

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

LEGISLATIVE COUNCIL

Tuesday, May 7, 1991

MEETING SUMMARY

APPROVED MAY 16, 1991

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 9:15 a.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: Sally Tubbessing, 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
Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summary of the May 1, 1991, Council meeting was approved and placed on file. (Motion by Rep. Mayo; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request from the Attorney General for Payment of Attorney's Fees and Expenses incurred in Auburn Police Union, et al. v. James E. Tierney, Civil 90-0042-P

The Chair reported that the District Court had recently ruled against the State and that the court had subsequently directed the State as defendant to pay fees and related expenses incurred by the plaintiff, Auburn Police Union, in the amount of \$37,981.79. Ms. Tubbesing added that Frank Wood had delivered the request from the Attorney General, noting that it was standard practice to send the bill to the state agency who was the defendant.

In discussion, Council members questioned why the Legislature should bear the sole responsibility for a law subsequently found to be unconstitutional and concluded that they needed further information before they could act on the request, including the legislative history of the law that the court had declared unconstitutional in this case and a copy of the opinion itself.

Motion: That the item be tabled pending the receipt of further information. (Motion by Sen. Cahill; second by Rep. Marsano; unanimous).

Item #2: Requests to Carry Over Legislation to the Second Regular Session.

The Chair prefaced the Council's review of requests to carry bills over to the Second Regular Session with a brief review of the procedures that past Councils have

employed for this review. In the ensuing discussion of the procedures, Council members raised the following questions and points:

1. Why carryover requests were being considered at this point. (Rep. Whitcomb).

Sen. Pray responded that the Council's timing was to give Committees time to complete work on bills that were not approved for carryover within the established deadlines.

2. The Council should encourage Committees to request carryovers because January, when other bills are still being drafted, is a better time for Committees to deal with complex issues than this point in the session. (Rep. Marsano).

Sen. Pray noted that, while he did not disagree with Rep. Marsano, it was the Council's responsibility to balance the desire to carry bills over with the need to manage the total workload of the Second Regular Session.

3. Whether Committee Chairs had been formally apprised of the procedures for requesting carry overs. (Sen. Clark).

Sen. Pray responded that this had been discussed in a Chairs' meeting, but that there had not been a formal communication on this subject.

4. Whether Committees should have to present written requests to carry over bills. (Rep. Gwadosky; Rep. Mayo).

Discussion on this point focussed on the desirability of minimizing the paperwork for Committees who are already overloaded. Sen. Pray pointed out that several committees had, in fact, submitted letters, that Martha Freeman had collected information from her staff for those requests which were not accompanied by letters, and that if Council members still felt further information was required before they could vote on a particular request, a motion to table would be in order. Finally, Sen. Webster noted that he would like to have information regarding whether each request to carry over had the unanimous support of the committee. Sen. Pray noted that these requests reflected a committee vote and, hence, would require majority approval before the request could be forwarded to the Council.

The Council then proceeded to consider the requests from committees.

Motion: That all requests before the Council be approved. (Motion by Sen. Webster; second by Rep. Marsano; unanimous). A list of the bills approved for carryover at this meeting is attached.

Item #3: After Deadline Requests

A summary of the Council's action on After Deadline requests is attached.

ANNOUNCEMENTS AND REMARKS

Rep. Mayo announced that the Redistricting Planning Committee would be meeting in the near future.

ADJOURNMENT

The Legislative Council meeting was adjourned at 9:54 a.m. (Motion by Sen. Webster; second by Sen. Cahill; unanimous).