

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

MAY 7, 1990

MEETING SUMMARY

APPROVED JUNE 11, 1990

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 Legislative Council meeting was called to order in the Council Chambers by the Chair, Speaker Martin, at 4:15 p.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Cahill Absent: Sen. Webster
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Mayo, Rep. Webster, Rep. Marsano
Legislative Officers:	Sally Diamond, Executive Director, Legislative Council Martha Freeman, Director, Office of Policy and Legal Analysis Lynn Randall, Law Librarian Bent Schlosser, Director, Office of Fiscal and Program Review David Kennedy, Revisor of Statutes Joy J. O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The summary of the April 13, 1990, Legislative Council meeting was approved and placed on file. (Motion by Sen. Clark; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT**Item #1: Approved Step Increases**

Ms. Diamond reported that she had approved the award of step increases to the following employees, based on a favorable performance review by their respective Office Directors:

James A. Clair, Principal Analyst, Office of Fiscal and Program Review, (Salary Range 12), from Step 4 to Step 5, effective May 21, 1990.

Janice C. Durham, Legal Proofreader, Office of the Revisor, (Salary Range 3), from Step 2 to Step 3, effective April 2, 1990.

Gro M. Flatebo, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 5 to Step 6, effective April 30, 1990.

Janet L. Grard, Administrative Coordinator, Information Systems, (Salary Range 7), from Step 2 to Step 3, effective April 23, 1990.

Norma J. Gruska, Library Assistant, Law and Legislative Reference Library, (Salary Range 3), from Step 6 to Step 7, effective May 7, 1990.

Hartley Palleschi, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 1 to Step 2, effective April 30, 1990.

Cheryl E. Ring, Principal Analyst, Office of Fiscal and Program Review, (Salary Range 12), from Step 5 to Step 6, effective May 21, 1990.

The following employee has completed another year of service but is at Step 9 and is not eligible for further step increases:

Laura Goss, Library Associate, Law and Legislative Reference Library.

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

Item #2: Interim Studies: Staffing Assignments

Ms. Diamond drew Council members' attention to a list of authorized interim studies and assigned staff.

No Council action required.

Item #3: Final Report from the Revisor

David Kennedy had prepared a statistical report which summarized the drafting workload for the entire Second Regular Session. Ms. Diamond observed that while the report demonstrated a prodigious work effort overall, two statistics had been of particular interest: the number of floor amendments (444 drafted; 393 released) and the number of Sentiments (671 requested; 663 released). Mr. Kennedy noted that the guidelines regarding Legislative Sentiments, which had been adopted toward the end of the session, had served to screen out some requests and promised to do so in future years.

Speaker Martin thanked the entire staff for their work during the session.

No Council action required.

Note: A copy of the report is attached to the Meeting Summary.

REPORTS FROM COUNCIL COMMITTEES**Personnel Committee****EXECUTIVE SESSION**

The Council went into Executive Session at 4:18 p.m. on the motion of Sen. Clark (second by Rep. Marsano; unanimous).

RECONVENE

The Legislative Council was reconvened at 4:40 p.m., by the Chair, Speaker Martin.

Sen. Clark presented the following report on behalf of the Personnel Committee:

Motion: That the Legislative Council adopt the proposed policy regarding Disciplinary Action and Appeals for inclusion in the **Personnel Policies and Guidelines for Non-Partisan Employees**. (Motion by Sen. Clark; second by Rep. Martin; unanimous).

Motion: That the Legislative Council officially authorize the immediate release of **Personnel Policies and Guidelines for Non-Partisan Employees** and that each non-partisan employee be provided with a copy. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That the Council amend the following personnel policies in order to bring them into conformance with policies that were adjusted as part of the benefits package awarded to Confidential employees in August, 1989:

- a. Increase the "cap" on maximum accrual of vacation leave from 45 to 50 days for employees who have 16 or more years of state service.
- b. Authorize payment toward the cost of glasses or corrective lenses for employees whose assigned work requires unalleviated operation of a computer terminal for a significant number of hours on a daily basis (\$40 effective July 1, 1990 and \$50 effective July 1, 1991).

(Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That coverage under the Council's Income Protection Plan be extended to legislative employees as recommended by the Personnel Committee. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That the Legislative Council approve the recommendation of the State Law Librarian, Lynn Randall, which has been endorsed by both the Executive Director and the Personnel Committee, to hire Sheila Bearor to the currently vacant position of Associate Law Librarian/Technical Services. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Motion: That the Legislative Council adopt the following policy regarding the availability of voluntary leave programs to full-time legislative employees:

Full-time legislative employees may request to take time off without pay through working a reduced work week (32 hours or less) or for a continuous period, with the following provisions:

- a. Both the immediate supervisor and the Office Administrator must confirm that the employee's leave will neither adversely affect the work of the office during the leave period nor shift an undue burden to other employees in the office;
- b. Any leave that is granted under this policy must terminate on or before December 1, 1990, in order to prepare for the convening of the First Regular Session;
- c. The employee must sign a written agreement which describes the specific terms of the leave, including dates, duration, salary, benefits and impact on creditable service for purposes of retirement; and
- d. The Legislature will continue to pay the employee's full health insurance premium and the state's share of dependent coverage for employees who are granted leave under this policy for the duration of the approved leave.

