

MAINE STATE LEGISLATURE

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REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. DONALD E. ESTY, JR.
SEN. PAMELA L. CAHILL
SEN. BEVERLY MINER BUSTIN
SEN. DAVID L. CARPENTER
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. PATRICK E. PARADIS
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

Wednesday, June 29, 1994

MEETING SUMMARY

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Legislative Council to order at 1:40 p.m. in the Council Chambers.

ROLL CALL

Senators:	President Dutremble, Sen. Esty, Sen. Cahill, Sen. Bustin, Sen. Carpenter
Representatives:	Speaker Gwadosky, Rep. Jacques, 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 Tim Glidden, Principal Analyst, 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 May 11, 1994, Council meeting was approved and placed on file. (Motion by Rep. Jacques; second by Rep. Paradis; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

Item #1: Resignation of Paul Saucier, Office of Policy & Legal Analysis

Ms. Tubbesing reported that Mr. Saucier, who has been a member of the staff for 6 years,

. She noted his significant contributions both to the Legislature's consideration of complex issues related to health care, welfare reform and social services -- issues made even more complex by the budget situation -- and within OPLA.

Finally, she informed Council members that she has accepted Martha Freeman's recommendation to promote John Kelley, a Researcher on the OPLA staff, to the vacant position created by Mr. Saucier's resignation and to delay filling the newly-vacant Research position until fall.

Motion: That Mr. Saucier's resignation be accepted with regret and that a letter be sent expressing the Council's appreciation for his outstanding service. (Motion by Sen. Carpenter; second by Sen. Cahill; unanimous).

Item #2: NCSL Skills Development Seminar: A "Debriefing"

Ms. Tubbesing reported that the Seminar, which had been held the previous week in Portland, had been one of the most successful ever in the opinion of NCSL staff. Attendance was high and participants included several members of both our own non-partisan staff and leadership staff, and the quality of the work sessions was uniformly high, a tribute, in part, to the participation of 3 members of our staff -- Paul Saucier, Lynn Randall and Julie Jones -- on the faculty. She noted that the success was due to the efforts of many members of the staff.

No Council action was required on this item.

Item #3: Restoration and Repair Projects: Progress Report

Ms. Tubbesing reported that both the restoration of the Retaining Wall and the repair and restoration of the Dome Ceiling were underway and on schedule. She noted that the clear plastic "chimney" which had been dropped from the 4th floor Rotunda to the 3rd floor had been installed at the specific request of the Risk Management Division as a safety precaution.

No Council action was required on this item.

Item #4: Legislative Council Policy Related to Fees for Publications

Ms. Tubbesing requested that this item be deferred.

REPORTS FROM COUNCIL COMMITTEES

Item #1: Committee on Total Quality Management in the Legislature

The Chair, Speaker Gwadosky, reported that the Committee had met the previous week and that the new Chair, Representative Kontos, was in the process of reviewing the Committee's membership to ensure broad based participation by both legislators and staff. He reported that the Committee and its subcommittees were focussing on the orientation of new members and committee chairs and on issues related to security and access in the State House. The Committee is also scheduled to work on the development of a series of recommendations regarding the Legislative process for reviewing the budget.

No Council action was required on this item.

Item #2: Subcommittee to Review the Audit Process

Chair Gwadosky reported that the Subcommittee had met with the Audit Committee Chairs to discuss the implications of the legislation passed during the Second Regular Session for the Committee's work this summer and over the longer term. The Committee Chairs had presented a request for 19 additional meetings between now and December 1, 4 of which are required to complete work already underway on various licensing boards and the Saco River Commission. The remaining 15 meetings will be devoted to a review of particular issues related to the transition from an institutional service delivery model to one which is community-based, the Department of Mental Health and Mental Retardation.

Council members engaged in brief discussion, which centered on clarification of their action at the May meeting related to the Committee's work and their concern that the Committee concentrate on whether the actual direction of DMHMR's program and services is consistent with their stated commitment to a transition of community-based services.

Motion: That the Legislative Council adopt the proposal presented by the Audit Committee, which includes 19 additional meetings and study of the following issues in the Department of Mental Health & Mental Retardation:

- Key administrative and management issues within the Department; and
- The Department's general administration and management of services surrounding the implementation of the transition from an institutional model to one which is community-based; and what services are being delivered to persons in need of these services;

and further, that the Committee complete all of its work no later than December 1; and finally, that the Subcommittee meet with the Audit Committee Chairs in September to assess the Committee's progress to date.

(Motion by Rep. Jacques; second by Sen. Esty; approved unanimously. Note: the original motion included a "friendly amendment" offered by Sen. Bustin. The Council did not voted on this amendment separately.)

Following the vote, the Chair, Speaker Gwadosky, reminded Council members that they would be taking up the longer term issues related to the audit function later in the fall.

Item #3: Personnel Committee

Speaker Gwadosky, who chairs the Committee, met that morning to discuss 3 issues:

- A request for maternity leave under the Legislature's Income Protection:

MOTION: That the Legislative Council authorize coverage under the Income Protection Plan to eligible legislative employees as recommended. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

- Discussion of the process the Committee will use this year to conduct performance reviews for the non-partisan Office Directors and the Executive Director. Speaker Gwadosky, noting that the statute provides that individuals hired into these positions be appointed by the Council for 3-year terms, reported that 3 of the Directors -- Lynn, Martha and Sally -- will complete terms at various points during the summer. Thus, the Committee will make recommendations to the Council regarding their reappointment in conjunction with their annual performance reviews. He stated that the Committee had set aside 2 dates in July and August for completion of the reviews of all 5 Directors.
- Consideration of NCSL's recommendations regarding the reclassification of certain legislative positions. Speaker Gwadosky reported that the Committee had spent considerable time discussing these recommendations and decided that they need additional discussion before making recommendations to the Council.

