

# 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

## MEETING SUMMARY

**Tuesday, January 8, 1992**

**Approved January 14, 1992**

### CALL TO ORDER

The Council meeting was called to order by the Chair, Senator Pray, at 12:05 p.m.

### ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Cahill
	Absent: Sen. Dutremble
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council 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

### SECRETARY'S REPORT

The Summaries of the November 11 and December 21, 1991, Council meetings were approved and placed on file. (Motion by Rep. Gwadosky; second by Rep. Marsano; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

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

Sally Tubbesing drew members' attention to the memo in the agenda packet and summarized it briefly. Now that the Revisor's Office and Information Systems staff have had some experience with producing electronic "prints" from the statutory data base, it has become clear that the requests fall into two distinct categories: 1) requests from state agencies for the laws which they are responsible for administering (generally a single title and/or parts of other titles); and 2) requests for several titles or the entire data base. The latter category of requests tend to come from parties who have a business objective of repackaging and reselling the product and have the technological capability to convert our data to the form of their choosing.

Ms. Tubbesing noted that although the process of electronically converting statute text "in bulk" is less expensive than the process used to convert smaller portions to a user's format, it seemed to be inconsistent to offer the full 35 volumes on tape for a nominal price which, in hard copy, would cost more than \$1,300. She recommended that the Council amend its Fee Policy for Legislative Publications to establish a separate price for requests for statute prints that involve more than one title as follows:

\$50 per title, plus the cost of the tape.

Motion: That the Fee Policy for Legislative Publications be amended to establish a separate price for statute prints that involve more than one title at the rate of \$50 per title, plus the cost of the tape. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

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

Ms. Tubbesing referred members to a memorandum in the agenda packet which outlined items related to the legislative budget that would require Council action in the coming weeks. These include allocation of two across-the-board cuts to various lines within the Legislature's FY 92 budget and consideration of the Governor's reduction target of \$2,295,550 for the Legislature's FY 93 budget. Ms. Tubbesing noted that she had not yet received notice from the Budget Office regarding the Legislature's specific share of the two across-the-board cuts.

Finally, Ms. Tubbesing distributed a summary of the costs of the Special Session. In response to a question from Rep. Marsano regarding how the money spent for the Second Special Session was going to be addressed, Ms. Tubbesing responded

that the Council had agreed unanimously at its November meeting to submit a Supplemental Request to the Appropriations Committee in an amount equal to the identified costs.

No Council action was required.

**Item #3: Revisor's Status Report**

The Chair, Senator Pray, asked David Kennedy and Martha Freeman to comment on the current status of bill drafting. Mr. Kennedy noted that of a total anticipated bill load of 385, more than 150 had already been sent up for introduction; 77 were out for final sponsor review and signature; 64 were in some stage of production; and 40 had been withdrawn, leaving only 83 yet to be drafted.

The Chair then turned to Mark LeDuc, the Governor's Legislative Coordinator, who was present, and asked him for an estimate of how many bills the Governor planned to introduce. Mr. LeDuc responded that, in addition to those bills which would be part of the Governor's legislative package, there were 4 or 5 at the present time; however, he noted that the Governor would reserve his other constitutional authority to introduce legislation later in the session.

Finally, Ms. Freeman reported that all of the study reports had been completed except 3, and that two of these -- the Special Commission to Study the Workers' Compensation Commission and the Special Commission to Study the Insurance Industry -- had statutory reporting dates of March 1, raising the issue of staffing during the session.

Both Mr. Kennedy and Ms. Freeman agreed that, with the compressed session schedule, the present bill drafting load was about all that they could handle if bills were to reach committee in a timely manner. The Chair, Senator Pray, expressed his appreciation to the staff in the non-partisan offices for their work during the Special Session.

No formal Council action was required at this time.

**Item #4: Municipal Fiscal Notes: Request for Clarification**

Ms. Tubbesing stated that the Office of Fiscal and Program Review needed clarification from the Council given that the funding for the 2 positions originally budgeted to perform this new statutory requirement had been eliminated for FY 92 in the most recent round of cuts that had been incorporated in Ch. 622, P.L. The discussion that ensued focussed on the concept that agencies that had been charged with new programs by statute were under no obligation to implement them if funds are not available for the purpose; however, the Council took no formal action on this item.

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

Rep. Gwadosky, Committee Chair, reported that while the Committee had met it had not yet completed its work and would, therefore, present its full report at the next regularly-scheduled Council meeting.

## 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) (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)

The above items were handled with a single motion, as follows:

Motion: That these reports be accepted and placed on file. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

**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)**

The Chair, Sen. Pray, drew Council members' attention to the letter in their packets. He then recognized Sen. Gauvreau, who was present, and offered him the opportunity to elaborate on the letter. Sen. Gauvreau noted that the Summit was of great importance not only to the two Committees, but to the entire state. He reported that outside funding had been obtained from the Edna McConnell Clark Foundation to underwrite the proposed Summit, and that the Summit would also essentially be staffed by the Foundation in terms of the planning and administrative arrangements. Sen. Cahill asked where the Summit would be held and was told the Augusta Civic Center. She then observed that it might draw more legislators if it were in the State House itself.

With these assurances that the effort would require neither support from non-partisan staff or funding from the legislative budget, the following motion was presented:

**Motion:** That the request from the two Committees be approved. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

**Item #7: Requests for Introduction of Legislation to the Second Regular Session**

Requests to introduce legislation to the Second Regular Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 1:20 p.m., on the motion of Sen. Clark.