

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL MEETING  
Legislative Council Chamber

October 16, 1975

CALL TO ORDER

The meeting was called to order at 10:30 a.m. by the chairman, Sen. Jerrold Speers.

ROLL CALL

Present: Senate  
Sen. Conley, Sen. Cummings, Sen. Danton  
Sen. Sewall, Sen. Speers  
House  
Rep. Martin, Rep. McKernan, Rep. Najarian,  
Rep. Palmer, Rep. Rolde

Staff: William H. Garside, Legislative Finance Officer  
Suzanne Havens, Director, Legislative Staff Assistants  
David Silsby, Director, Legislative Research Office  
Edith L. Hary, Law Librarian

Guests: Representatives Dam, Goodwin and Tierney

SECRETARY'S REPORT

MOTION

Rep. Martin: That we accept the secretary's report as submitted.

Seconded: Rep. Najarian

Motion carried unanimously.

STAFF REPORTS

The Legislative Finance Officer advised the Council that material for the State Government Annual Administrative Report is being prepared by the legislative staff agencies for submission to the State Budget Office for publication. He also advised the Council that Hay Associates, conducting a personnel study for the State, has requested to appear to report on their progress before the Legislative Council.

MOTION

Rep. Martin: That we invite representatives of Hay Associates to appear before the Legislative Council at the November meeting.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

STAFF REPORTS (Continued)

The Director of the Legislative Staff Assistants office submitted a report on participation of that office in studies being conducted by the Joint Standing Committees. In addition, she presented a report from Legislative Staff Assistant Thomas P. Downing, on his recent attendance at the Council of State Government's Eastern Regional Conference on Human Resources in Massachusetts and requested that staff assistant Helen Ginder be authorized expenses to attend an Eastern Regional Conference on the Environment in New York in November. She also reported on further correspondence with the Ford Foundation regarding their offer of a grant for purpose of studying S.P. 610, a tax valuation study.

MOTION

Rep. Martin: That Helen Ginder be authorized to attend the Eastern Regional Conference on the Environment in New York on November 13 and 14, 1975.

Seconded: Sen. Cummings

Motion carried unanimously

MOTION

That the Legislative Staff Assistants be authorized to prepare emergency legislation for the special legislative session which would allow the Legislative Council to accept grants.

Seconded: Rep. Rolde

Discussion.

Motion carried unanimously.

MOTION

Sen. Sewall: That the report submitted by Legislative Staff Assistant, Thomas Downing, be accepted and placed on file.

Seconded: Sen. Conley

Motion carried unanimously.

STAFF REPORTS (Continued)

The Director of the Office of Legislative Research presented a copy of Decree from the Superior Court, Civil Action Docket No. 75-878, Stephen L. Perkins vs. David S. Silsby. He advised the Council that the supply of Acts and Resolves enacted at the regular session of the 107th Legislature is nearing depletion, and he submitted material reminding members of procedures his office is following in preparing for the upcoming legislative session.

COMMUNICATIONS

MOTION

Sen. Conley: That items 1 - 4 be accepted and placed on file in the Law Library.

Seconded: Rep. Najarian

Motion carried unanimously.

After discussion it was voted to accept item #5 and place it on file. (Budget Act for State of Ohio)

COMMITTEE REPORTS

Discussion concerned establishment of a fee schedule for the mailing out of final reports to those requesting same. The following motion was tabled until later in the day.

MOTION

Sen. Cummings: That the Law and Legislative Reference Librarian be directed to draft a proposal for establishing a fee schedule for mailing of final committee reports.

Committee reports have been received from the following Joint Standing Committees: Agriculture; Education; Judiciary, Health and Institutional Services; Performance Audit; Marine Resources; Natural Resources; and Public Utilities.

MOTION

Sen. Conley: That the Committee Reports be accepted and placed on file.

The motion was duly seconded and unanimously voted.

OLD BUSINESS

1. TABLED AND SPECIALLY ASSIGNED ITEMS:

a. Publication of roll call votes

The Council was advised that a copy of a list of all roll

OLD BUSINESS (Continued)

1. TABLED AND SPECIALLY ASSIGNED ITEMS (con'd)

call votes in questionnaire form (print or not print) of the 107th Legislature, regular session, had been sent to the following agencies: Maine Conference on Human Services; State House Newspersons Association; Maine Women's Political Caucus; Maine Association of Broadcasters; Maine State Chamber of Commerce; Economic Resources Council of Maine; Maine AFL-CIO; Maine Conservative Union; Maine Press Association; We Who Care, Inc.; Natural Resources Council of Maine; COMBAT; Public Interest Research Group; and Associated Industries of Maine. Eight organizations responded to the questionnaire. After considerable discussion on the matter, the following motions ensued:

MOTION

Rep. Najarian: That all roll call votes be published with the only exception of purely procedural votes.

Seconded: Sen. Danton

Motion carried unanimously.

It was understood that all the roll calls from both, the House and Senate, would be compiled with a list of those votes not to be published, all for final approval by the Council.

