

MAINE STATE LEGISLATURE

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REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. DONALD E. ESTY, JR.
SEN. PAMELA L. CAHILL
SEN. BEVERLY MINER BUSTIN
SEN. DAVID L. CARPENTER
REP. JOHN L. MARTIN
REP. WALTER E. WHITCOMB
REP. PATRICK E. PARADIS
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

December 3, 1992

MEETING SUMMARY

Approved January 7, 1993

CALL TO ORDER

Senate President Dutremble, acting as Chair Pro Tem pursuant to the Council's Rules of Procedure, called the first meeting of the 116th Legislative Council to order at 10:20 a.m. in Room 438 of the State House.

ROLL CALL

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|------------------------------|---|
| Senators: | Sen. Dutremble, Sen. Esty, Sen. Cahill, Sen. Bustin, Sen. Carpenter |
| Representatives: | Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Paradis, Rep. Zirkilton |
| Legislative Officers: | Sally Tubbesing, Executive Director Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis Joy O'Brien, Secretary of the Senate Joseph Mayo, Clerk of the House |

ELECTION OF OFFICERS

Senator Dutremble stated that the primary purpose of the Council meeting was to elect a Chair and Vice-Chair of the new Council. He summarized the relevant provisions of the Council's Rules of Procedure:

- Rule #2, which provides that the position of Chair shall alternate in succeeding biennial sessions between members from the Senate and members from the House. Thus, the Chair for this new Council must come from the House; and
- Rule #3, which provides that the Vice-Chair shall not be a member of the same body of the Legislature as the Chair. Thus, the Vice-Chair for the 116th Council must be a Senator.

Sen. Dutremble then opened the floor for nominations.

Motion: That Rep. Dan Gwadosky be nominated to the position of Council Chair and Sen. Dennis L. Dutremble be nominated to the position of Vice-Chair. (Motion by Speaker Martin; second by Rep. Whitcomb, unanimous).

Motion: That the nominations be closed. (Motion by Sen. Carpenter; second by Sen. Cahill; unanimous).

Motion: That a single ballot be cast for both positions. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

Senator Dutremble then congratulated Representative Gwadosky on his election to the position of Chair and turned over the gavel to him.

INTRODUCTORY REMARKS

The newly-elected Chair, Rep. Gwadosky, thanked Sen. Dutremble and then welcomed the new members of the Council -- Senators Esty, Bustin and Carpenter, and Representative Zirnkilton. Rep. Gwadosky observed that, despite difficult times, the Legislative Council has always shown a capacity to work in a bi-partisan fashion to keep the institution running -- and running effectively -- so that the elected members of the Legislature can do their jobs. The Chair expressed his hope that this bi-partisan commitment to the management of the Legislature would continue to prevail. He then drew Council members' attention to the remainder of the printed agenda.

SECRETARY'S REPORT

The Summary of the last meeting of the 115th Council, on November 13, 1992, was approved and placed on file. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Personnel Actions

- a. Notification of New Employees Hired to Fill Existing Vacancies

Ms. Tubbesing reported that she had recently hired William Eberle, of Appleton, Maine, to fill the vacant Programmer/Analyst position in the Information Systems Office.

- b. Resignation of Jo-Ellen Staples, Legislative Information Office

Ms. Tubbesing reported that Jo-Ellen Staples had just submitted her resignation from her position in the Legislative Information Office

and requested Council approval to fill the position immediately.

Motion: that the Executive Director be authorized to fill the position immediately. (Motion by Sen. Cahill; second by Speaker Martin).

Discussion: Rep. Whitcomb asked if this was a full-time position. Ms. Tubbesing responded that it was, but noted that with Dot Rollins' retirement at the end of August, she had consolidated two supervisory positions into a single full-time position now occupied by Teen Griffin and a session-only non-supervisory position.

The motion was approved unanimously.

REPORTS FROM COUNCIL COMMITTEES

The Chair, Rep. Gwadosky, announced that he would be establishing Committees in the near future and asked Council members who had interest in serving on the Personnel Committee to let him know.

Note: A list of the Committees that were subsequently established and the appointments to those Committees is attached to this Meeting Summary.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Rules of Procedure for the Legislative Council

Motion: That the Rules of Procedure used by the previous Council be adopted as the Rules for the 116th Council.
(Motion by Speaker Martin; second by Sen. Esty).

Discussion: Rep. Whitcomb inquired about the intent of Rule #12, which provides that only the Council Chair and Vice-Chair are authorized to make official statements to the press or the public on behalf of the Council. Speaker Martin responded that the Rule was adopted to clarify who could speak officially on behalf of the Council, and that it did not prohibit individual Council members from expressing their personal comments regarding Council action.

The motion to adopt the Rules of Procedure was approved unanimously.

