

# 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

**April 14, 1992**

## **MEETING SUMMARY**

**Approved May 12, 1992**

### **CALL TO ORDER**

The Chair, Senator Pray, called the Council to order at 4:07 p.m. in the Council Chambers.

### **ROLL CALL**

<b>Senators:</b>	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble Absent: Sen. Cahill
<b>Representatives:</b>	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
<b>Legislative Officers:</b>	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

### **SECRETARY'S REPORT**

The summary of the March 29, 1992, Council Meeting, which was reconvened and finally adjourned on March 30, was accepted and placed on file.  
(Motion by Rep. Mayo; second by Rep. Whitcomb; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing brought the following items to Council members' attention:

### Item #1: Resignations

Ms. Tubbesing reported that two non-partisan employees had submitted their resignations. Mila Dwelley, who has been a Research Assistant in the Office of Policy & Legal Analysis for the past 2 years, has resigned

Marc Martin, the Senior Programmer Analyst in the Information Systems Office,

She observed that both of these resignations represent true losses to the non-partisan staff and to the entire Legislature.

Motion: That the resignations be accepted with regret and that letters of appreciation be sent to both Ms. Dwelley and Mr. Martin; and, further, that the Directors be authorized to fill currently vacant and funded positions as follows: the Senior Programmer Analyst position as of July 1 and the Analyst position in the Office of Fiscal & Program Review and the newly-vacated Research Assistant position in OPLA as of September 1. (Motion by Sen. Clark; second by Speaker Martin; approved unanimously).

### Item #2: April 21: Shut Down Day

Ms. Tubbesing reported that this item was on the agenda simply as a reminder to Council members that although the State House and all legislative offices would be open, the rest of state government would essentially be closed.

No Council action was required.

### Item #3: Friday, April 17 (Good Friday)

Ms. Tubbesing noted that the Council and the presiding officers had, in past years, authorized legislative offices to maintain only minimal coverage after 12 noon on Good Friday. She asked for confirmation that this would again be the policy, with the understanding that employees who take time off will use accrued leave; that is, no administrative leave will be granted.

Council members confirmed this without a formal motion.

**Item #4: Impact of P.L. 1991, ch. 780 on the Legislative Budget**

Ms. Tubbesing drew members' attention to materials in their agenda packets that summarized 1) the reductions in both the Legislative Account and the Law Library's account and 2) the impact of the budget on legislative employees' compensation. Rep. Mayo asked if it were possible to estimate the balance forward yet, and Ms. Tubbesing responded that more reliable information would be available by the May meeting.

Ms. Tubbesing stated that Council action was required to determine how to implement the 39-hour work week. She noted that there were numerous options for implementing the 39-hour work week mandated by the law, but observed that many of these options would be complex administratively, particularly in the smaller offices.

**Motion:** That the official work schedule of the non-partisan staff offices be changed to 8 am to 4 pm on Fridays, effective the week of June 8, 1992, and that the offices maintain the 8 am to 5 pm schedule Monday through Thursday. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

Council members agreed that they would work as leadership with the presiding officers to determine how to implement the hour per week reduction in House and Senate Offices.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS****Item #1: Interim Studies****a. Requests from Committees**

- (1) **Staff Study on Enhancement of Penalties for Environmental Crimes**

**Motion:** That the joint request from the Committees on Energy & Natural Resources and Judiciary be approved. (Motion by Speaker Martin; second by Sen. Clark; approved 8-1).

**b. Statutory Studies****(1) Blue Ribbon Commission to Examine Alternatives to the Workers' Compensation System (Resolves of 1991, ch. 59)**

Ms. Tubbesing reported that the Blue Ribbon Commission had met earlier in the day, and that the issue of how it would be staffed and by whom was not yet resolved.

The Chair, Senator Pray, and Speaker Martin, both of whom had joined the Commission members for lunch with the Governor, reported that there was consensus that non-partisan staff would be involved in drafting the legislation that emerged from the Commission's work and that all understood that this would require a continued presence by non-partisan staff at the Commission's meetings. Rep. Mayo expressed his support for use of the non-partisan staff as the primary staff for the Commission.

**Motion:** That Martha Freeman be authorized to communicate with the Co-Chairs of the Blue Ribbon Commission to more completely define the role of the non-partisan staff in the Commission's work. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

**c. Joint Standing Committee on Audit & Program Review: Proposed Scope and Schedule of Reviews**

The Chair, Senator Pray, drew members' attention to correspondence in the agenda packet. The first was a letter from him to the Committee Chairs asking them to lay out the scope, schedule and resource requirements of their reviews during the interim, and the second was their response.

Discussion focused on several points:

- 1) The number and scope of the reviews proposed by the Committee given the time and the staff resources available;
- 2) The large number of reviews that the Committee had carried over from prior years;
- 3) The focus of some of the proposed reviews given other concurrent statutory reviews of the same agencies and/or programs.

The Chair, Senator Pray, stated that, based on his conversations with the Senate Chair of the Committee, there was consensus that the audit process needed to be changed; and he suggested that the Council had an opportunity to work with the Committee to begin this process this summer. The Chair further asserted that he thought it was important for the Director of the Office of Fiscal & Program Review to have the full authority to assign staff within his office, as does the Director of the Office of Policy & Legal Analysis.

**Motion:** That the Council Chair be authorized to appoint a committee of up to 4 Council members to meet with the Committee Chairs, the minority party lead members on the Committee, and staff to work out a revised agenda; and, further, that meetings of the Audit & Program Review Committee be suspended until a new plan has been developed. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

**d. Proposals for Staff Studies**

The Chair, Sen. Pray, drew members' attention to three proposals that OPLA staff had developed for staff studies during the interim. Martha Freeman explained that, while these had not been specific requests from Committees, they were topics that had emerged from the committees' work during the biennium and topics that were likely to resurface during the 116th legislature. Council members expressed general agreement that the proposals captured issues that were of particular policy importance.

**Motion:** That the proposals for staff studies be approved. (Motion by Speaker Martin; second by Rep. Marsano; approved 7-1).

**Item #2: Council of State Governments**

**a. Reconsideration of Dues**

Speaker Martin indicated that it was his understanding that the Council of State Governments had asked the Legislature to pay its dues for both the current fiscal year 1992 (due last July) and the upcoming year. Funds for both years had been eliminated from the budget.

**b. Invitation to Host 1995 ERC Annual Meeting**

**Motion:** that the entire item be Tabled until the next Council meeting. (Motion by Rep. Whitcomb; second by Sen. Clark; unanimous).

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Chair, Senator Pray, adjourned the meeting, without objection, at 4:48 p.m.