

# 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

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

## LEGISLATIVE COUNCIL

SEPTEMBER 29, 1989

### MEETING SUMMARY

APPROVED OCTOBER 29, 1989

### CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Speaker Martin, at 3:20 p.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

Bent Schlosser

Martha Freeman

David Kennedy

David Silsby

Executive Director,

Legislative Council

State Law Librarian

Director, Office of Fiscal  
and Program Review

Director, Office of Policy  
and Legal Analysis

Revisor of Statutes

Director, State Capitol  
Commission

## SECRETARY'S REPORT

The summary of the August 21, 1989, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

### Item #1: Personnel Actions

#### Resignations

- Andrew Newman, Proofreader, Office of the Revisor
- Lars Rydell, Legislative Analyst, OPLA  
(Information previously provided to Council members)
- Mary Lou Smith, Proofreader, Office of the Revisor
- Selene Schach-Depackh, Proofreader, Office of the Revisor

**Motion:** That these resignations be accepted and that appropriate letters of appreciation be sent to each of the employees. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

#### Recommendations for Promotions

- Gerald Thibault, from the position of Computer Programmer to the position of Information Systems Manager.

Ms. Diamond noted that the position of Information Systems Manager had been created to replace the Director position, from which John Bailey had resigned in July.

Rep. Webster inquired whether Ms. Diamond had reviewed the reorganization of the Information Systems function with the Personnel Committee. Ms. Diamond responded that she and Mr. Bailey had met with the Personnel Committee before his departure for this purpose. She further stressed that her recommendation is designed to provide effective support to offices through the Second Regular Session and noted that she would be working with the staff offices and the Personnel Committee to re-evaluate the organization of various information - related functions following adjournment of the Second Regular Session.

- Paul J. Saucier, from the position of Research Assistant to the position of Legislative Analyst, OPLA.

Ms. Diamond reported that Mr. Saucier, who had only recently been hired as a Research Assistant, quickly emerged as one of the top candidates for the Analyst position based both on his prior experience and on his work in the brief time he has been a member of the OPLA staff.

- Cynthia L. Jackson, from the position of Technician to Sr. Technician, Office of the Revisor.

Ms. Diamond reminded Council members that the Senior Technician class is one of the "promotional classes", established when the Council adopted its new classification plan following the NCSL study in 1986, to recognize sustained superior performance in the position.

**Motion:** That the recommended promotions be approved.  
(Motion by Sen. Pray; second by Sen. Cahill; unanimous).

#### **Recommendations to Hire**

Ms. Diamond noted that the following recommendations from Martha Freeman, Director of OPLA, had emerged from the review of more than 140 resumes and interviews with at least 10 of the applicants for two vacant Analyst positions.

- Patrick Norton, Cumberland Center, to the position of Legislative Analyst, OPLA
- Jill Ippoliti, Greenville, to the position of Research Assistant, OPLA

**Motion:** That the recommendations to hire be approved.  
(Motion by Sen. Pray; second by Sen. Cahill; approved 9-1).

#### **Approved Step Increases**

Ms. Diamond reported that step increases had been awarded to the following employees on their anniversary dates based on the favorable recommendations of their respective Office Directors:

Kimberly Morrow Allen, Paralegal Assistant, Revisor's Office, (Salary Range 7), from Step C to Step D, effective September 25, 1989.

Gilbert W. Brewer, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step E to Step F, effective September 11, 1989.

Rosemarie Fredette, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step B to Step C, effective September 4, 1989.

Valarie Parlin, Senior Secretary, Office of Policy and Legal Analysis, (Salary Range 4), from Step E to Step F, effective September 18, 1989.

Dorothy Rollins, Administrative Coordinator, Information Office, (Salary Range 7), from Step G to Step Q, effective September 18, 1989.

Kathryn Van Note, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step B to Step C, effective September 4, 1989.

Ms. Diamond also noted that although she is not eligible for a step increase, the following employee had completed another year of legislative service and merited recognition of this accomplishment:

Diane M. Maheux, Accounting Technician, Office of the Executive Director.

Item #2: Approved Out-of-State Travel

Ms. Diamond reported that she had approved out-of-state travel for staff as follows:

- Eastern States Legislative Fiscal Officers Association, Annual Meeting, Bretton Woods, New Hampshire, September 19-22:

Bent Schlosser  
Jim Clair  
Tim Leet  
Kevin Madigan  
Grant Pennoyer

- NCSL Seminar on Legislative-Judicial Relationships, Denver, Colorado, October 1-3: David Kennedy
- CSG/ERC Executive/Legislative Task Force, Annual Seminar, Washington, D.C., October 10-13: Julie Jones
- Assembly on the Legislature, Santa Fe, New Mexico, October 18-21: Sally Diamond, Kevin Madigan
- NCSL Management Development Seminar "Evaluating and Motivating Employees", Panama City Beach, Florida, November 8-11: Dick Sawyer, John Wakefield, and Teen Griffin.
- NCSL Labor Issues Seminar, Honolulu, Hawaii, November 30-December 2: Gilbert Brewer

She also noted that she had approved Cheryl Ring's request to attend a national conference on Child Abuse in Salt Lake City, as part of a grant awarded to the Department of Human Services. This trip would involve no cost to the Legislature.

