

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
DECEMBER 5, 1990
PRELIMINARY AGENDA**

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

SECRETARY'S REPORT

Summary of November 30, 1990 Council meeting.

EXECUTIVE DIRECTOR'S REPORT

REPORT FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

**MAINE LEGISLATIVE COUNCIL
115th LEGISLATURE**

PROPOSED RULES OF PROCEDURE

1. **Organizational meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session and preside until the election of the Chair.

2. **Chair:** The Council shall select a Chair, who shall preside at all meeting of the Council when present. The position of Chair shall alternate in succeeding sessions between members from the Senate and members from the House.

3. **Vice Chair:** The Council shall select a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair shall not be a member of the same branch of the Legislature as the Chair.

4. **Quorum:** The Council shall conduct no business in the absence of a quorum, which shall consist of 6 members. Any affirmative action of the Council shall require the affirmative votes of not less than 6 members.

5. **Meetings:** The Council's meeting schedule will be determined by vote of the Council or by call of the Chair.

6. **Meeting Location:** The official meeting place of the Legislative Council shall be the Legislative Council Chambers, and all meetings shall be convened there unless a different place is specified in the call of the meeting.

7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call shall give the date, time, and place of the meeting and such other information as the Chair may direct.

8. **Public Meetings:** All meetings of the Council shall be public except for executive sessions, and all final action shall be taken at a public meeting.

9. **Council Subcommittees:** Subcommittees of the Council shall be named by the Chair and shall consist of not less than three members. All subcommittees shall have representation from each of the two major political parties.

MAINE STATE LEGISLATURE LEGISLATIVE COUNCIL

10. Council Records: The Executive Director of the Legislative Council shall maintain an accurate permanent public record of all meetings and proceedings of the Council

11. Order of Business: The regular order of business of the Council shall be:

1. Call to Order
2. Roll Call
3. Secretary's Report
4. Executive Director's Report
5. Committee Reports
6. Old Business
7. New Business
8. Announcements and Remarks
9. Adjournments

12. Statements to the Press: Official statements to the press or to the public on behalf of the Legislative Council shall be made only by the Council Chair or persons authorized by the Chair.

13. Rules of Order: The proceedings of the Council shall be conducted in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.

14. Revision of Rules: These rules, with the exception of Rule 4, may be altered or amended upon a two-thirds vote of the Council members present and voting, but not less than six affirmative votes.



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 NOVEMBER 30, 1990 MEETING SUMMARY

APPROVED DECEMBER 5, 1990

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Vice-Chair, Senator Dutremble, at 5:00 p.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Webster Absent: Sen. Cahill
Representatives:	Rep. Gwadosky, Rep. Mayo, Rep. Webster, Rep. Marsano Absent: Rep. Martin
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 Dick Sawyer, Administrative Services Director David Silsby, Director, State House & Capitol Park Commission Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The summary of the October 21, 1990, Legislative Council meeting was approved and placed on file. (Motion by Sen. Pray; second by Rep. Webster; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

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:

Judith A. Armstrong, Senior Legal Proofreader, Office of the Revisor, (Salary Range 4), from Step 8 to Step 9, effective November 5, 1990.

Jane E. Edwards, Principal Law Librarian, Law and Legislative Reference Library, (Salary Range 12), from Step 3 to Step 4, effective November 26, 1990.

Linda D. Gay, Paralegal Assistant, Information Systems Office, (Salary Range 7), from Step 1 to Step 2, effective November 5, 1990.

John L. Kiermaier, Legislative Analyst, Office of Fiscal and Program Review, (Salary Range 10), from Step 6 to Step 7, effective November 5, 1990.

Evelyn J. Knopf, Legislative Attorney, Office of the Revisor, (Salary Range 10), from Step 2 to Step 3, effective October 29, 1990.

Sharon Linton, Senior Legal Proofreader, Office of the Revisor, (Salary Range 4), from Step 8 to Step 9, effective November 26, 1990.

Deanne Ricker, Administrative Secretary, Office of the Revisor, (Salary Range 6) from Step 6 to Step 7, effective November 26, 1990.

Donna Sullivan, Senior Legislative Technician, Information Systems Office, (Salary Range 5), from Step 6 to Step 7, effective November 19, 1990.

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

Judy A. O'Brien, Senior Secretary, Office of Fiscal and Program Review.

Item #2: Resignation: Gilbert Brewer, Office of Policy and Legal Analysis

Ms. Tubbesing drew Council members' attention to Mr. Brewer's letter of resignation, as well as his letter to Speaker Martin as Council Chair. Ms. Tubbesing noted that Mr. Brewer's departure represented a significant loss to the non-partisan staff.

Motion: That Mr. Brewer's resignation be accepted with deep regret and that a letter to this effect be sent to Mr. Brewer. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

Item #3: Other Personnel Actions

Ms. Tubbesing reported that she had approved staff appointments based on the Council's prior authorization to fill existing vacancies. She noted that the "new hires" represented a significant cost savings compared to their predecessors, since they were being brought in at the bottom of the salary scale for their respective positions.

