

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE COUNCIL**

**DECEMBER 21, 1990**

## **REVISED AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

### **SECRETARY'S REPORT**

Summary of December 5, 1990, Legislative Council Meeting.

### **EXECUTIVE DIRECTOR'S REPORT**

Item #1: Work Schedules on December 24 and December 31.

### **REPORTS FROM COUNCIL COMMITTEES**

### **OLD BUSINESS**

Item #1: Proposed Rules of Procedure for 115th Legislative Council. (Tabled December 5, on the motion of Sen. Clark).

Item #2: Policy re Duplicate Bill Requests: Reconsideration.

### **NEW BUSINESS**

Item #1: Establishing the Salary of the recently-elected Attorney General (memo enclosed).

Item #2: Step Increases for the Secretary of State, Treasurer of State and the State Auditor (memo enclosed).

Item #3: Step Increases for the Secretary of the Senate, Clerk of the House and their Assistants (memo enclosed).

Item #4: Request from Donald E. Nicoll, Chair, Systems Assessment Commission, to Support an Extension in the Commission's Reporting Deadline

Item #5: Public Status System: Request for Clarification of Subscription Rate

### **ANNOUNCEMENTS AND REMARKS**

### **ADJOURNMENT**



**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**115th LEGISLATURE**

**LEGISLATIVE COUNCIL  
DECEMBER 5, 1990  
MEETING SUMMARY**

**APPROVED DECEMBER 21, 1990**

**CALL TO ORDER**

The first meeting of the 115th Legislative Council was called to order in the Council Chambers by the Senate President, Charles P. Pray, at 7:35 p.m.

**ROLL CALL**

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

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

Legislative Officers: Sally Tubbesing, Executive Director  
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  
Joy O'Brien, Secretary of the Senate

**ELECTION OF OFFICERS**

Senator Pray opened the floor for nominations for the position of Chair of the Legislative Council, noting that the position would be occupied by a member of the Senate in accordance with the Council's Rules of Procedure.

**Motion:** That Senator Pray be nominated for the position of Chair and Representative Gwadosky be nominated for the position of Vice-Chair. (Motion by Rep. Martin; second by Sen. Webster). There being no further nominations, Sen. Pray closed the nominations and requested a vote, which was unanimous.

## SECRETARY'S REPORT

The Summary of the November 30, 1990, Council meeting was meeting accepted and placed on file. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

None.

## REPORT FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

### Item #1: Reconsideration of Council's Previous Action on the Appointment of Non-Partisan Staff

Sen. Pray informed Council members that the motion at the November 30 meeting to approve the appointments of individuals to specific vacant positions had been inappropriate: the Council had previously given the Executive Director explicit authority to fill these positions at the earliest possible dates.

**Motion:** That the Council reconsider its action regarding the appointment of persons to certain positions in the non-partisan offices. (Motion by Rep. Mayo; second by Rep. Martin; unanimous).

**Motion:** That the Council accept the Executive Director's recommendations to fill vacant positions in the non-partisan offices in accordance with the authority previously granted to her. (Motion by Rep. Mayo; second by Rep. Martin; unanimous).

**Discussion:** Sen. Webster noted that while he had voted affirmatively on both of the motions, he questioned the decision to employ one individual whom he understood had played an active role in one of the recent state legislative campaigns. Ms. Tubbesing indicated that she was not aware of this, but would follow up and discuss the results of her inquiry with Senator Webster. She noted that she and the Office Directors routinely quizzed candidates for positions on the non-partisan staff about their prior political activity and made sure that they understood that Council policy expressly prohibits partisan, political activity once they were appointed.

No Council action was required on this discussion.

## **NEW BUSINESS**

### **Item #1: Rules of Procedure**

Copies of the Rules of Procedure adopted by the 114th Council had been distributed with the meeting notice. After brief discussion, there was consensus that action on this item would be deferred until the next Council meeting.

## **ANNOUNCEMENTS AND REMARKS**

Sen. Pray asked members of the Council to join him in expressing their appreciation to Speaker Martin for his able leadership of the 114th Legislative Council. He noted that the Council had achieved significant progress in improving the efficiency of the legislative process through its bi-partisan efforts to enforce cloture, to refine the rules regarding bill signing and co-sponsorship, and to work in concert with Committee Chairs to smooth the flow of bills through the committee process. Finally, he expressed his hope that the 115th Council would work together constructively in the difficult months ahead, noting that it will be particularly important, given the deteriorating budget situation, for the Council to scrutinize its own budget and operations to determine where additional reductions can be made while still ensuring that the Legislature has the resources required to carry out its work.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 7:50 p.m., on the motion of Sen. Clark.

