

MAINE STATE LEGISLATURE

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SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

JOHN H. BAILEY
INFORMATION SYSTEMS
DIRECTOR

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL
AUGUST 14, 1989
MEETING SUMMARY
APPROVED AUGUST 21, 1989

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair,
Speaker Martin, at 10:12 a.m.

ROLL CALL

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

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

Legislative Officers:
Sally Diamond

David Kennedy
Lynn Randall
John Wakefield

Tim Glidden

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

SECRETARY'S REPORT

None.

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond, Executive Director, reported that she had approved the following personnel actions based on the recommendations of the respective Office Directors:

Item #1: Approved Step Increases

Monique Caron, Law Library Associate, Law and Legislative Reference Library, (Salary Range 5), from Step F to Step G, effective July 1, 1989.

Joan M. Gagne, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step G to Step Q, effective August 6, 1989.

Ms. Diamond also noted that although he was not eligible for a step increase, the following employee has completed another year of legislative service and thus merits recognition for this accomplishment:

Kevin Madigan, Legislative Analyst, Office of Fiscal and Program Review

Motion: That this report be accepted and placed on file. (Motion by Rep. Mayo; second by Sen. Pray; unanimous).

Item #2: New Hires

Sue A. Wright to the position of Associate Law Librarian (filling a long-standing vacancy);

Paul J. Saucier and Bret A. Preston to the position of Research Assistant in the Office of Policy and Legal Analysis (replacing Carolyn Chick, who had previously resigned, and Hartley Palleschi, who had been promoted to the position of Legislative Analyst earlier this spring);

Marc D. Martin to the position Sr. Programmer/Analyst in the Information Systems Group (replacing Steve Lane who had previously resigned); and

Frances Sutphin, to the part-time position of Library Assistant (replacing Jon Caron who had resigned).

Sen. Clark requested that the record indicate that it was necessary for Ms. Wright to leave Maine in order to obtain her Master's degree in Library Science.

Motion: That the Council ratify the Executive Director's action on these hirings. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous)

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS**Item #1: Adoption of Cost-of-Living Increase for Legislative Employees.**

The letter from Ms. Diamond outlined the components of the recently negotiated package, including the schedule of cost-of-living increases through October, 1991, and increases in selected other benefits (eligibility for reimbursement for child care expenses; longevity bonuses; and the state's share of dependent health insurance coverage). Speaker Martin reminded Council members that the Council traditionally awarded to legislative employees a package that was comparable to that approved for confidential employees in the executive branch and noted that the money to cover application of this package to legislative employees was not in the legislative budget that has already been appropriated for FY 90.

Motion: That the Council Chair send a letter to the Appropriations Committee requesting funds and the necessary language for the proposed cost-of-living package for legislative employees, contingent upon the Legislature's final approval of the funding for the state contracts at the First Special Session. (Motion by Sen. Pray; second by Rep. Gwadosky; unanimous).

NEW BUSINESS**Item #1: Cloture for Second Regular Session**

The schedule prepared by Mr. Kennedy included proposed dates for all activities related to the approval of legislation for introduction to the Second Regular Session.

Motion: That Monday, October 23, at 5:00 p.m., be established as the cloture date for filing bill requests for the Second Regular Session and that the Revisor of Statutes be authorized to notify members of the Legislature of this deadline. (Motion by Sen. Pray; second by Rep. Gwadosky; unanimous).

Item #2: Request to file an amicus curiae brief in State v. Brown, No. CR-88-966 (Me. Super. Ct., Cum. Cty., July 20, 1989) Note: This is the "Perkins Decision" regarding the recent amendment to the Maine Constitution.

The item appeared on the agenda at the request of Speaker Martin.

Speaker Martin noted that the issue of importance to the Legislature in the Perkins Decision was that the court, in rendering its decision, had chosen not to consider legislative intent. The Maine Legislature is one of very few state legislatures that makes verbatim floor proceedings available in printed form, on the basis that it is an important expression of legislative intent and should, therefore, be accessible to the public.

Discussion centered on the following issues:

- 1) Who would actually prepare the brief and what the associated cost would be. (Rep. Webster)

Speaker Martin reported that he had discussed the project with Jon Hull, who serves as his Legal Counsel during the legislative session. Mr. Hull estimated the cost for this work to be approximately \$5,000 and indicated that he would have the time to prepare it.

- 2) Whether it was appropriate for the Legislative Council to adopt a formal role with regard to matters in the courts. (Rep. Marsano)

Rep. Marsano stated that he shared the view that the issue should be argued, but questioned whether the Legislature should argue it, with the view that involving the Legislature in advocacy before the courts raises a basic separation of powers issue. Rep. Marsano also noted that many other groups are prepared to assume the advocacy role with regard to this issue; thus, it is not necessary for the Legislature to assume the advocacy role. Speaker Martin asserted his belief that it is important for state legislatures to assume an advocacy role before the courts in matters of this importance.

Motion: That the Legislative Council proceed with filing an amicus curiae brief in State v. Brown.
(Motion by Rep. Mayo; second by Sen. Clark; failed 5-4)

Item #3: Supreme Judicial Court Plan & Design Commission

A proposed draft letter to Rep. Foster, Chair of the Court Relocation Commission, had been distributed to Council members. Discussion focussed on two concerns:

- 1) That preserving access to the Library by the citizens of Maine was essential. (Rep. Marsano)
- 2) That, should the State Law Library be moved to another facility, the Legislature would continue to maintain a legislative reference collection and service. (Sen. Cahill)

Motion: That the Council Chair send a letter to members of the Supreme Judicial Court Plan and Design Commission indicating the Council's interest that the planning process underway include exploration of all options, including relocation of the Law Library facility; and, further, that this letter also include a strong expression of the Council's commitment to public access to the Library; and, finally, that the letter indicate the Council's interest in working with the Commission in developing the final plan. (Motion by Rep. Mayo; second by Sen. Clark; approved 8-1).

Item #4: Request to Appoint a Committee to Study Issues Related to Hospital Closure.

Motion: That the Council Chair appoint a subcommittee of the Joint Standing Committee on Human Resources to further explore the issues raised in Sen. Theriault's letter and be authorized to report any recommendations, including proposed legislation, to the Council for consideration. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

Item #5: Notification of Participation of Maine State Police in the New England State Police Administrator's Conference Regional Information Systems Project.

Ms. Diamond noted that this item appeared on the agenda solely for information purposes.

Motion: That the letter from Col. Demers be accepted and placed on file. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Item #6: Requests for Introduction of Legislation for the First Special Session

Requests for Introduction of Legislation for the First Special Session were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

Speaker Martin announced that the next Council meeting would be Monday, August 21, at 10:00 a.m., prior to the convening of the First Special Session at 2:00 p.m.

ADJOURNMENT

The Legislative Council meeting was adjourned by the Chair at 11:50 a.m.