

# 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

JUNE 11, 1990

### MEETING SUMMARY

APPROVED JULY 18, 1990

### CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Representative Martin, at 12:10 p.m.

### ROLL CALL

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

### SECRETARY'S REPORT

The summary of the May 7, 1990, Legislative Council meeting was approved and placed on file. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

## ANNOUNCEMENTS AND REMARKS

### Item #1: Overview of CSG/ERC Annual Meeting

This item was taken out of order. The Chair recognized Alan Sokolow, Director of the Eastern Regional Office of the Council of State Governments, and welcomed him to Maine. Mr. Sokolow expressed CSG's appreciation for the continuing commitment and support that Maine has given to the organization over the years. He encouraged Council members to attend this year's annual meeting in Manchester, New Hampshire, in late July, noting that the program promised to be excellent.

Mr. Sokolow also reported that the ERC would be pursuing three new policy initiatives in the coming year - - global warming; export trade; and substance abuse - - and expressed his hope that Maine legislators would participate on all three subcommittees. Finally, he reported that CSG was approaching the Eagleton Institute of Politics at Rutgers University to develop a training program for legislators who had served 3-4 terms and who were interested in pursuing leadership positions in the future.

As he concluded his remarks, he was joined by Representative Elizabeth S. Millard, the House Majority Leader in New Hampshire and Chair of the Eastern Regional Conference this year. Rep. Millard again expressed her appreciation to the Council for its support.

No Council action required.

## EXECUTIVE DIRECTOR'S REPORT

### Item #1: Bent Schlosser's Decision to Retire

Sally Diamond, Executive Director, noted that Mr. Schlosser's letter announcing his decision to retire effective June 30 had been mailed directly to Council members.

The Chair, Rep. Martin, observed that Mr. Schlosser had completed 18 years of service in Maine State Government, 16 of which had been with the Legislature, in what he characterized as one of the most difficult staffing assignments of all - working with the Appropriations Committee. He thanked Bent for his work and, on behalf of the entire Council, wished him well in his retirement.

Mr. Schlosser responded that the decision had been a very difficult one for him to make and thanked the Council for its good wishes.

**Motion:** That the Legislative Council accept Bent Schlosser's decision to retire effective June 30 with deep regret. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

**Motion:** That the Council Chair be authorized to appoint a Search Committee to screen candidates for the position of Director of the Office of Fiscal and Program Review and make a formal recommendation to the Council. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

**Motion:** That John Wakefield be appointed Acting Director of the Office of Fiscal and Program Review and this appointment to take effect on the date of Mr. Schlosser's retirement and extend until such time as a new Director has assumed office. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

**Item #2: Out-of-State Travel**

Council members had received a memo from the Executive Director which summarized the out-of-state travel she had approved for non-partisan staff during the interim. Ms. Diamond noted that the Office Directors had been particularly selective in their requests this year in light of the reduced funds available and that the trips represented on the list were well within the reduced budget.

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

**REPORTS FROM COUNCIL COMMITTEES**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**Item #1: Notification of Proposal to Dispose of Edmunds School House in Edmunds, Washington County.**

Council members had received a memo from John Cashwell, Director, Bureau of Forestry, regarding the Bureau's intent to dispose of the aforementioned surplus real property. This notification to the Council was pursuant to statute (12 M.R.S.A. @ 8003 @@ 3).

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

- Item #2:** Request from the Joint Standing Committee on Judiciary for an Interim Study on Drug Enforcement Oversight. (Letter from Sen. Hobbins, Senate Chair, and Rep. Paradis, House Chair)

**Motion:** That the item be tabled until such time as one of the Committee Chairs is available to discuss the request with the Council. (Motion by Rep. Martin; second by Rep. Mayo; unanimous).

- Item #3:** Request to Appoint an Investigative Committee regarding Circumstances Related to the Death of Rick LeTourneau. (Letter from Rep. Boutilier)

**Motion:** That the item be tabled pending the receipt of further information and that the Chair be authorized to seek information regarding the incident referred to in Rep. Boutilier's letter from both the Attorney General's Office and the Department of Human Services. (Motion by Sen. Pray).

