

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
WEDNESDAY, JULY 18, 1990
MEETING SUMMARY**

APPROVED AUGUST 17, 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, Representative Martin, at 3:35 p.m.

ROLL CALL

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

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

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
Martha Freeman, Director, Office of Policy
and Legal Analysis
David Kennedy, Revisor of Statutes
John Wakefield, Acting Director, Office of
Fiscal and Program Review
Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The summary of the June 11, 1990, Legislative Council meeting was approved and placed on file. (Motion by Rep. Marsano; second by Sen. Pray; unanimous)

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items for the Council's consideration.

Item #1: Approved Step Increases

Ms. Tubbesing reported that a step increase had been approved for the following employee upon the recommendation of her Office Director, David Kennedy.

Anne Woodward, Legislative Technician, Revisor's Office, (Salary Range 4), from Step D to Step E, effective July 25, 1990.

She also noted that two employees had completed another year of service, but were not eligible for step increases:

J. Timothy Leet, Legislative Analyst, Office of Fiscal and Program Review, who has not been employed the required length of time to advance to Step Q; and

Simone Antworth, Administrative Secretary, Law and Legislative Reference Library, who is already at Step X, the final step in the salary scale.

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

Item #2: Resignations

Ms. Tubbesing announced resignations of the following employees:

Todd Burrowes, Legislative Analyst, Office of Policy and Legal Analysis, ...

Linda Corbin, Proofreader, Office of the Revisor,

Angela Hallett, Office Assistant, Office of the Revisor,

Barbara McGinn, Research Assistant, Office of Policy and Legal Analysis,

Ms. Tubbesing requested Council authorization to proceed with filling the 2 vacancies in OPLA immediately, but indicated that David Kennedy was comfortable with delaying filling the two vacancies in his office until late November.

Motion: That the resignations be accepted and that the Executive Director's recommended schedule for filling the vacancies be approved. (Motion by Sen. Clark; second by Rep. Gwadosky; unanimous).

Item #3: Legislative Publications

Ms. Tubbesing pointed out that all three of the major post-session publications - **Laws of Maine; History and Disposition of Legislative Documents;** and the **Bill Summaries** had all been issued. She noted that this was the earliest date that the **Laws of Maine** had been available in years and commended the efforts of all those having responsibility for the three publications: David Kennedy and the entire Revisor's Office; Martha Freeman and the OPLA staff; the Legislative Information Office; and the Information Systems staff.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Sen. Clark, Committee Chair, reported that the Committee had met prior to the Council meeting; and, on behalf of the Committee, she presented the following recommendations in the form of motions:

Motion: That the Council accept the Committee's unanimous recommendation to grant family medical leave in accordance with the Personnel Policies. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That the Council approve a job sharing arrangement involving Gro Flatebo in the Office of Policy and Legal Analysis for the coming year. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Sen. Clark stated that the Personnel Committee strongly supported efforts by the Council to pursue innovative practices designed to support legislative employees' efforts to balance their work and family commitments. She further noted that the particular situation the Committee had reviewed would involve no additional cost to the Legislature: all benefits would be pro-rated based on the actual time worked.

Motion: That the Council adopt a formal procedure for the annual reviews of Office Directors and the Executive Director. (Motion by Sen. Clark).

Copies of a proposed procedure which had been developed by Sally Tubbesing were distributed to all Council members for their review. Sen. Clark noted that the proposal took into account both the demanding schedules of Council members and the important human resource needs of the Directors. Speaker Martin

suggested that the 2 week period that the draft policy provides for members of the Personnel Committee to raise objection to a step increase be changed to a total of 4 weeks. His suggestion was accepted by consensus; and the motion was restated, to include the lengthened time period. (Motion by Sen. Cahill; second by Rep. Marsano; unanimous).

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session for the purposes of discussing issues related to personnel and the investigation of the death of Rick LeTourneau. (Motion by Speaker Martin).

There being no objection, the Council went into Executive Session at 3:50 p.m.

RECONVENE

The Council reconvened in open session at 4:14 p.m., on the motion of the Chair, Speaker Martin.

