

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**July 14, 1993**  
**REVISED AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**SECRETARY'S REPORT**

Summary of June 3, 1993, Council Meeting

**EXECUTIVE DIRECTOR'S REPORT**

**Item #1: Resignations**

David Kennedy, Revisor of Statutes (letter mailed directly)

Erna Koch, Analyst, Office of Fiscal & Program Review

Micki Hoddinott, Paralegal Assistant, Office of the Revisor

**Item #2: Adjustments in Compensation for Executive Branch Employees:  
Status Report**

**Item #3: State House Repairs: Status Report**

**Item #4: 1993 Reapportionment: Status Report**

**REPORTS FROM COUNCIL COMMITTEES**

**OLD BUSINESS**

**Item #1: Interim Study Requests (Tabled at 6/3 meeting)**

**NEW BUSINESS**

**Item #1: Recommendation from State House and Capitol Park Commission  
to Enter a Contract with Ann Beha Associates for the Purpose  
of Conducting a Historic Structures Study of the State House  
and its Grounds. (Letter from Earle Shettleworth, Commission  
Chair)**

**LEGISLATIVE COUNCIL**  
**July 14, 1993**

**NEW BUSINESS (cont.)**

**Item #2:** Request from Jt. Standing Committee on Audit & Program Review for Allocation of Resources to Support Committee's Interim Work Schedule. (Memo to Sally Tubbesing et al. from Sen. Cleveland and Rep. Erwin, Committee Chairs)

**Item #3:** Payment of Health Insurance Benefits for Legislature's Session Employees

**Item #4:** Legislative Council Review of Operations, Organization and Staffing

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

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.



Legislative Council  
Action on Requests to Carry Over Bills  
to the Second Regular Session  
as of June 3, 1993

DB: TEST6  
RPT: SPEC05

Committee Name	Title	Sponsors	Action
Appropriations & Financial L.D. 302	Affairs RESOLUTION, to Amend the Constitution of Maine Regarding the Rainy Day Fund	FOSS	Approved 6/3/93
L.D. 1167	An Act Creating the Maine Budget and Economic Stabilization Fund	CAHILL	Approved 6/3/93
L.D. 1505	An Act to Encourage More Efficient Spending of State Tax Dollars	DAGGETT	Approved 6/3/93
Banking & Insurance L.D. 1285	An Act to Provide Family Security through Quality, Affordable Health Care	RYDELL MCCORMICK	Approved 6/3/93
Judiciary L.D. 1266	An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling	VOSE	Approved 6/3/93
Taxation L.D. 757	An Act to Eliminate the Sales Tax on Snack Foods	MURPHY	Approved 6/3/93
L.D. 1143	An Act Concerning the Definition of Telecommunications Under the Tax Laws	DAGGETT	Approved 6/3/93

— End of Report —

SENATE

BONNIE L. TITCOMB, DISTRICT 25, CHAIR  
DALE McCORMICK, DISTRICT 18  
CHARLES M. WEBSTER, DISTRICT 4

LISA COPENHAVER, LEGISLATIVE ANALYST  
MERLE WORTH, COMMITTEE CLERK



STATE OF MAINE

HOUSE

JOHN JALBERT, LISBON, CHAIR  
MARY R. CATHCART, ORONO  
JASON WENTWORTH, ARUNDEL  
MARC J. VIGUE, WINSLOW  
PAMELA H. HATCH, SKOWHEGAN  
ALVIN L. BARTH, JR., BETHEL  
DEAN F. CLUKEY, HOULTON  
HENRY L. JOY, ISLAND FALLS  
BRENDA BIRNEY QUINT, PARIS  
ROBERT L. TUFTS, STOCKTON SPRINGS

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON AGING, RETIREMENT AND VETERANS

June 4, 1993

Honorable Dan A. Gwadosky, Chair  
Legislative Council  
State House  
Augusta, ME 04333

Dear Rep. Gwadosky:

The Aging, Retirement and Veterans Committee requests authorization to conduct an interim committee study of LD 1117, An Act to Improve the Functions and Operations of the Maine State Retirement System. LD 1117, which will be carried over to the Second Regular Session, proposes making the Maine State Retirement System a public instrumentality of the State. With the changes proposed in LD 1117, the employees of the retirement system would no longer be considered state employees and the retirement system would have full control over all aspects of personnel management, including collective bargaining.

