

MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

JAMES A. CLAIR
EXECUTIVE DIRECTOR

**MEETING SUMMARY
FEBRUARY 13, 2001
APPROVED MARCH 28, 2001**

CALL TO ORDER

The Chair, Speaker Saxl, called the Council meeting to order at 12:02 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Davis, Sen. Treat Absent: Sen. Small,
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Acting Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE
DIRECTORS**

Mr. Clair, given today's agenda, deferred on this item.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Establishing an Early Deadline for Submission of Major Substantive Rules

David Boulter had posed a policy question to the Council at their meeting of February 7, 2001 as to whether they wanted to establish an early deadline for the submission of rules in light of an early anticipated adjournment of the legislative session. The Council asked that he to speak with the Executive Branch regarding an April 6 date, which is the earliest by law that could be set. Mr. Boulter said he had spoken with Kay Rand from the Governor's Office, who had polled most agencies and she represented that they would do whatever the Legislature wanted the best they could, but for some of the larger agencies the April 6 date may pose some problems. They may have to come back before the Legislature and ask for after deadline submission of rules. An April 20th deadline would work better. Mr. Boulter said that April 20th, 2 weeks early, would be beneficial to the Legislature and that would allow the agencies enough time to complete the work they had started. His recommendation would be April 20th.

Motion: That the Council adopt the April 20, 2001 deadline for submission of major substantive rules. (Motion by Sen. Bennett, seconded by Rep. Colwell, unanimous).

Item #2: 120th Maine Legislative Council - Rules of Procedure

Speaker Saxl referred members to information in their packet prepared by Mr. Clair at the request of the Council at its February 7, 2001 meeting. The Legislative Council had deferred preparing a ballot for circulation so that they could have further discussion on this item. He asked Sen. Daggett to present her recommendations.

Sen. Daggett said that the Advisory Committee she was presenting was made up of 2 members of the Legislative Council, 1 member from the Senate and 1 member from the House. The Chair of the State House and Capitol Park Commission or the Chair's designee, be appointed Chair of the Advisory Committee, since it is the State House and Capitol Park Commission that has jurisdiction over the Park as opposed to the Maine Historic Preservation Commission. The previous proposal before the Council did not include necessarily any legislators who represented the City of Augusta or the area, and that had always been a tradition. When there are issues affecting a particular area, legislators from that area are included, therefore 2 legislators from the City of Augusta are included in the recommendation. Two members appointed by the Mayor. Another change was to have the 2 members of the public appointed by the Kennebec County Legislative Delegation. Sen. Daggett said that it had been her experience and she had talked with others who were not comfortable with the Kennebec County Commissioners and did not feel that there was a relevant connection between the Commissioners and the Park. The new recommendations clarified that the Advisory Committee would be coterminous with the Council. The Advisory Committee elects its own chair, decides how the meetings are called, that all meetings are public and notice must be given to the Kennebec County Legislative Delegation and to the Executive Director to make sure there was always notice. Any action affecting the Park, either permanent or temporary, should be approved by a majority of the Council and any final decision on the Park had to have the advice and recommendation of the Committee.

Motion: That the Legislative Council accept Sen. Daggett's recommendations. (Motion by Rep. Saxl, seconded by Rep. Bruno).

Discussion: Sen. Bennett referred members to proposed Section 16 (e) of Sen. Daggett's Recommendation "two members of the public who reside in Kennebec County, appointed by the Chair of the Kennebec County legislative delegation". He asked how and when the Chair was appointed. Sen. Daggett said the Chair is chosen by a vote of the members of the Kennebec County legislative delegation and would be elected in the next week or so. She said the delegation meets at the beginning of the session after the elections and at that time a Chair and Vice-chair is elected for the upcoming 2 years.

Rep. Colwell thanked Sen. Daggett and said that he found her version to improve the advisory committee.

Rep. Colwell said the recommendations assured public input and made sure that the Council had to approve by majority vote, any action and also makes sure that before any action is taken, it takes into account the consideration of the public.

Sen. Daggett wanted to make it clear to the members of the Council that she does feel that there should be something additional in statute than what is there presently so that it gives a little more statutory authority beyond the rule. Not necessarily something that ties the Council to a particular plan, but something with stronger statutory authority, and would be supporting that before the Committee.

Speaker Saxl asked if the above required a roll call and Mr. Clair read the revision of rules, section 15, "The Council may amend these rules with the exception of rule 4 upon a 2/3 vote of the Council members present and voting provided that the vote to amend is at least 6 affirmative votes".

A roll call was called: Sen. Davis-yes; Sen. Treat-yes; Sen. Daggett-yes; Sen. Small-absent; Sen. Pro Tempore Bennett-yes; Speaker Saxl-yes; Rep. Colwell-yes; Rep. Norbert-yes; Rep. Bruno-yes and Rep. Schneider-yes. With 1 absent and 9 voting in favor the motion passes 9-0.

Item #3: Legislature's FY 2002-2003 "Part I Budget Request

Rep. Bruno said in light of the structural gap in the Legislature, as a member of this Council, felt uncomfortable with a 21% biennial increase in the Legislative Budget. He had asked the Executive Director for numbers looking at different proposals and what he would do at this point would be to form a committee so it becomes a bipartisan effort of looking at certain areas of reducing the Legislative budget. He understood that it was the 119th Legislative Council that proposed the budget, but that did not mean that this Council had to accept it. It was different times a year ago and he would put forth a working group to look at the budget.

Speaker Saxl thought it appropriate that the Council review the Legislative budget in their capacity as the 120th Legislative Council. He informed members of a time frame issue that he was just made aware of and that the Council was suppose to report back to the Appropriations Committee on Thursday, February 15, 2001. There were scheduling conflicts with many of the Council members so he recommended that if a subcommittee was convened, that the subcommittee make recommendations to the full Legislative Council, if they are able to come to agreement, so it could be heard in its entirety in 1 day. He asked how long a subcommittee would need to look at the

recommendations from the last Legislative Council and Rep. Bruno said it would take about 1 week, 2 meetings. Rep. Bruno said his experience on the Appropriations Committee was that you can report back on the due date but the actual negotiating of the budget does not take affect until March 29th at midnight. He felt the Council needed to set an example to the other committees that there are problems with the budget and the Council needed to look at it.

Speaker Saxl thought the Council should write a letter to the Appropriations Committee asking that the budget be deferred for one week. He asked for volunteers to serve on the subcommittee. Members of the subcommittee were: Sen. Daggett, Rep. Bruno, Rep. Colwell and Sen. Small. Rep. Bruno said input from the Executive Director and other Office Directors was needed. It should be a complete look at the entire budget line-by-line.

Motion: That the Council form a subcommittee to review the Legislative budget. (Motion by Sen. Treat, second by Sen. Davis, unanimous).

NEW BUSINESS

None.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Speaker Saxl moved that the Council adjourn at 12:22 p.m. (Motion by Sen. Daggett, second by Sen. Davis, unanimous).