OLD BUSINESS

Item #1: Request to Appoint an Investigating Committee Regarding Circumstances Surrounding the Death of Rick LeTourneau.
(Tabled at June 11 Council Meeting)

The request from Rep. Boutilier had been tabled at the June 11 Council meeting, pending the receipt of further information regarding the case. Council members had subsequently received letters from both Attorney General James E. Tierney and Jane Sheehan, the Child Welfare Services Ombudsman. Mr. Fernand LaRochelle, Chief of the Criminal Division in the Office of the Attorney General, was also present at the Council meeting.

Motion: That no investigating committee be appointed in light of the fact that this matter is presently before the courts. (Motion by Rep. Marsano; second by Rep. Mayo; unanimous).

Item #2: Request for an Interim Study on Drug Enforcement Oversight. (Tabled at June 11 Council Meeting)

The Chair pointed out that both Sen. Hobbins and Rep. Paradis were present and recognized Sen. Hobbins for the purpose of presenting the Committee Chairs' request.

Background: Sen. Hobbins noted that the Committee's concern about the drug enforcement program in Maine had originated in January, 1989, as a result of an article in the Bangor Daily News which appeared to question the effectiveness of Maine's program. Committee members were particularly concerned because they had supported a \$2 million appropriation of state funds to augment Maine's drug enforcement program, which had been passed during the previous legislative session and which established the Bureau of Intergovernmental Drug Enforcement (BIDE). Sen. Hobbins noted that members of both the Judiciary and Appropriations Committees had discussed forming a bipartisan special committee at that time to provide a vehicle for reviewing how the funds were being spent. Although such a committee was never formed, Sen. Hobbins reported that discussions with Commissioner of Public Safety John Atwood, U.S. Attorney Richard Cohen, and Attorney General Tierney, had produced agreement that, in the long run, a formal legislative review of the program would be beneficial. Finally, Sen. Hobbins stated that it was not his intent to make this a partisan inquiry, and he proposed that the 115th Legislature develop a mechanism to assure ongoing legislative oversight of the war on drugs in Maine.

The Chair then recognized Rep. Paradis. Rep. Paradis endorsed Sen. Hobbins' comments, but expressed concern that while the Judiciary Committee had been assured that there would be closer cooperation between the principals in the drug investigation effort and the Committee, there had been none, in his view. He distributed statistics comparing the number of drug-related arrests in 1988 and 1978 and pointed out that the increase in arrests was not commensurate with the increased funds appropriated for drug enforcement efforts.

General discussion ensued, during which the following points were raised:

- Raw statistics do not take into account the metamorphosis in drug trafficking - every aspect of which has been taken over by professionals. (Sen. Cahill)
- Maine's BIDE program must be having some positive results: the General Accounting Office has issued a report on the program which describes it as a model nationwide. (Sen. Cahill)

- The coordinated effort is extremely important; but it is also important to institute stronger and longer-term oversight and accountability before the Legislature puts any more resources into the program. (Sen. Hobbins)
- The Legislative Council has no constitutional or statutory authority to establish a special committee; and the Legislature, which clearly has the authority, has adjourned *sine die*. (Rep. Marsano)
Speaker Martin disputed Rep. Marsano's statement regarding the Council's authority.

The Chair then recognized Commissioner of Public Safety John Atwood, and asked him to comment on the presentation by the Committee Chairs. Commissioner Atwood expressed his appreciation for the opportunity to speak and went on to observe that the drug enforcement operations described in the newspaper article were federal (DEA), and not the new BIDE program. He questioned whether there was a need for a study at this point, asserting that BIDE's operations are in no way political, and he expressed concern that there was a partisan cast to the request because of its timing. Finally, he noted that it was important to put the statistics Rep. Paradis had presented in context: the 1988 statistics are for the year preceding the implementation of the BIDE program and do not reflect the impact of BIDE in any way. Finally, he assured members of the Council that he had offered to brief members of the Judiciary Committee at any time and continued to be available to do so.

The Chair inquired about the number of drug agents assigned to Aroostook County as a result of the BIDE program. After some discussion, it was agreed that Commissioner Atwood would provide this information to him following the Council meeting.

Motion: That the request from the Judiciary Committee for a Study of the State's Drug Enforcement Operations be approved. (Motion by Rep. Mayo; second by Sen. Pray; motion failed 4-3).

The Chair asked the Commissioner to provide copies of the GAO Report to all Council members.