**Motion:** That this report be accepted. (Motion by Rep. Gwadosky; second by Sen. Cahill; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

Item #1: Supreme Judicial Court Plan & Design Commission:  
Request for Clarification of Council Position on the  
Scope of the Planning Effort with regard to the Law  
Library.

Sen. Dutremble, in Rep. Martin's absence, called on Rep. Foster, Commission Chair. Rep. Foster reported that the Commission had met to discuss the recent letter from the Council requesting that the final report submitted by the consultant, Dr. Michael Wong, include specifications and cost estimates for locating the Law Library in the proposed court building. She noted that the consultant's preliminary plan, which has been submitted to the Commission, includes a library for the sole use of the courts.

Rep. Foster conveyed the Court Commission's concern that, while it wished to be responsive to the Council's request, this would require expanding the scope of the current contract with the consultant and, possibly, an extension of time. Both would entail additional cost in excess of the funds currently available to the Commission for its work. Mr. Wong has informed the Commission that the proposed study would require \$43,000 beyond his current contract.

The key points of the ensuing discussion among Council members included:

- Concern that it is essential to maintain a library facility in the State House itself for the Legislature's own use.
- Concern of the feasibility of completely merging the type of library facility required by the courts and the State Law Library (which is accessible to the general public). Rep. Foster noted that Mr. Wong's expertise is as court facilities planner, and that the expanded scope of work proposed by the Council would require the involvement of a library planner.

Motion: That the Commission proceed with the study and that the Legislative Council authorize the expenditure of the additional funds required to do this. (Motion by Rep. Webster; second by Rep. Mayo; approved 7-2, with Rep. Marsano abstaining from the vote).

**Item #2: Schedule for Review of Bill Requests for Second Regular Session:**

Monday, October 23 5 p.m.	Filing Deadline for Legislators
Sunday, October 29 12 noon	Legislative Council Meeting
Wednesday, November 1	Notification to Legislators for Council action
Tuesday, November 7 5 p.m.	Deadline for letters of Appeal
Friday, November 10 3 p.m.	Legislative Council Meeting: Appeals
Friday, December 1	Filing deadline for Study legislation all bills from executive agencies.

**Motion:** That the schedule be approved and sent to all legislators. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

**NEW BUSINESS**

**Item #1:** Letter from Joint Standing Committee on Human Resources regarding the Van Buren Hospital Closing. (Item referred to the Committee at the August 21 Council meeting)

**Motion:** That the letter be accepted and placed on file. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

**Item #2:** Request from Joint Standing Committee on Judiciary to expand the membership on Study Committees.

The Chairs' letter requested approval to expand the membership on each of the Committee's two study subcommittees from 5 to 6.

**Motion:** That the request be approved. (Motion by Sen. Clark; second by Rep. Marsano; approved 8-2).

Item #3: Study Requests

**Joint Standing Committee on Human Resources:** Delivery of Adult Protective Services to Dependent and Incapacitated Adults

**Discussion** centered on the following issues:

1. At least 2 statutory study commissions on which members of the Human Resources Committee serve are addressing aspects of this very complex issue. Coordination with these efforts is important.
2. The complexity of the issue would require significant staff support. OPLA staff are fully - committed to previously-authorized Council studies and statutory study commissions.

**Motion** That the request be tabled and that the item be re-referred to Sen. Gauvreau and Rep. Manning for further consideration in view of the Council's discussion. (Motion by Sen. Clark; second by Sen. Pray; unanimous).

**Joint Standing Committee on Labor:** The Use of Professional Strikebreakers

**Motion:** That the request be approved with the provision that the Committee conduct the study during the month of January, after the Second Regular Session has been convened. (Motion by Sen. Clark; second by Rep. Mayo; approved unanimously).

Item #4: Notification of Proposed Disposal of Surplus Real Property in Dedham (Hancock County).

**Motion:** That Mr. Cashwell's report be accepted and placed on file. (Motion by Sen. Dutremble; second by Rep. Marsano; unanimous).

Item #5: Request from Rep. Cashman to Retain Peat Marwick Main & Co. for the Purpose of Assisting the Legislature in Revenue Projections.

Rep. Martin noted that the Governor has now advertised to solicit proposals for the development of a revenue estimating model. He further observed that while it is important for state government to develop this capacity in the executive branch, it is equally important for the Legislature to develop an independent capacity to review and test revenue projections developed by the executive branch. He reported that Peat Marwick had indicated it could provide this service to the Legislature through Fiscal Year 1990 for about \$50,000.



