

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

MEETING SUMMARY

June 3, 1993

Approved July 14, 1993

CALL TO ORDER

The Chair, Rep. Gwadosky, called the Council to order at 1:14 p.m., in the Legislative Council Chamber.

ROLL CALL

Senators:

Sen. Dutremble, Sen. Esty, Sen. Cahill,
Sen. Carpenter

Absent: Sen. Bustin

Representatives:

Speaker Martin, Rep. Gwadosky,
Rep. Whitcomb, Rep. Paradis,
Rep. Zirnkilton

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
David Kennedy, Revisor of Statutes
Richard N. Sawyer, Jr., Administrative
Services Director
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House

SECRETARY'S REPORT

The Summaries of the Council's May 27 and May 28 meetings were approved and placed on file. (Motion by Sen. Dutremble; second by Rep. Paradis; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew members' attention to a printed status report that summarized which bills were still in committee.

No Council action was required.

REPORTS FROM COUNCIL COMMITTEES

Legislative Budget Committee

President Dutremble, Committee Chair, reminded Council members that the Appropriations Committee had requested that the Council prepare a budget for the fiscal 1994-1995 biennium that members felt was appropriate. He then presented a revised budget proposal that included all of the reductions that had been included in the Council's "B budget" and some items from the "A Budget," noting that his proposal was more than \$629,000 below level funding.

Speaker Martin offered to move the proposal in for purposes of discussion; however, he stated that the proposed reductions would impact the operation of the Legislature and further expressed his opinion that reductions of this magnitude were short-sighted. Although his motion was not seconded at the time, Council members engaged in extended discussion, raising the following questions and observations:

- 1) Clarification of the specific items that were included in President Dutremble's proposal.

- Audit Committee and Staff (Sen. Cahill)

President Dutremble affirmed that this proposal did not eliminate either the Committee or the staff and suggested that the appropriate way to review this issue was in conjunction with the comprehensive study of staffing which the Council has already committed to during the summer.

- "Salary Savings" (Sen. Carpenter)

Sen. Carpenter observed that most of the proposed reductions, totalling more than \$5 million, appeared to come from salary lines and asked what was unique about the \$543,000 attributable to "salary savings". Sally Tubbesing responded that he was correct, but that "salary savings" denoted a particular category of savings which are attributable to differences between the amount originally budgeted for individual positions and the amount currently required, due to turnover and delayed filling of vacancies.

- Elimination of paid health and dental insurance for session employees during periods when they are not active on the payroll (Rep. Gwadosky).

Rep. Gwadosky noted that President Dutremble's proposal would "grandfather" in session employees who had been employed for 5 sessions or more, thus protecting more than 2/3 of the 59 session employees from this change. Speaker Martin expressed deep concern about this particular proposal, acknowledging that while it is a "perk," it is essential to the operation of the Legislature to ensure continuity.

- Proposed continuation of the 39-hour week and "embargo" on the 7% and 5% cost-of-living increases.

Rep. Gwadosky noted that the Council might have to make adjustments in its proposal depending on the results of the contract negotiations which are currently in progress.

- Proposed conversion of one position in each legislative office from full-year to session only.

Sen. Cahill stated that this proposal would require her office to be closed during the summer and pointed out that her office would be the only office affected in this way. Sen. Carpenter concurred, adding that he could not support the proposal in its current form. Sen. Cahill advocated that each office should have the flexibility to make equivalent savings through some other cuts; and Rep. Gwadosky agreed that this would be an option.

- Projected Balance Forward (Sen. Carpenter)

Rep. Gwadosky clarified that the projected balance as of June 30 was not included in the current proposal, noting that it had been in the "A" budget which had not been unanimously approved. President Dutremble stressed that if Council members were committed to proceeding with any of the repairs and capitol improvements that they had identified, it would require keeping at least part of the projected balance forward.

2) Need for resources that are not currently budgeted.

