

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

January 7, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summaries of November 11 and December 21, 1991, Council Meetings

EXECUTIVE DIRECTOR'S REPORT

Item #1: Fees for Legislative Publications: Proposed Amendment to Policy regarding Electronic "Prints" from Statutory Data Base

Item #2: Legislature's FY 93 Budget: Status Report

Item #3: Revisor's Status Report

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

OLD BUSINESS

NEW BUSINESS

Item #1: Submission of Study Report on Public Advocate for Insurance by the Joint Standing Committee on Banking & Insurance. (Staff Study for the Committee authorized by ch. 615, P.L. 1991) (Tabled at December 21 meeting)

Item #2: Submission of Study Report by Commission To Study Maine's Oil Spill Cleanup Preparedness. (Study authorized by ch. 530, P.L. 1991) (Tabled at December 21 meeting)

Item #3: Submission of Study Report on Low Cost Drugs for the Elderly Program. (Staff Study for the Joint Standing Committee on Human Resources authorized by the Legislative Council) (Tabled at December 21 meeting)

Item #4: Submission of Study Report by the Commission on State Permitting and Reporting Requirements. (Study authorized by P.L. 1991, chapter 606, Part D)

- Item #5: Submission of Study Report on the Resolution of
Conflicting Enactments. (Staff Study for the Joint
Standing Committee on Judiciary authorized by the
Legislative Council)
- Item #6: Request for Council Authorization to Convene a 3-Day
Sentencing Summit in January. (Request from Chairs of
the Joint Standing Committee on Judiciary and the Joint
Select Committee on Corrections)
- Item #7: Requests for Introduction of 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

MEETING SUMMARY

Monday, November 11, 1991

Approved January 8, 1992

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 10:17 a.m.

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 Edwin Pert, Clerk of the House Richard N. Sawyer, Jr., Administrative Services Director

SECRETARY'S REPORT

The Summary of the October 27, 1991, Council meeting was approved and placed on file. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

Committee on the Legislative Budget

The Committee's report, the ensuing discussion, and the Council's formal actions are all summarized below.

OLD BUSINESS

Item #1: Proposed Amendment to Procedures for Council Review and Approval of Applications to Use Capitol Park

Sally Tubbesing provided Council members with an overview of the materials that had been distributed, which included a copy of the Administrative Rules promulgated by the Department of Public Safety regarding security in the Capitol Area and a copy of an amendment proposed by Senator Cahill. Sen. Cahill's concern had been that the procedures for reviewing and approving applications to use Capitol Park, which the Council had adopted previously, contained no specific guidelines regarding the types of use that would be permitted. Speaker Martin pointed out that, legally, these rules no longer apply to Capitol Park since the statute establishing the State House and Capitol Park Commission (3 MRSA § 902 et seq.) gives the Legislative Council jurisdiction over the State House and the immediate grounds, including Capitol Park. After some further discussion, consensus seemed to emerge that the restrictions embodied in the rules by the Department of Public Safety covered the concerns of various Council members.

Motion: That the Council authorize the Executive Director to promulgate rules in accordance with the Administrative Procedures Act regarding the use of Capitol Park, using the rules which had previously been in effect. (Motion by Speaker Martin; second by Sen. Clark).

Discussion: Speaker Martin noted that his motion to promulgate these rules in accordance with APA procedures, rather than to use the Legislature's Joint Rules as a vehicle, was in recognition of the fact that the use of Capitol Park has nothing to do with the legislative process. Sen. Clark requested that the rules be gender-neutralized.

The motion was approved 7-0.

NEW BUSINESS

Item #1: After Deadline Bill Requests

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

COMMITTEE ON THE LEGISLATIVE BUDGET

At this point, the Council turned its attention to the legislative budget. The focus of the discussion was the reduction target established by the Governor for the Legislature of \$1,029,512.

The Council's initial discussion focussed on the smaller accounts that are assigned to the Legislative Department. Speaker Martin noted that these accounts total almost \$1 1/2 million and represent, for the most part, funding for activities that are neither directly related to the legislative process nor, in many cases, even under the Legislature's direct administrative control.

Motion: That language be drafted to assign funds for maintenance, repair and renovation of the State House, which are currently carried in the Legislative account, to the Bureau of Public Improvements, with the stipulation that the Legislative Council and the State House and Capitol Park Commission retain their current statutory authority for overseeing and approving all work in the State House and its immediate grounds (3 MRSA § 902-A). (Motion by Speaker Martin; second by Sen. Webster; unanimous).

