

# 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 20, 1990 MEETING SUMMARY**

**APPROVED OCTOBER 21, 1990**

### **CALL TO ORDER**

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Speaker Martin, at 5:12 p.m.

### **ROLL CALL**

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

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

Legislative Officers: Sally Tubbesing, Executive Director,  
Legislative Council  
Lynn Randall, State Law Librarian  
John Wakefield, Director, Office of  
Fiscal and Program Review  
Martha Freeman, Director, Office of  
Policy and Legal Analysis  
David Kennedy, Revisor of Statutes  
Richard N. Sawyer, Administrative  
Services Director  
Joy O'Brien, Secretary of the Senate

### **SECRETARY'S REPORT**

The Summary of the August 17, 1990, Legislative Council meeting was approved and placed on file. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items to the Council for action and/or information:

Item #1: Resignation of Hartley Palleschi, Office of Policy and Legal Analysis

Ms. Diamond drew members' attention to Mr. Palleschi's letter of resignation.

**Motion:** That Mr. Palleschi's resignation be accepted with regret and that a letter of appreciation be sent to him; and, further, that Martha Freeman be authorized to fill the position immediately, in consultation with the Executive Director. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

Item #2: 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:

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, Information Systems Office, (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, Information Systems Office, (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.

Item #3: Legislative Printing Contracts: Status Report

Ms. Tubbesing reported that she, the Secretary of the Senate, Joy O'Brien, and Ed Pert, Clerk of the House, had recently met with Bureau of Purchases officials to initiate the bid preparation process for the printing contracts for the 115th biennium. In accordance with past practice, the following documents will be issued for competitive bids: LD's, House & Senate Calendars, Legislative Record, the Senate and House Register and the Roster. All bids will request two quotes this year, with one price based on the use of recycled paper. Bids should be in by mid-October and, thus, available for final Council consideration at the October meeting.

No Council action required.

Item #4: Proposed Fee Schedule for Legislative Publications and Related Services

Ms. Tubbesing drew members' attention to materials in their packet which represented the combined efforts of Ed Pert, who administers the Legislative Document Service, David Kennedy, Lynn Randall and herself. The proposal for a comprehensive fee schedule had been prepared at the Council's direction and had been designed with the goal of rationalizing current practice rather than maximizing revenues. The recommendation included proposed legislation which would give the Council explicit authority to charge fees for publications.

**Motion:** That the fee schedule be adopted as proposed and that the proposed amendment to the statutes be prepared with an emergency preamble so that it can be considered on the first day of the 115th legislative session. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

**Item #5: Voluntary Leave: Status Report**

Ms. Tubbesing reported that the Legislature had exceeded the target of \$45,300 in additional savings in personal services which had been established as part of the final compromise on the budget last session. As of September 1, the Legislature had achieved \$51,812 through deferring filling vacancies and voluntary leaves which involve either a reduced work week or an unpaid leave of absence.

**Motion:** That the report be accepted and placed on file and that this information be communicated to the Joint Standing Committee on Appropriations and Financial Affairs in accordance with the Statute (P.L. 1989, ch 875, § N-2). (Motion by Sen. Dutremble; second by Rep. Webster; unanimous).

**Item #6: Office of Fiscal & Program Review: Progress Report from John Wakefield, Director**

John Wakefield, who assumed the position of Director of the Office in August, presented a status report on his plans for restructuring the Office. He reported that, following interviews with each member of the Office, he had established the following priorities: 1) increasing the supervisory responsibilities of the Deputy Director; 2) moving staffing of the Taxation Committee from a direct reporting relationship to the Director to the fiscal division; and 3) improving the quantity and quality of communication both in the office and with other offices. He requested authorization to fill the vacant Deputy Director position and any other vacancy which might result.

**Motion:** That Mr. Wakefield be authorized to proceed with his plans as presented. (Motion by Sen. Clark; second by Rep. Webster; unanimous).

**REPORTS FROM COUNCIL COMMITTEES****Personnel Committee**

Sen. Clark, Committee Chair, reported that the Committee had met earlier in the day and had voted unanimously to present the following recommendations to the Council:

**Motion:** That the Council accept the Committee's unanimous recommendation to extend coverage under the Legislature's Income Protection Plan in accordance with the Personnel Policies. (Motion by Sen. Clark; second by Rep. Marsano; unanimous)

**Motion:** That the policy on Income Protection be amended to incorporate a 30-day waiting period from the onset of disability to the commencement of a benefit payment under the policy. (Motion by Sen. Clark; second by Rep. Marsano; unanimous)

**Motion:** That the policy in effect for non-partisan employees regarding Appointment be amended to incorporate a probationary period. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

**Motion:** That step increases be awarded to Martha Freeman, Director, Office of Policy and Legal Analysis, and Richard N. Sawyer, Jr., Administrative Services Director, pursuant to the Committee's review of their performance evaluations. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

## OLD BUSINESS

**Item #1: Legislative Study Commissions and Interim Study Committees: Status Report**

Ms. Tubbesing noted that members' packets contained a summary of the status of each of the statutory study commissions and interim committee studies for which the Office of Policy and Legal Analysis has staffing responsibility. Budget status summaries were also appended. All studies appear to be on schedule.

