

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)

LEGISLATIVE COUNCIL

MAY 5, 1987

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Minutes of April 28, 1987, Council Meeting

DIRECTOR'S REPORT

- Approved Step Increases

REPORTS FROM COUNCIL COMMITTEES

Item #1: Personnel Committee:

OLD BUSINESS

NEW BUSINESS

- Item #1: Amendment of Legislative Council Procedures for Oversight of Legislative Committees and Commissions (Draft attached)
- Item #2: Transmittal of Rules and Regulations concerning the provision of Housing and Food to State Employees (letter attached)
- Item #3: After Deadline Requests (list attached)

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. THOMAS R. PERKINS
SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

LEGISLATIVE COUNCIL

APRIL 28, 1987

MEETING SUMMARY

APPROVED MAY 5, 1987

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 10:20 a.m.

ROLL CALL

Senators: Sen. Clark, Sen. Dutremble, Sen. Perkins, Sen. Pray, Sen. Webster

Representatives: Rep. Diamond, Rep. Gwadosky, Rep. Martin, Rep. Murphy, Rep. Paradis

Legislative Officers:

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

SECRETARY'S REPORT

The summaries of the Council's April 14 and 21, 1987, meetings were approved and placed on file (Motion by Rep. Martin; second by Rep. Diamond; unanimous).

DIRECTOR'S REPORT

Out-of-State Travel

Sally Diamond, Executive Director, reported that she had authorized the following to attend a Wang Training Seminar in Burlington, MA, May 5-6: Polly Gosselin, Joan Gagne, Sandy Mayer. She noted that while staff rarely travel during the last weeks of the legislative session, this seminar is critical to the conversion of bill drafting from the ALTER system to the Wang computer.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request from Joint Select Committee on Corrections to spend balance of funds previously authorized

The Chairs of the Committee requested approval to spend the remaining \$1,400 of the \$2,500 they had previously been authorized to spend on the one-day seminar in March. The Committee would use the balance of the funds to contract with a consultant who would serve as a facilitator to the Committee.

Motion: That the request be approved (Motion by Rep. Martin; second by Rep. Diamond; unanimous).

Item #2: Caucus of New England Legislatures: Dues Increase

Sen. Pray noted that the Caucus of New England Legislatures planned to increase annual dues from \$7,000 to \$10,000, and that the increase was to be allocated equally among the six member states. He reported that he and other members of leadership from Maine had proposed that the amount of the increase be apportioned among the members using a formula that took into account such factors as total state budget.

Motion: That the Chair send a letter indicating that the Legislative Council would not pay the increase in dues (Motion by Rep. Martin; second by Sen. Clark; 8-1).

Item #3: After Deadline Requests

A list of After Deadline Requests considered by the Council and a summary of the Council's action is attached.

Item #4: Request from Joint Standing Committee on Education to submit Proposal to NCSL to Study Maine's Elementary and Secondary Education Finance Formula.

Senator Estes, Senate Chair of the Education Committee, was present to explain the proposal to the Council. He noted that the Education Committee has been discussing the education funding formula for several months and that the proposal would provide the Committee with a timely vehicle for addressing the issue. The deadline for submitting an application was today (April 28). Discussion among Council members centered on the following:

- 1) Whether this was the Committee's priority for work during the interim.
- 2) Late notice to the Council of the request for authorization to submit an application.
- 3) The potential for duplication of effort between this study, the work of a Task Force being convened by the Department of Education to Study the funding formulas, and the Governor's expressed interest in the subject.

Motion: That the Council approve submission of the grant proposal with the following stipulations: 1) That the proposal have the unanimous endorsement of the Education Committee and that the Committee communicate this to the Council Chair; 2) That if Maine is awarded a grant, the proposal be reviewed at that time to determine the potential for duplication with the understanding that the Council reserves the right to turn down the award (Motion by Rep. Martin; second by Sen. Clark; 6-1).

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:50 a.m. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL
STATE HOUSE
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. THOMAS R. PERKINS
SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

April 30, 1987

TO: Members of the Legislative Council
FROM: John L. Martin, Chair *JLM by [signature]*
Personnel Committee
SUBJECT: Income Protection

You will recall that following a preliminary discussion several weeks ago regarding how to handle income protection for legislative employees, we asked Sally to do some further research. That has now been completed, and I have enclosed some material for your review. Should we decide to proceed with establishing a plan, the primary issues revolve around sponsorship and who pays. Sally's material lays out these alternatives.

I look forward to our continued discussion of this.