We propose that the Aging, Retirement and Veterans Committee be permitted to form a subcommittee to study the issues related to granting public instrumentality status to the retirement system. The subcommittee's task should include defining the personnel management constraints encountered by the system under current civil service law and other statutory controls, reviewing alternative solutions to the problem including granting public instrumentality status, and analyzing the budgetary and legislative oversight issues that may arise under each of the alternative solutions. We request authorization for a 5 member subcommittee to meet at least 5 times prior to the Second Regular Session and to report to the full committee in January.

The Retirement Committee recognizes that approval of this request may not be possible under the current budget constraints. We do, however, consider this to be a very important issue. Therefore, if the above subcommittee is not approved we would request an opportunity to discuss other options for study of this issue. Thank you for your consideration of this matter.

Sincerely,

Handwritten signature of Bonnie L. Titcomb in cursive.  
Sen. Bonnie L. Titcomb  
Senate Chair

Handwritten signature of John Jalbert in cursive.  
Rep. John Jalbert  
House Chair

5971GEA

RICHARD J. CAREY, DISTRICT 17, CHAIR  
JAMES R. HANDY, DISTRICT 23  
STEPHEN E. HALL, DISTRICT 5

MARION HYLAN BARR, LEGISLATIVE ANALYST  
JACKIE CHAMBERLAIN, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON LEGAL AFFAIRS

June 7, 1993

Dan A. Gwadosky, Chair  
Legislative Council  
State House Station #115  
Augusta, Maine 04333

Dear Chair Gwadosky:

The Committee on Legal Affairs would like to request a study of campaign finance laws. The request for a study is in response to a number of issues that were brought to the committee's attention during the 1st Regular Session of the 116th Legislature.

The committee heard and worked many campaign finance reform bills and understands that many legislators and their constituents wish to see reforms in campaign finance. The committee also heard a number of concerns about the ambiguities in the current law regarding campaign finance reform and the difficulties in enforcing those laws.

The details concerning this study request are as follows:

I. Study subject & tasks

A. Subject of study

The subject of the study is current Maine campaign finance laws and the enforcement of the campaign finance laws.

B. Specific questions to be examined

1. How can current campaign finance laws be amended to eliminate ambiguities that now exist?
2. How can current campaign finance laws be amended to best implement the changes this session's legislation proposes?
3. Should the Commission on Governmental Ethics and Election Practices have enhanced enforcement and regulatory powers so that better compliance with the campaign finance laws is ensured?
4. By what method or methods should the Commission on Governmental Ethics and Election Practices be funded so that it may effectively carry out its assigned duties?

## II. Appointment of members

The study shall be conducted by a subcommittee of 5 members of the Committee on Legal Affairs chosen by the chairs of the committee. The selection is to be completed by July 1, 1993.

## III. Convening of the study group

The Chair of the Legislative Council shall call the first meeting, which is to take place no later than September 1, 1993.

## IV. Selection of chair

The Chairs of the Committee on Legal Affairs are to select the chair of the study committee.

## V. Staffing

Staffing and clerical assistance is to be provided by the Legislative Council.

## VI. Compensation of members

All members are to receive legislative per diem and reimbursement for expenses.

## VII. Report

The study group is to prepare a report and any supporting legislation that it feels necessary. This report is to be submitted to the Committee on Legal Affairs by December 15, 1993. That committee is to present any recommended legislation, with a supporting study if it so desires, to the Legislature by January 10, 1994.

## VIII. Administrative item

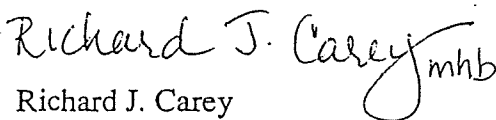
The Executive Director of the Legislative Council is to administer the study group's budget.

## IX. Number of meetings

The study group is to hold no more than 3 meetings, including those required for organization and for developing conclusions and recommendations. The study group may hold an additional meeting with the full Committee on Legal Affairs to present its findings to that body. Permission for further additional meetings is to be requested of the Legislative Council.

Campaign finance reform is a very important issue to our committee and we hope that the Council will act favorably on this request.

