

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

JANUARY 14, 1992
MEETING SUMMARY
APPROVED JANUARY 28, 1992

CALL TO ORDER

The Council meeting was called to order by the Chair, Senator Pray, at 4:52 p.m.

ROLL CALL

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| Senators: | Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Cahill Absent: Sen. Webster |
| 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 Joy O'Brien, Secretary of the Senate |

SECRETARY'S REPORT

The Summary of the January 8, 1992, Council meeting was approved and placed on file. (Motion by Rep. Whitcomb; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Staffing for Special Commission to Study the Insurance Industry and Special Commission to Study the Workers' Compensation Commission

Sally Tubbesing explained that both of these Study Commissions, which had been created in the Workers' Compensation bill that the Legislature passed last summer, have March 1 reporting dates. These Commissions are both staffed by non-partisan staff pursuant to the law. The language that the Council has authorized in recent years to either suspend the activity of study commissions during the session or make other provisions for staffing was not included in this law; thus, Ms. Tubbesing requested direction from the Council regarding how to proceed to suspend staffing during the session.

Motion: That the Council notify the Governor that the Legislature is unable to staff these Commissions. (Motion by Speaker Martin; second by Sen. Clark).

Rep. Marsano advocated that the Council engage in a dialogue with the Governor to see if it was possible to reach a mutually agreeable solution.

Speaker Martin withdrew his motion.

Motion: That Representative Marsano be authorized to work with the Governor to identify staff in the executive branch who could support these Commissions until the Legislature has adjourned. (Motion by Speaker Martin; second by Sen. Dutremble).

Sen. Pray, acknowledging that there were problems regarding the availability of legislative staff during the session, expressed concern that the staffing responsibility would be turned over completely to the executive branch.

Speaker Martin withdrew his motion.

Motion: That this item be tabled. (Motion by Sen. Dutremble). The item was tabled without objection.

Item #2: Repair of Faucets in First Floor Bathroom

Ms. Tubbesing reported that she had been informed by personnel in the Bureau of General Services (formerly BPI) that the leaky faucets in the first floor bathroom required replacement, but that the Bureau had no funds to do this. She noted that the estimated cost of the work was only \$350, but that she was reluctant to authorize the expenditure out of the Legislature's repair budget given the Council's prior action last November to clarify the Bureau's role in repairs and improvements in the State House.

The Chair, Senator Pray, expressed his concern about the current state of repairs in the State House, noting that this building is held in trust for all citizens of the State. He further observed that neglect was not a new problem, noting that the neglect was not unique to the current administration, and recalled that the Legislature had originally assumed more direct responsibility for the condition of the State House due to the lack of attention by BPI. In the discussion that followed, Council members expressed concern that the budget reductions, which have severely reduced the availability of custodial and security staff, have actually increased some costs: there is no one to turn off lights, copiers, etc.

Motion: That the Council invite the Director of the Bureau of General Services to come to the next Council meeting to discuss these concerns. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

REPORTS FROM COUNCIL COMMITTEE

Personnel Committee

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Speaker Martin).

The Council proceeded to go into Executive Session at 5:55 p.m.

RECONVENE

The Council reconvened in open session at 6:09 p.m., on the motion of the Chair.

Personnel Committee

Rep. Gwadosky, Committee Chair, reported that the Committee had met on two occasions since mid-December to review several pending items. He presented the following motions on behalf of the Committee:

Motion: That Martha E. Freeman be reappointed to a second 3-year term as Director of the Office of Policy and Legal Analysis and, further, that she be awarded a step increase retroactive to her anniversary date. (Motion by Rep. Gwadosky; second by Sen. Cahill; unanimous).

Discussion: Rep. Gwadosky noted that the Committee had had a very productive meeting with Ms. Freeman, which focussed, in part, on some of the issues raised by the unusual nature of the 1st Regular Session and on the significant efforts that she and the other non-partisan offices have made to achieve a high level of coordination.

Rep. Whitcomb stated that he supported Ms. Freeman's reappointment, but would not be able to support the motion because it included the step increase.

Motion: That the previous motion be divided so that the questions of reappointment and the step increase could be addressed separately. (Motion by Rep. Marsano).

Discussion: Rep. Gwadosky expressed concern that the Council treat this issue procedurally in the same manner as it has in the past -- as a single motion -- noting that the Council bears an important responsibility for treating staff consistently and in a professional manner. Finally, he observed that the Council's action on this motion did not bind it to any future action related to step increases.

Rep. Marsano withdrew his motion.

The vote on the original motion offered by Rep. Gwadosky to reappoint Ms. Freeman and award her a step increase was then taken and approved 8 - 1.

Motion: That the Legislative Council adopt the proposed policy on Sexual Harassment pursuant to state law and, further, that the Executive Director be directed to work with the Council Chair and the presiding officers to disseminate this policy immediately. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Motion: That the Legislative Council authorize extension of its Income Protection Plan to eligible employees as recommended by the Personnel Committee. (Motion by Rep. Gwadosky; second by Sen. Dutremble; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Draft Budget for 1992-1993 for the Maine Low-Level Radioactive Waste Authority (submitted to the Legislative Council pursuant to statute).

Motion: That the Revisor of Statutes prepare a Resolve for the purpose of formally presenting the Authority's budget to the Legislature. (Motion by Sen. Clark; second by Speaker Martin; unanimous).

Item #2: After Deadline Bill Requests

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 6:15 p.m., on the motion of Speaker Martin.