

# MAINE STATE LEGISLATURE

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REP. JOHN N. DIAMOND  
CHAIRMAN

SEN. CHARLES P. PRAY  
VICE-CHAIRMAN



STATE OF MAINE  
LEGISLATIVE COUNCIL  
STATE HOUSE  
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK  
SEN. BARBARA A. GILL  
SEN. THOMAS R. PERKINS  
SEN. PAUL E. VIOLETTE  
REP. LELAND C. DAVIS, JR.  
REP. MARTIN S. HAYDEN  
REP. JOHN L. MARTIN  
REP. THOMAS W. MURPHY, JR.

## LEGISLATIVE COUNCIL

February 6, 1985

### MEETING SUMMARY

APPROVED AND PLACED ON  
FILE FEBRUARY 27, 1985

#### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chairman John N. Diamond at 2:35 p.m.

#### ROLL CALL

Senators: Sen. Violette, Sen. Gill, Sen. Pray, Sen. Clark, Sen. Perkins

Representatives: Rep. Diamond, Rep. Murphy, Rep. Martin, Rep. Davis, Rep. Hayden

#### Legislative Officers:

Sally Diamond - Legislative Administrative Director  
Catharine Atchley - Law Librarian  
Richard Sawyer - Assistant Legislative Finance Officer  
Helen Ginder - Director of Legislative Assistants  
David Silsby - Legislative Research Director

#### SECRETARY'S REPORT

The minutes of the January 9, 1985, and January 23, 1985, meetings of the Legislative Council were approved and placed on file. (Motion by Rep. Martin; second by Sen. Perkins)

#### NEW BUSINESS

##### Item #1: After Deadline Requests

After Deadline Requests were considered by the Legislative Council. The Council's action is included on the attached list.

**DIRECTOR'S REPORT**

- Notification of approved step increases for the following employees who completed another year of legislative service in February: Elizabeth Gosselin, Office of Legislative Research.

Motion: The report was accepted and placed on file. (Motion by Rep. Martin; second by Sen. Perkins; unanimous)

- Notification of requests for access to the Legislative Status System from the Department of Labor, Department of Conservation and the Administrative Office of the Courts. Since the Department of Conservation's request is not technically feasible at this time, the following motion pertains to only two requests.

Motion: That access to the bill status system for the Department of Labor and the Administrative Office of the Courts be approved. (Motion by Rep. Martin; second by Sen. Perkins; unanimous)

**REPORTS FROM LEGISLATIVE COUNCIL COMMITTEES**

Committee on Data and Word Processing

Representative Hayden, Committee Chair, reported that the committee had met to review requests for work stations and printers. Based on its review, the Committee recommended that one additional work station be purchased for each of the following offices: House Majority Office, House Minority Office, Senate Majority Office, Speaker's Office, and the President's Office. In addition the Committee recommended that a twin sheet feeder be leased for the Senate Majority Office.

Motion: That the requests be approved. (Motion by Rep. Hayden; second by Sen. Clark; unanimous)

**OLD BUSINESS**

Item #1: Joint Select Committee to Investigate the Public Utilities: Status Report

The Joint Select Committee to Investigate the Public Utilities submitted a status report of the Committee's expenses to date.

Motion: The report was approved and placed on file. (Motion by Rep. Martin; second by Sen. Pray; unanimous)

**NEW BUSINESS**

Item #1: Submission of Committee Study Reports from Joint Standing Committees

The following study reports were submitted to the Council:

- Committee on Aging, Retirement and Veterans: Disability Retirement under the Maine State Retirement System.
- Committee on Education: Maine Secondary School Principal's Association.
- Committee on Transportation: Motor Vehicle Auctions and General Reissue of License Plates.
- Joint Select Committee on Job Training: Oversight of the Implementation of the Federal Job Training Partnership Act.

Motion: The reports were accepted and placed on file. (Motion by Rep. Martin; second by Sen. Clark; unanimous)

Item #2: Report by Court Structure Committee in Relation to Probate and Family Law Matters

The Court Structure Committee Submitted the report of its work to the Legislative Council.

Motion: The report was accepted and placed on file. (Motion by Rep. Martin; second by Sen. Clark; unanimous)

Item #3: Legislative Council Liaison with Judicial Department for Collective Bargaining

A letter from Dana Baggett, State Court Administrator, requested Council guidance in establishing the liaison required by (P.L. 1984, c 702) between the Council and the Judicial Department.

Motion: That the Judicial Department, as a separate branch of government, be authorized to define the criteria for its bargaining agreement without further intervention from the Council. (Motion by Rep. Martin; second by Sen. Gill; unanimous)

Item #4. Request from Senator Kany for Items for State Government Committee

The Council considered a request from Senator Kany for a subscription to the Wall Street Journal and copies of the Maine State Government Annual Report for use by State Government Committee members.