Law & Legislative Reference Library

Motion: That the funds appropriated for the operation of the Law and Legislative Reference Library be transferred to the judicial branch, with the provision that the administration of the Library remain under the control of the Legislative Council. (Motion by Speaker Martin; second by Sen. Clark).

Motion: That this item and the pending motion be tabled. (Motion by Rep. Gwadosky).

The item was then tabled.

Commission to Advise DHS on AIDS

Motion: That the language establishing the Commission to Advise DHS on AIDS be repealed and that all funds currently appropriated to the Commission, including any balance forward, be cut. (Motion by Speaker Martin; second by Rep. Mayo).

Discussion: Rep. Gwadosky noted that it was important for the record to reflect the important work that this Commission had accomplished in the period of its existence.

The motion was approved unanimously.

Special Select Committee on Access to Health Care

Motion: That the language establishing the Special Select Committee on Access to Health Care be repealed and that all funds appropriated to the Committee, including any balance forward, be cut. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Miscellaneous Studies Account

Motion: That the total balance forward be applied toward the reduction target. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

Commission on Uniform State Laws

Sally Tubbesing explained that the annual dues to the National Conference of Commissioners of Uniform State Laws had been paid and that the remaining balance had been budgeted to defray travel expenses that the Commissioners incurred in order to attend the annual meeting.

Motion: That the remaining balance be cut. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Interstate Cooperation Commission

Ms. Tubbesing reported that the balance remaining in the account had been budgeted to pay the Legislature's annual dues to the Caucus of New England Legislatures.

Discussion: Speaker Martin stressed the importance of the Legislature's continued participation in the New England Caucus and suggested that the Council follow the approach the Governor had taken with regard to the New England Governor's Association - i.e., to ask the organization to develop a revised budget which reflected the diminished dues available.

Sen. Clark observed that this approach seemed inconsistent with the Council's action last spring, which had resulted in totally eliminating the dues to the Council of State Governments/Eastern Regional Conference, an organization that she said many Senators had found to be more valuable than the New England Caucus.

Motion: That the balance in this account be reduced to \$5,000 in order to allow a partial payment to the New England Caucus of State Legislatures. (Motion by Speaker Martin; second by Sen. Dutremble; approved 9-1).

Maine-Canadian Legislative Advisory Office

Discussion: In response to a question, Ms. Tubbesing clarified that most of this Office's budget is committed to the salaries and related benefits for the Office's 2 employees for the balance of the current fiscal year. The budget for the Office's operation in FY 93 had been eliminated in the course of the budget cuts last spring. Speaker Martin noted that he had instructed Donat Boisvert, the Director of the Maine-Canadian Office, to begin billing the Department of Labor for translation services. Sen. Pray then stated that the Maine-Canadian Office, like the other accounts under discussion, did not belong in the Legislature's overall department budget.

The Council took no action on this account.

Law & Legislative Reference Library (tabled earlier)

The Chair, Sen. Pray, restated the motion offered by Speaker Martin and tabled earlier in the meeting.

Discussion: Rep. Marsano questioned how the Legislative Council would be able to retain administrative and budgetary control over the Library if the account were moved to another branch of government. He noted that the Library's assignment to the legislative account may be unique compared to other states, but that Maine is also unique in that it is the only state where the court does not have a permanent base in the state capital. In response to an invitation from the Chair to react to the pending motion, Lynn Randall, State Law Librarian, indicated that she would anticipate some issues related to the separation of powers. Speaker Martin expressed confidence that an agreement could be worked out with the Chief Justice of the Supreme Judicial Court. Finally, in response to a question from Rep. Whitcomb regarding what percentage of the use of the Law Library is by members of the bar, Ms. Randall stated that 40-50% of the use was legislative.

The motion was restated:

Motion: That the Law Library Account be transferred to the Judicial branch effective January 1, 1992, with the provision that administrative control would remain with the Legislative Council in accordance with an agreement to be worked out with the Chief Justice. (Motion by Speaker Martin; second by Sen. Clark; approved 7-3) in accordance with the motion.

The Chair, Sen. Pray, then appointed Speaker Martin, Rep. Marsano, and Ms. Randall to meet with the Chief Justice to work out an agreement.

General Legislative Account

Council members turned to a list of proposed cuts in the Legislature's general operating account, which had previously been considered by the Budget Subcommittee.

1. Costs of Extended First Regular Session and First Special Session

Motion: That the Legislature absorb the estimated costs of \$600,000 attributable to the extension of the First Regular Session beyond the June 19 statutory adjournment date and the First Special Session out of its existing budget. (Motion by Speaker Martin; second by Rep. Mayo; unanimous).

