

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
SEPTEMBER 20, 1990
REVISED AGENDA**

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of August 17, 1990, Council meeting

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Resignation of Hartley Palleschi, Office of Policy and Legal Analysis
- Item #2: Approved Step Increases
- Item #3: Legislative Printing Contracts: Status Report
- Item #4: Proposed Fee Schedule for Legislative Publications and Related Services
- Item #5: Voluntary Leave: Status Report
- Item #6: Office of Fiscal & Program Review: Progress Report from John Wakefield, Director

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

- Item #1: Legislative Study Commissions and Interim Study Committees: Status Report
- Item #2: Concept Drafting: Staff Report Prepared at the Council's Request

NEW BUSINESS

Item #1: Proposed Legislative Budget for Fiscal Years 1992 - 1993

Item #2: Letter from the Honorable John R. McKernan, Jr.,
Regarding 3% October Increase

Item #3: Request to Extend Reporting Deadline for the
Subcommittee on Dedicated and Federal Funds (Letter
from Rep. Carter, Subcommittee Chair)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



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

AUGUST 17, 1990

MEETING SUMMARY

APPROVED SEPTEMBER 20, 1990

CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Speaker Martin, at 9:26 a.m.

ROLL CALL

Senators: Sen. Pray, Sen. Clark, Sen. Webster,
Sen. Cahill
Absent: Sen. Dutremble
Representatives: Rep. Martin, Rep. Gwadosky, Rep. Mayo,
Rep. Webster, Rep. Marsano
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

SECRETARY'S REPORT

The Summary of the July 18, 1990, Legislative Council meeting was approved and placed on file. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items for Council consideration:

Item #1: Approved Step Increases

Ms. Tubbesing reported that she had approved step increases for the following employees, based on the recommendations of their respective Office Directors:

Monique R. Caron, Library Associate, Law and Legislative Reference Library, (Salary Range 5), from Step G to Step Q, effective July 2, 1990.

Joan M. Gagne, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step Q to Step X, effective August 6, 1990.

Bret A. Preston, Research Assistant, Office of Policy and Legal Analysis, (Salary Range 7), from Step A to Step B, effective August 20, 1990.

Stephanie Ralph, Associate Law Librarian, Law and Legislative Reference Library, (Salary Range 10), from Step C to Step D, effective July 2, 1990.

She also reported that Kevin Madigan, Analyst in the Office of Fiscal and Program Review, had completed another year of service, but had not been employed the required number of years to advance to the first longevity Step, Step Q.

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

Item #2: Other Personnel Actions

Ms. Tubbesing reported that Edythe ("E.J.") Hampson, Legislative Information Assistant in the Legislative Information Office, had submitted her resignation, with the request that it be effective September 28.

Motion: That Ms. Hampson's resignation be accepted with regret and with the Council's expression of appreciation for her service to the Legislature. (Motion by Sen. Webster; second by Rep. Webster; unanimous).

Item #3: Peat Marwick Study Recommendations

Ms. Tubbesing reported that a set of the Recommendations, organized according to the Advisory Committee's recommended disposition, would be mailed to Council members early the week of August 20.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

Search Committee for Director, Office of Fiscal and Program Review

President Pray, who chaired the Search Committee, reported that the Committee had conducted interviews with five finalists on Thursday, August 16. Members of the Committee included Speaker Martin; Sen. Cahill; Rep. Mayo (substituting for Rep. Gwadosky); Rep. Webster (in place of Rep. Marsano); Cheryl Ring, Office of Fiscal & Program Review; Sally Tubbesing; and himself. He noted that the Committee had been particularly impressed with both of the internal candidates for the position and that their excellent qualifications and presentations at the interview made a difficult selection process even more difficult.

Motion: That John D. Wakefield be appointed to the position of Director of the Office of Fiscal and Program Review and that he be assigned to Step 7, Salary Range 14, in accordance with the Classification and Pay Plan, effective immediately. (Motion by Sen. Pray; second by Rep. Mayo; unanimous).

Motion: That the Search Committee be authorized to meet with Mr. Wakefield and the Executive Director later in the fall for the purpose of reviewing any recommendations he may have related to staffing and organization within the office. (Motion by Sen. Pray; second by Rep. Mayo; unanimous).

Discussion: Prior to the vote on this motion, there was discussion regarding the need for a separate Committee to work with Mr. Wakefield and Ms. Tubbesing on the organization and staffing of the Office. The motion was passed with the agreement that all Council members would be notified of the meeting and that any who were interested were free to attend and participate in the discussion.

Rep. Gwadosky then expressed his hope that the Peat Marwick study recommendations regarding the Office of Fiscal and Program Review would be incorporated in the review of the Office's staffing and organization.

Rep. Webster noted that, as a member of the Council who had not been involved in a search previously, she had been very impressed with the way the process had been structured and carried out.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Sen. Clark). There being no objection, the Council went into Executive Session at 9:44 a.m.

RECONVENE

The Council reconvened at 9:52 a.m. on the motion of the Chairs.

Personnel Committee

Sen. Clark, Committee Chair offered the following motion:

Motion: That _____ be granted a leave of absence for the period December 1, 1990, through July 15, 1991, and that the Director of the Office of Policy and Legal Analysis, Martha Freeman, be authorized to fill the temporary vacancy resulting from the leave effective December 1. (Motion by Sen. Clark; second by Sen. Webster; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request for Funds for Interpreter Services for the Advisory Council on Telecommunications Relay Services

Ms. Tubbesing drew Council members' attention to a letter from William H. Nye, Chair of the Advisory Council on Telecommunications Relay Services. The 11-member Advisory Council was created by statute (P.L. 1990, ch 851), and had its first meeting in late June of this year. Several of the Council members are, themselves, hearing-impaired, and interpreter services are essential if all Council members are to have the opportunity to participate fully in the Council meetings. The law establishing the Council had no appropriation, and the Advisory Council's request was for the Legislative Council to provide funds to procure interpreter services for its future meetings at a total projected cost of \$750.

Discussion: In their consideration of this request, Council members raised 2 issues:

1. Are funds available for this purpose? (Rep. Mayo)

Ms. Tubbesing reported that several of the study commissions which have now completed their work had small balances remaining at the end of Fiscal Year 1990; thus, there was a source to fund the Advisory Council's request.

2. Have legislative funds been used in other cases for expenses related to independent commissions? (Rep. Marsano)

Ms. Tubbesing reported that commissions' expenses have been paid out of the general legislative account in the past; notably, the expenses related to the State Compensation Commission.