Motion: That the Chairs of the Committee be informed that these requests be submitted jointly by the Chairs in writing in order to be further considered by the Council. (Motion by Rep. Martin; second by Sen. Pray; unanimous)

Item #5. Legislative Budget

Representative Murphy requested information regarding the budgeting process for the Legislative account.

Motion: That a subcommittee comprised of four members of the Legislative Council and two nonvoting members from the Appropriations and Financial Affairs Committee be appointed to review the Legislative budget and make any recommendations for change in the budgeting process. (Motion by Rep. Martin; second by Sen. Violette; unanimous)

Item #7. Table for Legislative Council Chambers

The Council considered scale models of a proposed table for the Legislative Council Chambers. The models had been submitted by four Maine woodworkers following a pre-qualification process conducted jointly with the Maine Arts and Humanities Bureau.

Motion: That one of the two models submitted by Joseph Tracy of Blue Hill be accepted. (Motion by Rep. Martin; second by Rep. Hayden. Following discussion, the motion was withdrawn.)

Motion: That new bid proposals be solicited with a maximum price of \$9500 with the intent of finding a proposal that was more in keeping with the traditional decor of the Council Chambers. (Motion by Sen. Clark; seconded by Sen. Violette). Following further discussion, this motion was also withdrawn.

Motion: That additional proposals be solicited using the original price guideline (\$7000), but with the intent of acquiring designs that are more appropriate to the Legislative Council Chambers design and State House History. (Motion by Sen. Gill; second by Sen. Clark; vote carried 9 to 1)

#### EXECUTIVE SESSION

Motion: That the Legislative Council adjourn into Executive Session for the purpose of discussing personnel matters. (Motion by Rep. Martin; second by Sen. Pray; unanimous)

#### ADJOURNMENT

The Council meeting was adjourned at 3:20 p.m. (Motion by Rep. Martin; second by Sen. Pray; unanimous).

SENATE

JOHN E. BALDACCI, DISTRICT 25, CHAIR  
PETER W. DANTON, DISTRICT 4  
CHARLOTTE Z. SEWALL, DISTRICT 20  
  
MARC ASCH, STAFF DIRECTOR



HOUSE

DAVID B. SOULE, WESTPORT, CHAIR  
JOHN L. MARTIN, EAGLE LAKE  
EDWARD C. KELLEHER, BANGOR  
CAROL ALLEN, WASHINGTON  
NATHANIEL J. CROWLEY, SR.  
STOCKTON SPRINGS  
PATRICIA M. STEVENS BANGOR  
LINWOOD M. HIGGINS, SCARBOROUGH  
E. CHRISTOPHER LIVESAY, BRUNSWICK  
RALPH M. WILLEY, HAMPDEN  
DONALD F. SPROUL, AUGUSTA

STATE OF MAINE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

JOINT SELECT COMMITTEE TO INVESTIGATE PUBLIC UTILITIES

February 5, 1985

Representative John N. Diamond, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear John:

In answer to your letter requesting an update on the committee's expenses, the only expense we have incurred, aside from the salary of the Staff Assistant and postage expenses, is the printing expense for hearing transcripts. The expense breaks down in the following manner:

<u>Job Number</u>	<u>Amount</u>
#137934	\$86.88
#137939	\$193.39
#137940	\$138.27
<u>TOTAL</u>	\$418.54

The Staff Assistant, Andrea Stahl has received \$2,328.75, in salary and benefits since the inception of the new committee on December 5, 1984. Her salary is \$465.75, bi-weekly. The postage expense for the month of January was \$113.67.

The total expense incurred by the committee up to date is \$2,860.96.

If you have any other questions please do not hesitate to contact us.

Sincerely,

*John E. Baldacci*  
John E. Baldacci  
Senate Chair

*Nathaniel J. Crowley, Sr.*  
Nathaniel J. Crowley  
House Chair

JEB:NJC/as

State of Maine  
ADMINISTRATIVE OFFICE OF THE COURTS

P.O. Box 4820 Downtown Station  
Portland, Maine 04112  
207-879-4792

Dana R. Baggett  
State Court Administrator

January 22, 1985

Dear John:

Congratulations on your election as Chairman of the Legislative Council.

As you know, the 111th Legislature passed the Judicial Employees Labor Relations Act (PL of 1984, c. 702). We have begun to implement it, as outlined in the enclosed chronology, and we anticipate that collective bargaining will commence in the near future between this Office and the Maine State Employees Association.