Sincerely,

  
Richard J. Carey  
Senate Chair

  
Beverly C. Daggett  
House Chair

SENATE

JOHN J. O'DEA, DISTRICT 11, CHAIR  
MARK W. LAWRENCE, DISTRICT 35  
JANE A. AMERO, DISTRICT 32

MICHAEL HIGGINS, LEGISLATIVE ANALYST  
JULIE FORTIN, COMMITTEE CLERK



STATE OF MAINE

HOUSE

ELIZABETH H. MITCHELL, VASSALBORO, CHAIR  
JAMES V. OLIVER, PORTLAND  
SOPHIA DOUGLASS PFEIFFER, BRUNSWICK  
STEPHEN P. SIMONDS, CAPE ELIZABETH  
PETER A. CLOUTIER, SOUTH PORTLAND  
ELIZABETH J. PINETTE, FORT KENT  
KATHLEEN STEVENS, ORONO  
OMAR P. NORTON, WINTHROP  
WENDY L. AULT, WAYNE  
MARY E. SMALL, BATH

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON EDUCATION

June 9, 1993

Honorable Dan A. Gwadosky, Chair  
Legislative Council  
State House  
Augusta, ME 04333

Dear Rep. Gwadosky:

We are writing to request authorization for the Joint Standing Committee on Education to conduct an interim committee study on Maine's school funding formula and a variety of education restructuring issues.

As you know, we have been given permission to carry over to the second session 5 funding formula bills that, if adopted, would make significant changes to the current funding formula. Further, the Governor's Task Force to Provide Recommendations Regarding School Funding Issues is preparing recommendations for changes to the formula, due in September.

The issues contained in the bills and under consideration by the Task Force are complex and require careful analysis before final decisions can be made. In conjunction with the formula issues, crucial decisions about reimbursement for special education costs, resource sharing between school units, requiring efficiencies in school administration and developing rational ways to consolidate education programs require immediate attention.


We feel it is vital that the Education Committee review the Task Force recommendations, carefully consider the proposals included in the 5 carry over bills and address the other issues mentioned above. Though it is admittedly an ambitious task, we intend to fashion a comprehensive package that addresses all these issues for consideration by the Legislature during the 2nd Session.

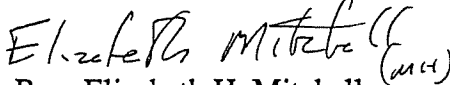
We understand the budget limitations that constrain the Council's ability to fund summer studies. However, we believe these issues have reached a critical stage. An interim committee study would give us time to weigh all the options and establish sound education policy.

We are requesting authorization for the full committee to meet at least 6 times prior to the Second Regular Session and to report to the full Legislature in January. Members would receive the legislative per diem and reimbursement for expenses. Staffing and

clerical assistance would be provided by the Legislative Council. Additional funds will be needed for assistance by experts outside of the Legislature. Thank you for your consideration of this matter.

Sincerely,

  
Sen. John J. O'Dea (mt)  
Senate Chair

  
Rep. Elizabeth H. Mitchell (mt)  
House Chair

GEA6032

PENDING BILLS/RESOLVES THAT PROPOSE STUDIES

As of June 30, 1993

LD	Proposed Study	Members	Staff	Budget
LD 555 <i>P.S. 48</i>	Administrative Costs Task Force (Appropriations Table)	13 5 legislators 4 public 4 Department	Council	"Costs absorbed"/ Legislative account
LD 576 <i>Res. 40</i>	Federal Funds Task Force (Appropriations Table)	9 all legislators	Council	"Costs absorbed"/ Legislative account
LD 671 <i>Res. 41</i>	Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (Appropriations Table)	9 3 legislators 6 other	Bureau of Taxation Council (drafting)	\$20,100
P.L. 290 (LD 680)	Task Force on Learning Results	15 - 20	Council (among others)	Outside funding
LD 777*	Commission to Study Nonregulatory and Market Solutions to Environmental Issues (Appropriations Table)	15 3 legislators 12 others	Contract (if \$ available)	\$1,890
P.L. 387 (LD 1246)	Teacher Retirement Advisory Committee	8 3 legislators	Council	"Costs absorbed"/ Legislative account
Resolves, ch. 25 (LD 1401*)	Healthy Start Task Force	14 2 legislators	Council and DHS	DHS to absorb costs May accept grants
Resolves, ch. 36 (LD 1508)	Health & Social Services Transition Team	17 5 legislators	Council	Per diem/expenses not authorized
P.L. 401 (LD 1553)	Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector	11 no legislators	To be hired if funding permits	Outside funding