Motion: That the Advisory Council's request be granted and that funds be paid out of the legislative account to procure interpreter services for meetings of the Advisory Council on Telecommunications Relay Services in the coming year. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

ANNOUNCEMENTS AND REMARKS

Speaker Martin announced the following:

1. Due to incomplete information about members' schedules, the September Council meeting date will be announced at a later time.
2. The Speaker and President had met recently with Martha Freeman, David Kennedy, and Sally Tubbesing to discuss opportunities for improving the flow of bills to committee during the First Regular Session. That discussion produced several ideas which the presiding officers have adopted. A summary of these was distributed to Council members and Speaker Martin urged Council members to support the changes. Most are procedural and would not require changes to the Joint Rules.

Council members discussed each of the proposals and indicated their enthusiastic support. No formal Council action was required.

3. Concept Drafting

In response to a question from Sen. Cahill, Speaker Martin suggested that this topic be discussed in greater detail at the September Council meeting. He further requested that Martha Freeman and David Kennedy prepare materials to facilitate that discussion.

ADJOURNMENT

The Legislative Council was adjourned at 10:25 a.m. on the motion of the Chair.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR'S REPORT

SEPTEMBER 20, 1990

Approved Step Increases

Kimberly M. Allen, Paralegal Assistant, Office of the Revisor, (Salary Range 7), from Step 4 to Step 5, effective October 1, 1990.

Rosemarie Fredette, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step 3 to Step 4, effective September 13, 1990.

Cynthia L. Jackson, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step 6 to Step 7, effective September 17, 1990.

Diane M. King-Maheux, Accounting Technician, Office of the Executive Director, (Salary Range 4), from Step 7 to Step 8, effective September 3, 1990.

Marc D. Martin, Senior Computer Programmer, Office of Information Systems, (Salary Range 9), from Step 3 to Step 4, effective September 3, 1990.

Valarie Parlin, Senior Secretary, Office of Policy and Legal Analysis, (Salary Range 4), from Step 6 to Step 7, effective September 17, 1990.

Dorothy Rollins, Administrative Coordinator, Information Office, (Salary Range 7), from Step 8 to Step 9, effective September 17, 1990.

Gerald Sawyer, Computer Operator, Office of Information Systems, (Salary Range 3), from Step 2 to Step 3, effective September 24, 1990.

Kathryn Van Note, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step 3 to Step 4, effective September 3, 1990.

Sue A. Wright, Associate Law Librarian, Law and Legislative Reference Library, (Salary Range 10), from Step 1 to Step 2, effective September 3, 1990.

LEGISLATIVE COUNCIL
SALE OF LEGISLATIVE PUBLICATIONS
PROPOSED STATUTORY LANGUAGE

Amend 3 MRS § 162, by adding a new Subsection 8-A to read:

"8-A. Sale of publications. If the Legislative Council determines it advisable for the effective dissemination of statutory information or other information of general interest to the public, it may fix the price, if any, of any publications or materials produced by legislative agencies and sell and deliver them."

LEGISLATIVE DEPARTMENT

Voluntary Cost Savings Summary By Type of Savings

As of September 1, 1990

Vacancies*	\$31,122.71
Reduced Work Week	18,243.98
Unpaid Leaves of Absence	<u>2,444.97</u>
Total to date	\$51,811.66

*Cost savings achieved by deferral of
hiring replacements

LEGISLATIVE DEPARTMENT

Voluntary Cost Savings Summary

As of September 1, 1990

Non-Partisan Offices

Revisor's Office	\$19,362.68
Office of Policy & Legal Analysis	18,909.48
State House & Capitol Park Commission	2,770.83

Senate

President's Office	\$ 6,442.89
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House

Majority Office	<u>\$ 4,325.78</u>
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TOTAL SAVINGS	\$51,811.66
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**STATUS REPORT ON RESTRUCTURING
THE OFFICE OF FISCAL AND PROGRAM REVIEW**

I. Proposed organizational structure for the Office of Fiscal and Program Review

- Builds on current functional strengths.
- Improves management structure and offers opportunity for cross-training and support.
- Clarifies reporting responsibilities and lines of authority.
- Retains Deputy Director position.
- Places financial and related Committee activities in one unit.
- Provides improved accountability and communication.
- Offers career advancement opportunities for staff.

II. Request authorization to hire a Deputy Director and expedite the process to fill resulting vacancies

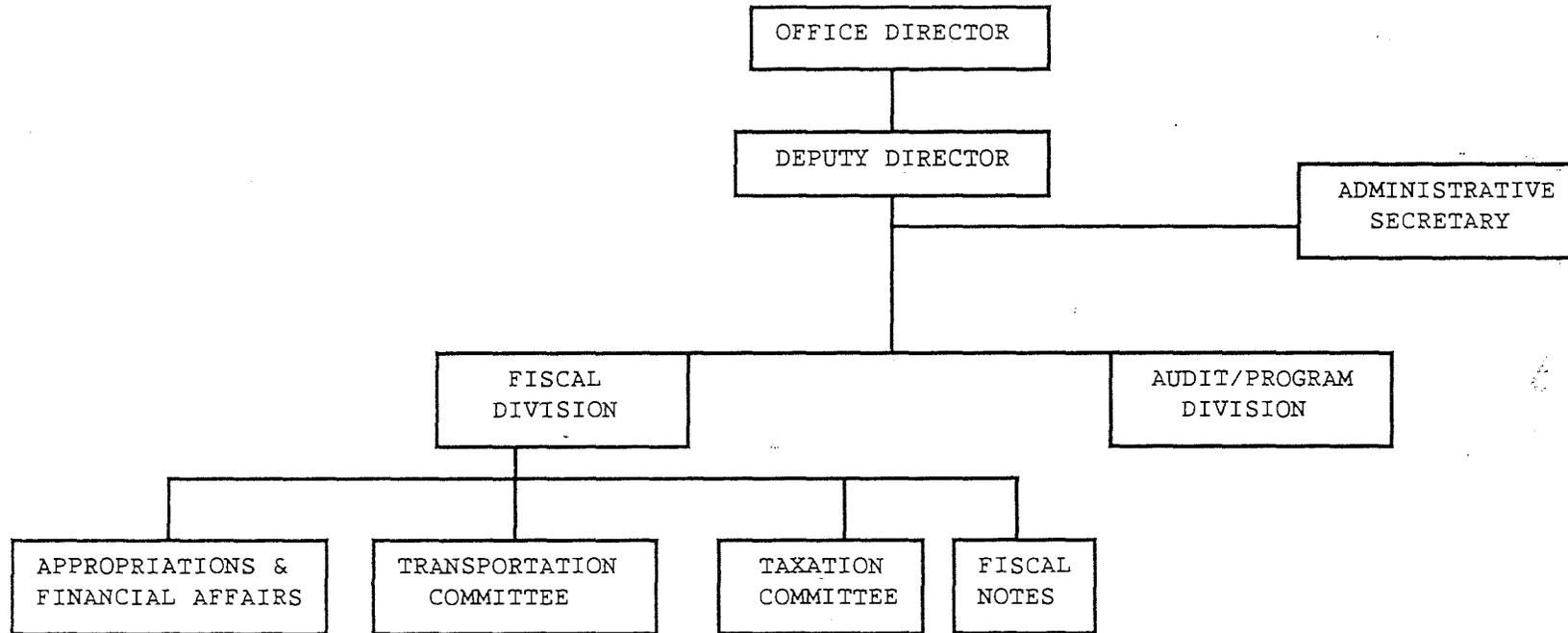
- Recruit internally for Deputy Director.
- Utilize the internal process to hire a principal analyst, if necessary.
- Conduct a selective search for the analyst vacancy.
- Authorize Director to re-open the Senior Analyst classification issue.

