

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

**Tuesday, January 8, 1991
Following Adjournment**

LEGISLATIVE COUNCIL CHAMBER

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of December 21, 1990, Council Meeting (which was concluded on January 3, 1991).

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

Committee to Review Duplicate Bill Requests

OLD BUSINESS

NEW BUSINESS

Item #1: After Deadline Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



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.

MAINE LEGISLATIVE COUNCIL 115th LEGISLATURE

RULES OF PROCEDURE

Adopted by the Legislative Council, December 21, 1990

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 meetings of the Council when present. The position of Chair must 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 may not be a member of the same branch of the Legislature as the Chair.
4. **Quorum:** The Council may not conduct business in the absence of a quorum, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by vote of the Council or by call of the Chair.
6. **Meeting Location:** The official meeting place of the Legislative Council is the Legislative Council Chambers, and the Chair shall convene all meetings 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 must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public except for executive sessions, and the Council shall take all final action at a public meeting.
9. **Council Subcommittees:** The Chair shall name subcommittees of the Council. The subcommittees must consist of at least 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 is:
 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. Adjournment
12. **Statements to the Press:** Only the Council Chair or persons authorized by the Chair may make official statements to the press or to the public on behalf of the Legislative Council.
13. **Rules of Order:** The Chair or Vice Chair shall conduct the proceedings of the Council 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:** The Council may amend these rules, with the exception of Rule 4, upon a two-thirds vote of the Council members present and voting, provided that the vote to amend is by at least six affirmative votes.

115th LEGISLATIVE COUNCIL

COMMITTEES

December 28, 1990

Note: The Council Chair will serve as a member
of all committees *ex officio*

Personnel Committee

Rep. Dan A. Gwadosky, Chair
Sen. Nancy Randall Clark
Sen. Pamela L. Cahill
Rep. Francis C. Marsano

Committee on the Legislative Budget

Rep. John L. Martin, Chair
Sen. Charles P. Pray
Sen. Charles M. Webster
Rep. Walter E. Whitcomb

Ex Officio/Non-Voting

Joy O'Brien, Secretary of the Senate
Ed Pert, Clerk of the House
Sally Tubbesing, Executive Director

Redistricting Planning Committee

Rep. Joseph W. Mayo, Chair
Sen. Nancy Randall Clark
Sen. Charles M. Webster
Rep. Francis C. Marsano

Committee on Duplicate Bill Requests

Sen. Dennis L. Dutremble, Chair
Sen. Pamela L. Cahill
Rep. Dan A. Gwadosky
Rep. Francis C. Marsano



DRAFT

MAINE STATE LEGISLATURE

Augusta, Maine 04333

115th LEGISLATURE

LEGISLATIVE COUNCIL

January 7, 1991

TO: Members of the 115th Legislature

FROM: Charles P. Pray, Chair
Legislative Council

SUBJECT: Confirmation of Bill Requests in Your Legislative File

As of the final cloture date last Friday, December 28, 2,404 bill requests had been filed in the Revisor's Office; this represents nearly a 20% increase over the number of bills filed by cloture two years ago. A preliminary review of the bill requests suggests that about 600 of these bill requests are duplicates or "closely related"; that is, they are identical or deal similarly with the same issue, problem, or statutory provision.

Both the increase in the total number of bills filed and the large number of apparent duplicate bills are of particular concern to the Legislative Council in view of the current budget situation. The Council has re-evaluated current practice concerning duplicate bills and has decided (unanimously) to ask each of you to re-evaluate the list of bill titles that are currently in your file with the objective of helping to reduce the Legislature's printing costs. Our objectives are to focus the efforts of the Legislature on the most important issues during what has already become a difficult session.

Duplicate and "closely-related" bills

The Council's objective is to minimize the cost and time involved in drafting and printing these bills. The bill requests in your file which fall in this category are highlighted on the list in the sealed envelope which has been compiled by the Revisor's Office.

- If your request was the first one filed with complete information, it will be completely drafted in your name unless you wish to have the request deleted from your file.

- If sponsors of later-filed bills agree to combine their request with yours, they will be added as cosponsors to your bill, unless you object, and even if this results in more than 3 cosponsors.
- If your request is a duplicate of, or closely-related to the first-filed bill, you may:
 - a) Instruct the Revisor to withdraw the bill from your file; or
 - b) Indicate that you wish to be listed as a cosponsor on the first-filed bill; or
 - c) Present your version directly to the committee of reference.

If you are unwilling to become a cosponsor on the first-filed bill, you must notify the Revisor to draft a separate bill in your name.

