

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

JULY 9, 1991

MEETING SUMMARY

APPROVED AUGUST 22, 1991

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Sen. Pray, at 10:27 a.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble, Sen. Cahill
Representatives:	Rep. Martin, Rep. Whitcomb, Rep. Mayo, Absent: Rep. Gwadosky, 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

SECRETARY'S REPORT

The summaries of the June 19 and June 24 Legislative Council meetings were approved and placed on file. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented two items for the Council's consideration:

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

Ms. Tubbesing drew Council members' attention to an Exhibit in their agenda packet that presented revised budget figures for each of the appropriation accounts administered by the Legislature. The revisions reflected the additional cuts that had been negotiated as part of the final budget settlement for fiscal years 1992 and 1993. Ms. Tubbesing reported that she and Dick Sawyer had not had time to review the impact of the additional reduction in detail; however, she did note that the reduced appropriation for the Interstate Cooperation Commission was no longer sufficient to cover the dues scheduled to be paid to both the Caucus of New England State Legislatures and the National Conference of State Legislatures in FY 93.

Finally, Ms. Tubbesing drew members' attention to the last page of the Exhibit which listed increases to the Legislature's original budget requests which had been included in the final budget:

1. Lobster Management Study: \$9,000

Ms. Tubbesing noted that this was one of the proposed statutory studies that the Council had voted not to fund or staff in its preliminary review of study requests.

2. Two additional Analyst positions in the Office of Fiscal & Program Review

These positions are required to implement the statutory mandate that the Office analyze each bill in terms of its impact on municipal budgets. The Council had discussed the need to either request funds for the positions or delay implementation of the law at a previous meeting and had, in correspondence to the Chairs of the Appropriations Committee, left the choice to the Committee. Sen. Pray pointed out that there was no space to accommodate the 2 additional positions and that this would have to be resolved.

No Council action was required on this item.

Item #2: Cloture and Related Dates: Proposed Schedule

Noting that the Chair had previously asked staff to develop a proposed schedule for cloture and related Council meetings, Ms. Tubbesing drew members' attention to such a proposal in their packets. After discussion, Council members agreed to move the date of the first Council meeting from Sunday, October 13 to Monday, October 14, acknowledging that this was Columbus Day, which would otherwise be a holiday. The schedule was then approved by consensus, without a formal motion. A copy of the revised schedule is enclosed.

REPORTS FROM COUNCIL COMMITTEES

There were no Committee reports; however, the Chair, Sen. Pray noted that several committees would need to meet in the near future.

EXECUTIVE SESSION

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

Pursuant to the motion, the Council proceeded to go into Executive Session at 10:44 a.m.

RECONVENE

The Council reconvened its regular meeting at 10:52 a.m., on the motion of the Chair, Sen. Pray.

Motion: That the Legislative Council accept the letter from Haven Whiteside indicating his wish to retire on September 15, 1991, with deep regret and best wishes. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That Haven Whiteside's leave of absence be extended through September 15, 1991. (Motion by Sen. Clark, second by Rep. Mayo; unanimous).

Motion: That the Legislative Council accept Elizabeth Bartlett's decision to retire with regret and an expression of the Council's appreciation for her years of service to the Legislature. (Motion by Rep. Mayo; second by Sen. Cahill; unanimous).

Motion: That the Council authorize both of the positions vacated through the aforementioned retirements to be filled in accordance with Council policy and procedures. (Motion by Sen. Clark; second by Rep. Mayo; unanimous).

Note: The positions are Administrative Secretary, Office of Fiscal & Program Review, and Analyst, Office of Policy & Legal Analysis.

OLD BUSINESS

None.

NEW BUSINESS

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

Motion: That all requests except LD 1972, An Act to Reform the Maine Workers' Compensation System, be approved. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

Item #2: Compensatory Time

The Chair, Sen. Pray, expressed his concern about the significant amounts of overtime that had been accrued this session due to the extraordinary nature and demands of the Session. Under the Council's existing policies, compensatory time accrued in excess of 120 hours is essentially lost. To illustrate the magnitude of the problem, Sally Tubbesing reported that the staff in the Revisor's Office alone had recorded nearly 1100 hours of overtime in the previous 2-week period, and that the fiscal staff in the Office of Fiscal & Program Review had accrued more than 2000 hours since the beginning of the 1st Regular Session.

Ms. Tubbesing noted that all of the non-partisan Office Directors had deep concern that, as the session continues, it will be increasingly difficult to balance the critical need to give staff time off with the need to complete key interim projects. Sen. Webster asked David Kennedy why the Revisor's Office couldn't simply close for a month, once the session had adjourned, to allow everyone to take the time they had earned. Mr. Kennedy responded that this was not possible because the Office had at least 2 projects that had to be completed by cloture, which the Council had just set for October 4: 1) the publication of the Laws of Maine, which are traditionally issued within 90 days of adjournment sine die; and 2) the update of the statute data base to reflect the work of the First Regular Session.

After some further discussion, the Chair asked the Executive Director to compile additional information regarding both the total compensatory time accrued and the cost of cashing out any amounts accrued in excess of 120 hours.

No Council action was required at this time.

RECESS

The Council meeting was recessed at 11:15 a.m., on the motion of Sen. Cahill (seconded by Sen. Webster).

RECONVENE

The Council meeting was again brought to order by the Chair at 8:30 p.m., in the Legislative Council Chamber.

NEW BUSINESS (Cont.)

Item #2: Compensatory Time (cont.)

Motion: That the issue of compensatory time be referred to the Personnel Committee for further consideration and the development of recommendations for the Council's consideration. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Item #3: Council Authorization of the Use of Capitol Park

Motion: That the Council Chair be authorized to approve requests for the use of Capitol Park when the Legislature is not in session and to report his action on all requests to the Council. (Motion by Rep. Mayo; second by Sen. Clark).

Discussion:

Sen. Webster asked whether the Chair intended to develop guidelines to use in reviewing requests for the use of Capitol Park, and Sen. Pray responded affirmatively.

The Speaker then offered an amendment to the original motion, whereby the Chair's decision on each request must reflect a poll of the Council members by telephone. Sen. Webster seconded the motion to adopt this amendment.

The vote on the amendment was unanimous, and it was followed by a unanimous vote to approve the original motion as amended.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 8:35 p.m., on the motion of the Chair.