III. Other Activities

- Weekly management staff meetings and monthly staff meetings have been initiated.
- OFPR will begin providing drafting assistance to Revisor and OPLA.
- Developed a training plan centered on LOTUS to improve analytical tools available.
- Currently evaluating suggestions from staff on how to improve OFPR.

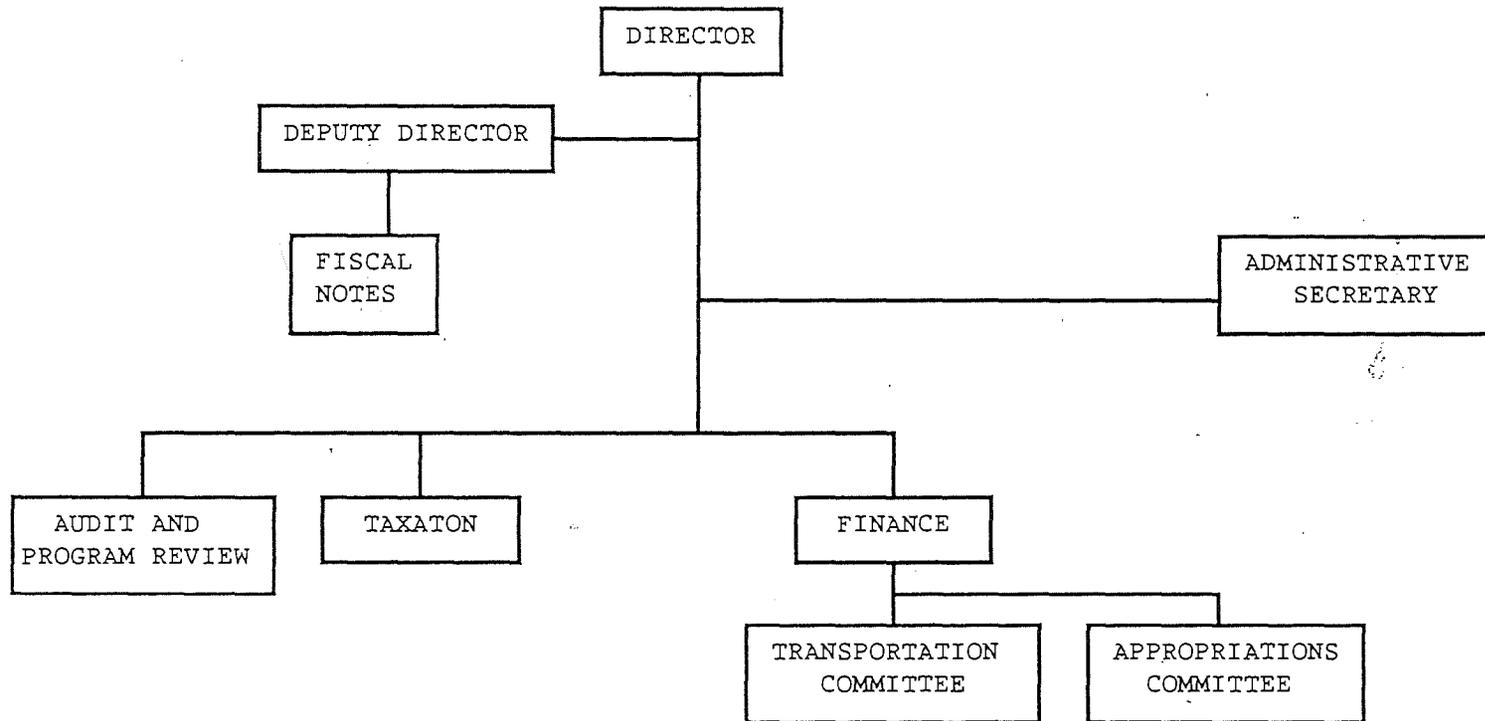
PROPOSED ORGANIZATION STRUCTURE

OFFICE OF FISCAL AND PROGRAM REVIEW



CURRENT ORGANIZATION STRUCTURE

OFFICE OF FISCAL AND PROGRAM REVIEW



Date: Sept 18, 1990

STUDY STATUS - Office of Policy and Legal Analysis

Study name	# Mtgs rmng.	Next mtg.	Orgnl due date	Antic. compl.	Comments
Ability of the State to Respond to Oil Spills	2	10/9	11/1/90	11/1	Subcommittee meeting on sensitive areas issues. Portions of draft now in preparation. Public hearing in AM on 10/30 prior to final deliberation on PM of same day
AMHI Oversight	3	10/4	12/1	12/90	Authority to meet once/month through December - currently planning to decide by November if they want legislation
Codification of Rules	0	N/A	9/15/90	9/28	Final meeting on 9/17 (9/15 was a Saturday) identified need for further refinement of recommendations. Final review will be by mail. Sen. Berube (chair) will decide on need to request additional meetings
Criminal Penalties in the Maine Revised Statutes	N/A	N/A	11/1	11/1	Proceeding on schedule
Development of Aquaculture in Maine	1	9/26	11/1/90	11/1	Preparing draft final report for subcommittee review
Future of Maine's Courts			11/15/92		Consultant - only if they get money - no activity as of 9/14
Grandparents' Rights	N/A	N/A	N/A		Proceeding on schedule
Harness Racing Industry (plus Horse Industry)	0	N/A	11/1/90	11/1	Preparing final report for review by mail