**Discussion:** Rep. Marsano, indicating that he would oppose a motion to table, suggested that the Council discuss Rep. Boutilier's request to determine whether there was sufficient interest to pursue the issue even for the purpose of gathering additional information. He also questioned whether the Council had the authority to appoint an investigative committee and whether such a committee would have any authority even though appointed. In response, Sen. Pray argued that the Council had virtually no substantive information at this point upon which to base a decision about the need to establish a special committee. Rep. Martin then asserted that the Council did have explicit statutory authority to appoint investigative committees who would have full powers, including the authority to subpoena.

The motion to table was restated as originally presented, seconded by Sen. Cahill, and approved 7-1.

- Item #4:** Cost-of-Living Increases for Constitutional Officers

The Chair noted that the four Constitutional Officers were the only employees in state government who had not received the 3% cost of living increase effective April 1. He also clarified, in response to questions from Sen. Cahill and Rep. Webster, that this cost-of-living increase was separate and distinct from the step increases, which had been the subject of debate during the legislative session. Ms. Diamond stated that the Constitutional Officers may receive step increases only after the Legislative Council has taken specific action to award them. Three of the four officers (all except the State Auditor, who was initially appointed

to his post in April) were awarded step increases in December, 1989, their anniversary date, and would not be eligible for consideration of another such increase until December of this year, after the 115th Legislature has convened.

**Motion:** That a 3% cost-of-living increase be awarded to all four Constitutional Officers and that this increase be retroactive to April 1, 1990, the date it was effective for all other state employees. (Motion by Rep. Mayo; second by Rep. Gwadosky; approved 7-1)

**Item #5: Report from Advisory Committee on Legislative Structure and Operations**

The Chair recognized the Honorable Kenneth P. MacLeod, Co-Chair of the Advisory Committee. Mr. MacLeod first noted that, although the cover letter had been submitted without signatures, the Committee had reviewed and approved the draft letter with changes. He proceeded to report that the Advisory Committee had met 14 times during the course of the Peat Marwick study, devoting the last meetings to a thorough review of the recommendations contained in the Report. The Committee's report to the Council comprises a summary of its discussions and indicates the Committee's consensus (or lack of) regarding each of Peat Marwick's recommendations. Finally, Mr. MacLeod noted that the Committee felt that Peat Marwick had done a good job in many areas, but that their overall understanding of the Maine Legislature and legislative process had suffered by virtue of the fact that none of the consultant team had been here, on site, at the end of the legislative session.

**Motion:** That the Advisory Committee's report be accepted and placed on file. (Motion by Sen. Pray; second by Rep. Mayo; unanimous).

**Discussion:** Discussion of the Report continued following the vote on the motion to accept the Committee's report. Rep. Webster inquired what the process would be from this point on. After discussion, Council members agreed that, rather than appoint a subcommittee of the Council to review the Advisory Committee's recommendations, all Council members who were interested in participating in this further review should have an opportunity to do so.

Rep. Gwadosky suggested that it would be useful to have the Recommendations classified in order to have a clearer sense of which ones this Council could proceed to implement and which should appropriately be deferred to the 115th Legislature. Sally Diamond was asked to work on this reclassification of the Recommendations and present the results to the Council.

Rep. Foss, a member of the Advisory Committee, suggested that the Council ask the Peat Marwick consultants to return to Maine to review the recommendations with the Council, particularly those related to the Proposed Bill System. Discussion of this suggestion resulted in general agreement that such a system was not something that could be implemented in 6 months, but required careful thought and planning, and consultation with other states who employed similar "concept drafting" systems. The Chair suggested that the NCSL Annual Meeting in Nashville later this summer might provide an opportunity to learn more about other states' systems and their experience, and asked Ms. Diamond to explore the possibility of setting up an informal round table sometime during the week of the annual meeting, to include interested members of the Maine delegation and representatives from other states.

## ADJOURNMENT

The Legislative Council meeting was adjourned at 1:48 p.m., on the motion of the Chair.