LD	Proposed Study	Members	Staff	Budget
LD 283/CA (Part FFF)	Advisory Board to Privatize the Maine Health Program	5	Council, DHS; DPFR & SPO	—
LD 283/CA (Part MMM)	Maine Economic Growth Council	19 4 legislators	(Economic Growth Council to determine)	Legislative members only: Per diem/expenses
LD 283/CA (Part SSS)	Committee to Study the Retirement System	5	Contract; Legislative Council; MSRS; AG; SPO; et. al.	\$125,000
LD 1561	Study Related to Health Care Reform	Banking & Insurance Committee	Council (if funding available)	\$11,920

Note: \* denotes that amendment is required to bill to confirm to standard language previously adopted by the Legislative Council.



LEGISLATIVE COUNCIL  
REQUESTS FROM COMMITTEES TO CONDUCT INTERIM STUDIES

June, 1993

Committee	Study Topic	Members	# Meetings	Report
*Aging, Retirement & Veterans	Issues Related to Granting Public Instrumentality Status to the Maine State Retirement System	5	5	January, 1994
Education	Maine's School Funding Formula and Restructuring	Full Committee	6	January, 1994
Energy & Natural Resources	Reforming the Land Use Planning & Regulation System	7	8	December 1
Judiciary	•Federal and State Access Laws	(Staff Study)	—	N/A
	•Casino Gambling	Not specified	No per diem or expenses required Staff assistance for drafting only	Not specified
Legal Affairs	Campaign Finance Laws	5	3 subcommittee 1 full committee	December 15

\* This issue has been resolved in the budget, and the study is no longer needed.

**116th MAINE LEGISLATURE / FIRST REGULAR SESSION  
STATUTORY STUDIES REQUESTING LEGISLATIVE STAFFING**

**July 12, 1993**

<b>Proposed Study</b>	<b>Members</b>	<b>Staff</b>	<b>Budget</b>
Administrative Costs Task Force LD 555	13 5 legislators 4 public 4 Department	Council	"Costs absorbed"/ Legislative account
Federal Funds Task Force LD 576	9 all legislators	Council	"Costs absorbed"/ Legislative account
Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals LD 671	9 3 legislators 6 other	Bureau of Taxation Council (drafting)	\$20,100
Task Force on Learning Results Chapter 290, P.L. 1993	15 - 20	Council (among others)	Outside funding
Commission to Study Nonregulatory and Market Solutions to Environmental Issues LD 777	15 3 legislators 12 others	Contract (if \$ available)	\$1,890
Teacher Retirement Advisory Committee Chapter 387, P.L. 1993	8 3 legislators	Council	"Costs absorbed"/ Legislative account
Healthy Start Task Force Chapter 25, Resolves of 1993	14 2 legislators	Council and DHS	DHS to absorb costs May accept grants

Proposed Study	Members	Staff	Budget
Health & Social Services Transition Team Chapter 36, Resolves of 1993	17 5 legislators	Council	Per diem/expenses not authorized
Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector Chapter 401, P.L. 1993	11 no legislators	To be hired if funding permits	Outside funding
Advisory Board to Privatize the Maine Health Program Chapter 410, P.L. 1993 (Part FFF)	5	Council; DHS; DPFR & SPO	---
Maine Economic Growth Council Chapter 410, P.L. 1993 (Part MMM)	19 4 legislators	(Economic Growth Council to determine)	Legislative members only: Per diem/expenses
Committee to Study the Retirement System Chapter 410, P.L. 1993 (Part SSS)	5	Contract; Legislative Council; MSRS; AG; SPO; et. al.	\$125,000
Study Related to Health Care Reform LD 1561	Banking & Insurance Committee	Council (if funding available)	\$11,920

LEGISLATIVE COUNCIL  
REQUESTS FROM COMMITTEES TO CONDUCT INTERIM STUDIES

Committee	Study Topic	Members	# Meetings	Report
*Aging, Retirement & Veterans	Issues Related to Granting Public Instrumentality Status to the Maine State Retirement System	5	5	January, 1994
Education	Maine's School Funding Formula and Restructuring	Full Committee	6	January, 1994
Energy & Natural Resources	Reforming the Land Use Planning & Regulation System	7	8	December 1
Judiciary	<ul style="list-style-type: none"> <li>•Federal and State Access Laws</li> <li>•Casino Gambling</li> </ul>	(Staff Study)  Not specified	---  No per diem or expenses required Staff assistance for drafting only	N/A  Not specified
Legal Affairs	Campaign Finance Laws	5	3 subcommittee 1 full committee	December 15
Jt. Select Committee on Rules				
Jt. Standing Committee on Audit & Program Review	(See letter)	13	18-24 full committee	December

\* This issue has been resolved in the budget, and the study is no longer needed.