Study name	# Mtgs rmng.	Next mtg.	Orgnl due date	Antic. compl.	Comments
Level of Services for Maine's Elderly Citizens	2	10/10 10/24	12/90	12/90	Final research
Public Financing of State Elections	1	10/?	12/90	12/1	Draft report drafted except one issue being resolved
Status of Education Reform in Maine	?	9/21/90	3/1/90 12/1/91	12/1/91	Dependent on outside funding Expenses for 1st meeting authorized by Legislative Council
Student Financial Aid Transition	0	N/A	12/1/90	12/1/90	Draft report to committee this week. Legislation to be drafted in October
Use of Herbicides	3	9/21	12/1/90	12/1	Public hearings complete. Finishing information gathering. Beginning policy development

COMMISSION TO STUDY THE MAINE'S
OIL SPILL CLEAN-UP PREPAREDNESS
(ch. 868, Public Law 1989)

BUDGET STATUS REPORT
As of September 14, 1990

BUDGET

Personal Services	\$4,620.00	
All Other		\$95,380.00

EXPENDITURES

Commission Meetings		
07/18/90	\$ 275.00	\$ 121.62
07/20/90	55.00	90.65
08/06/90	275.00	163.80
09/11/90	275.00	278.15
Miscellaneous Expenses		<u>484.00</u>
Total Thru 9/14/90	\$ 880.00	\$ 1,138.22

BALANCE	\$3,740.00	\$94,242.28
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014-30A-2325-022
09/14/90

COMMISSION ON CODIFICATION
OF RULES
(ch. 574, P.L. 1989)

BUDGET STATUS REPORT
As of September 19, 1990

BUDGET

Personal Services	\$1,375.00	
All Other		\$4,300.00

EXPENDITURES

Committee Meetings

11/17/89	\$ 220.00	\$ 170.45
12/06/89	275.00	168.47
05/22/90		20.48
05/29/90		16.72
07/10/90	110.00	30.55
08/20/90	220.00	92.27
09/17/90	<u>220.00</u>	<u>89.87</u>

Miscellaneous Expenditures

State House Snack Bar	<u> </u>	<u>\$ 27.00</u>
Total thru 09/19/90	\$1,045.00	\$ 615.81

BALANCE	\$ 330.00	\$3,684.19
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010-30A-2225-032
09/18/90

JOINT STANDING COMMITTEE ON MARINE RESOURCES
STUDY OF MAINE'S AQUACULTURE INDUSTRY

BUDGET STATUS REPORT
As of September 18, 1990

EXPENDITURES

Commission Meetings

06/28/90	\$ 330.00	\$ 308.94
08/06/90	165.00	470.97
08/07/90	220.00	96.42
08/30/90	<u>275.00</u>	<u>212.50</u>
Total thru 09/18/90	\$ 990.00	\$1,088.83

010-30A-3201-012
09/18/90

COMMISSION TO STUDY THE HARNESS
RACING INDUSTRY
(ch. 787, P.L. 1989)

BUDGET STATUS REPORT
As of September 14, 1990

BUDGET

Personal Services	\$2,640.00	
All Other		\$7,500.00

EXPENDITURES

Committee Meetings

06/06/90	\$ 330.00	\$ 278.97
06/26/90	330.00	475.78
07/12/90	330.00	731.80
07/16/90	275.00	257.65
07/26/90	275.00	269.97
08/13/90	330.00	445.83
08/20/90	220.00	327.91
09/13/90	330.00	314.31

Miscellaneous Expenditures

Advertising		359.19
Postage		<u>18.46</u>
Total thru 09/14/90	\$2,420.00	\$3,479.87

BALANCE	\$ 220.00	\$4,020.13
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014-30A-2326-022

09/14/90

COMMISSION TO STUDY THE LEVEL OF
SERVICES FOR MAINE'S ELDERLY
CITIZENS
(ch. 58, Resolves 1989)

BUDGET STATUS REPORT
As of September 14, 1990

BUDGET

Personal Services	\$2,475.00	
All Other		\$12,200.00

EXPENDITURES

Commission Meetings

09/25/89	\$ 110.00	\$ 403.34
10/10/89	110.00	410.01
10/25/89	55.00	180.52
11/27/89	110.00	502.95
12/15/89	55.00	305.96
01/04/90		542.53
02/28/90		403.97
05/23/90	110.00	396.33
06/20/90	110.00	349.10
07/18/90	55.00	201.09
08/22/90	110.00	334.82
08/31/90		2.50
09/12/90	110.00	374.95

Postage

		<u>156.54</u>
Total Thru 9/14/90	\$ 935.00	\$ 4,564.61

BALANCE	\$1,540.00	\$ 7,635.39
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010-30A-2220-032
1053.9104

09/14/90

COMMISSION TO STUDY PUBLIC FINANCING
OF STATE ELECTIONS
(Resolves of 1989, ch. 59)

BUDGET STATUS REPORT
As of September 18, 1990

BUDGET

Personal Services	\$3,960.00	
All Other		\$11,400.00

EXPENDITURES

Commission Meetings

9/14/89	\$ 385.00	\$ 255.92
10/ 2/89	330.00	266.74
11/16/89	275.00	177.91
06/21/90	220.00	120.90
Postage		82.75
Printing		<u>581.46</u>
Total Thru 09/18/90	\$1,210.00	\$ 1,485.68

BALANCE	\$2,750.00	\$ 9,914.32
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STUDENT FINANCIAL AID
TRANSITION ADVISORY
COMMITTEE
(ch. 559, P.L. 1989)

BUDGET STATUS REPORT
As of September 17, 1990

BUDGET ¹

Personal Services	\$ 2,805.00	
All Other		\$22,195.00 ²

EXPENDITURES

FY 90	\$ 1,760.00	\$11,885.47
Commission Meetings		
07/11/90	165.00	125.64
08/01/90	55.00	45.76
08/14/90	55.00	8.84
08/22/90	55.00	27.28
08/29/90	110.00	56.60
09/11/90	220.00	180.29
Postage		<u>24.75</u>
Total thru 09/17/90	\$2,420.00	\$12,354.63

BALANCE	\$ 385.00	\$ 9,840.37
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010-30A-2224-032
1053.9108

Notes:

¹ Includes appropriations for fiscal years 1990 and 1991.

² Includes consulting services (John Madigan).