Item #2: Submission of Study Reports

- Staff Study on Medicaid Cost Containment: Issues and Options (by Paul Saucier, Office of Policy & Legal Analysis).
- Staff Study on Privatization of State Services, Volume I: A Process Review and Status Report (by Karen L. Hruby, Office of Policy & Legal Analysis).
- Staff Study on Privatization of State Services, Volume II: Corrections (by John B. Knox, Office of Policy & Legal Analysis).
- Staff Study on Sovereign Immunity Waivers (by Deborah C. Friedman, Office of Policy & Legal Analysis).

The Chair, Rep. Gwadosky explained that all of these Study Reports had been conducted by members of the non-partisan staff during the previous interim at the Council's direction.

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

Item #3: Redistricting: "Calendar" and Related Information

Ms. Tubbesing had prepared a package of information for the Council members which included a summary of the various deadlines established by the Constitution; excerpts from the constitution; a list of the members of the 1983 Apportionment Commission; and a copy of the law passed in 1983 that appropriated the previous Commission's initial budget (\$25,000).

Speaker Martin noted that the deadline for making the legislative appointments to the Commission was the following Saturday, December 6, and that it was then his responsibility, as Chair Pro Tem, to convene these appointees along with the party designees. The representatives of each party then select a public member, and the two public members select a third public member, who then serves as Commission Chair.

Sen. Cahill raised several questions:

1. Is the Commission Chair paid?

Speaker Martin indicated that this would be a decision of the newly-appointed Commission. The Chair of the 1983 Commission was paid a per diem.

2. Will the funds for reapportionment come out of the Legislative account?

Speaker Martin responded that he thought there were no other options this year given the general budget situation. Ms. Tubbesing noted that the computer hardware and software selected by the 115th Council's Redistricting Planning Committee had already been purchased with funds from the general legislative account.

3. Is there a budget for the redistricting effort?

The Speaker again responded that while there is no constitutional or statutory cap on the budget, the Constitution had been amended in 1986 to provide that equal amounts would be allocated to each party to spend.

4. What space will be assigned to the two caucuses?

Each caucus will be assigned a room.

No Council action was required on this item.

Item #4: Conference on "Rethinking State Government", sponsored by the University of Maine

Council members had received a letter from Judith Bailey, Interim Vice-President for Research and Public Service at the University of Maine at Orono, announcing a Conference on "Rethinking State Government" on January 5-6, and requesting the Council's approval of legislators' participation. The Council's discussion that followed focussed on two major topics: 1) this specific conference, and 2) the increasing number of conferences and seminars directed to the legislative "audience".

Restructuring Conference

Senator Esty expressed concern that the conference was being held in Orono, noting the additional cost and logistical problems that this entailed. Speaker Martin replied that if the Conference were to be held in Augusta, legislators would be distracted by their work in the State House, and attendance at the conference would be affected. Senator Cahill concurred with the Speaker, noting that it is important to create opportunities for the members to get to know each other as individuals, and not only as "partisans".

Rep. Gwadosky pointed out that the University had established a \$55 registration fee to cover the costs of the Conference. He noted that the Legislature has previously paid for meals, but that the sponsoring organization had assumed responsibility for other conference-related costs.

Motion: That the Speaker be authorized to negotiate the registration fee with the University on behalf of the Council. (Motion by Sen. Bustin; second by Rep. Whitcomb; unanimous).

Other Conferences

Rep. Gwadosky noted that the annual Judicial Sentencing Institute had also been scheduled for January 7-8 at the Civic Center and that legislators are required, by law, to attend this program. Speaker Martin reported that he had been approached by the Maine Municipal Association to determine the Legislature's interest in co-sponsoring a State-Municipal Summit again this year. Finally, Sen. Dutremble reported that he had been approached by the University of Southern Maine regarding their interest in developing a conference for legislators.

Council members indicated some concerns about the quality and constructiveness of some conferences, noting that the State-Municipal Summit last year had evolved into a "Legislature bashing" (Sen. Cahill & Sen. Esty). At the same time, members expressed recognition that new members, particularly, could benefit from these conferences.

Sen. Cahill asked if a special subcommittee could be appointed to review the various conferences; and Rep. Gwadosky noted that it would be important to coordinate the conference opportunities with the legislative schedule.

Motion: That the Council Chair be authorized to appoint a Subcommittee to deal with conference requests. (Motion by Speaker Martin; second by Sen. Carpenter).

Discussion: Rep. Whitcomb asked if this subcommittee would also review any proposed Maine Development Foundation activities; the Speaker responded affirmatively. Sen. Cahill then stressed the importance of having at least one of the presiding officers on the Subcommittee.

The motion authorizing the Chair to appoint a Subcommittee was approved unanimously.

ANNOUNCEMENTS AND REMARKS

Following brief discussion about the fact that the new Council did not include an attorney, the Chair appointed Martha Freeman, Director of the Office of Policy & Legal Analysis, to serve as legal counsel to the Council as needed.

ADJOURNMENT

The Council meeting was adjourned at 11:05 a.m., on the motion of Sen. Dutremble (seconded by Sen. Cahill).