**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.

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

December 14, 1990

TO: Honorable Charles P. Pray, Chair  
and Members of the Legislative Council

SUBJECT: Step Increases for Constitutional Officers, the State  
Auditor and Elected Legislative Officers: Background  
Information

As you recall, the Legislative Council has statutory authority to adjust the salaries of the Constitutional Officers, the State Auditor, and the Legislature's own elected officers annually on the date of their appointments.

I have enclosed excerpts from the statutes and summaries of the current salary status for each of these positions.

I would be happy to answer any questions you may have.

A handwritten signature in cursive script, likely belonging to Sarah C. Tubbesing.

Enclosures



# **CONSTITUTIONAL OFFICERS AND STATE AUDITOR**

	Current			Eligibility Pursuant to ch. 501, P.L. 1989		
	Range	Step	Salary*	Range	Step	Salary*
Attorney General	91	(Vacant)		91	E	\$61,152.00
Secretary of State	88	D	\$48,179.04	88	E	\$50,559.60
Treasurer of State	88	I	\$61,173.84	88	I	\$61,173.84
State Auditor	89	F	\$56,740.32	89	G	\$59,514.00

\*Note: The 114th Legislative Council took no action on the 3% cost-of-living increase awarded to most state employees on October 1, 1990. (The increase was deferred for employees in certain salary ranges by the Governor for Executive Branch employees and the Legislative Council for legislative employees). These figures do not include that 3%.

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15. Other duties and responsibilities. To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 Houses;

16. Funds from State, Federal Government and private sources. To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source; and

17. Approve plans to preserve and develop the State House and the immediate grounds. To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council shall also have authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The Legislative Council shall have the power to enter into contracts and other powers necessary to implement this subsection and chapter 31.<sup>1</sup>

1989, c. 410, §§ 1 to 4, eff. June 22, 1989.

<sup>1</sup> Section 901 et seq. of this title.

#### Historical and Statutory Notes Amendments

1989 Amendment. Laws 1989, c. 410, § 1, in subsec. 12, in sentence beginning "To insure that", substituted "State House" for "State-house" whenever appearing and substituted "the Governor's staff" for "his staff", in sentence

beginning "This space shall", "chairs" for "chairmen", and added a sentence authorizing the Legislative Council to enter into contracts to maintain or improve the Legislature's facilities.

Laws 1989, c. 410, § 2, in subsec. 15, capitalized the first letter of "Houses".

Laws 1989, c. 410, §§ 3, 4, enacted subsec. 17.

#### § 162-B. Salaries of constitutional officers

*Text of section eff. Dec. 3, 1990. For text of section eff. until Dec. 3, 1990, see main volume*

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions.

1. Range 88. The salary of the following state officials and employees shall be within salary range 88, but shall not be less than Step C in that range:

A. Secretary of State; and

B. Treasurer of State.

2. Range 89. The salary of the State Auditor shall be within salary range 89, but shall not be less than Step E in that range.

3. Range 91. The salary of the Attorney General shall be within salary range 91, but shall not be less than Step E in that range.

1989, c. 501, § 0, 7.

#### Historical and Statutory Notes Amendments

1989 Amendment. Laws 1989, c. 501, § 0, 7, in opening par., set initial salary of Secretary of State at Step C instead of at the first step, set State Auditor's initial salary at Step E instead of at the first step, in subsec. 1, changed salary from within range 87 not to exceed Step G to within range 88 not to be less than Step C in that range, in subsec. 2 changed salary from within

range 88 not to exceed Step G to within range 89 not to be less than Step E in that range, and in subsec. 3, changed salary from within range 90 not to be less than Step E and not to exceed Step G to within range 91 not to be less than Step E.

#### Effective Dates

1989 Acts. Laws 1989, c. 501, § 0, 22, as amended by Laws 1989, c. 596, § C, 8, eff. Aug. 23, 1989, provided:

# LEGISLATIVE OFFICERS

	Current			Eligibility Pursuant to ch. 501, P.L. 1989		
	Range	Step	Salary*	Range	Step	Salary*
Joy O'Brien Secretary of the Senate	14	6	\$62,108.80*	14	7	\$65,208.00*
Pamela Lovley Assistant Secretary of the Senate	9	8	\$43,347.20**	9	9	\$45,531.20**
Ed Pert Clerk of the House	14	6	\$62,108.80*	14	7	\$65,208.00*
Deborah Bedard Wood Assistant Clerk of the House	9	9	\$45,531.20**	(Topped out on salary scale)		

Notes: \*The 114th Legislative Council took no action on the 3% cost-of-living increase awarded to most state employees on October 1, 1990.  
(The increase was deferred for employees in certain salary ranges by the Governor for Executive Branch employees and the Legislative Council for legislative employees). These figures do not include that 3%.