Confidentiality of Bill Titles

The Legislative Council has, pursuant to its authority, changed the Maine Legislature's traditional approach to confidentiality with regard to bill titles. This change affects bill titles only. Effective immediately, unless you specifically request that a bill title be given confidential status, the title will not be confidential. Unless you indicate on the list that you wish confidentiality to be retained, the bill title only (without any sponsor identification) will be released to the Joint Standing Committee Chairs to assist them in planning committee schedules over the coming months.

Please review the list of your bills immediately. It must be returned to the Revisor's Office by _____. If your list is not received by this time, all duplicate and closely-related bills in your file will be withdrawn unless you were the first filer, and the confidentiality of all of your bill titles will be waived.

We deeply appreciate your cooperation in helping to both streamline our work this year and making the most effective use of the limited resources available to us in doing our work.

Sincerely,

Charles P. Pray, Chair
Legislative Council

OFFICE OF THE REVISOR OF STATUTES

115th LEGISLATURE BILL FILE

as of January 3, 1991

SPONSOR: Sen. X

LR 2417	Resolve, to Name the Waterville-Winslow Bridge the Donald V. Carter Bridge	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Cosponsors: Rep. Jacques; Rep. Joseph; Rep. Gwadosky	Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
LR 1220	An Act to Make Plumbers and Electricians Demonstrate Financial Responsibility	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw Title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
LR 674	An Act Concerning Bone Marrow Transplant Education	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
LR 0997	An Act Regarding Access to Certain Lands	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
LR 0998	An Act Regarding Cardiopulmonary Resuscitation Requirements for Registered Guides	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
LR 2414	An Act to Adjust the Fee for Land Use Regulation Commission Zoning Permits	Combine with related bills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Cosponsors: Sen. Webster; Rep. Powers	Title released?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Withdraw title?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES**

January 11, 1991

Dear Legislator,

Attached is a list of all of your bill requests which are currently active. This list has been produced for your use only. Please answer the following questions on your list:

COMBINE WITH RELATED BILLS?

If the question and a title is highlighted in BLUE, it is the first-filed complete request of a group of duplicate or closely-related bills.

If you check YES to the duplicate question, your bill will be fully drafted, and the sponsors of related bills who consent will be listed as additional cosponsors, subject to your review. If you check NO to the duplicate question then your request will not be combined with similar bills, which will result in additional printing costs.

If the question and a title is highlighted in ORANGE it is a later-filed request in a group of duplicate or closely-related bills.

If you check YES, your request will be combined with the first-filed request, and you will become a cosponsor on that bill. If you check NO, your request will be drafted as a separate bill, ~~but it will receive lower drafting priority, and may well not be drafted until late in the session.~~

TITLE RELEASED?

If you check the YES box, the title of your request will be included on a list of titles, without sponsor attribution, for committee use. If you check the NO box, your title will not be released.

WITHDRAW TITLE?

Please check the YES box if you wish to withdraw a bill request, and the NO box if you do not wish it withdrawn.

DEADLINE!

Please return your list to the Revisor's Office by Friday, January 18. Unless we hear from you by that date we will assume you consent to combination of any duplicate and related bills and that all of your titles can be released.

We appreciate your cooperation. Please feel free to see us in Room 108 or to call 289-1650 if you have any questions about these procedures or how to complete your list. Thank you.

David Kennedy

LEGISLATIVE COUNCIL

REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 8, 1991

Action

SPONSOR: Rep. Paradis, Patrick E.

**LR 2420 An Act to Remove the Statute of Limitations
on Prosecution of Incest

Cosponsors: Sen. Gauvreau
Sen. Berube
Rep. Farnsworth

SPONSOR: Rep. Simonds

LR 2421 An Act to Allocate Funds to the Maine Council
on Economic Education

JOINT RESOLUTION

SPONSOR: Rep. Holt

LR 2145 JOINT RESOLUTION MEMORIALIZING CONGRESS AND
THE PRESIDENT OF THE UNITED STATES TO EXHAUST
ALL POSSIBILITIES BEFORE USING FORCE IN
SAUDI ARABIA

SPONSOR: Sen. Kany

LR 2422 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND CONGRESS OF THE UNITED STATES TO EXHAUST
ALL PEACEFUL MEANS OF RESOLVING THE MIDDLE EAST
CONFLICT BEFORE RESORTING TO MILITARY ACTION

* Requests filed before cloture, but requiring additional
information as of the cloture date.

** Request appears to be a duplicate of a bill request
filed earlier in the session.

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

***LR 0997 An Act Regarding Access to Certain Lands**

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

***LR 0998 An Act Regarding Cardiopulmonary Resuscitation
Requirements for Registered Guides**

SPONSOR: Rep. Rotondi

**TABLED
01/03/91**

**LR 2414 An Act to Adjust the Fee for Land Use Regulation
Commission Zoning Permits**

**Cosponsors: Sen. Webster
Rep. Powers**