

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE COUNCIL**

**JULY 9, 1991**

## **AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

### **SECRETARY'S REPORT**

Summaries of June 19 and June 24, 1991, Council Meetings

### **EXECUTIVE DIRECTOR'S REPORT**

Item #1: Legislative Budget for FY 1992-1993: Revised Totals

Item #2: Cloture and Related Dates: Proposed Schedule

### **REPORTS FROM COUNCIL COMMITTEES**

### **OLD BUSINESS**

### **NEW BUSINESS**

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

### **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

## LEGISLATIVE COUNCIL

JUNE 19, 1991

### MEETING SUMMARY

Approved July 9, 1991

### CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Sen. Pray, at 2:31 p.m., in the Legal Affairs Committee Room, Room 437, 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 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

Motion: That the Summary of the June 17, 1991, Council meeting be approved and placed on file. (Motion by Sen. Webster; second by Sen. Cahill; unanimous).

## EXECUTIVE DIRECTOR'S OFFICE

None.

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

### Item #1: Review of the Legislative Budget

The Chair, Sen. Pray, noted that the primary objective of the meeting was to try to reach closure on the budget reduction package that the Council would forward to the Appropriations Committee for inclusion in the FY 1992-93 biennial budget. At his request, Sally Tubbesing, Executive Director, reviewed with Council members the information that she and Dick Sawyer had prepared regarding the costs associated with various implementation options as follows:

- Option 1: Award 3% COLA in accordance with the policy that had been applied to Confidential employees in the Executive branch.
- Option 2: Award 3% COLA in accordance with policy applied by the Governor to his personal staff.
- Option 3: Award 3% COLA to all legislative employees.

**Motion:** That Option 2 be adopted. (Motion by Sen. Webster; second by Sen. Cahill).

**Discussion:** Rep. Gwadosky asked for clarification regarding the effective date of Sen. Webster's motion. Sen. Webster responded that he was indifferent about the effective date, but that his priority was to reduce the Legislature's total budget request.

Rep. Gwadosky then asked where the \$40,000 ceiling proposed by Rep. Whitcomb at the previous day's meeting would fall in terms of the Legislature's salary ranges. Ms. Tubbesing responded that the lowest range it affects is Range 9.

Continued discussion of Sen. Webster's motion added the following points:

- Adoption of Option 2 would treat the Legislature's non-partisan staff the same as the partisan staff in the Governor's Office (Speaker Martin). The Speaker went on to advocate Option 1, noting that this would treat legislative employees in a manner consistent with the way in which the majority of confidential employees had been treated.
- It is important that the Council's action on this issue support - to the greatest extent possible - the objective, equitable salary structure which the 112th Legislative Council had originally adopted in 1986 following a comprehensive salary and classification study by NCSL. (Sen. Clark)

Finally, Sen. Clark, advocating adoption of Option 3, voiced her concern that the Council was communicating to legislative employees that some deserved the raise and others didn't.

Speaker Martin then offered an amendment to Sen. Webster's motion, whereby the Legislature's partisan employees would be treated consistent with Option 2 and non-partisan employees with Option 1.

In discussion, the Chair, Sen. Pray, clarified that the Offices of the Secretary of the Senate and Clerk of the House would be treated in accordance with Option 1, since they function in a non-partisan manner.

The votes were taken as follows:

The vote on Speaker Martin's amendment to the original motion by Sen. Webster was approved 7-1.

The vote on the motion as amended was approved 7-1.

The effect of the Council's action is to award cost-of-living increases to Legislative employees as follows:

- Employees in Leadership offices who are assigned to Salary Range 7 and below will receive the 3%; those in Ranges 8 and above will not.
- All employees in the Offices of Secretary of the Senate and the Clerk of the House will receive the increase, with the exception of the Secretary and Clerk.
- All employees in the non-partisan staff offices will receive the increase except those assigned to Salary Ranges 14 and 15 (Office Directors, Administrative Services Director and Executive Director).

The treatment of the Secretary, Clerk and staff office Directors follows the treatment of Confidential employees in the executive branch whose positions are listed in Titles II and V, MRSA.

## EXECUTIVE SESSION

**Motion:** That the Legislative Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Rep. Mayo; second by Rep. Gwadosky).

The Council proceeded to go into Executive Session at 2:59 p.m.

