

# MAINE STATE LEGISLATURE

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## LEGISLATIVE COUNCIL

August 4, 1983

### CALL TO ORDER

A meeting of the Legislative Council was held in the Legislative Council Chambers, Room 327, and called to order by Chairman Charles P. Pray at 1:45 p.m.

### ROLL CALL

Senators: Sen. Carpenter, Sen. Collins, Sen. Conley,  
Sen. Gill, Sen. Pray

Representatives: Rep. Davis, Rep. Diamond, Rep.  
Martin, Rep. Higgins

### Legislative Officers and Staff:

Sally Diamond - Legislative Administrative Director  
David Silsby - Legislative Research Director  
Bent Schlosser - Assistant Legislative Finance Officer  
Martha Palmer - Law Librarian  
Helen Ginder - Legislative Assistants Director

### LEGISLATIVE OFFICERS' AND STAFF REPORTS

A report from Sally Diamond, Legislative Administrative Director, concerning a policy for reviews and procedures of out-of-state travel for staff was submitted to the Council for approval.

### MOTION

Rep. Martin moved that the policy be approved.

Sen. Collins seconded the motion and it was carried with two opposed.

### LEGISLATIVE COUNCIL COMMITTEE REPORTS

A report from the Personnel Committee concerning a procedure for approval of merit increases by the Legislative Administrative Director and monthly reporting to the Council was submitted for approval.

MOTION

Sen. Conley moved that the policy be adopted.

Rep. Diamond seconded the motion and it was carried unanimously.

The Personnel Committee recommended that Catherine A. Freehling be hired to fill the position of Law Librarian beginning on August 15, 1983.

MOTION

Sen. Collins moved that the recommendation be approved.

Rep. Martin seconded the motion and it was carried unanimously.

A recommendation from the Personnel Committee that a vacant program analyst position in the Legislative Finance Office be converted to a secretarial position that would support the staff and be under direct supervision of the Supervisor, Audit and Program Review.

MOTION

Rep. Martin moved that the recommendation be approved.

Sen. Conley seconded the motion and it was carried unanimously.

The Committee on Allocation of Legislative Space submitted a policy recommending the appropriate allocation of legislative offices in the State House.

MOTION

Rep. Martin moved that the recommendation be approved.

Sen. Conley seconded the motion and it was carried with one opposed.

**NEW BUSINESS**

The Committee on Education submitted a letter requesting to hold a public hearing on proposed cutbacks in the public service programs of the University of Maine at Orono.

MOTION

Rep. Higgins moved that the Agriculture and Education Committees set up a subcommittee and then meet on this request.

Rep. Martin seconded the motion and discussion followed.

MOTION

Rep. Higgins moved that the Chairman of the Council select 13 members of the Agriculture and Educational Committees to set up a subcommittee for the purpose requested.

Rep. Martin seconded the motion and it was carried unanimously.

A request from Rep. Locke regarding meetings of the Joint Select Committee on Job Training was submitted to the Council for approval.

MOTION

Rep. Martin moved that the request be approved.

Sen. Gill seconded the motion and it was carried unanimously.

A special session request, "AN ACT to Empower the Legislative Council to Establish Benefit Schedules for Legislative Employees" by Rep. E. Mitchell of Vassalboro was submitted to the Council for approval.

MOTION

Rep. Martin moved that the request be approved.

Rep. Diamond seconded the motion and it was voted upon and approved.

ADJOURNMENT

MOTION

Sen. Carpenter moved that the Council meeting be adjourned at 2:10 p.m.

Rep. Martin seconded the motion and it was carried unanimously.



DONAT B. BOISVERT  
DIRECTOR

STATE OF MAINE

MAINE-CANADIAN LEGISLATIVE  
ADVISORY OFFICE  
STATE HOUSE STATION 107  
AUGUSTA, MAINE 04333

TEL. (207) 289-3401

August 1, 1983

Hon. Charles P. Pray  
Chairman, Legislative Council  
State House  
Augusta, Maine 04333

Dear Senator Pray:

I would recommend granting the scheduled merit increase to Mrs. Guylaine Fillion because she is a valuable, trained employee whose overall work performance has progressed.