**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333

**STATE HOUSE AND CAPITOL PARK COMMISSION**

June 30, 1993

Honorable Dan Gwadosky, Chair  
and Members of the Legislative Council  
116th Maine Legislature  
Augusta, Maine 04333

Dear Representative Gwadosky and Members of the Legislative Council:

As you recall, the Legislative Council authorized the State House and Capitol Park Commission several months ago to solicit proposals from architectural firms to conduct a Historic Structures Study of the State House and its immediate grounds. The objective of this study would be to develop a "master plan" for the State House. Funds for this study have already been included in the Commission's FY 94 - FY 95 budget.

A Historic Structures Report serves several purposes: it identifies the significant historic historical features of the building; it documents repairs that need to be made and prioritizes those repairs; it includes a guide for ongoing, preventive maintenance of the building; and it includes recommendations for restoration. Many other state capitols have gone through this process, and it has proved to be an invaluable means of developing a comprehensive, long-term plan for these significant public buildings.

**Selection Process**

The Commission has gone through a lengthy process to select a firm that we think will best serve our State House. We initiated a two-stage selection process in order to cast our net as widely as possible. We received 9 qualifications packages in response to our initial Request for Qualifications, which appeared in several Maine newspapers, and narrowed this group to 3 firms whom we then asked to come to Augusta for interviews with the Commission. Each of the three firms has a national reputation in the field of historic preservation. We conducted those interviews yesterday and developed consensus regarding our first choice.

Honorable Dan Gwadosky, Chair  
and Members of the Legislative Council  
June 30, 1993  
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#### Recommendation

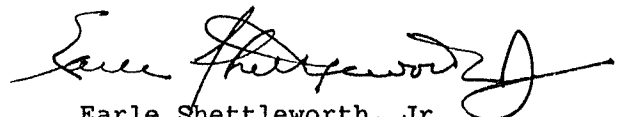
I am very pleased to recommend on behalf of the entire Commission, that the Legislative Council approve a contract with **Ann Beha Associates** for the purpose of conducting a Historic Structure Study of the State House and its grounds. This firm has worked on many historic buildings in Maine and has proposed a project team which includes the architectural firm of Weinrich + Burt and Caswell Engineering -- Maine firms which have, as you know, done extensive work in the State House over the past few years. We believe that this team will integrate the knowledge of historic preservation with the substantial knowledge we have already gained about the structure of the State House. I would note that Ann Beja Associates is a fairly small firm located in Boston that has demonstrated a special commitment to focussing on the historic preservation and restoration of public buildings.

The Commission is very excited about this project and hopes to begin work with Ann Beha as soon as possible. We would like to have the firm involved in the final decisions related to the projects for which the Council has set aside funding. We think it is very important that they be involved in the final review of the specifications for these projects, and they understand the importance of getting work underway as quickly as possible.

In closing, I would only note again that this is an extremely significant undertaking. It is both a testament to the Council's support for ensuring that the State House is cared for adequately and an opportunity for us all. I think it will be very important for the Council to become involved in the project and will work with you to determine how best to do that.

We hope that you will act favorably on our recommendation.

Sincerely,



Earle Shettleworth, Jr.  
Chair

cc: Members of the Commission

SENATE

JOHN J. CLEVELAND, DISTRICT 22, CHAIR  
M. IDA LUTHER, DISTRICT 8  
CHARLES M. BEGLEY, DISTRICT 20



HOUSE

PHYLLIS R. ERWIN, RUMFORD, CHAIR  
BEVERLY C. DAGGETT, AUGUSTA  
GEORGE A. TOWNSEND, EASTPORT  
WILLIAM LEMKE, WESTBROOK  
MONA WALKER HALE, SANFORD  
ELEANOR M. MURPHY, BERWICK  
WESLEY FARNUM, SOUTH BERWICK  
ALBERT G. STEVENS, JR., SABATTUS  
ALVIN L. BARTH, JR., BETHEL  
EDWARD L. DEXTER, KINGFIELD