## RECONVENE

The Council reconvened its open session at 3:15 p.m., on the motion of Sen. Dutremble, which was seconded by Rep. Mayo.

**Motion:** That the award of the 3% cost-of-living increase be retroactive to April 1, 1991. (Motion by Rep. Mayo; second by Sen. Clark; approved 8-1).

**Motion:** That the Council submit to the Appropriations Committee the revised legislative budget request as acted upon by the Council to date. (Motion by Rep. Mayo, second by Sen. Clark).

**Discussion** Rep. Whitcomb inquired about the status of repairs to the State House roof. Ms. Tubbesing responded that she was currently working with the State House and Capitol Park Commission, the architect, (Moore/Weinrich) and BPI to develop final bid specifications for repairs to critical portions of the roof. This project would be funded with funds previously appropriated for the purpose; and work is expected to begin in late July.

Rep. Mayo withdrew his motion.

The Chair, Sen. Pray, then walked Council members through the list of proposed budget reductions, item by item. The list was adopted unanimously, and the Executive Director was instructed to forward it to the Appropriations Committee with a cover letter.

## NEW BUSINESS

**Item #1:** Request from the Joint Standing Committee on Human Resources for Approval of a Staff Study of the Drugs for Maine's Elderly Program

**Motion:** That the item be tabled until such time as the Council considers all pending statutory and committee study requests. (Motion by Sen. Webster; second by Rep. Mayo; unanimous).

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 3:38 p.m., on the motion of Sen. Dutremble.



SEN. CHARLES P. PRAY  
CHAIR

REP. DAN A. GWADOWSKY  
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

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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.

F.Y. 92  
ORIGINAL REQUEST      REVISED REQUEST

F.Y. 93  
ORIGINAL REQUEST      REVISED REQUEST

Law and Legislative Reference Library

Personal Services	\$ 642,174	\$ 642,174	\$ 702,764	\$ 678,561
All Other	420,721	306,113	441,947	327,338
Capital	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>
TOTAL	1,064,395	949,787	1,146,211	1,007,399
Less General Reduction (1%/2%)		<u>(9,498)</u>		<u>(20,148)</u>
Revised Total Appropriation		\$ 940,289		\$ 987,251

Maine Canadian Legislative Advisory Office

Personal Services	\$ 80,792	\$ 80,792	\$ 86,584	\$ 9,776
All Other	8,863	8,863	9,045	-
Capital	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL	89,655	89,655	95,629	9,776
Less General Reduction (1%/2%)		<u>(897)</u>		<u>(196)</u>
Revised Total Appropriation		\$ 88,758		\$ 9,580

Study Commissions

Personal Services	\$ 700	\$ 700	\$ 700	\$ 700
All Other	12,300	4,300	13,150	4,300
Capital	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL	13,000	5,000	13,850	5,000
Less General Reduction (1%/2%)		<u>(50)</u>		<u>(100)</u>
Revised Total Appropriation		\$ 4,950		\$ 4,900

State House and Capitol Park Commission

Personal Services	\$ 132,453	\$ 5,0000	\$ 139,738	\$ -
All Other	25,975	50,735	28,945	53,705
Capital	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL	158,428	55,735	168,683	53,705
Less General Reduction (1%/2%)		<u>(557)</u>		<u>(1,074)</u>
Revised Total Appropriation		\$ 55,178		\$ 52,631

F.Y. 92  
ORIGINAL REQUEST      REVISED REQUEST

F.Y. 93  
ORIGINAL REQUEST      REVISED REQUEST

Commission on Uniform State Laws

Personal Services	\$ -	\$ -	\$ -	\$ -
All Other	\$ 12,000	\$ 9,600	\$ 13,000	\$ 10,100
Capital	-	-	-	-
TOTAL	12,000	9,600	13,000	10,100
Less General Reduction (1%/2%)		(96)		(202)
Revised Total Appropriation		\$ 9,504		\$ 9,898

Interstate Cooperation Commission

Personal Services	\$ -	\$ -	\$ -	\$ -
All Other	\$ 125,628	\$ 70,928	\$ 132,081	\$ 73,781
Capital	-	-	-	-
TOTAL	125,628	70,928	132,081	73,781
Less General Reduction (1%/2%)		(709)		(1,476)
Revised Total Appropriation		\$ 70,219		\$ 72,305

