

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
Wednesday, June 29, 1994
AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of May 11, 1994, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Resignation of Paul Saucier, Office of Policy & Legal Analysis
- Item #2: NCSL Skills Development Seminar: A "Debriefing"
- Item #3: Restoration and Repair Projects: Progress Report
- Item #4: Legislative Council Policy Related to Fees for Publications

REPORTS FROM COUNCIL COMMITTEES

- Item #1: Committee on Total Quality Management in the Legislature
- Item #2: Subcommittee to Review the Audit Process
- Item #3: Personnel Committee

OLD BUSINESS

- Item #1: State House Dome: Exterior Lighting
(Letter from Governor McKernan enclosed)
- Item #2: Proposal to Further Automate Senate and House Chamber Operations

NEW BUSINESS

Item #1: Requests for Use of Capitol Park

- Sportsman's Alliance of Maine on July 2, to conclude a march in support of Second Amendment rights
- Maine Army National Guard on August 6, to conduct a Change of Command Ceremony
- Governor McKernan on September 7, for Annual State Employee Recognition picnic

Item #2: Requests from Joint Standing Committees for Council Authorization to Meet:

- Education Committee to meet to discuss appointees to the Committee to Study Organizational and Tax Issues in Public Schools as required by law (P.L., Ch. 684) (letter from the Chairs, Senator O'Dea and Rep. Mitchell)
- Legal Affairs Committee to meet with the Liquor and Lottery Commission regarding a proposed change in the Tri-State Megabucks (letter from the Chairs, Senator Carey and Rep. Daggett)

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. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. PATRICK E. PARADIS
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

May 11, 1994

MEETING SUMMARY

Approved June 29, 1994

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Council to order at 4:05 p.m. in the Council Chambers.

ROLL CALL

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

SECRETARY'S REPORT

The Summary of the March 7, 1994, meeting was approved and placed on file.

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items for the Council's consideration:

Item #1: Interim Studies: List and Staffing Assignments

Ms. Tubbesing drew members' attention to a list of interim studies to be staffed through the Council and the staff assignments. She noted that Martha Freeman and John Wakefield had collaborated in making the assignments to assure that each of the study committees had ready access to the research, fiscal, legal and/or bill drafting skills that were likely to be required.

No Council action was required on this item.

Item #2: Progress Report on State House Repair and Restoration Projects

State House Retaining Wall

Ms. Tubbesing drew members' attention to two significant restoration projects. The first -- restoration of the retaining wall that surrounds the State House -- is underway. The Legislature under the Council's leadership, had set aside funds for this work in June, 1993, and the Council had authorized award of the contract for the work in October. Ms. Tubbesing briefly described the scope of the work involved in the project.

Dome Ceiling

She then reported that the specifications for work on the second project -- repair and repainting of the Dome ceiling -- were in process. Investigations of the Dome in conjunction with the development of the specifications for work have revealed both the need to reinforce the existing structure and the need to include lead abatement in the scope of work and cost estimates. Preliminary estimates of the cost of completing this repair project are in the range of \$120,000 - \$130,000. Funds are available.

Rep. Whitcomb drew Council members' attention to the fact that Mr. Jeff Edwards had expressed interest in raising funds to restore the exterior lighting for the Dome, noting that Mr. Edwards had approached several schools in the area and generated interest among the students in those schools. He asked what the Council's role should be in this private fund-raising effort. In the discussion that followed, Council members raised the following concerns and considerations:

- The timing of this effort

Several Council members noted that the school year was nearing an end; thus the project would either have to be launched immediately or delayed until the beginning of the next school year.

- The cost of restoring the Dome's exterior lighting

Rep. Jacques asked for more information regarding the estimated cost, noting that it would not be appropriate for the Council to endorse a fund-raising effort unless the specific fund-raising goal were known. Sen. Esty then asked if the State had ever developed a "wish list" of projects that "we can't afford but that would be nice." Rep. Whitcomb responded that, based on his conversations with Sally Tubbesing, the amount of \$15,000 would cover the restoration of electrical service from the first floor to the Dome and the purchase of light fixtures. Finally, Sen. Carpenter suggested that the first step was to confirm whether the exterior lighting would, indeed, be restored before the Council endorsed any fund raising for this effort.