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

MEMORANDUM

To: Sally Tubbesing, Executive Director of the Legislative Council;  
John Wakefield, OFPR Director;  
Martha Freeman, OPLA Director; and

From: Senator John Cleveland *[Signature]*  
Representative Phyllis Erwin *[Signature]*

Date: July 1, 1993

Re: Invitation to attend July 7 meeting

We are writing to invite your participation at a meeting on

Wednesday, July 7, 1993  
2:15 pm  
Audit Committee Room 425

We recognize that you may be planning to take some time off in the upcoming week. However, we are interested in discussing with you the possibility of filling the interim staffing needs for the Audit and Program Review Committee with selected staff from the Office of Policy and Legal Analysis, as well as any other staffing options that could or should be considered.

The Audit Committee is poised to commence its review of the Department of Corrections, followed by a review of the Department of Mental Health and Mental Retardation in the fall. We expect to hold 9-12 meetings in the next 3 months in order to conduct a thorough review of the Department of Corrections, with a similar schedule in mind for the Committee's review of DMHMR.

Prior to filling the vacant staff position assigned to the Audit Committee, the Committee is in need of an interim staffing arrangement to allow the Committee to complete its assigned agenda within the time allotted. Accordingly, as the Committee chairs, we would like to explore the possibility of assigning appropriate Legislative staff from OPLA to augment current staff resources available to the Committee.

We also intend to do some preliminary planning on the 7th in regard to the scope of these two reviews, which obviously will play a role in the needed staffing configuration.

We look forward to discussing this with you further on the 7th, or as soon as you are able. Please contact us with any questions or comments you might have.

SENATE

JOHN J. CLEVELAND, DISTRICT 22, CHAIR  
M. IDA LUTHER, DISTRICT 8  
CHARLES M. BEGLEY, DISTRICT 20



HOUSE

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STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

July 8, 1993

Honorable Dan Gwadosky, Chair  
and Members of the Legislative Council  
116th Maine State Legislature  
Augusta, Maine 04333

Dear Chair Gwadosky and Members of the Legislative Council:

We are writing to ask for your assistance in meeting the Audit Committee's statutory mandate and in pursuing a Legislative request for information originally posed in 1992. In order to obtain the needed information, we request that the Council augment current staff resources by assigning additional Legislative staff to finally provide this information originally sought by the Legislature 18 months ago.

A brief background and overview of the project is as follows:

On February 6, 1992, the chairs at that time of the Business Legislation Committee, Sen. John Baldacci and Rep. Carl Sheltra, sent a letter to the then-chair of the Board of Optometrists requesting 5 points of information; one of which is as follows [complete letter attached]:

"[The Business Legislation] Committee left the various restrictions on corporate practice in place based particularly on [the Board's] testimony concerning deterioration in the quality of care that could occur if



these restrictions were dropped. Now that there is more time we would appreciate it if you would give statistical documentation to this testimony. What we would have in mind is a complaints per 100 licensed optometrists in a state with and without these restrictions and/or the complaints per 100 optometrists in a state before and after it removed these restrictions."

A second letter was sent to the Optometrists on Business Legislation stationery the following month, March 1992, which included some of the items in the February letter, but did not include the item as listed above.

Accordingly, neither the Business Legislation Committee, nor the Legislature, has ever received the information originally sought.

During the course of the Audit Committee's review of the Board of Optometry, we have also reviewed the business restrictions imposed on the corporate practice of optometry and administered by the professional regulatory board. Since the sole purpose of a professional regulatory board is to protect the public's health and welfare, and not to regulate the corporate practice of the profession, we, too, raised questions similar to those raised by the Business Legislation Committee back in 1991.

Since the mandate of the Audit Committee is to ensure that entities under its review are operating in accordance with Legislative intent, the information requested by the Business Legislation Committee continues to be relevant to our mandate.

Therefore, since the one staff person currently assigned to the Audit and Program Review Committee is fully engaged in carrying out the Committee's business at hand, we are requesting that the Council assign other appropriate Legislative staff the task of collecting this information needed for the Committee to complete its review of the Board of Optometry.