Discussion: Rep. Gwadosky pointed out that the Legislature had not asked for either of these sessions. Rep. Whitcomb clarified that the effect of the motion was that the Legislature could not use the \$600,000 as a "credit" towards its target of \$1,029,512.

2. Cost of Second Special Session

Motion: That the Council ask for a supplemental appropriation to cover the cost of the upcoming Special Session and that this practice be followed for future special sessions. (Motion by Speaker Martin; second by Rep. Mayo).

Discussion: Speaker Martin noted that the purpose of his motion was to establish a precedent to be sure that the costs of future special sessions would be clearly identified, and Rep. Whitcomb expressed support for this concept. Sen. Cahill then offered an amendment to the motion to the effect that legislators forego the salary for the Second Special Session; however, the Chair, Sen. Pray, ruled that this amendment should be dealt with separately.

The motion was approved unanimously.

3. Capital Budget

Motion: That the capital budget in the general legislative account be reduced by \$100,000 (Motion by Speaker Martin; second by Rep. Mayo; approved unanimously).

Motion: That the Library's capital budget be reduced by \$4,900 (thus essentially eliminating its capital budget). (Motion by Speaker Martin; second by Rep. Mayo; unanimous).

4. Recommendation to Delay the Effect of Chapter 922, P.L. 1989

This law, which took effect July 1, 1991, requires that the Legislature fully-fund any bill that would have a fiscal impact on municipalities. Implicit in this requirement is the need to prepare a "municipal fiscal note" on each bill.

Motion: That the effective date of the law be delayed until July 1, 1993. (Motion by Speaker Martin; second by Sen. Clark).

Discussion: Rep. Whitcomb noted that the Budget Committee had discussed whether it would be possible to implement this program by reallocating existing staff in the Office of Fiscal and Program Review and leaving the 2 additional positions vacant. He stressed that since many of the proposals in the Governor's budget would affect municipalities, it would be important to keep the statutory language. Speaker Martin responded that it was inconsistent for the Legislature to begin a new program when all other agencies had been admonished to undertake no new activity.

Rep. Gwadosky expressed his concern that reallocation of staff within the Office would mean reducing the staff available to support the audit and program review process. Since the Restructuring Commission appears to be analyzing this process "in depth," he argued that the Council should wait for the results of this study before taking any precipitous action. Rep. Mayo, Sen. Pray and Sen. Clark all expressed support for this position.

Members of the Council then directed several questions to John Wakefield, Director of the Office of Fiscal and Program Review:

1. Given the lack of a data base (which Mr. Wakefield had described previously), what expectations could the Legislature hold regarding the quality of the fiscal analysis that could be done? (Rep. Mayo)

Mr. Wakefield responded that he and members of his staff had had a series of meetings over the summer with the Maine Municipal Association, which has been trying to develop a data base for the past year and a half. Based on those meetings, Mr. Wakefield reported that the first year would be a learning experience.

2. Could the existing statute be cleaned up? (Rep. Mayo)

Mr. Wakefield responded that he and his staff had looked at the approaches several other states have taken with regard to municipal fiscal notes in conjunction with their analysis of LD 66, which has been carried over to the Second Regular Session. This analysis suggests that two modifications to the existing law might be considered: 1) an exemption for the cost of local elections and 2) setting a "floor", whereby bills containing mandates whose total estimated impact is \$100,000 or less, would not be analyzed in detail.

3. Whether the municipal fiscal note function could be assigned to one person initially, thus requiring funding only one of the two positions. (Sen. Webster)

4. Whether this position could be funded as a contractual position initially to reduce the cost. (Speaker Martin and Sen. Webster).

Sen. Webster offered an amendment to the original motion:

Motion: That the effective date of the law be delayed to January 1, 1993. (Motion by Sen. Webster; second by Speaker Martin; approved 8-2).

The vote was then taken on the original motion as amended, and it was approved 8-2.

5. Out of State Travel

Motion: That the Legislature's out-of-state travel budget be reduced by \$91,932. (Motion by Sen. Pray; second by Sen. Dutremble).

Discussion: Rep. Whitcomb stated that he had considered several alternative proposals for consideration by the full Council. One option would be a complete moratorium on out-of-state travel except essential travel to Washington, D.C., and the Speaker's official travel in his role as President of the National Conference of State Legislatures. A second option would be to require prior Council approval of all out-of-state travel.

