

MAINE STATE LEGISLATURE

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



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



SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

DECEMBER 21, 1990/JANUARY 3, 1991

MEETING SUMMARY

APPROVED JANUARY 8, 1991

CALL TO ORDER

The Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 8:52 p.m., on December 21, 1990.

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

SECRETARY'S REPORT

The Summary of the December 5, 1990, Council Meeting was accepted and placed on file. (Motion by Rep. Martin; second by Sen. Dutremble; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

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

Ms. Tubbesing noted that the Council has, in the past, authorized offices to close early on both Christmas Eve and New Year's Eve. She reported that the Governor had already announced that normal business hours (8 am - 5 pm) would be maintained in all executive department agencies on both days. She further noted that both the Judicial Department and the University of Maine System had announced that their offices would be closed on Monday, the 24th.

Motion: That the Legislative Council adopt a policy that parallels that established by the Governor and that all legislative offices maintain regular business hours on both December 24 and December 31, 8 am - 5 pm.
(Motion by Rep. Mayo; second by Rep. Martin, unanimous).

Item #2: Fiscal Note Guidelines

Ms. Tubbesing drew members' attention to a copy of a memo that had been sent to all departments and agencies from the Office of Fiscal and Program Review setting forth guidelines for the preparation of fiscal notes. Noting that it was a clear description of the process, she thought it would be of interest to Council members.

No Council action was required.

Item #3: Bill Drafting Status Report

The item had initially been tabled on the motion of Rep. Martin, so that the Council could proceed to the **New Business** items on the printed agenda. This item was subsequently taken up later in the meeting.

David Kennedy, Revisor of Statutes, reported that 2,096 bill requests had been filed by December 14, and reminded Council members that the cloture date for newly-elected members was December 28. The total number of bill requests filed by the final cloture date in the 114th Legislature/1st Regular Session was 2065.

Mr. Kennedy noted that only 31 bills had been determined to have insufficient information to draft, and that this was strong evidence that the changes that the Council had adopted previously had made a significant difference in this regard. About 330 bills have been finally drafted and sent out for signature; of these, about 60 bills have been printed.

Finally, Mr. Kennedy raised the issue of duplicate and "closely-related" bills, noting that a preliminary review suggested that nearly 600 of the 2096 bill requests appeared to fall into this category. He suggested that the Council might wish to reconsider its initial decision to print all duplicate bills, given both the large numbers involved and the potential for budget reductions.

Motion: That no grace period be extended to those who filed bill requests without sufficient information to draft, but that the sponsors be required to re-file these bills as After Deadline requests. (Motion by Rep. Martin; second by Sen. Dutremble; approved 9-1).

Motion: That the deadline for naming sponsors and co-sponsors on Department and Independent agency bills be January 15. (Motion by Rep. Martin; second by Rep. Whitcomb; unanimous).

Motion: That the Council authorize the Revisor of Statutes to notify all sponsors of duplicate and closely-related bills that other bills on the same topic have been filed. (Motion by Sen. Webster; second by Sen. Clark).

Motion: That the motion be tabled. (Motion by Rep. Martin; second by Rep. Marsano; unanimous).

Motion: That the Council Chair appoint a committee to review the current policy regarding duplicate bills and develop an alternative for presentation to the Council at its next meeting. (Motion by Rep. Martin; second by Rep. Marsano; unanimous).

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

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

Motion: That the Proposed Rules be adopted. (Motion by Rep. Martin; second by Sen. Clark; unanimous).

Note: A copy of the Rules of Procedure is appended to this Meeting Summary.

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

(This item was covered in the Revisor's presentation of bill drafting status above; no further action was required).

NEW BUSINESS

Item #1: Establishing the Salary of the Recently-Elected Attorney General.

Sen. Pray drew Council members' attention to the materials that had been included in the agenda packet and noted that the statute provided that the Attorney General be placed in Step E of Salary Range 91 at the time of initial appointment. Sen. Pray reminded Council members that the previous Council had deferred award of the 3% cost-of-living increase which took effect October 1 from the other constitutional officers and proposed that the Council treat the Attorney General similarly.

Motion: That the Attorney General be placed in Step E of Range 91 without the 3% increase awarded October 1, retroactive to his date of initial appointment. (Motion by Rep. Martin; second by Sen. Clark; the vote was unanimous among those present and voting).