\*\*3% increase was awarded effective October 1.

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LEGISLATIVE COUNCIL  
Ch. 7

3 § 162-A

Mileage fees, see title 16 § 251 et seq.  
Oaths of witnesses see title 16, § 151.  
Public's right to know, see title 1 § 401 et seq.  
State law librarian, see § 173 of this title.  
Subpoenas for witnesses, see title 16 § 101.  
Transfers of unexpended legislative appropriations, see title 5 § 1585.  
Witnesses, examination of, see title 16 § 151 et seq.  
Witnesses to testify under oath, see title 3 § 426.

Notes of Decisions

Acceptance of funds 2  
Transfers and payments 1

1. Transfers and payments

Legislative Council did not exceed its authority in paying expenses of the Legislative Apportionment Commission out of the legislative account. Op.Atty.Gen. No. 83-33, June 20, 1983.

2. Acceptance of funds

Section 1014 of title 1 relating to conflict of interest, and § 601 et seq. of title 17-A, relating

to bribery and corrupt practices, did not establish blanket prohibition against legislator's soliciting contributions for proposed Kennebec River Future Commission; however, legislator lacked authority to accept funds on behalf of proposed commission and it was necessary that any funds raised prior to commission's formation be received by Governor under § 5 of title 2 or by the Legislative Council under this section. Op.Atty.Gen., Feb. 17, 1981.

§ 162-A. Salaries subject to adjustment by Legislative Council

Notwithstanding any other provisions of law, the salaries of the following legislative officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of each of these officials shall be set at Step A and, in no case, may it exceed Step B of their respective ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials.

1. Range 14. The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

2. Range 9. The salaries of the following state officials and employees shall be within salary range 9:

Assistant Secretary of the Senate; and

Assistant Clerk of the House of Representatives.

3 to 5. Repealed. Laws 1983, c. 862, § 4, eff. Sept. 19, 1984.  
1981, c. 702, § X, 11, eff. May 4, 1982; 1983, c. 853, §§ A, 3, 4, eff. Dec. 1, 1984; 1983, c. 862, § 2, eff. Dec. 1, 1984; 1983, c. 862, § 4, eff. Sept. 19, 1984; 1987, c. 349, § K, 1, eff. June 18, 1987; 1987, c. 769, § A, 2, eff. April 26, 1988.

Historical Note

Amendments

1983 Amendments. Laws 1983, c. 853, § A, 3, added provision mandating Legislative Council to

adjust salaries of Secretary of State, Treasurer of State, Auditor and Attorney General to first

State of Maine

**SYSTEMS ASSESSMENT COMMISSION**

Donald Nicoll, Chair; Victor Perreault, Vice Chair; Robert Clarke; George Davis, M.D.; Richard Estabrook, Esq.; Kerry Kimball, Ed.D.; William Sullivan, M.D.; Kenneth Allen, *ex officio*; Carol Carothers, *ex officio*; Robert W. Glover, Ph.D., *ex officio*.  
Joan Lawson, Staff

Please reply to: P.O. Box 10548, Portland, Maine 04104 TELEPHONE: 207/772-1289

December 18, 1990

Honorable Charles Pray, President  
State of Maine Senate  
State House Station #3  
Augusta, Maine 04333

Dear Senator Pray:

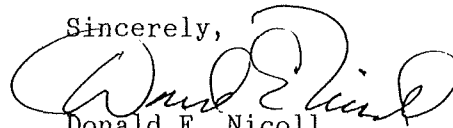
The Systems Assessment Commission respectfully requests that the Legislative Council support early enactment of legislation you have introduced to grant an extension to the Commission for filing its final report. The Commission could not make the December 15, 1990, deadline and has asked that it be given until February 1, 1991, to submit its report.

We regret the delay, but Commission members concluded that additional time was needed to complete our deliberations and to provide an opportunity for additional public comment and advice on substantial revisions in our November 14 draft final report. At its December 14 meeting the Commission reached agreement in principle on its basic findings and recommendations. We intend to release the revised draft of our final report early in the new year, hold hearings on that revised draft January 11, and conclude action on our report January 18. We anticipate no problems in filing our report in advance of the proposed February 1 deadline.

We believe we shall have significant recommendations to make for reformation of our mental health system, and the extension we have requested would make it possible for us to provide the legislative and executive branches with a report that is consistent with our charge and our objectives, including extensive public participation in the review of our deliberations and preliminary findings and recommendations.

Thank you for your continued interest and support for our work.

Sincerely,



Donald E. Nicoll  
Chair

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