MOTION

Rep. Palmer: That the same index that has been used in previous publications be the index that is used in this publication.

Seconded: Rep. Martin

Motion carried unanimously.

- b. Report of subcommittee establishing direction for study of University of Maine Budget.

A subcommittee member advised that budget aspects of the University of Maine should be available to the Joint Standing Committee on Appropriations & Financial Affairs. The Council should determine whether or not to proceed with other issues that are normally associated with the University. After discussion on which committee should conduct the study, it was decided that the Legislative Finance Office would direct the study and make available its expertise. Senator Sewall asked to be excused from the subcommittee and Rep. Palmer was voted as chairman, and Rep. Martin vice-chairman of this subcommittee. Rep. McKernan was added as a member.

OLD BUSINESS (Continued)

1. TABLED AND SPECIALLY ASSIGNED ITEMS (cont'd)

- c. Salary policy for legislative staff

This item was taken up later in the meeting.

2. TABLED AND UNASSIGNED ITEMS

- a. H. P. 1060 - study of effect of inflation on Maine's elderly

MOTION

Rep. Palmer: That this item be indefinitely postponed.

Discussion.

The motion was seconded and unanimously carried.

- b. S. P. 537 - Maintenance of legislative records.

This item was left on the table unassigned.

H. NEW BUSINESS

1. Hon. Bert Pontbriand - Local & County Government

Mr. Pontbriand was not able to attend this meeting.

2. Request from Human Resources Committee for authorization of subcommittee to visit state institutions.

MOTION

Rep. Najarian: That we authorize reimbursement of expense payments to these 4 subcommittees for visits to state institutions.

The motion failed to carry on vote of 4 - 6.

MOTION

Rep. Rolde: That we reconsider our action of September 18 concerning failure of reimbursement of Natural Resources Committee's travel expenses

Motion failed on vote of 4 - 6

3. Space for Legislative Research Office

Arrangements have been made with the Bureau of Public Improvements for moving part of the Legislative Research Office upstairs into what is now the Men's Legislative Retiring Room.

NEW BUSINESS (Continued)

MOTION

Rep. Najarian: That the Legislative Staff be directed to prepare legislation for the special session clarifying authority for assignment of space in the State House.

Motion duly seconded and carried unanimously.

4. Request from Committee on Agriculture for additional assistant:

MOTION

Rep. Najarian: That this item be indefinitely postponed.

Motion duly seconded and carried unanimously.

5. Request from Committee on Agriculture to meet in Aroostook and Penobscot Counties.

MOTION

Rep. Martin: That the Joint Standing Committee on Agriculture be authorized no more than 4 members to be chosen by the chairmen, to attend a session outside Augusta for no more than two days; and such committee may be accompanied by no more than one staff person from the Office of Legislative Staff Assistants, the clerk of said committee not to be in attendance.

Seconded: Rep. Najarian

Discussion.

Motion carried on vote of 8 - 1.

6. Correspondence from Attorney Craig Nelson

MOTION

Rep. Palmer: That the salary of Craig Nelson as legal counsel to assist the Judiciary Committee with their nine study orders be at the rate of \$30 per hour for as many hours as are needed at the discretion of the chairman, not to exceed 10 hours a week.

Motion duly seconded and carried unanimously.

NEW BUSINESS (cont'd)

7. Brief from Pine Tree Legal Association re AFDC ratable reduction plan

Members had reviewed the brief and voted to accept it and place it on file.

8. Letter of resignation from Director of Legislative Staff Assistants, Suzanne Havens

MOTION

Rep. Martin: That we accept Suzanne Havens' letter of resignation with regrets

The motion was duly seconded and unanimously carried.

9. Communication from Rep. William Garsoe, Legislative Council designee for Collective Bargaining, concerning progress as to state employee matters

MOTION

Sen. Conley: That we accept the communication from Rep. Garsoe and place it on file

Motion duly seconded and unanimously carried.

10. Communication from Rep. Walter Birt concerning replacement of Director of Legislative Staff Assistants was reviewed.

MOTION

Sen. Sewall: That we accept Rep. Birt's letter and place it on file

Motion duly seconded and carried unanimously.

11. Salary policy for legislative staff (item 1b under Old Business)

A general discussion was held regarding the salary policy for legislative staff as formulated earlier at a special Council meeting on August 29, 1975, and as compiled and transmitted to the Legislative Council by memorandum from Suzanne Havens, Chief of Legislative Staff, dated September 16, 1975.

Several amendments were discussed with the following adopted: (1) Page 5, section 3, second paragraph, a provision to be added to make clear that the Legislative Council may replace an individual as Chief of Legislative Staff at any time by its vote, although that individual would continue to enjoy the same benefits as other members of the Legislative Staff and would be subject to dismissal as a staff member only for cause; (2) Page 4, subsection F, paragraphs 1 and 2, the word "proof" in both paragraphs to be

NEW BUSINESS (cont'd)

11. Salary policy (cont'd)

changed to the word "evidence," and (3) a provision to be added to indicate that a 30-day notice of dismissal should be given.

