

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MARCH 15, 1988

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summaries of March 1 and March 8, 1988 Council Meetings

DIRECTOR'S REPORT

- Item #1: Resignation: Claire Pacquette, Secretary of Maine-Canadian Legislative Advisory Office.
- Item #2: Recommendation to Award Step Increase to Haven Whiteside, Deputy Director, Office of Policy and Legal Analysis.
- Item #3: Proposed Policy and Procedures Related to Confidentiality of Legislative Workpapers pursuant to 1 MRSA § 401 et seq (Draft Policy enclosed).

REPORTS FROM COUNCIL COMMITTEES

- Item #1: Committee on Allocation of Legislative Space

OLD BUSINESS

NEW BUSINESS

- Item #1: Submission of Report Pursuant to Statute:
 - Joint Standing Committee on Banking and Insurance: Study of Nonprofit Service Agencies and Other Hard-to-Obtain Lines of Liability Insurance (authorized by Chapter 65 and Chapter 79, P. S. 1987).
- Item #2: After Deadline Requests

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

MARCH 1, 1988

MEETING SUMMARY

APPROVED MARCH 15, 1988

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 10:32 a.m..

ROLL CALL

Senators: Sen. Clark, Sen. Dutremble, Sen. Perkins, Sen. Pray
Absent: 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
John Wakefield	Deputy Director, Office of Fiscal and Program Review
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes
John H. Bailey	Information Systems Director

SECRETARY'S REPORT

The summary of the Council's February 23, 1988, meeting was approved and placed on file. (Motion by Rep. Martin; second by Rep. Murphy; unanimous)

DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Martin, Committee Chair, announced that the Committee would meet in his office at 12 noon on Wednesday, March 2.

Committee on Effective Utilization of Legislative Space

Sen. Pray, Committee Chair, reminded Committee members that they would be meeting Friday, March 11, with the architectural consultant, John Weinrich.

OLD BUSINESS

Tabled Item: Request for Funding of State and Local Legal Center. (Tabled at 2/23/88 meeting).

Council members had received copies of a letter addressed to the Speaker cosigned by Ted Strickland, NCSL President, and Mary McClure, CSG President, requesting financial support from State legislatures for the State and Local Legal Center.

The Center was established in 1984 to effectively represent state and local interests before the U.S. Supreme Court, including cases involving federal preemption, state taxing and spending powers and the Tenth Amendment. As "seed" funding for the Center expires, the consortium of organizations involved in establishing it have agreed that state and local governments should each assume responsibility for 50% of the funds required to assure the Center's continuation. Maine's share, which has been calculated according to a formula similar to those used by NCSL and CSG to calculate annual dues, would be \$30,000 over a 10-year period.

Motion: That the request be approved and that the Executive Director be authorized to request the necessary funds through the Appropriations process. (Motion by Rep. Martin; second by Sen. Clark; approved 6-1, with Rep. Murphy dissenting).

NEW BUSINESS

Item #1: Submission of Study Report on Long Term Planning for the Corrections System in Maine, from the Joint Select Committee on Corrections

Motion: That the Report be accepted and placed on file. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Item #2: Taxation of State and Local Workers' Benefits: Memorandum from NCSL

NCSL has issued an informational letter to its members announcing that, effective January 1, 1988, state and local governmental employees will be subject to taxation on all employee benefits as credit toward future benefits is earned. These benefits include sick and vacation leave, compensatory time, severance pay, and death and disability benefits.

Motion: That the Legislative Council send a communication on behalf of the Legislature to the members of Maine's Congressional delegation supporting the adoption of technical corrections to prevent taxation of benefits at the time they are earned. (Motion by Sen. Clark; second by Rep. Martin; 7-1, with Rep. Murphy dissenting).

Item #3: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

Item #4: Distribution of Committee Drafts

Rep. Martin informed Council members that a committee draft had been provided to a member of the lobby earlier that morning before it had been distributed to members of the Committee and expressed his concern that policies and procedures to protect the privilege of certain legislative papers as provided by the Freedom of Access law needed to be strengthened.

Item #4 (cont.):

Motion: That staff offices be directed that drafts of legislation may be provided to members of the lobby only by the sponsor of the legislation, or in the case of legislation pending in Committee, with the express authorization of both committee chairs. (Motion by Rep. Martin; second by Rep. Diamond).

Rep. Paradis offered an amendment to the motion, that staff should not provide copy of legislation to a lobbyist in any case; the sponsor must be the one to provide the copy. The amendment was accepted by Rep. Diamond, who had offered the original motion.

Unanimous.

Motion: That the Executive Director and the Office Directors work with the Personnel Committee to develop guidelines regarding confidentiality for presentation to the Council. (Motion by Sen. Clark; second by Rep. Martin; unanimous).