Enclosures

LEGISLATIVE COUNCIL

INCOME PROTECTION FOR LEGISLATIVE EMPLOYEES

Background

Income protection provides continued salary benefits to an employee in the event of temporary disability which requires absence from work for a period which extends beyond the point where the employee has exhausted accumulated leave.

Generally, income protection is available only in cases when sickness or injury prevents the employee from performing "any and every duty of his occupation". In other words, the employee must be totally disabled and under the care of a licensed physician.

Issues

We have explored three models for providing an income protection plan for legislative employees. These include:

- Contracting with an insurance carrier
- Obtaining the benefit through individual membership in MSEA
- "Self-Funding" a plan, consistent with that currently available to confidential employees by statute (ch. 739 P.L. 1979).

The first option is not available: contacts with several insurance carriers indicate that they are not interested. A comparison of the remaining options reveals some significant differences:

1. The length of time for which "substitute salary" is provided

MSEA:	Up to 52 consecutive weeks for each separate disability
-------	---

CONFIDENTIAL:	Up to 180 days
---------------	----------------

2. The level of pay

MSEA: Establishes maximum monthly benefit based on an employee's annual salary, but places a cap on the total monthly benefit. Thus, the "substitute salary" represents a decreasing percentage of full salary, as salary increases: from about 60% to 50%

CONFIDENTIAL: 66 2/3% of employee's weekly salary

3. Who pays

MSEA: Employee pays and may select the level of coverage in \$100 increments up to a ceiling established by the plan, at the rate of 45 per \$100 per month

NOTE: Should the Council choose to pay the premiums for the MSEA plan, the total annual cost would be approximately \$10,800.

CONFIDENTIAL: Employer pays

I have costed out some of the employee "cases" we have had during the current session under each plan to give you an idea.

Enclosures

APPLICATION OF MSEA INCOME PROTECTION PLAN
TO LEGISLATIVE EMPLOYEES*

<u>Employee Salary Range</u>	<u># in Range</u>	<u>Median Monthly Salary</u>	<u>Maximum Monthly Benefit</u>	<u>Annual Cost</u>
Up to \$7,200	0	\$ 300	\$ 300	\$ --
\$ 7,200 - 9,000	1	\$ 675	\$ 400	\$ 21.60
\$ 9,000 - 10,800	2	\$ 825	\$ 500	\$ 54.00
\$10,800 - 12,600	2	\$ 975	\$ 600	\$ 64.80
\$12,600 - 14,400	15	\$1,125	\$ 700	\$ 567.00
\$14,400 - 16,200	22	\$1,275	\$ 800	\$ 950.40
\$16,200 - 18,000	23	\$1,425	\$ 900	\$ 1,117.80
\$18,000 - 19,800	12	\$1,575	\$1,000	\$ 648.00
\$19,800 - 21,600	19	\$1,725	\$1,100	\$ 1,128.60
\$21,600 - 23,400	11	\$1,875	\$1,200	\$ 712.80
\$23,400 - 25,200	10	\$2,025	\$1,300	\$ 702.00
\$25,200 - 27,000	4	\$2,175	\$1,400	\$ 302.40
\$27,000 - 28,800	5	\$2,325	\$1,500	\$ 405.00
\$28,800 - 30,600	8	\$2,475	\$1,600	\$ 691.20
\$30,600 and over	<u>37</u>		\$1,700	\$ <u>3,396.60</u>

Total Annual Cost (Est.) \$10,762.20

PROJECTED COSTS OF INCOME PROTECTION

FOR "ELIGIBLE" LEGISLATIVE STAFF : 113th/1st REGULAR SESSION

Current Salary		Confidential Employees' Plan *			MSEA Plan **	
Employee	Biweekly Salary	Biweekly Benefit	Maximum Cost to Leg.	Actual Cost ***	Biweekly Benefit	Maximum Cost
Blaisdell	\$1,829.16	\$1,220.05	\$15,861	?	\$850	
Gormley	\$ 623.18	\$ 415.66	\$ 5,404	---	\$450	
Holmes	\$ 682.12	\$ 454.97	\$ 5,915	\$1,364.91	\$450	

* Two-thirds of weekly salary for a period up to 180 days (13 weeks) following use of all leave.