Paragraph 6. of Section 1282 of the Judicial Employees Labor Relations Act says in part: "To coordinate the employer position in the negotiation of agreements, the Legislative Council or its designee shall maintain close liaison with the bargaining representative of the Judicial Department relative to negotiating cost items in any proposed agreement."

Even before the collective bargaining process begins, we have at least one issue to discuss with the Council or its designee relating to the length of the agreement to be negotiated. Thus, we would appreciate knowing how the Council would like to proceed.

Cordially,



Hon. John N. Diamond  
Chairman  
Legislative Council  
112th Maine Legislature  
State House Station 2  
Augusta, Maine 04333

Enclosures

Copy: Sarah C. Diamond

Page 2      Letter to Hon. John N. Diamond from DRB      January 22, 1985

Blind copies:

Chief Justice McKusick  
Chief Justice Clifford  
Bob Curley  
David Bustin

REPORT ON THE STATUS  
OF THE  
JUDICIAL COLLECTIVE BARGAINING  
AS OF  
JANUARY, 1985

Chronology of Significant Events Regarding Judicial Collective Bargaining

<u>DATE</u>	<u>EVENT</u>
December 30, 1983	Transmittal of the Proposed Administrative Order and Labor Law to the 111th Legislature by the SJC.
March 2, 1984	L.D. 2175 printed incorporating Judicial Labor Law.
March 20, 1984	L.D. 2175 amended: A. emergency preamble removed; B. deletion of binding arbitration on wages, pensions, and insurance; C. mediation/arbitration - deletion of binding effect on all issues; D. mutual agreement removed on binding effect of arbitration;
April 6, 1984	Chapter 702, Public Laws, 1984 signed by the Governor.
June 19, 1984	Employee Organizational Activities Rules issued to Court Personnel and potential Bargaining Agents.
July 25, 1984	Administrative Order in regard to Judicial Employees Labor Relations and Chapter 702, Public Laws, 1984 go into effect simultaneously.
October 18, 1984	MSEA manifests majority support. SCA Baggett and LRD Curley meet with MSEA and agree on three Bargaining Units.
October 23, 1984	Agreement on Appropriate Bargaining Units signed for all three units.
October 25, 1984	Petitions for election filed by MSEA.
November 6, 1984	Meeting held between MSEA, Curley, and Labor Board staff regarding election rules for mail-ballot election.
November 30, 1984	Ballots mailed to employees.
December 4 to December 7, 1984	Dates for employee call-ins on election irregularities.
December 18, 1984	Ballot Count - MSEA prevails: - Court Representatives - Curley, Hagerthy - MSEA Representatives - Matson, Lemieux  A. Professional Unit - 9 to 1 nay B. Supervisory Unit - 30 to 11 nays C. Administrative Services Unit - 109 to 33 nays
January 9, 1985	Meeting with Curley - MSEA representatives to discuss informal rules of conduct prior to July 1, 1985.
February, 1985	Collective Bargaining will commence.

2. **Board.** "Board" means the Maine Labor Relations Board, as defined in section 968.

3. **Cost items.** "Cost items" means the provisions of a collective bargaining agreement which require an appropriation by the Legislature.

4. **Executive director.** "Executive director" means the Executive director of the Maine Labor Relations Board, as defined in section 968, subsection 2.

5. **Judicial employee.** "Judicial employee" means any employee of the Judicial Department, except any person:

- A. Who is appointed by the Governor;
- B. Who serves as the State Court Administrator;
- C. Whose duties necessarily imply a confidential relationship to the Judicial Department's bargaining representative with respect to matters subject to collective bargaining;
- D. Who is a department or division head;
- E. Who is appointed to serve as a law clerk to a judge or a justice;
- F. Who is a temporary, seasonal or on-call employee, including interns; or
- G. Who has been employed for less than 6 months.

6. **Public employer.** "Public employer" means the Judicial Department of the State. It is the responsibility of the Judicial Department to negotiate collective bargaining agreements and to administer those agreements. It is the responsibility of the Legislature to act upon those portions of tentative agreements negotiated by the Judicial Department which require legislative action. To coordinate the employer position in the negotiation of agreements, the Legislative Council or its designee shall maintain close liaison with the bargaining representative of the Judicial Department relative to negotiating cost items in any proposed agreement. The Supreme Judicial Court may designate a bargaining representative for the Judicial Department who may:

- A. Develop and execute employee relations policies, objectives and strategies consistent with the overall objectives and constitutional and statutory duties of the Judicial Department;
- B. Conduct negotiations with certified and recognized bargaining agents;
- C. Administer and interpret collective bargaining agreements, and coordinate and direct Judicial Department activities as necessary to promote consistent policies and practices;
- D. Represent the Judicial Department in all bargaining unit determinations, elections, prohibited practice complaints and