All leaves granted under this policy must be reviewed by the Personnel Committee and finally approved by the Legislative Council. Employees whose requests to take leave without pay are denied by an Office Administrator may request a further review by the Personnel Committee (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That the Legislative Council adopt a policy that offers Early Retirement to legislative employees who are otherwise qualified, with the same provisions available to other employees in state government. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Motion: That the Legislative Council approve the Personnel Committee's recommendation that the following employees be promoted to the position of Senior Analyst in recognition of their consistently outstanding performance as Analysts: Peggy Reinsch, Haven Whiteside, and Gilbert Brewer, all in the Office of Policy and Legal Analysis. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Notification from Bureau of Forestry of Disposal of Surplus Real Property.

Council members had received a memo from John Cashwell, Director, Bureau of Forestry, regarding the Bureau's intent to dispose of surplus real property located in the Town of Meddybemps, in Washington County. This notification to the Council was pursuant to statute (12 MRSA § 8003 §§ 3).

Motion: That Mr. Cashwell's memo be accepted and placed on file. (Motion by Rep. Webster; second by Rep. Gwadosky; unanimous).

Item #2: Proposed Study of the Development of Aquaculture in Maine: Letter from Sen. Brannigan and Rep. Mitchell, Chairs, Joint Standing Committee on Marine Resources.

The letter from Senator Brannigan and Representative Mitchell requested that the Council authorize an interim study of the aquaculture industry since the Governor had pocket-vetoed the bill passed by the Legislature proposing a study. The Chairs requested that the Council authorize a subcommittee of 5 members to meet up to 4 times for the purpose of conducting this study, with the further provision that the subcommittee would complete its work by November 1, 1990.

Motion: That the Council approve the study as proposed. (Motion by Rep. Webster; second by Rep. Mayo; unanimous).

Item #3: Role of the Maine Low Level Waste Authority in selecting a Low Level Waste Site for the State:

The Chair recognized Peter DeAngelis, Chair of the Maine Low Level Waste Authority, who introduced the other members of the Authority, who were all present: Mr. Sheldon Richardson, Mr. John Gibbons, Mr. Tom Eastler; Ms. Meredith Murray; Walter Anderson, State Geologist; and former Rep. Daniel Callahan. Severin Beliveau, who serves as attorney for the Authority, was also present.

Mr. DeAngelis noted that he had requested the opportunity to meet with the Council to clarify the intent of a letter addressed to him, dated April 10, 1990, and signed by Sen. Pray, Representatives Gwadosky, Webster and Mitchell. That letter requested that the Authority include the Maine Yankee facility in its analysis of potential sites for the storage and/or disposal of Maine's low level radioactive waste.

Mr. DeAngelis reported that the members of the Authority were concerned by the letter because they had interpreted it as a request to give the Maine Yankee site special priority and that this request would lead the Authority in a different direction than the original legislation establishing the Authority. Moreover, taking Maine Yankee "out of order" would have major implications for the Authority's ability to complete its work and report to the Legislature by January, 1991. Finally, Mr. DeAngelis pointed out that the Maine Yankee site had a number of characteristics which would appear to pose problems given the federal requirements for storage sites. These include Maine Yankee's proximity to the water; various features of the facility's technical design; and the fact that Maine Yankee is privately-owned and not owned by the state as required by law. In addition, Mr. DeAngelis noted that liability coverage currently available to the site under federal law (Price-Anderson) would not cover non-utility waste. In conclusion, he asked whether the Legislative Council wished the Authority to pursue the study of Maine Yankee given these significant issues.

Speaker Martin noted that any direction from the Council would be advisory only: the Council could not take on a role which the law had assigned to the Legislature as a whole. He further recommended that the Authority proceed with its work as it had been authorized by law, but include Maine Yankee in its study process. Rep. Gwadosky clarified that the letter had been written to reflect some legislators' concern that Maine Yankee had received no response to formal requests to the Authority over an extended period of time. Mr. DeAngelis responded that Maine Yankee representatives had attended all of the Authority's meetings and had been assured verbally of the scope and status of the Authority's work. Council members expressed consensus regarding their interest in having Maine Yankee considered as a site; no formal Council action was required.

Speaker Martin thanked Mr. DeAngelis and all of the members of the Authority for bring their concerns to the Council and, on behalf of the entire Legislature, expressed appreciation for the challenging work the Authority was doing.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 5:00 p.m., on the motion of the Chair.