COMMISSION TO STUDY THE USE OF
HERBICIDES
(ch. 98, Resolves 1989)

BUDGET STATUS REPORT
As of September 14, 1990

EXPENDITURES

Commission Meetings

08/02/90	\$ 165.00	\$ 193.10
08/27/90	110.00	505.07
08/28/90	165.00	531.57

Advertising

705.67

Printing and Publications

110.00

Total Thru 9/14/90	\$ 440.00	\$ 2,045.41
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010-30A-2053-012
09/14/90

COMMISSION ON MAINE LAKES
(ch. 100, Resolves, 1989)

BUDGET STATUS REPORT
As of August 15, 1990

BUDGET	Personal Services	All Other
FY 90	\$ 605.00	\$ 800.00
FY 91	<u>3,025.00</u>	<u>4,900.00</u>
	\$3,630.00	\$5,700.00

EXPENDITURES

FY 90

06/20/90	\$ 495.00	244.73
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FY 91

Commission Meetings

07/09/90	440.00	198.55
07/23/90	385.00	151.04
08/08/90	440.00	527.31
08/19/90	55.00	107.69
08/20/90	385.00	1,089.00
08/21/90	275.00	545.61
09/10/90	<u>385.00</u>	<u>153.21</u>

Total Thru 09/18/90	\$2,860.00	\$3,017.14
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BALANCE	\$ 770.00	\$2,682.86
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MEMORANDUM

September 17, 1990

TO: Legislative Council Members

FROM: Martha Freeman, Director, Office of Policy and Legal Analysis
David Kennedy, Revisor of Statutes *DK*

RE: Concept Drafting

MEF

At your August meeting, you asked us to prepare a memo concerning concept drafting - the system, recommended in the Peat Marwick study, of drafting initial bills as short proposals in layperson's language. We intend the following to serve as a basis for a discussion of concept drafting at the September Council meeting.

First, we want to note that we do not believe concept drafting can be fully implemented for the 115th/1st session. If concept drafting is fully adopted by the Legislature, many philosophical, procedural, and management details will need to be ironed out. While we do not believe there is time to accomplish a complete conversion before the next session, some experimentation may be possible.

Second, we want to point out that concept drafting is one of many possible responses to the legislative overload problem identified by Peat Marwick. Other choices exist, including reversal of the constitutional roles of the first and second sessions, a limitation of the number of bills introduced per session, a limitation of the number of bills introduced by each legislator, or continuation of current practices with increased staff support. Clearly, the Legislature must respond in one way or another to the problems presented by the first regular session workload. However, any solution must recognize that the Legislature and its staff offices are at the outer limits of their capacity.

Third, we presented various procedural ideas to Sen. Clark, Rep. Gwadosky, and the other members of the Advisory Committee to the Peat Marwick study in a discussion of concept drafting. These ideas were largely incorporated in the revised procedures for bill requests which the Council endorsed at its August meeting. We think they will be of real help to us as we try to speed the production of bills. We very much appreciate Speaker Martin and President Pray permitting the implementation of these new procedures, and the Council's endorsement of them.

Fourth, we believe that, before concept drafting can be fully embraced, some fundamental questions need to be considered. We divide these into philosophical issues and management issues, and discuss two such issues below.

Philosophy

The Maine Legislature will need to change its traditions to fully and successfully implement concept drafting. We hope the Legislature will consider the cultural change that must occur if concept drafting is to reduce its workload.

Peat Marwick stated: "The proposed bill system will reduce volume dramatically." It could, but only if legislators act favorably on many fewer bills than is the Maine tradition. Instead, if a large drafting load is simply shifted from December to March or April, concept drafting will not ease, and might worsen, pressures on resources. For example, Connecticut, a state that uses concept drafting, finally enacts approximately 1/4 of the bills initially drafted in concept form. Maine traditionally enacts approximately 1/2 of the bills introduced. If Maine continued to enact, and thus need full drafts of, that many bills under a concept drafting system, a 50% larger drafting load than Connecticut experiences would occur in the midst of the session.

Also in Maine, 50% of the bills are one or two pages in length. We wonder how those would be handled most efficiently and fairly in a concept drafting system. And we wonder whether bills submitted by the Governor and departments could or should receive concept drafting treatment.

Management

Reorganizing of staff assignments will be needed if concept drafting is fully implemented. The Peat Marwick proposal states that after committees hear and work concept bills, they will turn to the Revisor's staff for much of the full drafting of bills. Our current experience suggests that it is essential to have the staff that has been present for hearings and work sessions draft bills and amendments wanted by a committee. As we are currently structured and staffed, the ROS professional staff cannot attend committee sessions. Additionally, we wonder if OPLA staff can fully draft bills after the concepts have been accepted by committees: will they have time to draft without the statutory framework now provided by fully drafted bills, while keeping up with committee meetings?

Peat Marwick also suggests that fiscal impact can be determined from a concept bill, and that if it can't the bill can be fully drafted for the purpose of fiscal analysis. Will many bills need to be fully drafted for this purpose? Which staff office or offices will draft them? Will concept drafting slow or speed fiscal analysis?

A Possible Experiment

While further exploring issues such as those raised above, the Legislature might want to gather more information about concept drafting by implementing it in a limited way. We feel that at this point in our planning and production for next session we would only

be able to manage an experimental effort. If the Council wants to try a limited experiment in concept drafting during the 115th/1st, we offer the following as one possibility:

- ROS identifies 8 or more "duplicates" - that is, bill requests that are identical or closely linked in that they address the same issues, problem, or statutory provision - and brings them to the Council for review
- Council reviews the titles and brief description (as in review for bills introduced to the 2nd session) and decides which of the "duplicates" are to be fully drafted and which are to be drafted in concept form
- the Confidentiality Policy and Joint Rules are amended to permit this Council review and the resulting concept bills.

In sum, we are happy to help you consider and test concept drafting, or other proposals for expediting the Legislature's work, if that is your pleasure. As managers of some of your resources, we appreciate the need to continue to seek ways to provide you with quality work while facing an ever increasing number of bills. We do believe, however, that it would be difficult to implement a full concept drafting system at this time. We look forward to discussing the issues raised in this memo, and others, with you further.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

September 17, 1990

TO: Honorable John L. Martin, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: Legislature's FY 92 - 93 Budget Submission

As you know, this fall marks the commencement of the budget process for the fiscal biennium which begins next July 1. Traditionally, the Legislature's budget has been included in the "Governor's budget" for all of state government.

At your request, Dick and I have proceeded to prepare proposed Part I budgets for the 1992 - 1993 biennium. Proposed Budgets are enclosed for the following:

Legislature
Law & Legislative Reference Library
Maine-Canadian Office

These are all current services budgets; that is, they reflect our best judgment about the level of funding the Legislature will require in order to continue operating at its current level of activity. We have included expenditure history for each of the 3 budgets as well as the current year budget for your information.

We have reviewed both our approach to developing the proposed budget and our final estimates with Joy O'Brien, Ed Pert and each of the non-partisan Office Directors. I think they would agree that the unknowns involved in planning for the operations of the Legislature more than two years in advance are legion and that the proposed budget represents a conservative effort to plan for the unknown.

Methodology

In order to assist you in reviewing the budgets, we have briefly summarized the rules and assumptions we employed in developing it.