Motion: That the guidelines include language to prohibit dissemination of bills and amendments before they come back from the printer. (Motion by Sen. Clark; second by Rep. Martin; unanimous)

Item #5:

Drafting Status

Sen. Pray asked David Silsby, Revisor of Statutes, for an update on the status of drafting. Mr. Silsby informed the Council that the 119 bills in progress could be classified as follows:

Awaiting signatures:	51
Typing/Proofing :	68
In Drafting :	7
On Hold (with :	7
approval of	
presiding officers)	

No Council action required.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:23 a.m. (Motion by Rep. Martin;; second by Sen. Perkins; 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
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SEN. CHARLES M. WEBSTER
REP. JOHN N. DIAMOND
REP. DAN A. GWADOSKY
REP. THOMAS W. MURPHY, JR.
REP. EUGENE J. PARADIS

LEGISLATIVE COUNCIL

MARCH 8, 1988

MEETING SUMMARY

APPROVED MARCH 15, 1988

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 10:37 a.m..

ROLL CALL

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

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
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes

SECRETARY'S REPORT

None.

DIRECTOR'S REPORT

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

Item #1: Approved Step Increases

Ms. Diamond reported that she had approved Step increases for the following, based on the recommendations of their office directors:

Elizabeth Bartlett, Administrative Secretary (Salary Range 6), Office of Fiscal and Program Review, from Step F to Step G, effective March 23, 1988.

Elaine Choate, Senior Secretary (Salary Range 4), Office of Fiscal and Program Review, from Step E to Step F, effective March 7, 1988.

Robert Michaud, Associate Librarian (Salary Range 10), Law and Legislative Reference Library, from Step D to Step E, effective March 5, 1988.

Motion: That the Report be accepted and placed on file. (Motion by Sen. Clark; second by Rep. Martin; unanimous).

Item #2: Action to Fill Library Associate Position

Ms. Diamond reported that, after completion of interviews and evaluation of resumes, she had approved Peter Siegel's recommendation to award the vacant position to Jennifer Locke, who is currently employed in the Library.

Motion: That the Executive Director's recommendation be accepted. (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Martin, Committee Chair, reported that the Committee had met to clarify procedures for the review of applications from partisan staff for the Income Protection Plan. These procedures have now been communicated in writing to all leadership offices.

No Council action required.

Item #2: Request from the State Compensation Commission to meet with the Council.

Rep. Martin noted that the members of the Personnel Committee to whom this item had been referred previously were in unanimous agreement that this meeting should be deferred until after adjournment sine die. The Committee has directed Sally Diamond to so inform the Commission.

No Council action required.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Annual Report by the Maine High Risk Insurance Organization

Motion: That the report be accepted and placed on file. (Motion by Rep. Martin; second by Rep. Gwadosky; unanimous).

Item #2: Application for Legislative Review of Administrative Rules pursuant to 20 M.R.S.A. § 11112. (Letter from Sen. Estes and Rep. Bost, Chairs, Joint Standing Committee on Education).

Ms. Diamond reported that a petition had been received requesting legislative review of rules promulgated by the Department of Education regarding access to collections and papers in the custody of the Maine State Museum. She had referred the request to the Joint Standing Committee on Education, and the Committee has decided to proceed with organizing a public hearing for this purpose, pending certification that the signators on the petition are all registered voters as required by law. Ms. Diamond noted that she had sent copies of the petition to all of the Town Clerks at the recommendation of the Secretary of State's Office in order to verify that the signators are registered.

Motion: That the Director's report be accepted and placed on file. (Motion by Sen. Clark; second by Rep. Martin; unanimous).

Sen. Clark further recommended that the Committee on State and Local Government be asked to review the statute governing legislative review of agency rules with the objective of amending it to clarify who is responsible for certifying that signators to a petition are registered voters. Ms. Diamond and Helen Ginder reported that the Committee had already agreed to consider this issue and that a proposed amendment was being prepared.

Item #3: Request from Maine Low-Level Radioactive Waste Authority to meet with Legislative Council. (Letter from Matthew Scott, Executive Director).

Motion: That the meeting be arranged following adjournment sine die. (Motion by Rep. Martin; second by Sen. Perkins, unanimous).

Item #4: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

Item #5: Space Assigned to the Press

Motion: That the Council Chair be authorized to deal with the issue of location of the press, with the understanding that the alternatives for relocation be limited to the State House Complex. (Motion by Rep. Martin; second by Sen. Clark; 7-0-1, with Rep. Gwadosky abstaining).

Sen. Pray noted that the Committee on the Effective Utilization of Legislative Space would consider this issue at its next meeting.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:00 a.m. (Motion by Rep. Martin;; second by Sen. Clark; unanimous).

DRAFT

LEGISLATIVE CONFIDENTIALITY

INTRODUCTION

Maine's Freedom of Access Law (1 MRSA @401 et seq.), which requires the disclosure of public records, specifically excepts the following under subsection 3, para. C:

"Records, working papers and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employees to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium in which the proposal or report is prepared."