** Plan establishes maximum monthly benefit based on annual salary. Employee pays the premium.

*** Net of accumulated leave.

LEGISLATIVE COUNCIL
PROCEDURES FOR SOLICITATION
AND SELECTION OF CONTRACTORS

DRAFT

1. **Authorization.** All committees/commissions whose funds are allocated to the Legislature must seek approval from the Legislative Council to proceed with arrangement of contractual services before proceeding with any such arrangements. Authorization shall be requested in writing to the Chairman of the Legislative Council. Any committee/commission that has specific statutory authorization to expend appropriated funds for contractual services may proceed with the solicitation process but in either case, the outline described below shall be followed.
2. **Definition Of Scope Of Services To Be Performed.** The committee/commission shall prepare a written description of the work to be performed, which shall be included in the written request to the Legislative Council for authorization to execute a contract with the selected bidder.
3. **Evaluation Criteria.** The committee/commission shall define specific criteria for evaluating proposals at the time the request for proposal is issued to assure a consistent basis for reviewing proposals. A copy of these criteria shall be sent to the Executive Director of the Legislative Council.
4. **Advertising.** All studies or projects which require professional and/or technical services where total compensation exceeds \$3,500 shall require a Request for Proposal. The Request for Proposal shall be advertised in one or more Maine newspapers at least 30 days prior to the deadline for submission. Copy of the ad shall be reviewed by the Executive Director of the Legislative Council for technical accuracy.
5. **Receipt.** All submissions in response to the RFP shall be mailed to the committee/commission c/o the Office of the Executive Director, which will be responsible for maintaining a log for each RFP listing bidder name, date and time of receipt. Proposals shall not be opened until the official bid opening.
6. **Bid Opening.** The Executive Director shall declare the bid period to be closed and, in consultation with the appropriate committee/commission chairman, establish a day and time for bids to be opened. Bid openings shall be attended by the appropriate committee/commission chairman, at least one other member of the committee/commission, a representative of the legislative office assigned to staff the committee/commission, and the Executive Director, who shall serve as recorder.

7. **Proposal Evaluation.** All bids shall be evaluated in accordance with the established criteria, using a 5 point scale. Evaluations shall be recorded and available for inspection after the committee/commission has completed its evaluation and voted on the matter.
8. **Selection Of Contractor.** Upon completion of the bid opening and evaluation process, the full committee/commission shall meet to review the proposals and take a formal vote to approve the award of a contract, subject to the approval of the Legislative Council. The committee/commission shall forward its recommendation to the Legislative Council for action. Preliminary notification to bidders by the appropriate committee/commission chairman of the committee/commission's decision shall clearly indicate that final selection is subject to the approval of the Legislative Council.
9. **Notification To Bidders.** Following approval by the Legislative Council, the Executive Director shall be responsible for notifying all bidders of the results of the bid selection process.
10. **Contract Execution.** The Executive Director shall prepare an agreement to be cosigned by the contractor and the Executive Director which shall define the terms and conditions under which the work is to be carried out. This agreement will specify the schedule and basis for payments.



State of Maine
DEPARTMENT OF FINANCE
Bureau of the Budget
State House - Station 58
Augusta, Maine 04333

April 28, 1987

Charles P. Pray, President of the Senate
Chairman, Legislative Council
State House Station #3
Augusta, Maine 04333

Dear Senator Pray:

As required by 5 M.R.S.A., Section 8-F, the rules and regulations established and promulgated by each department concerning the provision of housing and food to employees are to be approved by the State Budget Officer and transmitted to the Legislative Council for its review biennially.

I am herewith transmitting the rules and regulations from the Departments of Conservation, Corrections, Educational and Cultural Services, Inland Fisheries and Wildlife and Mental Health and Mental Retardation. These are the only departments directly affected by Sections 8-B and 8-C.

The Department of Educational and Cultural Services has revised its rules to account for the independence of the VTI's.

The Department of Transportation provides housing for employees at remote locations to aid their maintenance efforts at Baxter State Park and occasionally for the ferry service. The Seed Potato Board provides employee housing at the Masardis farm and in Florida. These employees are not charged rent under the exception provided in Section 8-B, as they are all below range 25 and the housing is provided for the convenience of the state.

The Department of Conservation has updated its policies. New paragraphs were added to clarify that rangers may be required to live in a fixed location as a condition of employment, to discuss long-term camping by employees in state parks and to re-emphasize the restrictions on alterations to state housing facilities. The department also urges employees to carry renter's insurance, both liability and personal property, while residing in state housing.

April 28, 1987

I am also enclosing for the Council's review the "Guidelines on State Housing" developed by the Bureau of the Budget to provide uniformity between departmental rules and regulations.

Sincerely,

G. W. Buker

G. William Buker
State Budget Officer

GWB/km
Encl.

SP 454

IN SENATE CHAMBER

with accompanying Papers
READ & PLACED ON FILE
APR 29 1987

JOY J. O'BRIEN, Secretary

SENT DOWN FOR CONCURRENCE

HOUSE OF REPRESENTATIVES

READ & PLACED ON FILE

with accompanying Papers
APR 29 1987

IN CONCURRENCE

Edmund Rees

CLERK