- Emerging Staff Needs

Speaker Martin stressed that the Council was going to have to assume responsibility for assigning 2-3 positions to staff the "municipal mandate" function; and he further suggested that the Taxation Committee should be co-staffed, which would require assigning a lawyer from the Office of Policy and Legal Analysis to work with the current staff from the Office of Fiscal & Program Review. He observed that these did not necessarily have to be new positions, but that they would then require eliminating or downsizing the staffing of some other function.

- Capital Projects

At President Dutremble's request, Sally Tubbesing reviewed the list of repairs and improvements that have emerged from the Council's discussions, with a report of the current status of each item.

Motion: That the following amounts be set aside from the projected balance forward for repairs: \$13,500 for patching the roof as needed and replacing the roofs on the porticoes at the North and South entrances; \$35,000, plus the required contingency, for replastering and repainting the Dome ceiling; and \$17,500 for projects related to compliance with the Americans with Disabilities Act. (Motion by Speaker Martin; second by Sen. Carpenter; unanimous)

Motion: That the Executive Director be authorized to work out a program for immediate remedy of the fence and wall around the State House and that the Director provide the Council with a specific proposal including scope and projected cost before June 30. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Motion: That the Executive Director be authorized to sign an agreement with an electrical engineer prior to July 1 for the purpose of evaluating the adequacy and safety of electrical wiring on the 3rd floor of the State House and developing a plan to take remedial action. (Motion by Speaker Martin; second by President Dutremble; unanimous).

President Dutremble noted that unless the Council attends to the problems addressed by the above motions, "we are creating a much larger problem for the future", adding that "while we're here, we are the caretakers for this building."

Sen. Cahill expressed concern about spending as much as \$500,000 to repair and restore the fence and supporting granite wall surrounding the State House at this time. Speaker Martin, agreed; he noted, however, that the Council had already approved the adoption of a "phased approach" to this project, which would reduce this amount substantially.

Discussion continued about the general state of disrepair of both the State House and the Blaine House. Speaker Martin noted that there had been hundreds of visitors in the House Gallery that day alone and expressed dismay about the state of repair of the building. Rep. Gwadosky concurred. Sen. Carpenter asked about the tiles on the 1st floor, and Ms. Tubbesing responded that they were the subject of a study in progress whose purpose is to determine why the floor is "buckling."

President Dutremble then asked for direction from the Council regarding what it wished to submit to the Appropriations Committee. Rep. Whitcomb expressed concern that the Council had not met the Governor's target and pointed out that the Budget Committee had considered many cuts in addition to those in President Dutremble's proposal. President Dutremble responded

that the Council had, indeed, submitted an "A" budget -- that is, a budget that conformed to the Governor's target -- to the Committee and had been told to come back with something in between its "A" and "B" proposals. He stated that the "A" budget - and even the proposal currently before the Council - involve "taking away the tools that we need to get our job done - to operate the Legislature the way it should be." Rep. Gwadosky stated that while the Council's initial vote on the "B" budget had been unanimous, this proposal no longer appeared to have the support of all 10 Council members.

Motion: That the Council reconsider its previous acceptance of the "B" budget. (Motion by Rep. Whitcomb; failed 5-4.)

President Dutremble then stated that he would take the "B" Budget, which the Council had previously approved unanimously, to the Appropriations Committee.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Requests to Carry Bills Over to the Second Regular Session

Motion: That all of these requests be approved. (Motion by Sen. Dutremble; second by Rep. Paradis; approved 6-1).

The request from the Chairs of the Judiciary Committee to carry over LD 1266, An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling was presented to the Council following its action on the original list of requests and was, therefore, voted on separately.

Motion: That LD 1266 be carried over to the Second Regular Session. (Motion by Speaker Martin; second by President Dutremble; approved 8-1).

Item #2: After Deadline Bill Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 2:37 p.m., by the Chair, Rep. Gwadosky.