General Legislative Account

Personal Services	\$10,223,220	\$ 9,125,848	\$ 11,805,659	10,856,415
All Other	5,245,537	3,122,542	6,001,405	5,912,713
Capital	80,000	80,000	80,000	80,000
TOTAL	15,548,757	12,328,390	17,887,064	16,849,128
Less General Reduction (1%/2%)		(123,284)		(336,983)
Revised Total Appropriation		\$ 12,205,106		\$ 16,512,145

F.Y. 92  
ORIGINAL REQUEST      REVISED REQUEST

F.Y. 93  
ORIGINAL REQUEST      REVISED REQUEST

**ADDITIONAL APPROPRIATIONS**

General Legislative Account

Personal Services	\$ 74,750	\$ 102,991
All Other	2,300	2,300
Capital	12,700	-
TOTAL	89,750	105,291
Less General Reduction (1%/2%)	(898)	(2,106)
<b>Revised Total Appropriation</b>	<b>\$ 88,852</b>	<b>\$ 103,185</b>
((2) additional analyst for municipal fiscal impacts)		

Study Commissions

(Lobster Management Task Force)

Personal Services	\$ 3,575	-
All Other	5,425	-
Capital	-	-
TOTAL	9,000	-
Less General Reduction (1%/2%)	(90)	-
<b>Revised Total Appropriation</b>	<b>\$ 8,910</b>	<b>-</b>

SUMMARY

Personal Services	\$ 11,079,339	\$ 9,932,839	\$ 12,735,445	\$ 11,648,443
All Other	5,851,024	3,580,806	6,639,573	6,384,237
Capital	81,500	94,200	81,500	81,500
TOTAL	17,011,863	13,607,845	19,456,518	18,114,180
Less General Reduction (1%/2%)		(136,079)		(362,285)
<b>Revised Total Appropriation</b>		<b>\$ 13,471,766</b>		<b>\$ 17,751,895</b>

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

July 9, 1991

TO: All Legislative Offices  
FROM: Sally *Sally*  
SUBJECT: Cloture Dates For Second Regular Session

Notwithstanding the fact that we are still in the throes of the First Regular Session, the Legislative Council took action at its meeting this morning to establish cloture dates for the Second Regular Session. A list of these dates and the related Council meeting dates is enclosed for your information.

You will note that the initial filing deadline -- Friday, October 4 -- is about 3 weeks earlier than it was two years ago. This reflects the Council's decision to try and increase the amount of time for bill drafting prior to the convening of the Second Regular Session in January and thus, once again, get the Legislature off to a "fast start."

David Kennedy will send written notification of these dates to all members of the Legislature, as well as to executive departments and agencies, soon after adjournment, but we thought it was important for you to have advance notice. Please call either of us if you have any questions.

**LEGISLATIVE COUNCIL**  
**SCHEDULE FOR REVIEW OF**  
**BILL REQUESTS FOR THE SECOND REGULAR SESSION**

Friday, October 4  
5:00 p.m.

Filing Deadlines for:

- \* Legislators (Title & Summary)
- \* Departments and agencies (Full Drafts)

Monday, October 14

**Legislative Council Meeting**  
to consider legislator bill requests

Friday, October 18

Notification of Council's  
action mailed to sponsors

Wednesday, October 23  
5:00 p.m.

- \* Deadline for filing final drafts or sufficient information to draft for all bills accepted by the Council
- \* Deadline for filing letters of appeal

Monday, October 28

**Legislative Council Meeting**  
to consider appeals and incomplete requests

Friday, November 1

Deadline for submission of Study legislation (Full draft)



**LEGISLATIVE COUNCIL  
PROPOSED SCHEDULE FOR CONSIDERATION OF  
BILL REQUESTS FOR THE SECOND REGULAR SESSION**

Friday, October 4  
5:00 p.m.

Filing Deadlines for:

- \* Legislators (Title & Summary)
- \* Departments and agencies (Full Drafts)

Sunday, October 13

**Legislative Council Meeting**  
to consider legislator bill requests

Thursday, October 17

Notification of Council's  
action mailed to sponsors

Wednesday, October 23  
5:00 p.m.

- \* Deadline for filing final drafts or sufficient information to draft for all bills accepted by the Council
- \* Deadline for filing letters of appeal

Monday, October 28

**Legislative Council Meeting**  
to consider appeals and incomplete requests

Friday, November 1

Deadline for submission of Study legislation (Full draft)