

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Lynn Randall
Legislative Council Info.

Saturday, November 6, 199

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of October 24, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Personnel Actions

- Hiring of Carolin Hanoian, to fill the vacant session-only Secretarial position in OPLA (resume enclosed)

REPORTS FROM COUNCIL COMMITTEES

- Search Committee for Revisor of Statutes

OLD BUSINESS

- Item #1: Remarks by the Bureau of General Services regarding the Structural Soundness of the State House. (Request of Rep. Patrick E. Paradis; tabled at October 24 meeting).

NEW BUSINESS

- Item #1: Recommendation from State House & Capitol Park Commission to Award Contract for Restoration of State House Retaining Wall (summary of bids enclosed)
- Item #2: Consideration of Legislators' Appeals of Council Action on Bill Requests
- Item #3: After Deadline Bill Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

**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.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
October 24, 1993

| | | Action |
|----------|--|--------------------|
| SPONSOR: | Rep. Aliberti | ACCEPTED |
| LR 3109 | An Act Concerning Possession of Firearms by Minors on or Near Public School Property | |
| SPONSOR: | Rep. Chonko | FAILED |
| LR 3111 | An Act to Maintain State-Staffed Crisis Programs | |
| SPONSOR: | Rep. Erwin | TABLED 10/24/93 |
| LR 3089 | An Act to Regulate Cultivation and Sale of Ginseng | |
| SPONSOR: | Rep. Farnsworth | ACCEPTED |
| LR 3090 | An Act Amending the Discovery Rule Damage Resulting from TMJ Implants | |
| SPONSOR: | Rep. Jalbert | ACCEPTED |
| LR 3110 | An Act to Designate Route 126 through Lewiston and Lisbon in Memory of Staff Sergeant Thomas Field | |
| SPONSOR: | Rep. Johnson | TABLED 10/24/93 |
| LR 3093 | An Act to Provide Funding to the Maine Criminal Justice Commission | |
| SPONSOR: | Rep. Martin, John L. | ACCEPTED |
| LR 3087 | An Act to Promote the Continued Use of Private Lands for Recreation | |
| SPONSOR: | Rep. Morrison | TABLED 10/24/93 |
| LR 3108 | An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions | |
| SPONSOR: | Rep. Murphy | ACCEPTED |
| LR 3091 | An Act to Amend the Charter of the Berwick Sewer District | |

SPONSOR: Rep. Murphy
LR 3092 An Act to Ensure that Counties Provide Base Funding
to the University of Maine Cooperative Extension
TABLED
10/24/93

SPONSOR: Rep. Pineau
LR 3112 An Act Relating to Retirement Benefits for the
Maine State Police
TABLED
10/24/93

SPONSOR: Rep. Pineau
LR 3113 An Act Regarding the Workers' Compensation Residual
Market Mechanism
TABLED
10/24/93

JOINT RESOLUTION

SPONSOR: Rep. Donnelly
LR 2516 JOINT RESOLUTION REQUESTING THE MAINE CONGRESSIONAL
DELEGATION TO ADOPT THE SO-CALLED VETERANS' PLEDGE
TABLED
10/24/93

SPONSOR: Rep. Farren, Jr.
LR 2849 JOINT RESOLUTION MEMORIALIZING CONGRESS TO EXTEND
THE MAINE TERRITORIAL COASTAL WATERS FROM 3 MILES
TO 12 MILES
TABLED
10/24/93

SPONSOR: Rep. Kilkelly
LR 2529 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AMEND
THE LAW DESIGNATING THE METRIC SYSTEM AS THE SYSTEM
FOR NATIONAL COMMERCE AND TRADE
TABLED
10/24/93

SPONSOR: Rep. Lord
LR 2647 JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF THE
OZONE TRANSPORTATION COMMISSION TO VOTE NO ON THE
PETITION TO THE ENVIRONMENTAL PROTECTION AGENCY ON
LEV CARS
TABLED
10/24/93

SPONSOR: Sen. Summers
LR 2515 JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS
LEGISLATION SPECIFICALLY AUTHORIZING LIMITATIONS
ON UNPROCESSED TIMBER
TABLED
10/24/93

STATE HOUSE RETAINING WALL RESTORATION

- Bids were submitted by 3 contractors
 - Both contractors and stone masons were prequalified for this project.
- Low bid was submitted by the firm of Granger Northern, Inc., Portland, Maine.
- Bid: \$680,000
 - Work to begin as soon as the Legislature adjourns next spring (cost is \$16,000 less to do all work in a single season).
- Bid includes separate amounts totalling \$132,000 for rebuilding of north steps and stripping and repainting entire fence.

Recommendation:

That the contract be awarded to Granger Northern, Inc., with the provision that the north steps and the fence work be issued as amendments to the contract as funds become available.

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
November 6, 1993**

Action

SPONSOR: Rep. Chonko

LR 3111 An Act to Maintain State-Staffed Crisis Programs
(Failed 10/24/93)

SPONSOR: Rep. Gray

LR 3114 An Act to Stabilize the Economic Impact of Timber
Exports on the Timber Industry

SPONSOR: Rep. Mitchell, James

LR 3118 Resolve, to Identify Certain State Land and Parks as
Conservation Areas

SPONSOR: Rep. Pineau

LR 3117 An Act Regarding the Use of Social Security Numbers
on Health Care Cards

Cosponsors: Sen. Carey

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Erwin

**TABLED
10/24/93**

LR 3089 An Act to Regulate Cultivation and Sale of Ginseng

SPONSOR: Rep. Johnson

**TABLED
10/24/93**

LR 3093 An Act to Provide Funding to the Maine Criminal
Justice Commission

SPONSOR: Rep. Morrison

**TABLED
10/24/93**

LR 3108 An Act to Reinstitute Stipends for Professional Staff
at State Mental Health Institutions

SPONSOR: Rep. Murphy

**TABLED
10/24/93**

LR 3092 An Act to Ensure that Counties Provide Base Funding
to the University of Maine Cooperative Extension

SPONSOR: Rep. Pineau
TABLED
10/24/93

LR 3112 An Act Relating to Retirement Benefits for the Maine
State Police

SPONSOR: Rep. Pineau
TABLED
10/24/93

LR 3113 An Act Regarding the Workers' Compensation Residual
Market Mechanism

Cosponsors: Rep. Carleton, Jr.

SPONSOR: Sen. Dutremble, Dennis L.
TABLED
10/24/93

LR 2550 An Act to Clarify the Definition of "Teacher" under
the Laws of the Maine State Retirement System

JOINT RESOLUTIONS

SPONSOR: Rep. Donnelly
TABLED
10/24/93

LR 2516 JOINT RESOLUTION REQUESTING THE MAINE CONGRESSIONAL
DELEGATION TO ADOPT THE SO-CALLED VETERANS' PLEDGE

SPONSOR: Rep. Farren, Jr.
TABLED
10/24/93

LR 2849 JOINT RESOLUTION MEMORIALIZING CONGRESS TO EXTEND THE
MAINE TERRITORIAL COASTAL WATERS FROM 3 MILES TO 12 MILES

SPONSOR: Rep. Kilkelly
TABLED
10/24/93

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