Sen. Dutremble responded that the proposal to reduce the budget by more than \$91,000 is more than a token reduction of the travel budget. He expressed concern that the Legislature needs to retain some financial capacity to travel out-of-state so that it not become isolationist and that the opportunity to travel be available to all members, and not just the presiding officers. Rep. Marsano, noting that he disagreed both with Rep. Whitcomb on this issue

and with the size of the reduction proposed by Sen. Pray, stated that the Legislature has a responsibility to prepare itself as well as it can to do its job and that the meetings he had attended offered a unique resource. Speaker Martin pointed out that he was going to Washington next week to meet with both the President and the Secretary of Health and Human Services with regard to the Medicaid "tax and match" provisions, provisions which are critical to the budgets of Maine and more than 35 other states.

Continued discussion of the Legislature's budget raised the following points:

- The minority leaders should have more input in the members of their party who are authorized to travel out-of-state. (Sen. Cahill) Speaker Martin suggested that this issue should appropriately be discussed by the leadership in each house, not the Council.
- Concern about legislators who were authorized to travel out-of-state even after they have announced they are not running again. (Rep. Whitcomb). Rep. Gwadosky pointed out that the presiding officers certainly have the authority to freeze travel for those who have declared that they are not running again.

The following amendments were then offered to the original motion:

Motion to Amend: That the amount of the reduction be increased to \$95,000. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Motion to Amend: That Legislative Council approval be required for all out-of-state travel. (Motion by Rep. Whitcomb; second by Sen. Cahill).

The motion was subsequently withdrawn by Rep. Whitcomb.

Motion to Amend: That a report of all out-of-state travel be presented to the Legislative Council, which includes information about who traveled and the purpose and cost of each trip. (Motion by Rep. Whitcomb; second by Rep. Marsano). After further discussion, which clarified that this information was already available to the Council, Sen. Dutremble offered an amendment to Rep. Whitcomb's proposed amendment:

Motion to Amend the Amendment: That the Council recommend to the Appropriations Committee that language be inserted in the budget bill to require all departments and agencies of state government to submit reports on a quarterly basis to the Committee

listing all out-of-state travel by any state employee during the prior quarter, including the name of the traveler, destination, purpose and total cost of the travel regardless of the source of funds used to support the travel. (Motion by Sen. Dutremble; second by Speaker Martin; unanimous).

The Council then voted on Sen. Pray's original amendment, as amended by both this amendment and Rep. Gwadosky's amendment to increase the amount of the reduction to \$95,000, and it was approved unanimously.

6. Proposals to "pair" Committee Clerks for the small workload committees and to leave one Senate Stenographer position unfilled

The Council took no action on these proposals since they fall wholly within the purview of the presiding officers.

7. Secretarial Position/Office of Policy and Legal Analysis

Motion: That the vacancy remain vacant through the end of FY 92 and that the associated savings of \$16,815 be applied to the reduction target. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

8. Early Adjournment of the Second Regular Session

Motion: That the Council approve a reduction in the In-State-Travel line by \$195,000 with the understanding that these savings can be achieved by adjournment of the 2nd Regular Session sine die no later than March 27. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

9. Affirmation of Rules Established by the Presiding Officers Regarding Restrictions on the "Night Before" and Friday Sessions

Motion: That the Council take an additional \$178,000 from the In-State-Travel budget that reflects savings to be achieved by restrictions on scheduling established by the presiding officers. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing personnel. (Motion by Sen. Webster). The Council proceeded to go into Executive Session at 12:11 p.m.

RECONVENE

The Council reconvened in open session at 12:34 p.m., on the motion of Sen. Clark.

At this point, there was some general discussion about the reduction target figure, about Council members' commitment to achieve that target, and about ways to reach it. Speaker Martin stressed that the Council had a responsibility, above all, to preserve the Legislature's viability as an effective institution.

The discussion then turned to consideration of various approaches to achieving reductions in the Legislature's personal services budget (salaries and benefits). Council members advanced the following ideas and opinions:

- Rather than pursue the direction it had taken last spring, which distinguished between staff earning \$50,000 or more and those earning less, the Council should treat everyone equally, including legislators. (Speaker Martin)
- The Council should not approve any raises for anyone. (Sen. Dutremble and Sen. Webster)
- The Secretary of the Senate, Clerk of the House, and Director of Policy and Legal Analysis should receive the step increases so far denied them, but should continue to be "frozen" with regard to cost-of-living increases. (Rep. Mayo)
- Those employees who received the April 1 3% cost-of-living increase should be assigned a higher percentage reduction than those who have not received the cost-of-living increases. (Sen. Webster and Sen. Pray agreed with this concept)
- The Council should consider rolling back all legislative employees' salaries to their level on April 1, 1991. (Sen. Dutremble)

Speaker Martin responded that he would support such action only if the Governor chose to do the same thing.