- The process being used to solicit contributors

Mr. Edwards' effort is directed toward schools, and Rep. Whitcomb reported that the project had been received very enthusiastically in the Augusta and Waterville schools. Council members voiced several questions and concerns about school participation:

- Many schools are involved in other fund-raising projects -- an outgrowth of budget cuts -- and it would not be appropriate for the State House Dome to compete with those projects. (Rep. Jacques)
- Concern that Council ratification of this project would give Mr. Edwards entree to more schools for his business. (Speaker Gwadosky)
- Concern that schools have received the required approval from their school boards to participate in this project. (President Dutremble)

Motion: That the Council accept Mr. Edwards' proposal with interest and support of the idea and that the Executive Director be directed to gather additional information so that the Council can make a final decision.

There was no second to the motion. The Chair, Speaker Gwadosky, then thanked Mr. Edwards and reiterated both the Council's interest and the need for further information.

Item #3: NCSL Skills Development Seminar

Ms. Tubbesing reported that NCSL has arranged to have its annual Skills Development Seminar in Portland, June 22-25. This Seminar is designed for legislative staff who have no more than 2-3 years legislative experience; and it is organized in 4 "tracks": research; bill drafting; fiscal

analysis; and program evaluation. She noted that several legislative staff had already signed up and that 3 members of the non-partisan staff would be participating as faculty members: Lynn Randall, Julie Jones and Paul Saucier. The Chair, Speaker Gwadosky, encouraged members of the Council to review the brochure and consider sending members of their own staff to the seminar.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

The Chair had deferred this item to the end of the meeting; thus, the related discussion appears as the last item in this Summary.

Committee on TQM in the Legislature

The Chair, Speaker Gwadosky, reminded members that he had appointed Rep. Kontos as Chair soon after he assumed his duties as Speaker. He reported that the TQM Committee would be meeting throughout the summer and would focus on issues related to orientation of new members and security in the State House.

No Council action was required on this item.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Vietnam Veterans Memorial

Council members considered two items related to the Memorial:

a. Report from the State House and Capitol Park Commission

Mr. Shettleworth's letter summarized the results of the Commission's work with regard to repairs and improvements to the Memorial and reported that, with the installation of the flagpole the week before Memorial Day, the proposed work had been completed. He stressed the importance of routine maintenance to ensure that the Memorial remains in good condition and indicated that the State House and Capitol Park Commission would include funds for this purpose in its budget request for the 1995-1996 biennium.

b. Request to Have a Ceremony at the Memorial

Ms. Tubbesing reported that while there was no written request, veterans' groups had expressed interest in having a dedication ceremony to commemorate the new flagpole and that this might occur during the Memorial Day weekend.

Motion: That Mr. Shettleworth's report be accepted and placed on file; and, further, that veterans' groups be authorized to have a ceremony provided that they work with the Director of Capitol Police to plan this event. (Motion by Sen. Bustin; second by Rep. Jacques; unanimous).

Item #2: Notification from the Department of Conservation of a Transfer of Land

The Chair, Speaker Gwadosky, noted that the letter from Susan J. Bell, Director of the Maine Forest Service, was an information item.

Motion: That the letter be accepted and placed on file. (Motion by President Dutremble; second by Rep. Paradis; unanimous).

Item #3: Transfer of Funds to the Reserve Fund for State House Preservation and Maintenance pursuant to statute (Chapter 54, P & S, 1993)

Motion: That funds be transferred from the remaining balances in the current fiscal year in the General Legislative Account to the Reserve Fund for State House Preservation and Maintenance in accordance with the law. (Motion by President Dutremble; second by Sen. Bustin; unanimous).

Item #4: Proposed Work Plan for Joint Standing Committee on Audit & Program Review (memo from Sen. Cleveland and Rep. Erwin, Committee Chairs).

The Chair, Speaker Gwadosky, recognized the presence of both Senator Cleveland and Representative Erwin, the Chairs of the Audit Committee. He then drew members' attention to the materials that had been provided in their agenda packet and reminded members that legislation had been passed in the recently-completed session that converted the 10-year schedule from a mandatory one to a "guideline," as recommended by the Audit Committee. He then asked the Chairs to share with Council members their thoughts about the implications of this statutory change for the audit process.