Sincerely,

A handwritten signature in cursive script that reads "Donat".

Donat B. Boisvert  
Director

DBB/efb

RECOMMENDED POLICY FOR OUT-OF-STATE TRAVEL  
BY LEGISLATIVE STAFF

**DRAFT**

Background

Currently, legislative staff offices have no guidelines within which to evaluate opportunities and/or specific requests for out-of-state travel. Council approval of requests is on a case by case basis.

Proposal

All out-of-state travel by legislative staff will be approved by the office director and the Legislative Administrative Director prior to the travel. This review and approval will be done within the following guidelines:

1. The primary purpose of travel may be to increase staff knowledge in a particular subject area related to his/her responsibilities in the Legislature, and to support the continued professional development of staff. This may include attendance at conferences and meetings as well as consultation with experts for the purpose of conducting legislative business.

Each office director will be responsible for working with individual staff members to identify conferences or meetings of interest and greatest potential value to the Legislature.

2. Each office would have an out-of-state travel budget within which all staff travel is planned and approved. Initially, this budget would be based on an average of one out-of-state trip for each professional staff member and an analysis of the average cost of an out-of-state trip.

Even though an office budget may have sufficient funds, the location of the meeting/conference will be an important consideration in reviewing travel requests.

3. Attendance by more than one staff member at the same meeting or conference may be warranted in some cases. However, the office directors and Legislative Administrative Director will review each instance carefully and the Administrative Director may limit attendance.
4. In cases where out-of-state travel by staff is requested by committee chairs and is not included in an office's budget, the chairs shall send a letter to the office director and to the Administrative Director.

The Legislative Administrative Director shall provide Council members with a list of trips requested and approved within these guidelines on a monthly basis.

Sarah C. Diamond  
Legislative Administrative Director



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

August 31, 1983

Hon. Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Charlie,

Pursuant to the actions taken by the Council at its August meeting, I have prepared a monthly report which summarizes actions taken regarding merit increases and approval of out-of-state travel by legislative staff.

I think this report will also become a good vehicle for "broadcasting" information about the availability of new resources - information which I would recommend be conveyed subsequently to all members of the Legislature.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sarah C. Diamond  
Administrative Director

SCD/efb

SENATE

KENNETH P. HAYES, PENOBSCOT, CHAIR  
NANCY RANDALL CLARK, CUMBERLAND  
WALTER W. HICHENS, YORK

LARS H. RYDELL, LEGISLATIVE ASSISTANT  
PATRICIA A. ROLLINS, COMMITTEE CLERK



HOUSE

STEPHANIE LOCKE, SEBEC, CHAIR  
ADA K. BROWN, GORHAM  
A. MAVOURNEEN THOMPSON, PORTLAND  
STEVEN E. CROUSE, WASHBURN  
FREDERICK F. SOUCY, KITTEBY  
KENNETH L. MATTHEWS, CARIBOU  
THOMAS W. MURPHY, JR., KENNEBUNK  
MARY E. SMALL, BATH  
EDWIN C. RANDALL, EAST MACHIAS  
JOHN C. BOTT, ORONO

STATE OF MAINE  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
**COMMITTEE ON EDUCATION**

August 3, 1983

Senator Charles Pray  
Chairman  
Legislative Council

Dear Sen. Pray,

As you know the University of Maine at Orono has proposed significant cuts in the budget of its public service programs such as the Cooperative Extension Service, the Bureaus of Public Administration and Labor Education and the Maine Agricultural Experiment Station. Individual members of this Committee have received numerous comments in the last few days regarding those proposed cuts. The Committee felt it would be useful to provide a more adequate forum for those comments to be aired.

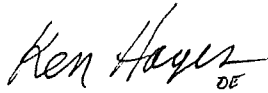
Accordingly, following the confirmation hearing on Tuesday of this week the Education Committee held an informal information gathering meeting on the cuts proposed by the University in its public service program budget for the next 2 years. In spite of the fact that the meeting was not scheduled until Monday and was not formerly advertised, more than 35 persons attended from communities as far away as Milbridge, Orono, Dover-Foxcroft and Alfred. Comments were received for over 2 hours by the Committee.

