

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Wednesday, July 22, 1992

Approved August 26, 1992

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 1:10 p.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 James Clair, Deputy Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis David Kennedy, Revisor of Statutes

SECRETARY'S REPORT

The Summary of the June 24, 1992, meeting was approved and placed on file. (Motion by Rep. Marsano; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items for the Council's consideration:

Item #1: Resignation of Gro Flatebo, Office of Policy & Legal Analysis

Ms. Tubbesing noted that Ms. Flatebo's letter reported that her

She reminded Council members that Ms. Flatebo had been working half-time - in a job sharing arrangement - and reported that she and Martha Freeman would present a proposal to fill the position to the Council at its August meeting. In response to Rep. Gwadosky's questions about whether telecommuting had been considered as a way to accommodate situations similar to Ms. Flatebo's, Ms. Tubbesing responded that telecommuting would become a viable option with the implementation of the "new" Public Status System, but that this new resource would not have affected Ms. Flatebo's decision.

Motion: That Ms. Flatebo's resignation be accepted with regret and that a letter of appreciation be sent; and, further, that the Executive Director present a proposal for filling the vacancy at the next Council meeting. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

Item #2: State House Roof and Dome: Needed Repairs

Ms. Tubbesing drew Council members' attention to the memo which had been included in the agenda packet. She noted that the new leak at the base of the main dome is in an area that had not been included in any of the recent repair work. Rep. Mayo asked for clarification that if the Council were to approve replacing the roof in this area, this would be a "permanent" solution, and received an affirmative response.

Motion: That the Council authorize the Executive Director to make the necessary arrangements to have the roofing in the area at the base of the dome replaced at an estimated total cost of \$5,000. (Motion by Rep. Martin; second by Rep. Marsano; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management

The Chair, Senator Pray, who also Chairs this Committee, reported briefly, noting that the Committee had had its third meeting that morning and had begun formulating its preliminary report to the Council, which is due September 1 pursuant to law. He reported that the Committee has approached its work using one of the basic principles of Total Quality Management -- that every organization consists of a series of customer-supplier relationships and that improvements in an organization's "products" -- be they tangible goods or services -- depend on examining and improving those relationships.

No Council action was required.

OLD BUSINESS

- Item #1: Council of State Governments: Reconsideration of Dues and Invitation to Host 1995 Meeting (Tabled at June 24 meeting)**

No motion was offered, and the Chair subsequently declared this issue to be "dead".

NEW BUSINESS

- Item #1: Letter from Ronald Speckman, Office of Substance Abuse, regarding current status of DEEP Programs**

Mr. Speckman noted that, although the statutory reporting requirement had been repealed, the Office had decided to submit a report to the Council on the status of DEEP programs.

Motion: That the Report be accepted and placed on file.
(Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

- Item #2: Request for Non-Partisan Staff Assistance to the Legislative Members of the Task Force to Provide Recommendations Regarding School Funding Issues**

The Chair, Senator Pray, reminded Council members that they had tabled correspondence from the Education Committee Chairs at the previous Council meeting due to their concern that the high turnover in the Education Committee membership would preclude effective continuity of this committee's work to the next Legislature. He noted that this letter from Senator Estes superseded the earlier letter. Sen. Estes

requested that the Council authorize the assignment of non-partisan staff to provide support to the four legislators who had been appointed to the Task Force to Provide Recommendations Regarding School Funding issues, a Task Force created by an Executive Order recently issued by the Governor.

Rep. Gwadosky asked about the availability of staff for this purpose, a question which the Chair directed to Martha Freeman. Ms. Freeman responded that she and Sen. Estes had discussed his request, that she understood that his request was for staff support to the legislative members of the Task Force only and not to the Task Force itself; and, that given these limits, she felt staff could provide the requested support.

