

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**Lynn Randall
Legislative Council Info.**

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

October 24, 1993

Approved, November 6, 1993

CALL TO ORDER

The Chair, Rep. Gwadosky, called the Council to order at 10:15 a.m. in the Council Chambers.

ROLL CALL

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

SECRETARY'S REPORT

The Summary of the September 8, Council meeting was accepted and placed on file. (Motion by Senate President Dutremble; second by Speaker Martin; unanimous).

NEW BUSINESS

With the consent of all members present, the Chair proceeded to take up Item #6 under New Business out of order.

Item #6: Requests from Legislators to Introduce Legislation to the Second Regular Session.

The Chair, Rep. Gwadosky, thanked Meg Matheson and her staff for their work in preparing the material for the Council's consideration. He also recognized other members of the Revisor's staff who were present to assist in recording the Council's votes: Joyce Garside, Ann Dumont and Bill Haley, who are all Technicians in the Office.

Rep. Gwadosky reminded Council members that their action to approve bills at this meeting would establish the legislative workload for the Second Regular Session, a workload that already includes 281 bills -- 168 carryover bills, 95 bills that have been filed by executive departments and independent agencies, and 18 study bills. He then reviewed the voting procedures, reminding Council members that Joint Rules require a roll call vote on each request.

Note: The results of the Council's action on bill requests have been provided to individual legislators for their own bills. Copies of the Council's action on all bill requests may be obtained from the Legislative Information Office.

Item #7: After Deadline Bill Requests

The Council then proceeded to take up bill requests that had been filed after cloture. The Council's action on these requests is included on the attached list.

The Chair then proceeded with the rest of the Council agenda.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Proposed Schedule of Shutdown Days for Legislative Employees.

The Chair, Rep. Gwadosky, drew members' attention to the fact that the schedule which had been mailed to them originally had been revised. The change -- substituting Wednesday, November 24 for the originally-proposed date of Friday, November 19 -- had been made to prevent the occurrence of shutdown days in two consecutive pay periods.

Motion: That the schedule be approved as revised. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Item #2: Resignation of Judith Robbins, Session Proofreader, Office of the Revisor.

In response to a question from Sen. Cahill about the reason for Ms. Robbins' resignation, Sally Tubbesing responded that she had taken a position at Bates College which is more directly related to her career goals.

Motion: That the resignation be accepted with regret and that a letter of appreciation be sent to Ms. Robbins.
(Motion by Speaker Martin; second by Sen. Cahill; unanimous).

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Gwadosky, Committee Chair, reported that the Committee was awaiting receipt of the preliminary report and recommendations from NCSL for the Classification Study.

No Council action was required on this item.

- **Committee on Total Quality Management in the Legislature**

Rep. Gwadosky, Committee Chair, reported that the full Committee has continued to meet biweekly and has continued its review of the "new" budget process that had been implemented during the 1st Regular Session. He noted that, in conjunction with its study of the budget process, the Committee had discussed an initiative currently under consideration by the Administration to adopt a **Performance Budgeting System**. This initiative is pursuant to an Executive Order issued by the Governor in August, 1992. Materials describing the process and including a proposed implementation schedule were distributed to Council members.

No Council action was required on this item.

- **Search Committee for Revisor of Statutes**

Rep. Gwadosky, who chairs the Committee, reported that 13 resumes had been submitted in response to the newspaper ads. The applicants include 1 internal candidate, Meg Matheson. He noted that the Committee, which includes Speaker Martin, Senator Carpenter, Representative Zirnkilton and himself, and Evelyn Knopf from the Revisor's Office and Sally Tubbesing - both in a non-voting capacity, would be meeting the next day to identify those candidates whom they wish to interview. The Committee is committed to making a decision as quickly as possible as the Second Regular Session approaches.

No Council action was required.

OLD BUSINESS

Item #1: Request from Jt. Standing Committee on Audit & Program Review for Allocation of Resources to Support the Committee's Interim Work Schedule. (Tabled at July 14, 1993 meeting).

The Chair, Rep. Gwadosky, reminded Council members that the tabled item included two separate issues related to staffing. First, the Committee had requested additional staff support during the interim to design and conduct a survey related to the Maine Board of Optometry. Rep. Gwadosky drew members' attention to a letter from Sen. Cleveland and Rep. Erwin that withdrew this request.