- The Council should determine a specific amount that it wants to achieve from salary savings and ask the Executive Director to solicit proposals from the various offices about how specifically to achieve these. (Speaker Martin)

Motion: That the 3% cost-of-living increase that had been awarded to most legislative employees effective April 1 be repealed as of January 1, 1992. (Motion by Rep. Gwadosky; second by Rep. Mayo; unanimous).

Discussion: Speaker Martin noted that legislative employees, who had not received the 7% increase awarded to all other state employees on July 1, will fall even further behind their counterparts in the executive branch as the result of this motion; however, there was also agreement that it was preferable to reduce salaries in order to preserve positions. There was also consensus among all members present that this 3% repeal should be applied to all confidential employees and the Commissioners.

Motion: That the Constituent Service Allowance for the Second Regular Session be decreased by 10%, resulting in a total reduction of \$100 for Senators and \$75 for Representatives. (Motion by Rep. Mayo; second by Speaker Martin; unanimous)

Motion: That all legislative employees be given 10 furlough days between April 1 and October 1, 1992. (Motion by Speaker Martin)

The motion was subsequently withdrawn by the Speaker.

Motion: That the Chair draft a letter to all members and staff describing the reductions that the Council had approved. (Motion by Sen. Webster; second by Speaker Martin)

The Chair, Sen. Pray, noted that the motion was not necessary since he had already determined that he would take this action.

Motion: That the Council finally approve the overall reduction, produced by its separate actions, of approximately \$1,054,000 (final figure to be confirmed by the Executive Director) and that these reductions be presented to the Appropriations Committee. (Motion by Sen. Pray; second by Sen. Clark; unanimous)

A consolidated summary of the Council's action on the budget is attached to these minutes.

Item #2: After Deadline Bill Requests

The Council considered requests to introduce legislation which had been filed after the October 4 cloture date. A summary of the Council's action on these requests is attached to this meeting summary.

ANNOUNCEMENTS AND REMARKS

Item #1: Meeting of the Redistricting Planning Committee Tomorrow

Tuesday, November 12
3:00 p.m.
Legislative Council Chambers

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:50 p.m., on the motion of the Chair, Senator Pray.



SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

COUNCIL MEETING SUMMARY

Saturday, December 21, 1991

Approved January 8, 1992

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

CALL TO ORDER

The Legislative Council meeting was called to order by the
Chair, Senator Pray, at 3:20 a.m.

ROLL CALL

Senators:

Sen. Pray, Sen. Webster

Absent: Sen. Clark, Sen. Dutremble,
Sen. Cahill

Representatives:

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

Legislative Officers:

Sally Tubbesing, Executive Director,
Legislative Council

SECRETARY'S REPORT

None.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Fees for Legislative Publications: Proposed Amendment
Regarding Weekly Legislative Calendars

Members of the Council had received a memo from Ed Pert,
Clerk of the House, proposing that the Weekly
Legislative Calendar be added to the list of legislative
publications for which a subscription fee is charged.
He proposed that a \$10 annual fee would cover the
printing and postage costs of those copies that are
circulated to the public.

Motion: That the proposed annual subscription fee of
\$10 for the Weekly Legislative Calendar be approved.
(Motion by Rep. Marsano; second by Rep. Whitcomb;
unanimous).

Item #2: Office Hours: Tuesday, December 24

Motion: That all legislative offices be given the option of closing for the entire day on Tuesday, December 24, with the understanding that all employees will use earned vacation or compensatory time for this day. (Motion by Rep. Mayo; second by Rep. Marsano; unanimous).

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Study Report on Public Advocate for Insurance by the Joint Standing Committee on Banking & Insurance. (Staff Study for the Committee authorized by ch. 615, P.L. 1991)

Item #2: Submission of Study Report by Commission To Study Maine's Oil Spill Cleanup Preparedness. (Study authorized by ch. 530, P.L. 1991)

Item #3: Submission of Study Report on Low Cost Drugs for the Elderly Program. (Staff Study for the Joint Standing Committee on Human Resources authorized by the Legislative Council)

Item #4: Requests for Introduction of Legislation to the Second Regular Session

Motion: That all OF THESE ITEMS BE TABLED UNTIL THE NEXT REGULAR Council meeting.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:27 a.m., on the motion of the Chair, Senator Pray.

