

MAINE STATE LEGISLATURE

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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

LEGISLATIVE COUNCIL

April 17, 1991

MEETING SUMMARY

APPROVED APRIL 23, 1991

CALL TO ORDER

The Legislative Council meeting was called to order in the
Taxation Committee Room at 11:03 a.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble Absent: Sen. Cahill
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, 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 April 8, 1991, Council meeting was accepted and placed on file. (Motion by Sen. Dutremble; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following item for the Council's consideration:

Item #1: Legislation Related to Handling of the Errors Bill

Ms. Tubbesing noted that the Council had directed Mr. Kennedy last fall to develop draft legislation in pursuit of two goals: eliminating all purely technical errors from the Errors bill in order to reduce the size of the bill and focusing the efforts of the Judiciary Committee on those errors which require determination of a substantive question or legislative intent.

Mr. Kennedy reported that he had also determined in the course of his work, that it was important to amend the Rules of Construction in the statutes to clarify that current drafting policies regarding both the use of "shall" and "must" and severability clauses are not intended to cause substantive changes.

In response to a request for clarification, Mr. Kennedy noted that a servability clause in a statute allows a court to construe that if any portion of the statute is found to be unconstitutional, the rest of the statute is still in effect.

Motion: That the substance of the two bill drafts be approved. (NOTE: the bills did not require Council approval for introduction as after deadline bills). (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: After Deadline Requests

Before proceeding with consideration of After Deadline Requests, Rep. Marsano asked for a status report from the Revisor. Mr. Kennedy responded that 27 bills had yet to be drafted; 121 were in production; and 187 were out for signature. In addition, the Office currently had 127 Committee Amendments "in the pipeline." He noted that virtually all of the bills to be drafted had problems which precluded completion of full drafts and that sponsors had been notified of this.

The Council's action on After Deadline Requests is summarized on the attached list.

Item #2: Legislative Budget

Rep. Whitcomb indicated that he had developed several additional suggestions regarding the legislative budget. At the Chair's request, this item was tabled until completion of the rest of the agenda.

NEW BUSINESS

Item #1: Front Steps of the State House: Memo from David Silsby

Motion: That the letter, including the recommendation contained therein that the front steps of the State House be closed and that barriers be erected at both ends of the steps, be accepted and placed on file. (Motion by Sen. Webster; second by Sen. Clark; unanimous).

RECESS

The Council stood in recess at 12:27 p.m., on the motion of the Chair, without objection.

RECONVENE

The Chair reconvened the Council meeting at 3:15 p.m. Present at this time were:

Sen. Pray; Sen. Clark; Sen. Webster; Sen. Dutremble; Sen. Cahill; Speaker Martin; Rep. Gwadosky; Rep. Whitcomb; Rep. Mayo; Rep. Marsano; Joy O'Brien; Ed Pert; Martha Freeman; David Kennedy; John Wakefield; Lynn Randall; Dick Sawyer; and Sally Tubbesing.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Sen. Cahill; second by Rep. Whitcomb; unanimous).

RECONVENE

The Council was reconvened at 5:10 p.m., on the motion of the Chair.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 5:11 p.m., on the motion of the Chair.