REPORTS FROM COUNCIL COMMITTEES (continued)

Committee on Legislative Automation

Rep. Mayo, Committee Chair, reported that he and Rep. Webster had met, on behalf of the entire Legislative Automation Committee, with the Executive Director and members of the Information Systems staff on June 11 to review a proposal to upgrade the legislative computer system. He noted that an

upgrade had originally been a part of the long term plan for the continued development of the legislative system, but that the budget situation seemed to preclude it initially.

Rep. Mayo reported that an upgrade was desirable for several reasons, including:

- The opportunity to improve overall system performance;
- The opportunity to make certain features that were originally developed to support bill-drafting available to all legislative offices, including
 - WP-Plus;
 - Bill and amendment text on-line; and
 - Statute search and retrieval
- The need to replace the "aging" mainframe that was being used by the House, Senate and Law Library.

Because Wang came forward with some very favorable terms in conjunction with their overall "business recovery" plan, it became feasible to pursue the upgrade. Since the WANG offer promised cost savings, the Committee did not feel it necessary to seek the full Council's authorization to proceed. Rep. Mayo reported that he had made Speaker Martin aware of the opportunity, who agreed that formal Council action was not required.

Rep. Mayo reported that the upgrade has now been completed, and all offices are up and running. The package finally negotiated with WANG will actually reduce the cost of the Legislature's computer operation during the coming year. A precise dollar amount is not yet available, but the Committee has asked the Executive Director to provide a more detailed report for the August or September Council meeting.

Rep. Mayo recognized the extraordinary efforts of the Information Systems staff: Gerry Thibault, Marc Martin, Janet Grard, Donna Sullivan and Gerry Sawyer. He noted that the success and smoothness of the upgrade reflects their thorough planning, their attention to detail, their technical skill, their teamwork, their dedication - - and their courage! He again expressed his thanks and his congratulations for a job well done.

Motion: That the Committee's report be accepted and placed on file. (Motion by Sen. Cahill; second by Sen. Clark; unanimous).

NEW BUSINESS

- Item #1: Notification of Proposal to Dispose of Surplus Real Property in the Town of Poland, Androscoggin County. (Memo from John H. Cashwell, Director, Maine Bureau of Forestry)

Council members received a memo from John Cashwell, Director, Bureau of Forestry, regarding the Bureau's intent to dispose of the aforementioned real property. This notification to the Council was pursuant to statute (12 MRSA § 8003 § 3).

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

- Item #2: Request for Reimbursement of Expenses to Convene the First Meeting of the Special Commission to Study and Evaluate the Status of Education Reform in Maine. (Letter from Rep. Nathaniel J. Crowley, Sr., Commission Member)

In his letter, Rep. Crowley requested Council authorization to reimburse expenses to those who have now been appointed to the Commission for the Commission's first meeting. The Resolve establishing the Commission (Resolves of 1989, Chapter 88) provides that the Commission will seek outside funding to support its work and that expenditures may not be incurred in excess of these funds. Rep. Crowley estimated that the total expenditures for this purpose would be about \$250. Rep. Marsano indicated that he would oppose the motion.

Motion: That the request be approved. (Motion by Sen. Cahill; second by Sen. Clark; approved 6-1).

- Item #3: Request to Increase the Size and Authorized Activity Level of the AMHI Oversight Subcommittee. (Letter from Sen. Gauvreau and Rep. Manning).

The letter from Sen. Gauvreau and Rep. Manning requested Council approval to a) augment the membership of the current 4-member subcommittee with 2 members of the Appropriations Committee, and b) to increase the number of meetings from the 3 originally approved to a total of 7. The requests were made in anticipation of the issuance of a consent decree regarding AMHI.

Motion: That the request be approved. (Motion by Rep. Gwadosky; second by Sen. Pray; unanimous).

ANNOUNCEMENTS AND REMARKS

The Chair recognized Gary J. Remal, the new State House reporter for the Kennebec Journal.

The Chair announced that Rep. Webster had asked to be replaced on the Search Committee for the Director of the Office of Fiscal and Program Review due to scheduling conflicts on the particular meeting dates that had been set. Speaker Martin reported that he had accepted Rep. Webster's recommendation to appoint Rep. Marsano to the Committee in her place.

ADJOURNMENT

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