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

December 17, 1991

TO: Honorable Charles P. Pray, Chair
and Members of the Legislative Council

FROM: Sally *Jeay*

SUBJECT: Review of Pricing Policy for Prints from Legislature's
Statutory Database

Background

The Fee Schedule for Legislative Publications adopted by the Legislative Council in September, 1990, sets prices for the Maine Statutes as follows:

- **Maine Revised Statutes Annotated:** Price is set annually based on the actual cost to the Legislature. Current price volumes published in 1990 is \$47.00; total cost for a complete set of MRSA volumes is \$1,304.08.
- **Online Searches/Prints from Legislature's Statutory Data Base:** Price to state agencies is \$50/hour, plus 10¢/page (\$50 minimum); price to the general public is \$50/hour, plus 10¢/page (\$100 minimum).

In the past few months, we have received several requests for the electronic transfer by tape of either whole titles or the entire statute data base from outside state government. "Bulk" requests for electronic copies of the statutes generally come from parties who have a business objective of repackaging - and reselling - the product. These entities typically have their own capability to convert our data to their format. Discussions involving Lynn Randall, David Kennedy and the Information Systems staff suggest that a separate price structure should be established for these requests. The process of electronically transferring the statute text "in bulk" is less expensive than either the process used to convert smaller portions to a users' format or the process of publishing printed volumes. On the other hand, we think it is inconsistent to offer the full 35 volumes, which in hard copy cost more than \$1,300, for the price of a single title.

Recommendation

That the Legislative Council amend its Fee Policy for Legislative Publications to establish a separate price for requests of statute prints that involve more than one title as follows: Price for a tape of more than a single title, with no conversion programming: \$50 per title, plus the cost of the tape.

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

January 7, 1992

TO: Honorable Charles P. Pray, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: Legislature's Budgets for Fiscal Years 1992 and 1993

The purpose of this memo is to bring you up to date on the status of the Legislature's appropriations for both FY 92 and FY 93.

FY 93 Budget

We have received official notification from the State Budget Officer that the Governor's target reduction figure for the Legislative Department -- that is, all accounts administered by the Legislature -- is \$2,295,550. This figure represents 12.75% of our total FY 93 appropriation of \$18,017,664.

We do not at this time have any specific information about the targets that have been established for other agencies of state government.

FY 92 Budget

Chapter 622 included two across-the-board appropriation adjustments: \$300,000 in administrative cost savings (Part GG) and another \$1 million general deappropriation (Part NN). The law stipulates that the Budget Office calculate each agency's share of these amounts on the basis of the agency's total General Fund appropriation, although certain accounts are exempted. We understand that the Budget Office is currently working on these calculations; thus, they should be available to us shortly. Once we have the figures, the Council will need to determine how to apply these adjustments to our current year budget.

Dick and I are both available to answer questions you may have.



MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 19, 1991

The Honorable Charles P. Pray, Chair
Legislative Council
Maine Legislature
State House Station 115
Augusta, ME 04333

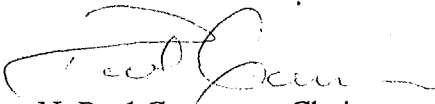
Dear Mr. Chair:


We are writing to request authorization to hold a three day Sentencing Summit in January. The Summit would be an extension of last year's one day event sponsored by the Maine Development Foundation. The goal of the Summit is to further explore structured sentencing approaches and to develop a package of sentencing alternatives that will offer some relief to our overburdened correctional system.


We have received a commitment from Allen Tapley, Executive Director of the Sentencing Institute in Montgomery, Alabama. Mr. Tapley has agreed to facilitate the Summit with minimal staff support, and requires only that his expenses be paid. We are not requesting funds from the Council for this purpose; we ask only for authorization to proceed with our plans so that funding sources may be identified.

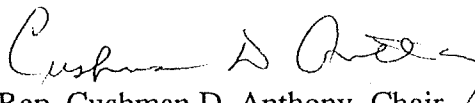
The Joint Standing Committee on Judiciary and the Joint Select Committee on Corrections stand ready to address the pressing issues facing our criminal justice system. We hope that the Council will support our efforts.