The comments were universally in favor of retaining the public service programs at their current level or expanding them, not cutting them back. However, only one side of the issue was presented, and several questions were raised which the Committee feels need to be addressed at this time. For instance: "What is the University's explanation for the cuts and are they related to the recent downgrading of UMO from a Class I to Class II-A university?"; "Are cuts of this magnitude appropriate at this time considering the comprehensive study of education and the economy which is underway in this State?"; "What is the authority of UMO over the budgets of public service programs some of which were created by the Legislature?" and "Would it be appropriate for the Legislature to play a role in determining the funding level for University service programs affecting the public?"

Because this is a matter related to the University, we feel this Committee is the appropriate body to examine these questions on behalf of the Legislature. And because the cuts proposed in the current budget would, according to comments heard Tuesday, have an extremely adverse effect on a large number of Maine citizens, we feel the time to act is now. We, therefore, request permission of the Council to hold a public hearing to receive additional testimony on the impact of the proposed cuts, as well as the University's point of view. We wish to hold the hearing next week in Orono. It is also possible the Committee would need to meet at another time to discuss its findings.

On another matter, the Subcommittee of the Threat to Excellence study would like to hold its second meeting in Augusta on August 18th. Because of the schedules of the persons involved in the study a meeting at that time is very desirable. In accordance with your letter of July 15th please advise us if that will be possible.

Sincerely,



Kenneth P. Hayes  
Senate Chair



Stephanie Locke  
House Chair



STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

August 3, 1983

Hon. Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Charlie:

I am asking that the Council grant permission for the Joint Select Committee on Job Training to hold meetings for the full committee rather than only for a subcommittee. This is not a study committee appointed to study a topic in the interim, but an ongoing oversight committee established for the biennium to review and comment on the implementation of the Federal Job Training Partnership Act by the executive branch. Because the implementation is an ongoing process, to effectively carry out the duties as intended by the Legislature and set forth in the enabling legislation, the committee needs to meet with its full membership present to review the process.

In regard to funding, when the committee was formed, the membership was limited to only 9 people at the request of legislative leadership in order that it not be too expensive to fund in the interim. Also, most meetings are not attended by all 9 members so a full meeting is not likely to be much more costly than a meeting of a 5-member sub-committee.

Taking the above into consideration, I would request that the Council approve meetings of the full membership of the committee.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie".

Rep. Stephanie Locke

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(EMERGENCY)

FIRST SPECIAL SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No.

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H.P. House of Representatives,

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

---

AN ACT to Empower the Legislative Council to  
Establish Benefit Schedules for Legislative  
Employees.

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Emergency preamble. Whereas, Acts of the Legis-  
lature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

Whereas, the Legislative Council voted at its  
meeting of March 28, 1983, to extend the same bene-  
fits to legislative employees as those granted to  
employees of the Executive Branch; and

Whereas, this Act is necessary to effectuate the  
intent of the Legislative Council; and

Whereas, in the judgment of the Legislature,  
these facts create an emergency within the meaning of  
the Constitution of Maine and require the following  
legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,  
2 therefore,

3 Be it enacted by the People of the State of Maine as  
4 follows:

5 3 MRSA §162, sub-§2, as amended by PL 1975, c.  
6 770, §3, is further amended to read:

7 2. Legislative employee salary and benefit  
8 schedules. To establish salary schedules for all  
9 employees of legislative agencies, departments and  
10 offices, except as otherwise provided by law, and to  
11 develop relatively uniform salary schedules for House  
12 and Senate employees and officers and, notwithstand-  
13 ing any other provision of law, to establish benefit  
14 schedules for legislative employees;

15 **Emergency clause.** In view of the emergency cited  
16 in the preamble, this Act shall take effect when  
17 approved and shall be applied retroactively to March  
18 28, 1983.

19 STATEMENT OF FACT

20 At its meeting March 28, 1983, the Legislative  
21 Council voted to extend the same benefits to legis-  
22 lative employees as those granted to employees of the  
23 Executive Branch, and this legislation is necessary  
24 for the implementation.

25 Funding for this Act is included in the legis-  
26 lative budgets for the current biennium.

27 4693080283

L. D.

DO NOT WRITE ON THIS DOCUMENT

AN ACT to Empower the Legislative Council to  
Establish Benefit Schedules for Legislative  
Employees.

