

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

JUNE 18, 1991

MEETING SUMMARY

APPROVED JUNE 24, 1991

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Sen. Pray, at 2:11 p.m., in the Legal Affairs Committee Room (Room 436, State House).

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, Legislative Council Lynn Randall, State Law Librarian Martha Freeman, Director, Office of Policy and Legal Analysis David Kennedy, Revisor of Statutes Richard N. Sawyer, Administrative Services Director

SECRETARY'S REPORT

None.

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Review of the Legislative Budget

Sally Tubbesing, Executive Director, drew Council members' attention to an analysis of Current Balances in Allotment Reserve for the General Legislative Account that she and Dick Sawyer had prepared in response to information requests made at the previous day's Council meeting.

Ms. Tubbesing explained that funds in Allotment Reserve represented funds that were a part of the Legislature's FY 1991 appropriation that had originally been allocated to one of the first three quarters of the current fiscal year, but had not been spent in the quarter in which they were allocated. She explained that she and Dick Sawyer intentionally "front load" the allocation plan -- or work program -- for the legislative account in order to ensure that sufficient funds will be available for unanticipated expenditures such as special sessions. Thus, a balance in Allotment Reserve is expected in most years, and the funds are generally required to fully fund the fourth quarter.

The current Allotment Reserve is unusually high this year due to the fact that the Legislature has sustained low levels of expenditure throughout the year through a variety of cost savings measures. Based on an analysis of the funds required to complete the current fiscal year and a small contingency amount to fund 2 additional special session days in FY 1992 (requested at the June 17 Council meeting), Ms. Tubbesing reported that she and Mr. Sawyer estimate that between \$2.2 and \$2.4 million originally budgeted for the current year will not be used to meet obligations in the current year.

Motion: That the Legislative Council authorize \$2.4 million to lapse from the Legislative account to the General Fund. (Motion by Speaker Martin; second by Sen. Clark).

After brief discussion about whether the Council should give up the money before June 30, Speaker Martin withdrew his motion.

Motion: That the Legislative Council reduce the FY 1992 budget request by \$2.4 million. (Motion by Speaker Martin).

The motion received no second and was withdrawn.

Motion: That the Legislature's FY 91 budget, for the period ending June 30, 1991, be reduced by \$2.4 million and that said amount be carried over for the purpose of being applied to the Legislature's 1992-93 biennial budget. (Motion by Speaker Martin, second by Sen. Clark; approved 8-1).

Motion: That the Maine-Canadian Legislative Advisory Office be eliminated effective July 1, 1992, with the provision that the functions currently assigned to this office be appropriately relocated to other units of state government. (Motion by Rep. Whitcomb; second by Rep. Marsano).

Discussion: The Chair, Sen. Pray, asked whether the motion was appropriate given that the statute (3 MRS § 223) had been amended in recent years to give the Speaker of the House day-to-day supervision over the Office. Rep. Gwadosky responded that the Council did not have the authority to eliminate the position, but did have the authority to reduce the legislative budget request.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing personnel. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

The Council proceeded to go into Executive Session at 2:58 p.m.

RECONVENE

The Council reconvened in public session at 3:24 p.m. (Motion by Sen. Dutremble; second by Sen. Webster)

Rep. Whitcomb withdrew the motion he had offered previously.

OLD BUSINESS/Item #1 (cont.)

Motion: That the Legislative budget include funding for the Maine-Canadian Office as originally budgeted for Fiscal Year 1992 and that the relocation of functions currently assigned to the Office be referred to the Special Commission on Governmental Restructuring. (Motion by Rep. Gwadosky; second by Rep. Marsano).

Discussion Sen. Clark inquired whether it was the intent of the motion to terminate the Maine-Canadian Office on June 30, 1992. The Chair, Sen. Pray, clarified that the Special Commission is required by law to submit its final report to the Legislature by December 15, 1991.

The Motion was approved 6-2.

Award of 3% Cost-of-Living Increase to Legislative Employees

Ms. Tubbesing distributed a listing of Employees Occupying Positions listed in Titles 2 and 5 MRSA, with both their current salary and most recent salary action, noting that the information had been provided by the Office of Fiscal & Program Review and that Mr. Sawyer had had an opportunity to verify only a few of these with the Bureau of Human Resources. Based on those few, however, it appeared that all of these employees had received the 3% cost-of-living increase awarded in April, 1990, but had not received either of the 2 subsequent cost-of-living increases (October, 1990, and April, 1991). In addition, a few of these employees had received step increases, but a majority appeared not to have.