Sen. Pray observed that while the Legislature has been the only agency of state government to meet its voluntary savings target during the current fiscal year, the Legislature would clearly have to look at staff if further reductions were required. Sen. Webster advocated putting all hiring on hold given the emerging budget situation.

Motion: That the staff appointments be approved. (Motion by Sen. Clark; second by Rep. Gwadosky; motion failed 5-3).

Item #4: Policy Regarding Use Of Legislative Hearing Rooms

Ms. Tubbesing stated that the item appeared on the agenda as a result of a couple of specific situations during the past month which demonstrated both some lack of information about the policies that currently govern the use of legislative hearing rooms and, perhaps more important, some need to reevaluate the existing policies to determine whether they need to be revised.

Rep. Webster indicated that she had been among those who had raised questions about the policy due to her general concern that the minority party needed to have an adequate room to meet and to her specific concern that U.S. Senator Cohen had been denied use of a room for a press conference. Sen. Clark then requested that the existing policy be amended to give the Senate Democratic caucus priority over the House Republican Caucus. She noted that the Senate Democrats had used the President's

Office during the 114th Legislature, but that this arrangement had been inadequate. Finally, Sen. Pray questioned whether this item should be more appropriately deferred until the 115th Legislative Council had been formed.

Motion: That the item be tabled. (Motion by Sen. Clark; approved 7-1).

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Pre-Legislative Conference: Status Report

Ms. Tubbesing noted that this item was on the agenda for informational purposes. She drew members' attention to two items in particular: the Ethics Seminar, which is now a statutory requirement, and the program on Thursday morning, which has been designed to give new members a better grasp of the services provided by the non-partisan staff offices.

No Council action required.

Item #2: Constituent Service Allowance: First Payment

Ms. Tubbesing reminded members that they had approved deferring the first of two payments last spring as part of the Legislature's own budget reductions. She reported, however, that sufficient funds had been carried forward from the previous fiscal year to cover the amounts due to be paid as December according to Statute.

Motion: That the first payment of the Constituent Service Allowance be paid in December in accordance with statutory provisions. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

NEW BUSINESS

Item #1: Submission of Study Reports

The Council had received the reports of the following interim studies:

- Joint Standing Committee on Judiciary: Staff Studies on Penalties Outside the Criminal Code.
- Joint Standing Committee on Marine Resources: Subcommittee to Study Salmon Aquaculture in Maine.

Motion: That the Reports be accepted and placed on file and that the Committees be applauded for conforming to the deadlines. (Motion by Sen. Clark; second by Sen. Pray; unanimous)

Item #2: Requests for Extension

The Council considered letters requesting extensions of the reporting deadlines from the Chairs of three study committees.

Motion: That the requests be approved. (Motion by Sen. Webster; the motion was subsequently withdrawn at the Senator's request).

Each of the requests was then considered separately.

- Joint Standing Committee on Audit and Program Review

The Committee Chairs, Sen. Bustin and Rep. Rolde, had requested an extension beyond the February 1 deadline previously established by the Council to April 1.

Motion: That the request be approved. (Motion by Sen. Pray; second by Sen. Webster; motion failed 3-3).

- Joint Standing Committee on Human Resources/Study Subcommittee on Mental Health

The letter from Sen. Gauvreau requested an extension until December 15.

Motion: That the request be approved. (Motion by Sen. Pray; second by Rep. Webster; motion failed 1-5).

- **Commission to Assess the Impact of Increased State Spending on the University of Maine System**

A letter from the Commission Chair, Representative O'Dea requested an extension until January 15, 1991.

Motion: That the request be approved. (Motion by Sen. Pray; second by Sen. Webster; motion failed 0-6).

- Item #3: Designation of Recipient for Legislature's Copy of the 1990 Census Documents.**

Council members had received copies of correspondence from Marshall L. Turner, Jr., Chief of the 1990 Census Redistricting Data Office, Bureau of the Census, requesting the leaders of both parties to notify him of their jointly-designated liaison officer who will receive the Legislature's copy of the 1990 census produces.

Motion: That the Executive Director be designated as the Legislature's liaison officer and make the census products available to both parties. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

- Item #4: Request from the Ellsworth-American for Assignment of Space in the Press Area for the Session.**

Council members were in receipt of a letter from James Russell Wiggins, Publisher of the Ellsworth-American, requesting that their columnist, Mike Brown, be assigned space in the Press Area during the legislative session.

No motion was offered.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Motion: That the Legislative Council meeting be adjourned. (Motion by Rep. Mayo; motion failed).

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to pending contracts. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

The Council convened in Executive Session at 5:30 p.m.

RECONVENE

The Council was reconvened at 5:40 p.m. by the Vice-Chair, Sen. Dutremble.

Motion: That Item #4 under **New Business** be reconsidered and that the Chair of the 115th Legislative Council be authorized to evaluate the availability of space in the State House and to grant the Ellsworth-American's request if space is available. (Motion by Sen. Pray; second by Rep. Mayo; approved 6-1, with Rep. Marsano abstaining).

ADJOURNMENT

The Legislative Council was adjourned at 5:40 p.m.