authorized by the Chair.

13. **Rules of order:** The proceedings of the Council shall be conducted in accordance with Robert's Rule of Order except as otherwise specified in the Council's own rules or by law.

14. **Revision of Rules:** These rules, with the exception of Rule 4, may be altered or amended upon a two-thirds vote of the Council members present and voting but not less than six affirmative votes.

SENATE

JOHN L. TUTTLE, JR., DISTRICT 33, CHAIR  
JOHN E. BALDACCI, DISTRICT 10  
COURTNEY E. STOVER, DISTRICT 24

GILBERT BREWER, LEGISLATIVE ASSISTANT  
JOHN KNOX, LEGISLATIVE ASSISTANT  
MICHAEL T. FLOOD, COMMITTEE CLERK



HOUSE

EDWARD A. MCHENRY, MADAWASKA, CHAIR  
JOHN P. DAGGETT, MANCHESTER  
CARL B. SMITH, ISLAND FALLS  
DOROTHY A. ROTONDI, ATHENS  
MONA WALKER HALE, SANFORD  
ALBERTA M. WENTWORTH, WELLS  
ELEANOR M. MURPHY, BERWICK  
JOHN E. MASTERMAN, MILO  
ROLAND S. SALSBUURY, JR., BAR HARBOR  
ROY I. NICKERSON, TURNER

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
**COMMITTEE ON LOCAL AND COUNTY GOVERNMENT**

December 2, 1986

Honorable John N. Diamond  
Chairman, Legislative Council  
House Majority Office  
Augusta, Maine 04333

Dear Chairman Diamond,

As chairs of the Joint Standing Committee on Local and County Government, we are pleased to submit the accompanying Report on the Revision of Title 30. As noted in the report, we chose not to include copies of the legislation suggested by the Committee in the report. Due to the length of the bill drafts, we felt it better to avoid the extra printing costs. However, the two bills including the home rule revisions and the substantive changes have already been submitted to the Revisor's Office. The bill containing the recodification is in the process of being transferred to the Revisor and should be ready for introduction after final action is taken on the previously mentioned two bills. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "John", followed by a horizontal line.

John L. Tuttle  
Senate Chair

A handwritten signature in cursive script, appearing to read "Edward A. McHenry", followed by a horizontal line.

Edward A. McHenry  
House Chair