

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MARCH 22, 1988

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summary of March 15, 1988, Council Meeting

DIRECTOR'S REPORT

Tabled Item: Legislative Confidentiality: Proposed  
Policy Statement

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: 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 15, 1988

### MEETING SUMMARY

APPROVED MARCH 22, 1988

### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 3:05 p.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
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes
John H. Bailey	Information Systems Director

### SECRETARY'S REPORT

The summaries of the Council's March 1 and March 8, 1988, meetings were approved and placed on file (Motion by Sen. Webster; second by Sen. Perkins; unanimous).

## DIRECTOR'S REPORT

Item #1: Resignation: Claire Pacquette, Secretary of  
Maine-Canadian Legislative Advisory Office.

Motion: That Ms. Pacquette's resignation be accepted with regret and placed on file. (Motion by Sen. Clark; second by Rep. Gwadosky; unanimous).

Item #2: Recommendation to Award Step Increase to Haven  
Whiteside, Deputy Director, Office of Policy and  
Legal Analysis.

Motion: That this matter be referred to the Personnel Committee in accordance with Council policy. (Motion by Sen. Perkins; second by Sen. Clark; unanimous).

Item #3: Proposed Policy and Procedures Related to  
Confidentiality of Legislative Workpapers pursuant  
to 1 MRSA § 401 et seq (Draft Policy enclosed).

Ms. Diamond distributed a draft policy to Council members, noting that it represented the joint efforts of the Office Directors. Because it raises several important issues, she recommended that the Council consider tabling the item until members had had an opportunity to read it carefully.

Motion: That the item be tabled until the Council's March 22 meeting. (Motion Sen. Perkins; second by Sen. Dutremble; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

Item #1: **Committee on Allocation of Legislative Space**

Sen. Pray, Committee Chair, reported that the Committee had met with the architects with the objective of identifying the specific projects to be undertaken during the coming interim. The architects have been asked to develop cost estimates for each of the projects to assist the Committee in developing its final recommendations for consideration by the full Council.

Copies of the list of projects under consideration were distributed, and Sen. Pray encouraged Council members to rank the projects in order of priority and return their completed form to Sally Diamond as soon as possible.

Sen. Pray also reported that the Committee on State and Local Government has taken its final vote on the bill creating a State Capitol Commission, LD 148. The bill has been redrafted.

Motion: That the Council Chair be authorized to work with the Committee on behalf of the entire Council. (Motion by Rep. Martin; second by Sen. Webster; unanimous).

## OLD BUSINESS

None.

## 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).

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

Item #2: 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.

## ADJOURNMENT

The Legislative Council meeting was adjourned at 3:36 p.m. (Motion by Sen. Dutremble; second by Sen. Webster; 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.

LEGISLATIVE COUNCIL  
AFTER DEADLINE REQUESTS

MARCH 22, 1988

SPONSOR: Rep. Allen

AN ACT to Create a Demonstration Project to Provide  
for Ladders of Advancement in the Nursing Profession

Note: This bill would replace a RESOLVE  
(LD 2280) which is currently before  
the Committee on Business Legislation.

AN ACT Authorizing Bond Issue for Construction  
of a New Knox County Jail

SPONSOR: Rep. Martin, J. L.

AN ACT Related to Employers' Responsibility to  
Provide Benefits or Wage Supplements to Employees

REQUEST TO INTRODUCE JOINT RESOLUTIONS

SPONSOR: Rep. Racine

Joint Resolution Memorializing The President Of The  
United States To Award The Presidential Medal Of  
Freedom To Charles E. Thornton, Lee Shapiro,  
And Jim Lindelof, Americans Killed In Afghanistan