In the general discussion that followed, Council members expressed several concerns:

- That there had been a number of education funding studies already and that it was not clear why another one was needed.
- That the membership of the Task Force, as it was originally structured in the Executive Order, included no representation from the northern and eastern counties.
- That it was not the Legislature's job to staff an entity created by the executive branch.

Rep. Mayo asked whether it was not common practice for staff offices to simply respond to requests from individual legislators without Council approval. Ms. Freeman responded that it was indeed, but noted that this request was tied to a larger, formally constituted group and that the Council had traditionally been involved in allocation of resources in such cases.

Motion: That the Council Chair meet with the four legislative members of the Task Force to clarify the scope of their request and report to the Council at its next meeting. (Motion by Speaker Martin; second by Rep. Mayo; unanimous).

Item #3: Cloture Date for Third Special Session

Speaker Martin reported that in his conversation with the Governor earlier in the week, it was clear that the Governor had not yet decided whether or not to call a Special Session, and, further, that he would not make that decision until he had had an opportunity to review the report from the Blue Ribbon Commission. Sen. Webster stated that unless the Commission's recommendations resulted in significant savings, he would not support the convening of a Special

Session. The ensuing discussion centered on issues related to the scope and timing of a special session. Council members appeared to be in general agreement that they would want to have an opportunity to consult with members of their caucuses about what they want to accomplish in a Special Session (Rep. Gwadosky; Sen. Webster). Members also expressed several concerns about the timing of the Special Session: that the Governor wants 2-3 weeks to analyze the Blue Ribbon Commission's report before he decides whether to call a Special Session (Rep. Whitcomb); that the Legislature too, needs time to review the report (Sen. Pray; Sen. Cahill); and, finally, that the general public needs to have an opportunity to review the report (Sen. Pray). Representative Marsano stated that he understood that it had been agreed that the Legislature would act on this legislation as a Committee-of-the-Whole; and Senator Pray concurred, but stated that he thought the Committees and the public should still have an opportunity to review the proposed legislation before the Legislature acted.

Finally, Speaker Martin noted that he had just received a copy of a report from a Blue Ribbon Commission on Workers' Compensation that had been established under the auspices of NCSL, noting that John Lewis, who has been hired as the primary consultant to Maine's Blue Ribbon Commission had also a consultant to the NCSL Commission.

The Council took no action on this item.

Item #4: Requests to Introduce Legislation to the 3rd Special Session

Motion: That all Bill Requests be tabled until the next Council meeting. (Motion by Sen. Webster; second by Sen. Cahill; approved 9-1).

Item #5: Request from Senator Cleveland for Authorization for the Joint Standing Committee on Utilities to Conduct Two Days of Hearings

Sen. Cleveland, who was present at the meeting, requested Council approval for the Committee to conduct two days of hearings for the purpose of reviewing the contracting process by which qualifying facilities or small power producers are selected to provide electric power to Maine's utilities. Council members raised the following questions:

1. Whether these contracts are already available to intervenors in rate cases. (Speaker Martin)

Sen. Cleveland responded that those contracts involving CMP are not available except on a "need to know" basis.

2. Whether Sen. Cleveland had conferred with the House Chair before making his request. (Speaker Martin)

Sen. Cleveland responded that he had not been able to contact the House Chair (Rep. Clark), but that he would not proceed with the hearings without his concurrence.

3. Whether staff was available (Sen. Pray)
Martha Freeman responded affirmatively.

4. Whether it was necessary for the full Committee to be involved in these hearings. (Sen Pray)

Rep. Cleveland said "yes".

5. Whether the Committee could schedule one of the hearings on August 19, the date of the Senate Confirmation Hearing, in order to reduce the cost.

Sen. Cleveland responded that he would try to do this.

Motion: That the request be approved, pending the concurrence of the House Chair, and that Committee members be authorized to receive per diem and expenses for attending these hearings. (Motion by Speaker Martin; second by Sen. Clark; approved 8-1, with Rep. Marsano abstaining).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 1:55 p.m., on the motion of Speaker Martin.