

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 24, 1991

MEETING SUMMARY

Approved July 9, 1991

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Sen. Pray, at 2:11 p.m., in the Legislative Council Chamber.

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 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 Tim Glidden, Principal Analyst, Office of Policy and Legal Analysis

SECRETARY'S REPORT

Motion: That the Summary of the June 18, 1991, Council meeting be approved and placed on file. (Motion by Rep. Mayo; second by Sen. Dutremble; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

OLD BUSINESS

Item #1: Review of Pending Study Requests

Sen. Pray asked Sally Tubbesing, Executive Director, to review the materials that had been distributed to Council members. Ms. Tubbesing reported that she, Martha Freeman and Tim Glidden had recast the list of proposed statutory studies slightly in an effort to highlight more sharply the two primary issues requiring Council attention at this time: 1) allocating the limited non-partisan staff resources to those studies of greatest substantive importance from the Council's perspective; and 2) reviewing specific language that was inconsistent with existing policy.

1. Allocating Legislative Staff Resources

The proposed studies fall into two broad categories:

- * Studies in which the Legislature's non-partisan staff are either the sole staff support or provide contract management and/or serve as a technical resource to the primary staff. These studies are conducted during the interim (115th 1st: July - November). They call upon a range of staff services from OPLA, OFPR, and ROS: organizing meetings, gathering and analyzing information, developing options, managing consultants, developing fiscal notes, writing reports and legislation. Depending on the type (staff, subcommittee, or study commission) and scope of a study, between 6 to 12 weeks of professional staff time are devoted to it; and
- * Studies in which non-partisan staff become involved only for the purpose of drafting -- or revising draft legislation. While these studies are conducted during the interim, they are primarily staffed by departments. The legislative staff is called upon to assist with the drafting of final legislation of these studies during the drafting season (115th/2nd: November - February). This drafting assistance by ROS, OPLA, and OFPR takes several forms: technical and substantive review of a department draft, developing fiscal notes, drafting of legislation from recommendations, and/or attending final meetings to assist with

development of legislation. The level of legislative staff drafting assistance needed depends on the legislators and other study group members involved, the skills of the departmental staff, and the scope of the study. Since the actual composition of these study groups and the staffing are not yet known, it is difficult to ascribe a reliable estimate of legislative staff time to be devoted to these efforts. As a general estimate, 2 weeks of professional staff time are needed for the average study requiring drafting assistance; however, for a particular study the actual assistance required may be more or less.

2. Resolving Drafting Issues

Ms. Tubbesing noted that the bills and resolves creating study commissions contained a variety of drafting anomalies including reporting date, provisions (or lack of) for Legislative Council oversight of studies that are to be funded by non-state sources; and staffing provisions. Finally, she drew Council members' attention to proposed language that would clarify the Council's role in studies funded from the outside.

This draft precipitated a question from Sen. Clark regarding why the Council needed to have any involvement in studies funded by outside sources. Speaker Martin, Rep. Marsano and Rep. Mayo all voiced concern that outside funding could pose potential conflicts to commission members, particularly legislative members, that a funding source could potentially jeopardize the integrity of the process; and that the Council had a clearly-defined statutory responsibility with regard to the financial oversight of legislative committees and commissions. Both Speaker Martin and Rep. Marsano also expressed concern about the continuing trend to create large citizens' commissions, noting that if an issue were of sufficient importance to study, the Legislature ought to do it itself.

The Council then proceeded to review the list of proposed statutory studies and to vote on each. The primary purpose of the vote was to communicate the "sense of the Council" to the Appropriations Committee with regard to those proposed studies which have been or will be referred to the Appropriations Table. The second purpose of the vote was to authorize staff to draft amending language that would bring various study bills into conformance with Legislative Council policy.

A list of the studies considered by the Council and a summary of the Council's action is attached.

NEW BUSINESS

Item #1: Requests to Carry Over Legislation to the Second Regular Session

The Council's action on the Request to Carry Over Legislation to the Second Regular Session is attached.

Item #2: After Deadline Requests

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

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:55 p.m., on the motion of the Chair.