D. OF R. (EMERGENCY)

REFERENCE TO THE COMMITTEE ON

SUGGESTED AND \_\_\_\_\_

ORDERED PRINTED

PRESENTED BY \_\_\_\_\_

TOWN/COUNTY \_\_\_\_\_

COSPONSORED BY \_\_\_\_\_

TOWN/COUNTY \_\_\_\_\_

COSPONSORED BY \_\_\_\_\_

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TOWN/COUNTY \_\_\_\_\_



HELEN T. GINDER, DIRECTOR  
JOHN BAILEY  
DAVID ELLIOTT  
MARTHA FREEMAN  
CHRISTOS GIANOPOULOS  
CHRISTINE HOLDEN

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SARAH HOOKE  
JULIE JONES  
EDWARD POTTER  
LARS RYDELL  
WILLIAM SAUFLEY  
JOHN SELSER  
HAVEN WHITESIDE

July 27, 1983

TO: Sen. Charles Pray, Chairman, Legislative Council  
FROM: Helen T. Ginder  
RE: Attendance of David Elliott, Legislative Assistant to  
Election Laws Committee at Northeast Regional Conference  
Federal Election Commission.

The Northeast Conference Federal Election Commission meeting will take place in Albany, New York, September 25-27. The conference will provide several workshops arranged by tracks. The workshops listed for track A are particularly on point with David Elliott's work this interim to recodify Maine's Election Laws. Workshops in other tracks are also of interest. I think it would be beneficial for him to attend the Conference. I attached a copy of the Track outlines. Expenses are estimated to be:

registration	\$ 75.00
hotel	150.00
travel	225.00

HTG/cj  
Encl.

cc: S. Diamond

## ELECTION LAW AND ADMINISTRATION

### TRACK A: Election Law

#### ✓ Workshop 1 - Critical Policy Issues: Problems and Solutions

This workshop will explore a wide range of major election policy issues which impact on State election law. The discussion will focus on such issues as: applicable Federal legislation; mail ballot elections; voter residency requirements; absentee voting including overseas voting; mail registration; voting equipment; initiative, referendum and recall; State campaign financing and other important election issues. Workshop will provide attending legislators and staff with appropriate summaries and examples on these topics.

#### ✓ Workshop 2 - Election Case Law: Significant Judicial Decisions

This workshop will present a review of major Federal and State judicial decisions and their potential impact on election laws and procedures. We will examine the significant implications of selected judicial decisions regarding various aspects of elections such as ballot access, voter residency and registration and voting rights generally.

#### Workshop 3 - Understanding Contested Election and Recount Procedures

This workshop will provide an overview of various State methods and techniques for resolving a contested election and will emphasize the development of systemic procedures prior to any action taken by either chamber of Congress. We will also review the various procedures which States use to resolve contested elections, including: criteria that trigger a contest; grounds and discovery actions; and administrative or judicial relief.

#### ✓ Workshop 4 - Drafting Effective Election Legislation

The objective of this workshop is to assist those who draft election legislation and to help them understand the principles of effective legislative drafting. The discussion will focus on topics such as the need to know the subject area thoroughly including applicable Federal legislation; the difference between legislation and regulation; the need for clear, simple and

precise language; keeping consistency within the election code and general problems of recodification.

### TRACK B: Election Management

#### Workshop 1 - Your Election Budget - The Link Between Resources and Services

In this workshop, you will learn how to develop a budget-planning procedure which will establish the link between election services and required resources. We will examine various types of budgets, their appropriate uses and how they can be devised for the level of service anticipated for any given election.

#### Workshop 2 - Working with the Postal Service

In this workshop, you will learn about the full range of services offered by the post office and find out how to alert local postal authorities to special election needs. The workshop will provide an opportunity for election officials to discuss their particular problems and priorities with postal authorities and to learn about the various types of services, arrangements and price structures best suited to election materials.

#### Workshop 3 - Money-Saving Ideas for Election Officials

In this workshop, we will consider a variety of practical ways of reducing election expenses. Our discussion will involve a list of ideas submitted by election officials from around the nation. This workshop will examine the concerns of both large and small jurisdictions.