Senator Cleveland reported that the Committee had already undertaken the first steps in the review process by the time the new legislation was enacted. At this point, the Committee has decided to defer some of the reviews in the statutory schedule due to constraints of time and resources, including the departments of Mental Health and Mental Retardation and Inland Fisheries & Wildlife and the Maine Turnpike Authority. The Committee had sought input from the committees of jurisdiction in order to identify issues that should be looked at; and its decision to eliminate these departments was based on the lack of response. Sen. Bustin expressed concern about the decision to defer review of DMHMR for another year. Sen. Cleveland responded that the Committee had to make some choices and proposed to meet with the Council in the fall to begin discussions regarding what the Committee should focus on in its reviews beginning next January.

The ensuing discussion centered on the following issues:

- Whether the Committee was taking advantage of the change in legislation in the current review cycle and moving away from a "sunset" approach to program evaluation (Speaker Gwadosky). Sen. Cleveland responded affirmatively.
- Concern about the Committee's decision to defer the review of DMHMR (Rep. Jacques and others). Rep. Jacques stated that DMHMR was of great concern to him and his constituents.
- The staffing available to the Committee

Sen. Cleveland had indicated that the Committee could not undertake the review of DMHMR with the staff currently assigned to the Committee. In response to a question from Sen. Bustin, Ms. Tubbesing reported that the Office of Fiscal & Program Review had a vacant Analyst position that had been assigned to the Committee in the past, but that this position was unfunded in the current fiscal year.

At this point in the discussion, Sen. Esty offered the following motion:

Motion: That the Council authorize the vacant position to be filled; that the Audit Committee reprioritize its work until the position is filled; and, finally, that the Council approve the revised schedule as presented by the Audit Committee. (Motion by Sen. Esty; second by Sen. Bustin).

Discussion: The Chair, Speaker Gwadosky, expressed his concern about adding legislative staff at this point, noting that the Legislature had appropriately moved away from the 10 year cycle, thus allowing the Committee to refocus its efforts on program evaluation rather than department-wide

reviews. He pointed to the need to create the Committee's new function first before existing staff is augmented and stressed that Cheryl Ring had done an outstanding job in staffing the Committee. Rep. Whitcomb concurred with the Chair.

Sen. Esty stressed that this was not a new position, but would merely involve filling a vacancy; however, Rep. Whitcomb noted that the Council's decision to keep the position vacant had been a "very conscious" one pending a thorough review of the Committee's function and process. Sen. Cleveland's response that he would not expect the now-vacant position to be dedicated to the Committee on a year round basis, was followed by Rep. Whitcomb's question about the level and adequacy of staffing for municipal mandates. At the Chair's request, John Wakefield reviewed the approach his office had developed for carrying out its responsibility for reviewing bills and amendments for their potential impact on municipal budgets and reported that it had worked relatively well. He noted that if the vacant position were filled, it would be important for him as Director of the Office to have full authority to assign specific duties and responsibilities based on the overall workload and priorities of the office. Finally, Sen. Cleveland noted that even with an additional person, the Committee would have to allocate its time very carefully.

Discussion again turned to whether the Committee should eliminate other agencies on its review schedule in order to devote time to DMHMR. Rep. Jacques noted that if the Committee deferred to the Council's request to include DMHMR in its review this summer, it was important to make sure the Committee had the necessary staff. Chair Gwadosky then asked Sen. Cleveland and Rep. Erwin if the Committee could select critical areas within a department to review rather than the traditional department-wide study. Rep. Erwin responded that the Committee had, indeed, done this in the past at the Council's direction; however, Sen. Cleveland stressed that the Committee had deep concern about all of the programs in many Departments.

The Chair, Speaker Gwadosky, asked Sen. Esty to restate the motion he had offered earlier:

Motion: That the Council authorize the vacant position to be filled; that the Audit Committee reprioritize its work until the position is filled; and, finally, that the Council approve the revised schedule as presented by the Audit Committee. (Motion by Sen. Esty; second by Sen. Bustin; failed 4-2, with 1 abstention).

Motion: That the Audit & Program Review Committee be directed to reprioritize its work, substituting DMHMR for the Department of Conservation. (Motion by Sen. Esty; second by President Dutremble; approved 6-0, with 1 abstention).

Motion: That the Council Chair appoint a subcommittee to meet with the Chairs of the Audit & Program Review Committee and John Wakefield regarding the direction of the Committee's work and present a report to the Council at its next meeting. (Motion by President Dutremble; second by Sen. Bustin, approved unanimously).