The following issues were raised in the ensuing discussion:

1. Who would review and oversee Peat Marwick's work? (Sen. Cahill).

Rep. Martin clarified that the Oversight Committee for the original Peat Marwick Study is no longer in existence: the entire Legislative Council would be the "client" for the proposed work.

2. The possible dilemma that might result from having two sets of revenue estimates - - 1 from the Department of Finance and 1 from Peat Marwick. (Rep. Webster).

Rep. Martin reiterated his earlier point of the importance of having a basis for independently testing the Department's projections.

3. The accuracy of Peat Marwick's projections in other states. (Rep. Webster).

Sen. Pray responded that the firm's estimates have consistently been within 2% of actual revenues in the State of California.

**Motion:** That the Council approve Rep. Cashman's request to seek a complete proposal from Peat Marwick to provide revenue projections for the Legislature through the remainder of Fiscal Year 1990. (Motion by Sen. Pray; second by Sen. Dutremble; approved 6-4).

**Item #6:** Request from Secretary of State to Obtain Office Space in Downtown Augusta.

The letter from Secretary of State Diamond requested Council support to relocate the Bureau of Corporations, Elections and Commissions to rental space in downtown Augusta.

Rep. Martin clarified that this request has actually been submitted at his urging, so that the Legislature could obtain additional space for committee hearing rooms and offices.

The ensuing discussion raised the following points:

1. The Bureau of Corporations, Elections and Commissions has 56 positions, including 15 new positions approved by the Legislature during the First Regular Session. Relocation would allow the entire Bureau to operate out of a single location, which is critical, according to Mr. Diamond, if his reorganization is to proceed effectively. It would also assure that the Bureau had adequate power for its new computer system, also authorized and funded for by the Legislature.

2. The Secretary of State has an option on 8000 square feet of space at \$11.90/sq. ft., based on a 10-year lease. The cost to the State through June 20, 1991 (the current biennium) would be \$178,500.

Rep. Martin noted that the availability of additional hearing space would reduce costs to the Legislature, which is now forced to rent space at the Civic Center for large hearings.

Concern was expressed about the term of the lease (10 years) (Rep. Marsano) and the cost (Rep. Webster).

**Motion:** That the Secretary of State be authorized to proceed with his investigation of renting space for the Bureau of Corporations, Elections and Commissions and to return to the Council at a later date with a full proposal, which includes turning the existing space in the State Office Building over to the Legislature. (Motion by Sen. Clark; second by Rep. Mayo; approved 8-2).

- Item #7: NCSL Legislative Staff Management Institute: Request from the University of Southern Maine (a finalist) for legislative support.

The Council had received a letter from Richard Barringer, Director of USM's Public Policy and Management Program, announcing that USM was one of four universities selected by NCSL to make final presentations regarding a proposed annual Legislative Staff Management Institute. In order to respond affirmatively to NCSL's request that each of the 4 finalists try to pare their cost proposals, Mr. Barringer requested that the Legislative Council commit to sending two staff members to the Institute in each of the first two years of the program.

**Motion:** That the Council approve Mr. Barringer's request and express its congratulations to Mr. Barringer and his colleagues for their fine effort. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

- Item #8: Student Financial Aid Transition Advisory Committee: Status Report. (Letter from Sen. Bost, Advisory Committee Chair).

**Motion:** That the letter be accepted and placed on file. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

- Item #9: Notification from NCSL of Availability of Technical Assistance Related to AIDS Education or Policies.

The letter from NCSL announced that it had received a grant jointly with the National Association of State Boards of Education from the Centers for Disease Control to provide technical assistance to five states.

**Motion:** That the letter be referred to the Committee to Advise the Department of Human Services on AIDS. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

- Item #10: Adjustments in Salaries of Constitutional Officers pursuant to Ch. 501, P.L. 1989.

**Motion:** That each of the Constitutional Officers be placed in the range and step authorized by the Legislature in its First Regular Session and that the issue be referred to the Compensation Commission for further consideration with particular focus on making the remuneration for these positions comparable to that of commissioners in the executive branch.

(Motion by Sen. Clark; second by Rep. Mayo; approved 7-0. Reps. Webster and Gwadosky and Sen. Cahill were absent at the time of the vote).

- Item #11: Request for Drafting Assistance

Sen. Clark requested that the Council authorize the Revisor's Office and/or OPLA to provide drafting assistance to the Commission on Maine's Future to transform the legislative recommendations contained in its report into bill form.

- Item #12: Negotiations for City-Owned Portion of Capitol Park: Status Report (at request of Sen. Cahill).

#### EXECUTIVE SESSION

**Motion:** That the Legislative Council go into Executive Session for the purpose of discussing the disposition of certain properties. (Motion by Sen. Cahill; second by Sen. Clark; unanimous).

The Council went into Executive Session at 5:06 p.m.

#### RECONVENE

The Council reconvened on the motion of the Chair at 5:27 p.m.

#### ADJOURNMENT

The Legislative Council meeting was adjourned by the Chair at 5:28 p.m.