Personal Services

The Personal Services budget includes salaries and benefits for which the Legislature as the employer has financial responsibility. It is based on **currently authorized positions** and does not include any **new** positions. Salary requirements for FY 92 - 93 have been determined by costing out the actual salary costs for the present incumbent of each position through the budget period. Vacant positions are costed out in their authorized range, with scheduled step increases built in. The position listings have been reviewed with the offices to verify their accuracy.

Benefits are budgeted according to rules set by the Budget Office. For example, we have been instructed to build in a 20% increase for health insurance for each of the two budget years.

All Other

Again, the All Other budget lines represent our best attempt to forecast the funds required to continue the Legislature's operations at current levels of activity. We do rely on history as an important indicator, particularly in developing the All Other Budget, and have tried to balance the fluctuation in levels of activity in some areas between the "long" and "short" sessions with the Legislature's largely successful experience this past spring in cutting back. Again, because this Council is in the position of approving a budget that will govern the 115th Legislature in its Second Regular and the First Regular Session of the 116th Legislature, it is important to determine what is the appropriate base upon which to build.

The proposed budgets for most of the All Other lines include a 5% inflationary factor in each of the two years. Thus, even though FY 92 and FY 93 budgeted expenditures appear to exceed actual costs in FY 90, they, in fact, represent an attempt to simply hold the line as the cost of products and services that the Legislature purchases increase. A higher percentage has been applied to some components of line 4900 based on our experience in recent years: for example, we anticipate an increase in first class postage of 5¢ during the next year and commensurate percentage increases in other postal rates, and the biennial printing contracts for our major legislative documents (LD's Calendars, Laws of Maine, etc) have historically seen an increase in excess of general inflation, in spite of our efforts to use technology to reduce costs.

Finally, some lines have been under funded, (e.g. insurance), and we have attempted to "correct" these in the FY 92 - 93 proposal.

Capital

The proposed capital budget is designed to provide for replacement of standard office furniture and equipment and for modest improvements in legislative offices and hearing room. At one time these improvements (painting, replacing light fixtures, routine electrical repairs, etc.) were provided at no charge by the Bureau of Public Improvements; however, their policy is now to either bill departments for work performed or to work with departments to hire outside contractors. This is not a renovations budget (a budget which would more appropriately be included in a request from the State House and Capitol Park Commission).

Summary

The entire budget request has been built up from individual offices' needs and projected levels of activity. It represents our sincere efforts as staff to support the Legislature as it tries to respond to a rapidly changing environment. We look forward to discussing the budget with you at Thursday's Council meeting and would be happy to answer any questions you may have.

LEGISLATIVE COUNCIL
 GENERAL FUND BUDGET FOR FISCAL YEARS 1988 - 1991
 AND PROPOSED BUDGET FOR FISCAL YEARS 1992 - 1993

Salaries	FY 88	FY 89	FY 90	FY 91 Budget		FY 92	FY 93
	Actual	Actual	Actual	Original	Amended	Proposed Budget	Proposed Budget
3110 Permanent Regular	2,324,534	2,456,271	2,289,765	2,770,784	2,165,544	3,057,739	3,288,830
3210 Limited Period Regular	1,271,078	2,121,673	2,003,289	2,288,312	2,367,743	3,156,680	3,862,546
3220 Limited Period/Part-Time	---	---	---	---	---	51,101	53,586
3310 Seasonal	159,417	153,526	342,737	249,378	239,191	925,721	1,084,949
3410 Project Regular	1,503,489	1,664,849	1,045,940	2,053,238	2,148,584	---	---
3550 Intermittent	---	5,730	---	17,308	---	---	---
3612 Overtime	42,075	49,231	60,387	59,724	59,724	59,256	62,218
3616 Retro Lump Sum	27,596	4,938	19,788	---	---	---	---
3640 Longevity Bonus	---	---	499	---	---	15,850	15,850
3810 Unemployment Comp.	22,716	12,869	5,067	25,796	25,796	5,067	5,067
3890 Per Diem	123,090	54,690	100,750	129,245	114,245	112,000	85,000
Total Salaries	\$ 5,473,995	\$ 6,523,777	\$ 5,868,222	\$ 7,593,785	\$ 7,120,827	\$ 7,383,414	\$ 8,458,046

Benefits	FY 88	FY 89	FY 90	FY 91	FY 91	FY 92	FY 93
	Actual	Actual	Actual	Original	Amended	Proposed Budget	Proposed Budget
3901 Health Insurance	417,743	716,597	743,847	563,951	597,384	1,249,340	1,499,208
3905 Dental Insurance	37,150	60,659	43,584	89,444	95,678	65,049	66,441
3906 Employee Health Plan	---	---	---	---	---	26,474	26,474
3910 Retirement	968,352	1,214,378	1,117,643	1,437,184	1,345,163	1,426,659	1,675,124
3911 Group Life	13,677	15,710	15,009	30,195	28,278	20,222	21,664
3912 Medicare	14,564	27,757	29,026	20,645	23,557	48,362	57,802
3973 Child Care	458	458	700	2,000	1,500	800	900
3982 Early Retirement	---	---	---	---	---	2,900	---
Total Benefits	\$ 1,451,944	\$ 2,035,559	\$ 1,949,809	\$ 2,143,419	\$ 2,091,560	\$ 2,839,806	\$ 3,347,613
TOTAL PERSONAL SERVICES	\$ 6,925,939	\$ 8,559,336	\$ 7,818,031	\$ 9,737,204	\$ 9,212,387	\$ 10,223,220	\$ 11,805,659