Sen. Cleveland then asked for clarification that the Committee should proceed for the present on the basis of having 1 staff person assigned; and the Chair confirmed this.

Item #5: NCSL Legislative Staff Management Institute: Application by Millie MacFarland, Assistant Clerk of the House.

The Chair, Speaker Gwadosky, noted that the Council had previously sent employees to this 2-week institute with the understanding that the employee would seek to secure scholarship support through the program and that the balance of the costs would be paid out of the Legislative Account.

Motion: That the Legislative Council support Ms. MacFarland's attendance at the Legislative Staff Management Institute and authorize payment of costs not covered by scholarship support. (Motion by Rep. Jacques; second by Sen. Bustin; unanimous).

Item #6: Proposal to Further Automate Operations in the Senate and House Chambers.

The Chair recognized David Ward, President of the International Roll Call Corporation, who was in attendance. He then asked Clerk of the House, Joe Mayo, and Secretary of the Senate, Joy O'Brien, to provide Council members with a brief overview of the limitations of the current system that supports floor proceedings in the House and Senate and the movement of papers between the two bodies. Clerk Mayo noted that there continues to be unnecessary duplication of effort and that many operations which could be automated are still manual. After extensive study, the two Officers have concluded that with enhancements to the Legislature's existing technology, it would be possible to complete the business of the House and Senate more smoothly and efficiently and to reduce overtime. They noted that with term limits and the potential for new presiding officers every 2 years, it is essential to ensure the maximum support possible for chamber operations. They reported that the necessary enhancements -- which include upgrading the software on the House Roll Call machine, installation of a voting board in the Senate, and automation of bill stamping -- will require complex electrical work; thus if the system is to be available for the 117th Legislature, work must begin by early July.

President Dutremble noted that he, Speaker Martin and now Speaker Gwadosky, had worked hard over the past two years to improve the legislative schedule; but that the schedule still includes a great deal of "waiting" for papers to be processed by one body before they are available for consideration in the other. He observed that the proposed enhancements involved initial cost, but was convinced that these would produce savings in the long run.

The Chair, Speaker Gwadosky, then recognized Mr. Ward, who stated that he had worked out an "installment plan" for paying the total \$310,000 cost of the project in order to spread the payments over a 5 to 6 year period, noting that Maine is the only state to whom he has offered such an arrangement. Sally Tubbesing then stated that the Secretary and Clerk had met with the architect and electrical engineer to insure that the proposed work is consistent with the master plan for the State House.

In the ensuing discussion, Council members raised questions about the safety of the existing wiring in the State House; the reason the Senate carpet would need to be pulled up for the proposed work; and the relationship between this project and the sound system. Senator Bustin then asked whether the decision to proceed with this project was not more appropriately a decision to be made by the House and Senate rather than the Legislative Council. The Chair, Speaker Gwadosky, replied that he felt it was appropriate for the Council to take action both because of the size of the expenditure and because it would require a commitment beyond the tenure of the sitting presiding officers.

Motion: That the project be approved with the stipulation that a concise plan be presented at the next Council meeting. (Motion by Sen. Bustin; second by Sen. Dutremble).

Rep. Whitcomb then expressed concern about the cost beyond the amount to be paid to International Roll Call Corporation.

There was no vote on the motion.

Motion: That the item be tabled. (Motion by President Dutremble; second by Rep. Jacques; unanimous).

The Chair, Speaker Gwadosky, then returned to an agenda item that had been deferred earlier in the meeting.

REPORTS FROM COUNCIL COMMITTEES (continued)

Personnel Committee

Motion: That the Legislative Council authorize coverage under the Income Protection Plan to eligible employees as recommended. (Motion by President Dutremble; second by Rep. Jacques; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 6:26 p.m.



STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

June 9, 1994

JOHN R. MCKERNAN, JR.

GOVERNOR

The Honorable Dan A. Gwadosky, Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Dan,

After a long period of frustration over lack of funding mechanisms for repairs to state buildings that all departments of Maine State Government have shared, I am pleased to see the State House project now moving forward and progress being made on repairs to this historic Maine State treasure.