Sincerely,


Sen. N. Paul Gauvreau, Chair
Joint Standing Committee on
Judiciary


Sen. Beverly M. Bustin, Chair
Joint Standing Committee on
Corrections


Rep. Patrick E. Paradis, Chair
Joint Standing Committee on
Judiciary


Rep. Cushman D. Anthony, Chair
Joint Standing Committee on
Corrections

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

January 6, 1992

TO: Members of the Legislative Council
FROM: Sally *Sally*
SUBJECT: After Deadline Bill Requests

I have enclosed the list of requests that had been filed in David's office as of last Friday afternoon to give you an opportunity to review them in advance of tomorrow's Council meeting.

I thought I'd provide you with some "context" for your review. David has released 130 for printing; an additional 67 are out for final sponsor review and signature; and 57 have been withdrawn. This is actually remarkable given that the Special Session resulted in at least a 2-week interruption in non-budget drafting from late November on. The remaining 160 are at various stages in the drafting process, and David's staff and the available staff in OPLA are fully occupied with these.

Enclosure

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 3, 1992

Action

SPONSOR: Rep. Anthony

LR 3655 An Act to Clarify the Authority of the Governor's
Emergency Budget Curtailment Powers

SPONSOR: Sen. Clark, Nancy R.

LR 3611 An Act Concerning the Degree Granting Authority of
Husson College

SPONSOR: Sen. Gauvreau

LR 3671 An Act to Clarify the Laws Governing the Medical
Liability Demonstration Project

Cosponsors: Rep. P. Paradis
Rep. Hastings
Rep. Hanley

SPONSOR: Rep. Goodridge

LR 3624 An Act to Amend the Laws Governing the Practice of
Hairdressing Outside of Homes

SPONSOR: Rep. Goodridge

LR 3668 An Act Authorizing the Issuance of Limited Licenses
for Plumbers

SPONSOR: Rep. Gray

LR 3659 An Act to Promote Quality Education of Children

SPONSOR: Rep. Gray

LR 3663 An Act to Allow the State and Local Government
Committee to Restructure Government

SPONSOR: Rep. Gwadosky

LR 3669 An Act to Support the Governor's Task Force on
Defense Realignment and the Maine Economy to
Ensure its Timely, Comprehensive, Statewide Response
to Defense Spending Cuts and Realalignments in Maine

SPONSOR: Rep. Jacques

LR 3654 An Act Concerning the Use of Alternative Coding
Systems for Plastic Containers

Cosponsors: Rep. Martin, John L.
Sen. Titcomb

SPONSOR: Sen. Kany

LR 3625 An Act to Authorize the Issuance of Bonds for
\$5,000,000 to Finance Energy Conservation Projects

Cosponsors: Rep. Jacques

SPONSOR: Sen. Kany

LR 3626 An Act Relating to Septage

Cosponsors: Rep. Jacques
Rep. Tracy

SPONSOR: Sen. Kany

LR 3635 An Act Concerning Tax Deductions for Health
Insurance Premiums and Health Service Payments

Cosponsors: Sen. Theriault
Rep. Rydell
Rep. Mitchell, James

SPONSOR: Sen. Kany

LR 3664 An Act to Amend the Charter of the Kennebec Sanitary
Treatment District

SPONSOR: Sen. Kany

LR 3667 An Act to Provide More Accountability in the
Budget Process of the Finance Authority of Maine
and the Maine State Housing Authority

Cosponsors: Rep. Jacques

SPONSOR: Rep. Kilkelly

LR 3633 An Act to Promote Efficiency in State Government
Administration

Cosponsors: Rep. Gould, Richard A.
Rep. Mitchell, James
Rep. Handy

SPONSOR: Rep. Larrivee

LR 3634 An Act to Institute a Pheasant Stamp Program for
Cumberland and York Counties

Cosponsors: Rep. Pouliot
Rep. Lawrence

SPONSOR: Rep. Lord

LR 3622 An Act to Create the Waterboro Water District

Cosponsors: Sen. Titcomb

SPONSOR: Sen. McCormick

LR 3620 Resolve, Instructing Various State Departments to
take Action to Create Jobs

Cosponsors: Sen. Cleveland

SPONSOR: Sen. McCormick

LR 3621 An Act to Enable Municipalities to Impose Service
Fees on Exempt Property Owners

Cosponsors: Sen. Cleveland

SPONSOR: Sen. McCormick

LR 3623 An Act to Increase the Technological Capacity of
Maine's Workforce

SPONSOR: Rep. Mitchell, Elizabeth H.

LR 3656 An Act to Require the Issuance of Motor Vehicle
Identification Cards

Cosponsors: Sen. Kany

SPONSOR: Rep. Mitchell, James

LR 3658 An Act to Establish a Budget Committee and Process
for Cumberland County

SPONSOR: Rep. Paradis, Patrick E.

