

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

Monday, February 10, 1992

MEETING SUMMARY

Approved March 2, 1992

CALL TO ORDER

The Chair, Senator Pray, called the Council meeting to order at 3:27 p.m., in the Taxation Committee Hearing Room.

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 Richard N. Sawyer, Administrative Services Director 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 Edwin Pert, Clerk of the House Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

None.

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, deferred to David Kennedy and Martha Freeman for a status report on bills in drafting and in committee. Mr. Kennedy reported that there were still 62 bills to be printed, noting that while many of these were currently out for final sponsor review and signature, it could still be a week or more before they were actually in the possession of a particular committee. Ms. Freeman added that most of the smaller workload committees were working to meet the Friday 14 deadline, but that it appeared that several would not make it.

REPORTS FROM COUNCIL COMMITTEES

Budget Subcommittee

Senator Pray, who had chaired the Budget Subcommittee, briefly summarized the Subcommittee's actions to date. He noted that the Council needed to address two separate issues: 1) reductions in the Legislature's FY 1993 budget; and 2) the Legislature's plan for reducing administrative costs pursuant to P.L. 1991, ch. 626.

Motion: That the Council Chair send a letter to the Joint Standing Committee on Appropriations & Financial Affairs indicating that the Council has agreed to a target of 6.6% of its FY 93 budget (\$1,192,896) and that it has agreed to absorb the cost of the Second Special Session, using anticipated savings from the current fiscal year, rather than present a supplemental request. (Motion by Speaker Martin; second by Sen. Clark).

Discussion:

- Rep. Whitcomb requested clarification about the motion.

The Speaker responded that the motion addressed only the total amount of the cuts the Council was proposing at this time and that the motion would not preclude the Council either from taking additional action on the legislative budget or from taking further action on unresolved policy issues.

- Several Council members raised questions about the target:
 1. Clarification that the 6.6% reduction target the Council had set was distinct from the 10% target established in Chapter 626. (Sen. Webster)

The Chair, Sen. Pray responded that this was the case.

2. The process by which the targets had been established.
(Rep. Whitcomb).

The Chair, Sen. Pray, responded that in cases where the reduction would have been "life threatening", the agency's target was lowered. He noted that, while the targets for various departments ranged widely, the Executive Office had been assigned a 6.6% target. Finally, Sen. Pray observed that the Legislature had met and, in some cases, exceeded its targets in all prior cuts, stressing that he was not implying that the Legislature had been singled out by being assigned a higher target, but that the Council should have an opportunity to negotiate its target as do all other state agencies.

Rep. Marsano asked that the Chair clarify with the Appropriations Committee how the Council had come to the 6.6% target.

The motion was then voted on and approved 8-1-1, with Rep. Whitcomb abstaining.

Motion: That the reductions agreed upon by the Budget Subcommittee, in the amount of \$946,946, be approved; and, further, that the costs of the Second Special Session be applied to the 6.6% target. (Motion by Speaker Martin; second by Sen. Clark).

Discussion: Council members again raised several questions in the interest of clarifying the scope and intent of the motion. These included:

1. Whether the 10% in administrative salary savings identified in the Administrative Plan was included in the \$946,946 total.
(Rep. Whitcomb)

Sen. Pray responded that the two were completely separate issues: while the cuts under discussion were cuts in the Legislative budget that the Council was recommending to the Appropriations Committee, the 10% target was a plan as required by Chapter 626, Public Law.

2. Whether the costs of the 2nd Special Session would be taken from the Balance Forward. (Sen. Cahill)

Speaker Martin responded that that was the way that special sessions had been funded in recent years.

3. What the total proposed reduction amount included. (Rep. Marsano and Rep. Whitcomb)

- Rep. Marsano clarified that while he had voted to take the funding from the 2 Analyst positions in the Office of Fiscal & Program Review, he felt that the function assigned to these analysts -- municipal fiscal notes -- was still very important to carry out.

- Sen. Pray clarified that the funds for the currently-vacant and unfunded Stenographer positions were still in the FY 93 budget.

The motion was approved 9-1.

Motion: That the proposed Administrative Plan, which had been developed pursuant to the requirements of Chapter 626, Public Law, be approved. (Motion by Speaker Martin; second by Sen. Clark)

Discussion centered on the following issues:

1. The relationship between the budget reduction target and the Administrative Plan.

The Chair, Sen. Pray, clarified again that the Plan was not an actual budget reduction. Rep. Marsano again expressed concern that his office could negotiate to refund one of the Stenos in the future even though that would affect the 10% savings target.

2. What the law requires

Sen. Webster expressed his opposition to the Plan because it does not propose a 10% reduction in staff which, he asserted, was the intent of the law. Sen. Pray responded that the law requires a plan for reducing administrative costs by 10%. Rep. Gwadosky added that, as the sponsor of the bill, his concern was a 10% reduction in the cost of administrative personnel. He noted, however, that there were many definitions of administrative personnel, as the administrative plans submitted by various departments had clearly demonstrated.

Senator Pray observed that the Legislature has reduced its position count significantly and achieved other savings in the costs of administrative personnel by downgrading positions, converting several from full-time to part-time, and reducing the number of weeks that session employees are paid. Rep. Mayo added that most session employees would be working 3 months or less this year.

The motion was approved 9-1.

OLD BUSINESS

None.

NEW BUSINESS

- Item #1:** Report from the Maine Human Rights Commission Regarding Technical Assistance and Accessibility Standards pursuant to 5 MRSA § 4594-D (11). (Report also submitted to the Joint Standing Committee on Judiciary).

Motion: That the Report be accepted and placed on file.
(Motion by Speaker Martin; second by Rep. Marsano; 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 4:28 p.m., on the motion of the Chair.