The State Capitol Complex is significant in many ways to many families in Maine, and is symbolic of the virtues that make its people great. The State House is the crown of the complex. It is majestic, yet functional, solid, yet elegant, and it perseveres in spite of often difficult elements.

As an attempt to gain the most improvement from all projects undertaken, if the Legislative Council is willing, I would like to offer the support of the Executive Department and the Governor's Contingency Account to the project in order to try to bring lighting to the exterior of the dome.

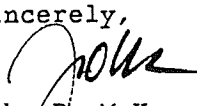
My preliminary understanding of the situation is that \$10,000 to \$15,000 added to the project might enable you to include re-lighting to the scope of the project now being designed.

If we could work together to bring proper lighting to the entire dome as part of this project, my belief is that the people of the State of Maine would be well-served, and be able, once again, to fully appreciate the magnificence of this beautiful structure, and to know that the improvements were a part of a cooperative effort by their elected officials.

Dan, as we discussed, there would be additional operating costs. It would cost approximately \$1,500 a year to light the dome. This cost could be absorbed by the Bureau of General Services Utilities Budget within the Department of Administrative & Financial Services.

I would be pleased to answer any questions or concerns and to have the staff of the Bureau of General Services available to work out the details. Please respond promptly so that we may plan for the end of the current fiscal year.

Sincerely,


John R. McKernan, Jr.
Governor

cc: Legislative Council
Sally Tubbesing
Sawin Millett



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



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

STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON EDUCATION

May 31, 1994

The Honorable Dan A. Gwadowsky, Chair
Legislative Council
Maine Legislature
State House Station 115
Augusta, Maine 04333

Dear Chair Gwadowsky:

The Joint Standing Committee on Education is planning to meet on Monday, June 6, from 9 a.m. until 1 p.m. to discuss 2 education matters requiring immediate action: establishing education research goals for the coming year and creation of a list of possible appointees to the 5 member Committee to Study Organizational and Tax Issues in Public Schools.

As you know, L.D. 924, An Act to Amend the School Funding Formula, included an appropriation of \$50,000 to fund a joint education research project between the Legislature and the University of Maine System. A steering group consisting of researchers, legislators, executive branch officials and interested parties has been meeting for several months to plan the research effort. They require further direction from the Education Committee before final decisions on the research are made and the contract is agreed upon.

L.D. 924 also included implementing language and an appropriation of \$58,375 for the 5 member committee. The legislation becomes effective in mid July and requires that the Education Committee provide a list from which the Governor will select 1 committee member, the President of the Senate 2 members and the Speaker of the House 2 members.

As both of these matters require our attention, we are requesting that members who attend the June 6 meeting receive travel compensation and the legislative per diem. We understand that the Council will not meet and therefore cannot consider this request until after the June 6 meeting. However, should you agree that this meeting merits granting our request we would be most appreciative.

Thank you for your consideration of this matter.

Sincerely,

Sen. John J. O'Dea
Senate Chair

Rep. Elizabeth H. Mitchell
House Chair

7047GEA

SENATE

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



HOUSE

BEVERLY C. DAGGETT, AUGUSTA, CHAIR
WILLIAM LEMKE, WESTBROOK
JOHN M. MICHAEL, AUBURN
JAMES S. BOWERS, WASHINGTON
ALBERT P. GAMACHE, LEWISTON
ALBERT G. STEVENS, SABATTUS
RICHARD A. BENNETT, NORWAY
LAWRENCE F. NASH, CAMDEN
JULIE-MARIE ROBICHAUD, CARIBOU
HARRY G. TRUE, FRYEBURG

STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON LEGAL AFFAIRS

June 27, 1994

The Honorable Dan A. Gwadosky, Chair
Legislative Council
Maine Legislature
State House Station #115

Dear Mr. Chair:

We are writing to request the Council's permission for the Legal Affairs Committee to meet in order to discuss a proposed change in the Lottery's Tri-State game. We have been asked by the Liquor and Lottery Commission to convene so that the Lottery may explain to the committee what the proposed change is and why the change is being proposed.

We request that you please authorize the meeting and per diems and expenses for committee members to meet for 1/2 day. Thank you very much for your attention to this matter, and we look forward to your decision.

Sincerely,

Richard J. Carey MHB

Richard J. Carey, Senate Chair

Beverly C. Daggett MHB

Beverly C. Daggett, House Chair

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