LR 3091 An Act Authorizing a Special Advisory Referendum on Whether the Congress of the United States Should Conduct Public Hearings on the Feasibility and Merits of Establishing a Universal National Health Insurance System

Cosponsors: Rep. Martin, John L.
Sen. McCormick
Rep. Rydell

SPONSOR: Rep. Paradis, Patrick E.

LR 3617 An Act to Define Conflict of Interest for Probate Judges

SPONSOR: Rep. Paradis, Patrick E.

LR 3631 An Act to Improve Public Access to the Activities and Records of the Bureau of Intergovernmental Drug Enforcement

SPONSOR: Rep. Paradis, Patrick E.

LR 3632 An Act to Restore Integrity to State Prosecution and Investigation

SPONSOR: Rep. Powers

*LR 2959 An Act to Legalize Marijuana for Medicinal Purposes

SPONSOR: Rep. Powers

LR 3618 An Act to Require that Publicly-funded Construction Projects Employ Maine Firms and Residents

SPONSOR: Rep. Rand

LR 3651 An Act to Define Transportation in Reference to the Casco Bay Island Ferry District

SPONSOR: Rep. Tardy

LR 3660 An Act to Provide for State Licensed Inspectors

Cosponsors: Rep. Graham
Rep. Hussey, Jr.

JOINT RESOLUTION

Action

SPONSOR: Rep. Stevens, Patricia M.

**LR 3619 JOINT RESOLUTION MEMORIALIZING CONGRESS TO OPPOSE
ENACTMENT OF A FEDERAL DEATH PENALTY STATUTE**

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Gray	TABLED
		11/11/91
LR 3270	An Act to Amend the Waste Discharge Laws	
SPONSOR:	Rep. Gray	TABLED
		11/11/91
LR 3604	An Act to Prohibit Improper Influence by Law Enforcement Officers	
SPONSOR:	Sen. Kany	TABLED
		11/11/91
LR 3603	An Act Pertaining to Workers Compensation	
SPONSOR:	Rep. Mitchell, James	TABLED
		10/27/91
LR 3593	An Act Amending the Maine Insurance Code	
SPONSOR:	Rep. Mitchell, James	TABLED
		11/11/91
LR 3609	An Act Regarding Shellfish Licensing and Harvesting	
	Cosponsors: Sen. Vose	
SPONSOR:	Rep. Richards	TABLED
		11/11/91
LR 3075	An Act to Prohibit the Siting of Landfills in Areas that Previously Contained Landfills	
	Cosponsors: Sen. Emerson	
	Sen. Dutremble, Dennis L.	

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 7, 1992**

Action

SPONSOR: Rep. Farnsworth

LR 3675 Resolve, Creating the Maine Family Reunification
 Commission

SPONSOR: Rep. Lawrence

LR 3695 An Act Relating to Gambling

SPONSOR: Rep. Mayo

LR 3693 An Act to Correct an Omission from the
 Recodification of Title 30

ADDENDUM II

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 8, 1992

Action

SPONSOR: Sen. Berube

LR 3698 An Act to Repeal the Laws Governing State
Investments in South African Companies Doing
Business in Maine

SPONSOR: Rep. Farnsworth

LR 3701 An Act to Reduce the Cost of State Government
by Offering a Limited Period Incentive Program
for Early Retirement

SPONSOR: Rep. Gwadosky

LR 3702 An Act to Amend Maine's Unclaimed Property Act

SPONSOR: Rep. Hichborn

LR 3700 Resolve, Instructing the State Tax Assessor
to Refrain from Certain Actions Affecting a
Parcel of Land in Argyle Township

Cosponsors: Rep. Strout
Sen. Pearson

SPONSOR: Rep. Mayo

LR 3699 An Act Concerning the Commission on Governmental
Ethics and Campaign Practices

SPONSOR: Rep. Oliver

LR 3357 An Act to Restructure the Division for the Blind
and Visually Impaired

JOINT RESOLUTION

SPONSOR: Rep. Reed, William F.

LR 3694 Joint Resolution Memorializing Congress to Amend
the Laws Governing Compensation for Service
Connected Disabilities

Cosponsors: Sen. Baldacci
Rep. Tardy
Rep. Merrill

ADDENDUM III

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 8, 1992

Action

SPONSOR: Rep. Nutting

LR 3703 An Act to Forestall the Spread of Rabies in
the State of Maine