Motion: That the Chairs' letter be accepted and placed on file. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

The second issue is the Audit Committee's request that the Council authorize filling the vacant Analyst position as quickly as possible. Rep. Gwadosky, noting that he had discussed this request with both Sen. Cleveland and with John Wakefield, observed that this issue needed to be resolved in the larger context of an evaluation of the audit process itself and, in particular, of the efficacy of the 10-year statutory cycle as a vehicle for accomplishing the Legislature's oversight role. He applauded the Committee's efforts under the leadership of Sen. Cleveland and Rep. Erwin during the past year despite the reduced staff resources assigned to support the Committee's work.

Motion: That John Wakefield be authorized to proceed immediately to hire a person to increase the staff resources available to develop a system to implement constitutional and statutory provisions regarding municipal mandates, and that this position be re-evaluated at the end of the Second Regular Session. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Motion: That the Council Chair be authorized to appoint a committee to represent all concerned parties, including staff, to review the current scope and audit and program review process and make a report to the Council; and, further, that no action be taken with regard to additional staffing until that report has been reviewed. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

Item #2: Implementation of Recommendations of Joint Select Committee on Rules related to Bill Drafting

The Chair drew Council members' attention to two items in their agenda packets, which had been prepared at his request.

Bill Drafting

The memo proposed that certain technical details be eliminated from initial bill drafts with the objective of getting bills to committee as early in the session as possible. Speaker Martin expressed concern about producing bills that are not "final" and suggested that it would be important for bills to carry a "disclaimer" that indicated that they were not final. After further discussion, Council members agreed that this proposal should be implemented on an experimental basis during the coming session and evaluated next spring.

Motion: That the recommendation be accepted, with the provision that a printed statement appear on every bill that explains that certain technical details will be added in committee once a committee has voted to take favorable action on a bill. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

Committee Review of Bill Titles

A second proposal from the Jt. Select Committee on Rules would involve committees in providing guidance to the non-partisan staff regarding priorities for bill drafting. This would require bringing committees in shortly after the Council completes its review of bills for the Second Regular Session. Rep. Whitcomb suggested that committees review carryover bills at the same time.

Motion: That the presiding officers be authorized to approve payment of per diem and expenses to legislators for the purpose of reviewing bill titles and suggesting drafting priorities. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Rep. Gwadosky then pointed out that while committee members would have the opportunity to review bill titles submitted by legislators, the bills that have been filed by the Governor, executive departments and independent agencies would not be published because the Joint Rules currently afford these titles confidentiality until they are actually introduced.

Motion: That the Council Chair send a letter to the Governor asking him to release the titles of his bills and requesting that all executive agencies do the same so that committees can incorporate this information in their efforts to establish priorities and do preliminary scheduling. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

NEW BUSINESS

At the request of Rep. Zirnkilton, the Chair proceeded to take up Item #4.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

The Council proceeded to go into Executive Session at 5:32 p.m.

RECONVENE

The Chair reconvened the Council in open session at 6:24 p.m.

Item #4: Request for Council Authorization to Enter into a Contract for the Purpose of Employing Secretarial Staff in the House Minority Office (by request of Rep. Whitcomb).

The item was withdrawn by Rep. Whitcomb.

Item #1: Request from the Jt. Select Committee on Corrections for Authorization to Meet at the State Prison. (Letter from the Chairs, Sen. Bustin and Rep. Larrivee).

Motion: That the request be approved. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Item #2: Requests from Joint Standing Committee on Education to Authorize Expenditure of Funds to Support Research Related to Education Funding. (Letter from Sen. O'Dea and Rep. Mitchell, Committee Chairs).

Motion: That the Executive Director be authorized to work with the Joint Standing Committee on Education to enter into a contract with Josephine LaPlante, University of Southern Maine, provided that the Governor agree to provide half of the total cost of \$6,000. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Item #3: Remarks by the Bureau of General Services regarding the Structural Soundness of the State House. (Request of Rep. Patrick E. Paradis).

The Chair tabled the item at the request of Rep. Paradis.

Item #5: Legislative Document Service: Proposed Fee Schedule for the Second Regular Session.

Motion: That the proposed fee schedule be approved. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The meeting was adjourned without objection at 6:28 p.m.