

MAINE STATE LEGISLATURE

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REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

THURSDAY, FEBRUARY 23, 1989

MEETING SUMMARY

APPROVED MARCH 14, 1989

SEN. CHARLES P. PRAY
SEN. NANCY RANDALL CLARK
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. DAN A. GWADOSKY
REP. JOSEPH W. MAYO
REP. MARY CLARK WEBSTER
REP. FRANCIS C. MARSANO

SARAH C. DIAMOND
EXECUTIVE DIRECTOR

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Speaker Martin, at 9:10 a.m.

ROLL CALL

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

Representatives: Rep. Mayo, Rep. Gwadosky, Rep. Martin, Rep. Marsano, Rep. Webster

Legislative Officers:

Sally Diamond

Lynn Randall

Cheryl Ring

Martha Freeman

David Kennedy

Helen Ginder

Executive Director,
Legislative Council
State Law Librarian
Principal Analyst, Office
of Fiscal and Program Review
Director, Office of Policy
and Legal Analysis
Revisor of Statutes
Director, Legislative
Oversight

SECRETARY'S REPORT

The summary of the Council's February 15, 1989, meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond, Executive Director, reported that she had no items requiring Council action. She drew members' attention to the Revisor's Status Report and noted that he was present to answer any questions. There were none.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Sen. Clark, Committee Chair, reported that the new Committee had met on two occasions and presented the following recommendations to the Council in the form of motions:

Motion: That John D. Wakefield, Deputy Director of the Office of Fiscal and Program Review, be awarded a step increase retroactive to his anniversary date. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Motion: That the Legislative Council adopt the proposed evaluation criteria for use in considering eligible staff for promotion into the Senior Analyst classification. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Sen. Clark noted that the Senior Analyst classification had been a part of the original classification structure proposed by NCSL and adopted by the Council in 1986. On adoption, however, the Council agreed to consider recommendations for promotion into this class only after a uniform performance appraisal system had been developed. She noted that the evaluation tool represented a collaborative effort by Martha, Bent and Sally, and that members of the Committee had found the approach to be a very creative one. Finally, Sen. Clark stressed that this evaluation tool is not a general performance evaluation tool, but one that has been specifically designed to assist in selecting candidates for promotion to the position of Senior Analyst.

Automation Committee

Rep. Mayo, Committee Chair, reported that the requests for individual work stations previously approved by the Council for use by Reps. Gwadosky, Mayo, Webster and Marsano, had all been withdrawn. He also reported that the House Majority Office's request for an additional printer had been filled through reallocation of an existing printer, at no additional cost to the Legislature.

(No Council action required).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request for Authorization to Hire Two Non-legislators to Represent the Legislature and the Oversight Committee during the Study of the Augusta Mental Health Institute

Speaker Martin noted that part of the agreement negotiated with the Governor regarding the AMHI situation was that the funds for the two non-legislative members of the Committee would be provided through the Legislative Council.

Motion: That the Council Chair be authorized to negotiate with the two individuals to be appointed regarding payment. (Motion by Sen. Pray; second by Sen. Dutremble; unanimous).

Item #2: Request for Authorization to Issue a Request for Proposals to Study the Effects of Federal Income Tax Changes and the Resulting Effects on State Revenues

Speaker Martin drew members' attention to the letter from Sen. Andrews and Rep. Cashman, Chairs of the Taxation Committee. Sen. Andrews, who was present, noted that the Committee Chairs had concluded that the issues surrounding the State's tax policies and formulas were both complex and sensitive and that an objective independent analysis appeared to be the only constructive way to proceed.

Motion: That the Council Chair be authorized to issue a request for proposals on behalf of the Council to accounting firms. (Motion by Rep. Mayo; second by Sen. Clark).

Discussion: Council members' discussion centered on the following points:

- Clarification of who would do the analysis and projections (Sen. Cahill)

There was general agreement that the intent was to enter a contract with an independent firm which had technical expertise in the area of tax policy and revenue estimating.

- Clarification that the motion at this time was solely to authorize issuance of an RFP, and that a vote in support of the motion to issue an RFP did not necessarily imply support of the future contract award. (Rep. Marsano; Sen. Cahill and Dutremble). Council members were assured that those who were interested would be welcome to participate in the review of proposals and in the interviews of prospective consultants.
- Discussion of potential costs of the study (Rep. Webster).

Sen. Andrews reported that he did not have a reliable estimated cost, but noted that it was important to evaluate the cost, of the proposed study in the context of the cost of continuing tax revenue surpluses: in 1988, the State had spent approximately \$150,000 to process each of the two tax rebates and the cost of 2 Special Sessions of the Legislature. Speaker Martin noted that this study was not included in the legislative budget at this time.

Rep. Mayo withdrew his motion.

Motion That the Council Chair proceed with developing and issuing a Request for Proposals on behalf of the Council and meet with members of the Taxation Committee for the purpose of reviewing the proposals and submitting a recommendation to the Legislative Council. (Motion by Sen. Pray; second by Sen. Clark; Approved 7-3).

Item #3: Request from Joint Standing Committee on Judiciary to conduct a Study of Medical Malpractice Insurance Premiums

The Chair recognized Rep. Paradis, House Chair of the Judiciary Committee, who reported that both his committee and the Committee on Banking and Insurance were concerned that they needed some independent analysis of the tort reform legislation that had been passed before they could effectively deal with some related legislative proposals that have been introduced this session. Of particular concern are a number of issues surrounding medical malpractice liability insurance rates. Rep. Paradis distributed copies of a proposal abstract for members' review.

Motion: That the Chair be authorized to enter a contract on behalf of the Council for the purposes of conducting an independent analysis of the effects of current legislation on medical malpractice liability insurance rates. (Motion by Sen. Clark; no second).

Discussion: Sen. Pray noted this study fell within the purview of the guidelines the Council had previously established regarding oversight of studies and commissions, and that the Council should proceed in conformance with those guidelines.

Sen. Webster noted that his support of the study would be contingent upon requiring completion of the study, including submission of a final report, so that the findings and recommendations could be applied to the consideration of bills this session.

Motion: That the Chair be authorized to proceed with issuing a Request for Proposals, in accordance with guidelines previously adopted by the Council, with the final report to be submitted no later than May 15, 1989. (Motion by Sen. Clark; second by Sen. Pray).

Amendment to the Motion: That the motion be amended to establish a maximum contract award of \$37,900. (Motion by Rep. Webster; second by Sen. Dutremble).

The vote on the amended motion was unanimous.

Item #4: After Deadline Bill Requests

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 Legislative Council meeting was adjourned at 10:05 a.m., on the motion of the Chair.