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

**Item #2: Concept Drafting: Staff Report Prepared at the Council's Request**

Council members had received a discussion paper prepared by Martha Freeman and David Kennedy in advance of the meeting. Mr. Kennedy noted that it was important for the Council to understand that concept drafting represented only one of several approaches to expediting the flow of bills to Committee and that the Council had already endorsed several others, including enforcement of deadlines and rules for filing. He further indicated that he and Ms. Freeman were in agreement that it was too late to implement a full-blown concept drafting system for the First Regular Session and that, at most, the Council should think about experimenting with concept drafting on a limited basis.

**Motion:** That the report be accepted and placed on file and be referred to the 115th Legislative Council. (Motion by Rep. Marsano; second by Sen. Pray; unanimous).

## NEW BUSINESS

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

Speaker Martin noted that the budget material, which had been sent to Council members in advance of the meeting, represented an actual decrease in many expenditure lines over prior years and should be viewed as a "bare-bones" budget.

Rep. Webster inquired whether the Council's Budget Subcommittee would have an opportunity to review the proposed budget in greater detail before its submission. The Chair, Speaker Martin, reported that the deadline for submission to the Budget Office was October 1, but reminded Council members that the final legislative budget, like every other department's budget was structured in the appropriations process. Rep. Webster expressed her concern that while this was a "current services budget", it precluded opportunities for the Council to consider whether it might be desirable to implement some of the recommendations in the Peat Marwick report - recommendations which might be accomplished with some restructuring of the current budget rather than require additional funds.

Before the vote on this motion was taken, Council members agreed that the new Legislative Council, which will be organized following the election of leadership for the 115th Legislature, should review the proposed budget in detail, including the assumptions underlying it, and make any additional recommendations to the Appropriations Committee.

**Motion:** That the proposed budget for the Legislative Department for Fiscal Years 1992 and 1993 be submitted as presented, provided that the 115th Legislative Council review it and propose amendments as it sees fit. (Motion by Sen. Pray; second by Sen. Dutremble; unanimous).

Item #2: Letter from the Honorable John R. McKernan, Jr., Regarding 3% Increase Due October 1

The Chair, Speaker Martin, observed that the Governor had proposed deferring the 3% cost-of-living increase that was scheduled to take effect October 1 for state employees in senior management positions. Rep. Martin proposed that the Legislative Council adopt a similar policy, thus deferring the increase for the following legislative employees: Secretary of the Senate; Clerk of the House; Executive Director of the Legislative

Council; Director, Office of Policy and Legal Analysis; Director, Office of Fiscal and Program Review; Revisor of Statutes; State Law Librarian; Administrative Services Director; and Director, State House and Capitol Park Commission. The following points emerged from the ensuing discussion.

- The Governor's action is merely a deferral, and it is clearly his intention to lift the freeze at a later point. (Speaker Martin).
- The Governor's action was necessary because the executive branch did not meet its target for savings through voluntary efforts. The Legislature exceeded its target and should not penalize the very group of employees whose prudent management produced those savings. (Rep. Mayo; Rep. Gwadosky; Sen. Pray; Sen. Clark).
- If the Governor's action is a signal that additional reductions will be necessary, the Council should defer the 3% at this time and rescind its action if the financial situation improves. (Rep. Marsano; Rep. Webster).
- It is important for the Legislative Council to adopt a similar policy to avoid attacks on the Legislature as an institution. (Speaker Martin).

**Motion:** That the recommendation to defer implementation of the 3% increase for the nine legislative senior managers be adopted: (Motion by Rep. Webster; second by Rep. Marsano).

Speaker Martin asked that the motion be amended to request the Governor to deal with those executive departments that did not meet their targets. The motion to amend the original motion was offered by Rep. Mayo and Sen. Dutremble.

The motion, as amended, was approved, 6-2.

**Motion:** That the Chair send a letter to each of the Legislature's department heads congratulating them on meeting their target. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

**Item #3:** Request to Extend the Reporting Deadline for the Subcommittee on Dedicated and Federal Funds

The letter from Rep. Carter, Subcommittee Chair, requested an extension of the Subcommittee's reporting deadline from December 1 to December 31, 1990.



**Motion:** That the request be approved. (Motion by Sen. Clark; second by Rep. Webster; approved 7-1).

Item #4: Request from Sen. Hobbins and Rep. Paradis to Establish a Subcommittee on Drug Enforcement Oversight.

Rep. Gwadosky noted that Sen. Hobbins and Rep. Paradis, Chairs of the Joint Standing Committee on Judiciary, were present to resubmit a request which they had originally presented to the Council in May and which had been denied at the July Council meeting. Both Chairs asserted that, since July, questions had continued to arise about the effectiveness of the BIDE program, thus demonstrating the need for active legislative involvement.

**Motion:** That the request be approved. (Motion by Rep. Gwadosky, second by Rep. Mayo; approved 6-2).

## **ANNOUNCEMENTS AND REMARKS**

After discussion, the Chair, Speaker Martin, announced that the Council's October meeting would be

Sunday, October 21  
12 noon

## **ADJOURNMENT**

The Legislative Council was adjourned at 6:28 p.m. on the motion of the Chair.