For our purposes, we anticipate that the project would entail a survey of all regulatory boards of optometry in the country for the purposes of:

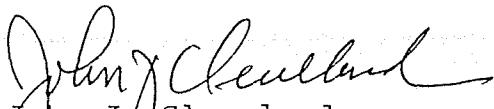
- determining the number of boards with jurisdiction over economic regulation;
- the nature and scope of these boards' authority over the corporate practice of the profession;

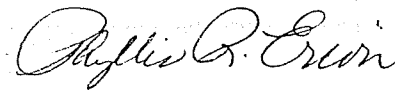
- the rationale for authorizing these professional regulatory boards to also exercise restrictions on the practice of the profession; and
- a determination of the public benefit derived from the boards' economic regulation of the profession.

We would need these data by January 1, 1994.

We would be happy to elaborate on our request for additional staffing assistance and appreciate your consideration.

Sincerely,

  
John J. Cleveland  
Senate Chair

  
Phyllis R. Erwin  
House Chair

**Judicial Branch Employees (Excluded Employees & Judges)**

**7% COLA**

Not previously awarded

**5% COLA**

Not previously awarded

\* \* \*

Ch. 410 (Part BBBB) implements a 12% increase for this group as follows:

July 1, 1993: 6.8% increase  
July 1, 1994: 3.9% increase  
February 21, 1995: 1.3% increase

No shut down days; no discretionary days off without pay.

---

**3% COLA (October 1990)**

Awarded to all employees on schedule

\* \* \*

**3% COLA (April 1991)**

Awarded on schedule, but "withdrawn" effective July 1, 1991.

\* \* \*

Restored effective July 1, 1993.

**2% Cut (July 1991)**

Reduction in salary of all employees  
with gross salary of \$50,000 or more.

\* \* \*

Ch. 410, which permits restoration of these increases, has now been implemented for these employees and cut has been restored retroactive to June 6.

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**Judicial Branch Employees (Excluded Employees & Judges)**

**39 Hour Work Week**

Judicial branch employees work a 37 1/2 hour week, which was reduced to 36 1/2 hours throughout FY 1993, with comparable salary reduction.

\* \* \*

Ch. 410 restores the 1 hour and associated pay effective October 1, 1994.

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**Retirement  
Contribution**

Ch. 410 provides that employees' share will increase by 1.15% (to a total of 7.65%) effective immediately.

## Confidential Employees

### 7% COLA

Awarded with equivalent shutdown & furlough days (total of 20 days) in July, 1991.

### 5% COLA

Awarded with equivalent shutdown & furlough days (total of 11) in October, 1991 except to those in Titles II & V.

\* \* \*

Ch. 410 continues 7% and 5% with fewer shut-down and discretionary days, thus yielding an increase of 6% (est.) in take-home pay. Funds to pay for this net cost were included in executive departments' appropriations

## Legislative Employees

Not awarded to date

Not awarded to date

\* \* \*

Net cost in FY 94 would not exceed \$396,195. Remaining balance (est. \$500,000) would be available for this purpose.

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### 3% COLA (October 1990)

Awarded in cash to all except those in Titles II & V.

\* \* \*

Withheld from Secretary, Clerk, Directors, Executive Director

\* \* \*

### 3% COLA (April 1991)

Awarded in cash except to those with gross salary of \$56,000 or more. Rescinded on July 1, 1991, from those with gross salary of \$50,000 or more.

Withheld from Secretary, Clerk, Directors, Executive Director and Leadership Staff in Ranges 9 & 10 (Executive Assistant/Special Assistant classifications)

### 2% Cut (July 1991)

Reduction in salary of all employees with gross salary of \$50,000 or more.

\* \* \*

Ch. 410, which permits restoration of these increases, has now been implemented for Confidential employees (implementation details for II & V to be announced). Cut has been restored retroactive to June 6.

Same as Confidential

\* \* \*

Total cost of restoring to affected legislative employees:

FY 94 \$90,000

FY 95 \$90,000

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**Confidential Employees**

**Legislative Employees**

**39 Hour Work Week**

Imposed on all state employees, with  
commensurate reduction in salary (est. 2 1/2%)

Same as Confidential

\* \* \*

\* \* \*

Ch. 410 restores the 40 hr. work week and  
associated pay effective October 1, 1994.

Same as Confidential

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**Retirement  
Contribution**

Ch. 410 provides that employees' share  
will increase by 1.15% (to a total  
of 7.65%) effective immediately.

Same as Confidential