LEGISLATIVE COUNCIL
 GENERAL FUND BUDGET FOR FISCAL YEARS 1988 - 1991
 AND PROPOSED BUDGET FOR FISCAL YEARS 1992 - 1993

	FY 88 Actual	FY 89 Actual	FY 90 Actual	FY 91 Budget		FY 92 Propose	FY 93 Budget
				Original	Amended		
All Other							
4000 Professional Services (Non-State)	241,739	350,581	310,606	266,519	196,364	126,563	151,540
4100 Professional Services (State)	274,526	125,391	3,940	302,665	99,865	30,000	50,000
4200 Travel/In-State	1,259,039	1,525,593	1,049,356	1,450,000	1,678,910	1,439,082	1,743,153
4200 Travel/Out-of-State	225,797	197,867	234,172	240,000	185,260	199,245	213,192
4500 Utilities	287,429	382,983	262,904	415,223	385,298	289,852	347,706
4600 Rents	235,598	353,707	415,227	447,360	664,218	398,234	438,057
4700 Repairs	71,145	46,604	77,184	72,000	71,950	75,600	79,380
4800 Insurance	490	1,575	3,435	800	800	4,500	5,500
4900 General Operations	2,078,860	1,838,624	1,775,043	3,277,231	2,674,691	2,111,335	2,434,858
5100 Food	2,409	8,028	2,457	2,625	---	2,500	8,500
5300 Office Supplies	50,152	88,475	50,518	78,902	47,272	55,696	78,481
5400 Clothing	4,193	8,565	5,295	10,925	10,925	6,620	13,656
5600 Miscellaneous Supplies/Books	102,933	260,437	232,935	130,035	128,995	256,810	287,132
6581 Constituent Service Allowances	94,000	94,000	94,500	94,000	---	249,000	149,750
6900 Workers' Comp. Payments/ Tort Claims	1,500	236	6,185	---	---	---	---
Total All Other	\$ 4,929,810	\$ 5,282,666	\$ 4,523,757	\$ 6,788,285	\$ 6,144,548	\$ 5,245,037	\$ 6,000,905
Capital							
7200 Equipment	112,497	265,438	167,110	150,000	45,000	45,000	45,000
7300 Major Improvements	---	552,574	550	35,000	35,000	35,000	35,000
Total Capital	\$ 112,497	\$ 818,012	\$ 167,660	\$ 185,000	\$ 80,000	\$ 80,000	\$ 80,000
8008 Interest Miskeyed (9041)	457 85	2,306 ---	578 ---	500 ---	500 ---	500 ---	500 ---
TOTAL ACCOUNT	\$ 11,968,788	\$ 14,662,320	\$ 12,510,026	\$ 16,710,989	\$ 15,437,435	\$ 15,548,757	\$ 17,887,064

LEGISLATIVE COUNCIL
 MAINE CANADIAN LEGISLATIVE ADVISORY OFFICE
 EXPENDITURE HISTORY FY 88 - 90 AND PROPOSED BUDGET FY 92 93

Salaries

3110 Permanent Full-Time
 3616 Retro Lump Sum

	FY 88 ACTUAL	FY 89 ACTUAL	FY 90 ACTUAL	FY 91 BUDGET	FY 92 PROPOSED	FY 93 PROPOSED
	47,653 416	40,542 ---	51,478 199	52,273 ---	60,414 ---	63,734 ---
Total Salaries	\$ 48,069	\$ 40,542	\$ 51,677	\$ 52,273	\$ 60,414	\$ 63,734

Benefits

3901 Health Insurance
 3905 Dental Insurance
 3906 Employee Health Plan
 3910 Retirement
 3911 Group Life
 3912 Medicare
 3973 Child Care Benefit

	FY 88 ACTUAL	FY 89 ACTUAL	FY 90 ACTUAL	FY 91 BUDGET	FY 92 PROPOSED	FY 93 PROPOSED
	1,927 158 ---	2,101 222 ---	3,350 310 ---	2,636 323 ---	7,413 358 124	8,898 366 124
	9,389 163 ---	7,658 142 91	10,072 179 224	10,715 183 232	11,998 210 275	12,945 216 301
Total Benefits	\$ 11,637	\$ 10,214	\$ 14,135	\$ 14,089	\$ 20,378	\$ 22,850
TOTAL PERSONAL SERVICES	\$ 59,706	\$ 50,756	\$ 65,812	\$ 66,362	\$ 80,792	\$ 86,584

- Notes:
1. Incorporates reductions of \$1,500 approved by the Legislative Council, 114th/2nd Regular
 2. Salaries include the following employees:
 Boisvert (Range 8)
 Aube (Range 2)
 3. Service performed on request from other agencies for a fee pursuant to policy originally established by the Legislative Council

LEGISLATIVE COUNCIL
 MAINE CANADIAN LEGISLATIVE ADVISORY OFFICE
 EXPENDITURE HISTORY FY 88 - 90 AND PROPOSED BUDGET FY 92 93

All Other

	FY 88 ACTUAL	FY 89 ACTUAL	FY 90 ACTUAL	FY 91 BUDGET	FY 92 PROPOSED	FY 93
4015 Casual Labor	926	3,854	---	---	---	---
Translation Services	---	- 340	---	---	---	---
4021 Entertainment Caterers	---	783	441	820	820	820
4200 Travel/In-State	149	954	208	170	170	170
4300 Travel/Out-of-State	---	164	351	200	230	245
4500 Telephone	1,882	1,761	1,395	2,075	2,075	2,075
4600 Rents	---	---	---	---	---	---
4700 Repairs	---	---	---	---	---	---
4900 General Operations						
Postage	957	1,264	1,235	---	---	---
Printing	369	94	116	---	---	---
Photocopying	1,381	1,921	1,086	---	---	---
Subscriptions	1,820	2,238	3,297	---	---	---
Dues/Tuition	30	---	---	---	---	---
Subtotal 4900	\$ 4,557	\$ 5,517	\$ 5,734	\$ 4,120	\$ 5,243	\$ 5,400
5100 Food	---	27	---	25	---	---
5300 Equipment & Supplies	505	238	259	575	275	285
5600 Department Supplies/Equipment	---	104	37	45	50	50
Total All Other	\$ 8,019	\$ 13,062	\$ 8,425	\$ 8,030	\$ 8,863	\$ 9,045
TOTAL ACCOUNT	\$ 67,725	\$ 63,818	\$ 74,237	\$ 74,392	\$ 89,655	\$ 95,629

LEGISLATIVE COUNCIL
 COMMISSION ON INTERSTATE COOPERATION
 GENERAL FUND EXPENDITURES FY 88 - 91 AND PROPOSED BUDGET FY 92 - 93

	FY 88 ACTUAL	FY 89 ACTUAL	FY 90 ACTUAL	FY 91		FY 92 PROPOSED	FY 93
				ORIGINAL	AMENDED		
Personal Services	---	---	---	---	---	---	---
All Other							
4300 Travel/Out-of-State	5,434	318	---	5,600	1,400	3,000	3,500
4500 Utilities	5	7	14	---	---	---	---
4900 General Operations (Dues)*	97,901	113,643	121,759	118,742	118,742	122,628	128,581
Total All Other	\$ 103,340	\$ 113,968	\$ 121,773	\$ 124,342	\$ 120,142	\$ 125,628	\$ 132,081
TOTAL ACCOUNT	\$ 103,340	\$ 113,968	\$ 121,773	\$ 124,342	\$ 120,142	\$ 125,628	\$ 132,081

*Annual Membership Dues to the following organizations: National Conference of State Legislatures; Council of State Governments; Caucus of New England Legislatures