The Legislative Council supports the public's right to information concerning the legislative process. Access, however, must be balanced with the need to protect privileged communications, whether oral or written, that, if disclosed, would hinder the legislative process. The Legislative Council has, therefore, adopted the following policies and procedures to govern written and oral disclosure of specific information contained in those records, working papers and interoffice and intraoffice memoranda which are excepted from the disclosure requirement.

POLICIES AND PROCEDURES

Confidentiality is a responsibility shared by both legislators and staff members. Employees must assume that the following are privileged communications and are to be treated as confidential without the specific and express permission of the designated requestor to do otherwise. Employees shall exercise diligence in protecting the confidentiality of these documents which includes taking appropriate steps to assure the security of these materials. Confidential information may be shared with another non-partisan staff member necessary to carry out legislative functions in accordance with procedures established by the Office Director.

Bill Drafts

All records, working papers, and interoffice and intraoffice memoranda directly related to a specific request for drafting of a bill or an amendment are excepted from the freedom of access provisions. Only the sponsor (i.e., legislative sponsor or Executive and Judicial Departments and Constitutional Officers who request bills before sponsors have been identified) may request that a nonpartisan staff person prepare or change any draft of a bill or amendment. Non-partisan staff may ask necessary drafting-related questions of the requestor or the requestor's designee and other knowledgeable persons without divulging the specific request.

Non-partisan staff may release bill drafts, amendments, or other records, working papers and interoffice and intraoffice memoranda to the requestor only, unless the requestor specifically authorizes release to other parties in writing or by telephone.

A copy of the bill in final form may be distributed only by the sponsor(s) until it has been referenced in both houses and returned from the printer.

Committee Reports and Amendments

All records, working papers and interoffice and intraoffice memoranda prepared for a committee study or report are excepted from freedom of access provisions. These documents will be considered confidential until they have been distributed to the committee in a public meeting. Non-partisan staff may release these documents only with the specific permission of both committee chairs. Documents prepared for minority reports may be released only by the legislator who requested the report or amendment.

Requests for Assistance or Information

A legislator's request for assistance, advice, or information is included in the statutory exception and shall be regarded as confidential. No information concerning these requests may be divulged unless the requestor specifically authorizes release to other parties in writing or by telephone.

Should any employee have questions regarding the implementation of this policy or related office procedures, that person should consult with the Office Director for guidance.

SENATE

RAYNOLD THERIAULT, DISTRICT 1, CHAIR
BEVERLY MINER BUSTIN, DISTRICT 19
DONALD F. COLLINS, DISTRICT 2

JERI GAUTSCHI, LEGISLATIVE ANALYST
SANDRA CHESLEY, COMMITTEE CLERK



HOUSE

CHARLENE B. RYDELL, BRUNSWICK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
HERBERT E. CLARK, MILLINOCKET
CAROL M. ALLEN, WASHINGTON
P. KELLEY SIMPSON, CASCO
RICHARD H.C. TRACY, ROME
JOHN C. BOTT, ORONO
MARY C. WEBSTER, CAPE ELIZABETH
PHILIP E. CURRAN, WESTBROOK
JOSEPH A. GARLAND, BANGOR

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

March 10, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Senator Pray:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our study of Nonprofit Service Agencies and other Hard-to-Obtain Lines of Liability Insurance pursuant to Chapter 65 and Chapter 79 of the Private and Special Laws of 1987. We hope you find this report a useful tool in our continuing efforts in the oversight of liability insurance for nonprofit service organizations.

Sincerely,

Sen. Raynold Theriault, Chair

A handwritten signature in cursive script, reading "Raynold Theriault".

4200m

A handwritten signature in cursive script, reading "Charlene Rydell".

Rep. Charlene Rydell, Chair

LEGISLATIVE COUNCIL

AFTER DEADLINE REQUESTS

MARCH 15, 1988

SPONSOR: Rep. Bickford

AN ACT to Improve Family Communication

SPONSOR: Sen. Dutremble

AN ACT Concerning Tuition Rates

Cosponsors:

Rep. Lawrence

Rep. Murphy, T. W., Jr.

SPONSOR: Sen. Gauvreau

AN ACT Authorizing the Establishment of
an Occupational Health and Safety Training
Resource Center at the Central Maine Vocational
Technical Institute in Auburn (possible title)

SPONSOR: Sen. Gill

Re Establishing An AIDS Lodging House

Cosponsors:

Sen. Brannigan

Rep. Diamond

Rep. Foster

SPONSOR: Rep. Joseph

AN ACT to Appropriate Funds for the GED
Office to Provide Equity in Adult Education

Cosponsors:

Rep. Bost

Rep. Handy

Sen. Estes

SPONSOR: Rep. Scarpino

AN ACT to Freeze Further Increases in the
Minimum Lobster Size

SPONSOR: Sen. Theriault

AN ACT to Authorize the Maine Self-Insurance
Guaranty Association to Act as a Statistical
Advisory Organization