Motion: That the Legislature's FY 1992-1993 biennial budget request be reduced by \$400,000 to eliminate the amount originally budgeted to fund the 3% increase. (Motion by Sen. Webster; second by Rep. Marsano).

Sen. Webster then withdrew his motion.

Motion: That all legislative employees who earn \$25,000 or less be awarded the 3% increase. (Motion by Sen. Webster; there was no second).

Discussion: The ensuing discussion of the motion centered on the following points:

- That any Council decision to award the cost-of-living increase to some, but not all, legislative employees should be tied to salary ranges rather than to a specific dollar amount in order to preserve the integrity of the salary ranges and equity, both among legislative employees and between the legislative branch and the executive branch. (Sen. Pray).

This point was expanded upon later in the discussion by Rep. Mayo, who noted that, while a separate branch of state government, the Legislature is, nevertheless, an integral part of state government and that its employees need and deserve to be treated like other state employees.

- Concern about voting for a budget that includes salary increases. (Sen. Webster; Rep. Whitcomb).
 - Employees making more than \$25,000 should simply be grateful to have a job and not expect cost-of-living increase at this time. (Sen. Webster).
 - Rep. Whitcomb then suggested a \$40,000 salary ceiling above which legislative employees would not get the increase, noting that this would affect about 33 employees.
- Suggestion that the award of the 3% cost-of-living increase be tied to furlough days as it had been elsewhere in state government. (Sen. Dutremble). Rep. Mayo responded that, in no case, had the 3% been tied to furlough days. Rep. Gwadosky also noted that the Personnel Committee had studied the issue of furloughs earlier in the spring and concluded that furlough days would actually cost the Legislature more in the end than simply awarding the increase.
- Concern that the Council had already achieved cuts through savings in other expenditure lines in order to preserve the 3% increase. (Sen. Clark).
- Concern that some state employees included on the list of Title II and Title V positions had not received step increases for several years. (Sen. Clark). Sen. Pray observed that this issue was one that leadership might discuss, but was not one in which the Council had a role.

Finally, the Executive Director was asked to develop information regarding the costs associated with implementing each of the following options:

1. Award COLA's in accordance with the policy applied to confidential employees.
2. Award in accordance with the policy applied by the Governor to his personal staff (i.e. only to those earning \$30,000 or less)
3. Award to all legislative employees

In addition, Ms. Tubbesing was asked to factor in 2 different implementation dates for each of the options -- April 1 and July 1. Further discussion and final action on this issue were tabled by consensus until the cost information was available.

* * *

Rep. Whitcomb noted his desire to bring up 2 other budget lines for further review and discussion:

1. Out-of-State Travel

Motion: That the budget for out-of-state travel be reduced to \$175,000 in both FY 92 and FY 93. (Motion by Rep. Mayo; second by Rep. Whitcomb).

Discussion: Rep. Gwadosky noted that it was important for the Governor's travel budget to be scrutinized as well and that cutting the Legislature's budget simply for the sake of perception is not good policy.

Rep. Whitcomb noted that he had planned to propose a larger reduction than stated in the motion, but was willing to compromise given the Council's prior action on the allotment reserve.

The motion was approved unanimously.

2. In-State Travel

Rep. Whitcomb expressed concern that the statute currently allows legislators who live within 50 miles of Augusta to collect the lodging allowance even though they may commute daily. He suggested that the statute be amended to exclude legislators living under a certain number of miles away from Augusta from claiming lodging except under extraordinary circumstances (e.g. weather conditions; age; impairment; late night sessions).

Discussion focused on the fact that those legislators "under 50 miles" are subject to different deduction standards by the IRS. (Rep. Mayo).

Motion: That the Chair appoint a subcommittee to review the current law and policies governing reimbursement for in-state travel. (Motion by Sen. Dutremble; second by Rep. Whitcomb).

Discussion: Rep. Gwadosky, noting that he had been seeking alternatives to the current reimbursement policies for the last 2 years, expressed support for the subcommittee approach but concern that this could not be worked out quickly enough to incorporate changes into the budget currently under consideration.

Council members agreed by consensus that the subcommittee should work over the summer with the objective of making any changes in reimbursement law and policies effective with the beginning of the Second Regular Session.

The vote on the motion was approved unanimously by those present, 7-0.

NEW BUSINESS

Items #1: After Deadline Requests

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

ANNOUNCEMENTS AND REMARKS

The Chair, Sen. Pray, announced that the Council would meet at 1 p.m. the following day (June 19) to continue its discussion of the legislative budget.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:20 p.m. (Motion by Sen. Clark; second by Rep. Marsano).