LEGISLATIVE COUNCIL
 COMMISSION ON UNIFORM STATE LAWS
 GENERAL FUND EXPENDITURES FOR FY 88 - 91 AND PROPOSED BUDGET FY 92 - 93

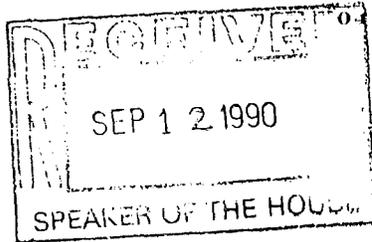
	FY 88 ACTUAL	FY 89 ACTUAL	FY 90 ACTUAL	FY 91		FY 92	FY 93
				ORIGINAL	AMENDED	PROPOSED	
Personal Services	---	---	---	---	---	---	---
All Other							
4300 Travel/Out-of-State	3,031	5,859	9,006	4,500	1,125	4,500	4,500
4900 General Operations (Dues)*	6,477	5,054	5,345	6,600	6,600	5,880	6,174
Total All Other	\$ 9,508	\$ 10,913	\$ 14,351	\$ 11,100	\$ 7,725	\$ 10,380	\$ 10,674
TOTAL ACCOUNT	\$ 9,508	\$ 10,913	\$ 14,351	\$ 11,100	\$ 7,725	\$ 10,380	\$ 10,674

*Annual Membership Dues to the National Conference of Commissioners on Uniform State Laws



JOHN R. MCKERNAN, JR.
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE



Received by:	
KPA	_____
KWC	_____
PAE	_____
BSP	_____
ALS	_____
JMR	_____
CPS	_____
JCH	_____

September 11, 1990

The Honorable John L. Martin, Chair
Legislative Council
Station #2
Augusta, Maine 04333

Dear John:

As you may know, I announced today that I would be extending the freeze on salary increases for approximately 200 of my Administration's senior management positions. As a result, the scheduled 3% October increase will not apply to those people. I expect that this freeze will be temporary, and plan to review the situation periodically with the hope of eventually lifting it, but I did feel that now is the time for managers throughout state government to keep the belts tight.

I am writing to urge you to take similar action with your management team. We all are here first to serve the citizens of this state and, accordingly, must all be willing to make this temporary sacrifice.

I thank you in advance for your cooperation.

Sincerely,

John R. McKernan, Jr.
Governor

JRM/rds

cc: The Honorable Charles P. Pray
The Honorable Charles Webster
The Honorable Mary Clark Webster

Enclosure (press release)





STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

JOHN R. MCKERNAN, JR.
GOVERNOR

FOR IMMEDIATE RELEASE
September 11, 1990

CONTACT: BETH RUSSELL
207/289-2531

GOVERNOR ORDERS FREEZE IN WAGE INCREASE FOR CABINET, DIRECTORS,
ASKS OTHER BRANCHES TO FOLLOW SUIT

Governor John McKernan today announced that he has ordered a freeze of a scheduled 3% wage increase for members of his cabinet, deputy and associate commissioners, bureau directors, and policy-influencing employees, and called upon leaders in other branches of state government, including the Legislature, to do the same.

The Governor said that freezing the 3% increase, which otherwise would have gone into effect in October, 1990, will affect all Title II, Section 6 employees whose salary increases are subject to the Governor's discretion, and all Title V employees. Salary increases for a number of other state employees not part of the state employees' collective bargaining process are fixed by the leaders of the branches of government in which they are employed. The Governor's decision affects only those statutory positions referred to that are within the Executive Branch.

Title II, Section 6 employees include members of the Governor's cabinet, as well as bureau directors, deputy commissioners, and associate commissioners whose salary range is established by statute. Title V positions include "policy-influencing" employees who serve at the pleasure of cabinet members, including some bureau directors, division directors, and some deputy and associate commissioners. Approximately 200 executive appointees in these two titles will be affected.

The Governor said that these actions do not, in any way, nullify or otherwise affect state employee collective bargaining agreements as part of the three-year state employee contracts that went into effect July, 1989. "This does not affect any of the 13,000 bargaining unit state employees. All state employees other than a certain number of appointed managers, and those similarly situated in other branches, will receive the 3% salary increase in October, as specified in the state employee contract," the Governor said. "In addition, I plan to review the 3% salary increase freeze periodically to determine whether to continue these actions," he said.

The Governor pointed out that last February he had deferred for one calendar year 5% merit increases for these same Executive Department employees, and that, additionally, a number of his management team has participated in the state employee voluntary cost-savings program.

"My decision-makers are being asked to keep their belts tight for the good of state government and the citizens of Maine. I hope that the senior staff members in the other branches will also rise to the occasion," the Governor said.



SENATE

MICHAEL D. PEARSON, DISTRICT 6, CHAIR
JOSEPH C. BRANNIGAN, DISTRICT 29
THOMAS R. PERKINS, DISTRICT 12

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
BENT SCHLOSSER, DIRECTOR
JAMES A. CLAIR, PRINCIPAL ANALYST



HOUSE

DONALD V. CARTER, WINSLOW, CHAIR
LORRAINE N. CHONKO, TOPSHAM
JOHN LISNIK, PRESQUE ISLE
PATRICK K. MCGOWAN, CANAAN
VINTON T. RIDLEY, SHAPLEIGH
ROGER M. POULIOT, LEWISTON
DONNELL P. CARROLL, GRAY
LINWOOD M. HIGGINS, SCARBOROUGH
RUTH S. FOSTER, ELLSWORTH
JUDITH C. FOSS, YARMOUTH

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

September 19, 1990

The Honorable John L. Martin, Chair
Legislative Council, 114th Maine Legislature
State House Station #115
Augusta, Maine 04333

Dear Mr. Chair:

On behalf of the Joint Committee on Appropriations and Financial Affairs' Subcommittee on Federal and Dedicated Funds, I would like to request an extension of our reporting deadline from December 1, 1990 to December 31, 1990.

As you know, the Subcommittee is examining historical and programmatic data on all of Maine State Government's federal and dedicated funds. We have requested the necessary information from the various departments and agencies but at this time have received approximately 60% of the total data required. We have been informed that many departments and agencies are consumed with the development of their budget requests for the 1992-93 biennium.

By the time this letter reaches you we will have held two subcommittee meetings. We will have begun our review of the submitted data but will need a considerable amount of time to digest all the data and complete our report.

It is quite possible that we can submit our final report by December 1st. However, given the volume of information before us, we would feel more comfortable knowing that we had the time necessary to complete our study and report to the 115th Legislature.

Please contact me if I can be of further assistance.

Sincerely,


Donald V. Carter
Subcommittee Chair

cc: Members, Legislative Council
Members, Federal/Dedicated Funds Subcommittee