MOTION

Rep. Martin: That the salary policy as submitted by the Chief of Legislative Staff by her memorandum dated September 16, 1975, as amended as noted above, be adopted to be effective as of September 15, 1975.

Seconded: Sen. Conley

Motion carried unanimously.

Rep. James Tierney appeared before the Council to report on issues that are being undertaken by the Joint Standing Committee on Labor and requested that his committee be authorized to travel to various counties to gather information on the benefits issue and the administrative issues involved.

MOTION

Sen. Sewall: That a subcommittee of no more than 4 members be authorized travel expenses for a total of 4 meetings outside Augusta, and that they may be accompanied by no more than one staff person.

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

Rep. C. Everett Dam advised the Council of progress being made by the Joint Select Committee on County Government and explained the request of the Joint Select Committee to conduct hearings in each of the counties.

MOTION

Rep. Palmer: That the Joint Select Committee on County Government be authorized to hold one subcommittee meeting in each of the 16 counties; said subcommittees not to exceed 4 members and one staff member.

Seconded: Rep. Najarian

Discussion.

Motion carried on vote of 9 - 1 (Sen. Conley opposed)

NEW BUSINESS (continued)

Rep. Harland C. Goodwin, House Chairman of the Health and Institutional Services Committee, addressed the committee concerning that committee's study assignments and explained the requests for travel.

MOTION

Rep. Martin: That the Committee on Health & Institutional Services be authorized 4 subcommittee meetings made up of 4 members each to travel outside Augusta in connection with its study on mental retardation.

The motion was duly seconded and carried unanimously.

MOTION

Rep. Rolde: That the Health and Institutional Services Committee be authorized to continue its informational study of the closing of Stevens School.

Motion duly seconded and carried unanimously.

MOTION

Rep. Martin: That the Health & Institutional Services Committee be authorized a subcommittee of 4 to hold a meeting in So. Portland for study of the closing of Stevens School.

Discussion.

Motion carried unanimously.

The Council recessed for lunch at 1 p.m. and reconvened at 2:45 p.m.

The first item considered at the afternoon session was a request from Rep. Edward C. Kelleher, chairman of the subcommittee on Oil Company Practices in Maine of the Energy Committee, to investigate these practices in southern Maine.

MOTION

Sen. Sewall: That a subcommittee of 4 be authorized to hold one meeting, either in Cumberland or York County, with one staff person to study the oil company practices.

Seconded: Sen. Danton

Motion carried unanimously.

Rep. Thomas Peterson's request on behalf of the Natural Resources Committee to travel to the Great Northern Paper Company in Millinocket was discussed and the following motion voted in favor:

NEW BUSINESS (continued)

MOTION

Sen. Sewall: That a subcommittee of 4 members, plus one staff person, be authorized travel expenses to Millinocket to visit the Great Northern Paper Company to study their land use practices.

Seconded: Rep. Palmer

Discussion.

Motion carried unanimously.

A request from the Joint Standing Committee on Energy to attend a Clearing House Workshop sponsored by the Maine Audubon Society was considered.

MOTION

Sen. Danton: That a subcommittee of 4 members of the Joint Standing Committee on Energy be authorized to attend the Clearing House Workshop as requested.

The motion was duly seconded and carried unanimously.

The Natural Resources Committee requested permission to compensate a representative from Saugus, Massachusetts his travel expenses to attend a committee meeting to explain the Saugus production of electrical energy using solid waste fuel.

MOTION

Rep. Palmer: That expenses be authorized for one person for one trip from Saugus, Massachusetts to Augusta to testify before the Natural Resources Committee in connection with its study of solid waste.

Seconded: Rep. Rolde

Discussion.

Motion carried unanimously.

Discussion of request from the Committee on Transportation for payment of expenses for travel to study the ferry service which had already taken place resulted in the following motion:

MOTION

Rep. Martin: That this request be denied.

Seconded: Sen. Cummings

Discussion.

Motion carried on vote of 8 - 2.

The Law Librarian advised the Council concerning proposed fee schedule for mailing of state publications to various persons requesting, stating that the process involved would not justify the income derived and suggested that the chairmen of the committees forward their requests for publications to the law library. Sen. Cummings then withdrew her motion concerning fee schedule for mailing of publications.

#### ANNOUNCEMENTS AND REMARKS

The next meeting of the Legislative Council will be held November 20, 1975, at 10:00 a.m.

#### ADJOURNMENT

The October 16th meeting adjourned at 3:40 p.m.

September 22, 1975

TO: All Chairmen, Joint Standing Committees

FROM: Jerrold B. ~~Speers~~, Chairman, Legislative Council

It has come to the attention of the Legislative Council that some Joint Standing Committees are meeting in Augusta with only a half day's work scheduled.

Committee chairmen are being requested to make every effort to schedule their meetings, insofar as possible, by combining the work in such a manner as to take up a full day, or otherwise fully justify the expense and time involved. This would also alleviate, to some degree, the problem of hearing room shortage.

Copies to: Edith L. Hary  
Suzanne Havens  
William H. Garside  
David S. Silsby