#### Workshop 4 - Providing Absentee Ballot Services

This workshop will review security procedures for providing and documenting absentee voting services in a systematic way. We will discuss a step-by-step approach to processing absentee voting materials, including Federal absentee voting requirements and provisions.

#### ✓ Workshop 5 - Providing Voter Information Services

This workshop will outline the various methods of providing essential election information to

the general public. We will discuss how to target audiences, develop effective messages and identify appropriate media for covering both registration and voting information.

#### ✓ **Workshop 6 - Current Issues in Elections**

In this workshop, we will discuss recent election problems and new procedures, ideas and technologies. The general roundtable discussion will focus on various topical matters: all-mail elections, early release of election results, handicapped voting services and voting incentive schemes.

#### **Workshop 7 - Election Materials Display**

This workshop will provide election officials an opportunity to compare and collect samples of election materials from other jurisdictions. It will be an unstructured session in which participating jurisdictions will be asked to bring an ample supply of sample voter registration forms, verification cards, absentee application materials, posters and any election materials they would like to share with other jurisdictions.

#### ✓ **Workshop 8 - Prosecution of Election Crimes**

This workshop will explore various types of election offenses as well as Federal enforcement policies and procedures. We will examine the laws pertaining to elections and discuss how to process and refer alleged violations of those laws.

### **TRACK C: Election-Day Preparations**

#### **Workshop 1 - Recruiting and Training Election-Day Workers**

This workshop will acquaint election officials with a variety of recruiting and training techniques and programs for temporary workers. We will discuss how to develop job descriptions, training aids and other training methods and materials for poll workers and temporary office staff.

#### **Workshop 2 - Managing the Polls on Election Day**

This workshop will examine the full range of problems at the polls including electioneering, the media, exit polling, trouble shooting, control and accountability of the ballots and other election supplies. There will also be a discussion on evaluating the polling place facility in terms of convenience to the voter, as well as adequacy. We will examine such criteria as space, parking facilities, heating and lighting, communications and accessibility for the handicapped.

### **TRACK D: Election Technology**

#### **Workshop 1 - Developing Standards for Voting Equipment**

This workshop will examine the problems and practicalities of developing and applying standards for the management and performance of various types of voting equipment. We will explore a broad range of possible standards applicable to the performance of mechanical devices; hardware and software elements of electronic devices; and the day-to-day operation, management and maintenance of equipment.

#### ✓ **Workshop 2 - Using Computers in Elections**

This workshop will examine effective and efficient applications of computer technology to all aspects of conducting elections. Our discussion will explore various aspects of the design and development of computer programs, including: modular file structures, programming, computer security and hardware constraints.

#### **Workshop 3 - Vendor Display**

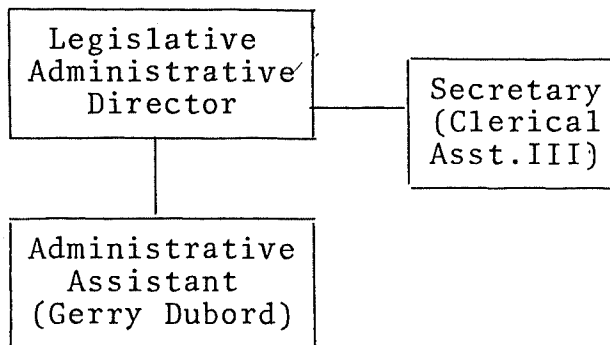
This workshop will give you an opportunity to examine and compare various voting devices and office equipment. It will be an unstructured session for the display of various voting equipment and office machines by vendors.

PROPOSED STAFFING

Legislative Finance Office

1. Convert one of vacant budget analyst positions to a full-time secretarial position to serve Audit and Program Review staff.

Legislative Administrative Office



1. Administrative Assistant
  - .Transfer and upgrade position from Legislative Finance Office
    - Additional payrolls
    - Assistance in maintaining legislative accounts
2. Secretary
  - .Create a new, full-time position
  - .Position being filled during interim by Anna Wood-Cox, Judiciary Committee Clerk, and will be filled on permanent basis as of January 1.