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

Motion: That a step increase be awarded to the Secretary of State, advancing him from Step D to Step E in Salary Range 88 effective on the anniversary date of his initial appointment, and that this increase not include the 3% cost-of-living increase. (Motion by Rep. Martin; second by Sen. Clark; the vote was unanimous among those present).

Note: The Treasurer of State is already in the final step of his assigned salary range, and the State Auditor's anniversary date has not yet occurred.

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

Sen. Pray again drew members' attention to the statutory provisions regarding the salaries of these officials.

Motion: That the step increases for which the officers are eligible pursuant to statute be approved. (Motion by Rep. Martin; second by Sen. Clark; motion failed 5-1).

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

Mr. Nicoll's letter requested Council support for a bill the Commission had submitted to extend its statutory reporting deadline from December 15 to February 1.

Motion: That the letter be accepted and placed on file. (Motion by Rep. Martin; second by Sen. Dutremble; the vote was unanimous among those present).

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

Sally Tubbesing reported that she had been informed that the Office of Information Services, which administers the "Public" Bill Status System had just informed her that OIS had added a 10% administrative fee, or \$30, on top of the \$300 subscription fee that the Council had originally adopted. OIS wanted confirmation that the administrative fee was acceptable to the Council.

Motion: That the Executive Director inform the Office of Information Services that the \$30 was not consistent with the Council's intent in setting the \$300 fee. (Motion by Rep. Martin; second by Sen. Clark; the vote was unanimous among those present).

RECESS

Motion: That the Legislative Council stand in recess. (Motion by Rep. Martin; second by Rep. Whitcomb; unanimous).

The Council recessed at 9:16 a.m.

JANUARY 3, 1991

RECONVENE

The Legislative Council was reconvened by the Chair, Senator Pray, at 11:15 a.m. on Thursday, January 3, in the Legislative Council Chamber.

Note: Because of the length of the recess, a new agenda was distributed, and the entire Order of Business considered.

ROLL CALL

Senators:	Sen. Pray, Sen. Cahill Absent: Sen. Clark, Sen. Dutremble, Sen. Webster
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
Legislative Officers:	Sally Tubbesing, Executive Director Richard N. Sawyer, Administrative Services Director Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis Joy O'Brien, Secretary of the Senate David Silsby, Director, State House and Capitol Park Commission

SECRETARY'S REPORT

There was none, given that the December 21 meeting was still technically in progress.

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following report in the absence of David Kennedy, Revisor of Statutes.

Item #1: Bill Drafting Status Report

Ms. Tubbesing reported that as of Friday, December 28, the cloture date for newly-elected members, 2,404 bill requests had been filed. This represents approximately a 20% increase in the number filed two years ago. She

further noted that the Revisor's staff was in the process of identifying duplicate and closely-related bills, but that this review had taken a back seat in the last week to getting the budget bill out.

In response to questions from Council members, she stated that all bills filed as of December 15 had been assigned for drafting and that staff in both the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review had been providing drafting support to the Revisor.

No Council action was required.

REPORTS FROM COUNCIL COMMITTEES

Sen. Pray drew members' attention to the list of his appointments to various Council Committees. Ms. Tubbesing noted that Rep. Mayo had suggested that the Reapportionment Planning Committee be renamed the Redistricting Planning Committee to more accurately reflect its responsibilities. A copy of the Committee List, which incorporates this correction, is attached to this Meeting Summary.

Sen. Pray reported that the Committee on Duplicate Bills would try to meet later today.

No Council action was required.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request for Extension of Reporting Deadline for the Study of Dedicated and Federal Funds. (Letter from Rep. Donald V. Carter, Study Committee Chair).

Motion: That the request be approved. (Motion by Rep. Martin; second by Rep. Mayo; unanimous).

Item #2: Legislative Budget

Sen. Pray reiterated that he had now appointed a committee to begin a review of the legislative budget, and that the Committee would meet at the call of its Chair. He further noted that he had attempted to contact the Commissioner of Finance, Sawin Millett, to indicate that the Council disagreed with the approach used to arrive at the established target amount, \$1,257,000. The formula employed this year did not

exclude legislators' salaries and benefits, which are set by statute; this represents a departure from the approach employed a year ago.

No Council action was required.

Item #3: After Deadline Requests

The Council considered Requests to Introduce Legislation which had been filed after cloture. The Council's action is summarized on the attached list.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 11:30 a.m., on the motion of the Chair.