OLD BUSINESS

Item #1: State House Dome: Exterior Lighting

The Chair, Speaker Gwadosky, drew members' attention to the letter from Governor McKernan, which offered a contribution of \$15,000 to the Dome Ceiling Restoration project for the purpose of bringing proper lighting to the entire dome. Ms. Tubbesing reported that a representative from the Governor's Office would be attending a meeting to discuss options for lighting the Dome the following day. Others who will attend that meeting including the architect, the electrical engineer, Earle Shettleworth, and James Keil, Director of the Bureau of General Services. Council members directed Ms. Tubbesing to continue to work to achieve a successful collaboration on this project.

Item #2: Proposal to Further Automate Senate and House Chamber Operations

Chair Gwadosky requested clarification about the current status of the project. Clerk of the House, Joe Mayo, responded that he had met with Sen. Esty following the last Council meeting to attempt to answer his questions about the proposed project. He reported that the International Roll Call Corporation was ready to begin work as soon as the Council had authorized it.

Council members expressed both an interest in proceeding with the project (Sen. Bustin) and the desire for a more concise plan before proceeding (Sen. Cahill).

In the discussion what continued, Council members expressed a variety of opinions and concerns:

General Design of the System

- The detailed design of the system cannot be completed until the Council authorizes the project: it involves extensive time and research by both the International Roll Call Corporation and the electrical engineer, neither of whom is willing to proceed with the level of effort required until they are assured that they will be paid for their efforts (Joy O'Brien).
- Concern about how the proposed system would change the appearance of the Senate Chamber and some traditions of the process: Although she expressed support for the concept of connecting the Senate and House electronically, she is opposed to automating the roll call function itself (Sen. Cahill). Ms. O'Brien responded that going forward with this project would not preclude continuing to call the roll rather than recording the vote electronically.
- The decision about whether or not the Senate should have an electronic board is a Senate decision, not a Council decision.

Electrical Work

- The proposed automation project would involve some electrical work, which would require the Senate carpet to be taken up. It is not possible to develop a specific cost for either scope of electrical work until the carpet has been pulled back and the wiring exposed. Because pulling back the carpet involves expense and disruption, the proposal involves doing some additional electrical work - beyond that directly required by this project. The additional work would be consistent with the recommendations of the State House master plan which is currently being developed. (Joe Mayo; Joy O'Brien)

- The current estimate for the total scope of the electrical work - without the detailed knowledge that will be acquired once the carpet has been taken up is \$20,000. This portion of the project would be paid from funds set aside by the Council in 1994 for electrical improvements on the 3rd floor -- work that had been deferred until the master plan had been completed. (Sally Tubbesing)
- Thus, this work will be done with funds previously approved by the Council and set aside for this purpose. (Rep. Jacques)

Cost

- The cost of the proposed project is \$310,000, the payment of which will be spread out over a 5-year period. (Joy O'Brien; Rep. Jacques; Speaker Gwadosky)

Timing

- The project will have to be deferred until after the 1st Regular Session of the 117th Legislature unless the Council approves it today due to the amount of work involved. (Joy O'Brien)
- It is important to put the cost of this project in perspective: the cost is approximately half of the cost of the restoration of the State House Retaining Wall, and will be spread over 5 years. (Speaker Gwadosky).

The Chair, Speaker Gwadosky, summarized the discussion and expressed his opinion that the Council needs to be proactive and forward thinking about the Legislature. He stated that this project was a key element in achieving the integration of the Legislature's information systems, a goal that this Council and its predecessors had consistently identified as a high priority. Sen. Esty stressed that it is important that the two projects (chamber automation and the additional electrical work) both be done. Together, they will accomplish both increased efficiency of operation and improve safety.

Motion: That the Council authorize the project as presented. (Motion by Sen. Bustin; second by President Dutremble; unanimous).

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

Motion: That all three requests be approved. (Motion by President Dutremble; second by Rep. Jacques).

Discussion:

At the Chair's request, Ms. Tubbesing briefly reviewed the procedures for reviewing requests to approve the use of Capitol Park for special events. She noted that requests to use the Park were directed to Don Sutter, Director of Capitol Police; and applicants are required to complete an application form. Chief Sutter and his staff review the application in collaboration with the Superintendent of Grounds identifying any special concerns, including issues related to safety, security, and sanitation. The application is then forwarded to the Council with a recommendation to approve, to approve with stipulations, or to deny. In response to a question from Sen. Esty about whether there would be any grounds to deny a request, Council members agreed that they could all think of uses of the Park that they would not approve. This discussion also produced consensus that it is important to keep requests to use the Park within the Council's purview.

The vote was taken, and the motion approved unanimously.

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)

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

- Legal Affairs Committee to meet with the Liquor and Lottery Commission regarding a proposed change in the Tri-State Megabucks

Motion: The Chair, Speaker Gwadosky, recognized Senator Carey, the Senate Chair of the Joint Standing Committee on Legal Affairs. Sen. Carey reported that the Lottery Commission had requested a meeting with the Committee to discuss proposed changes in the Tri State Megabucks game.

Motion: That the Council approve payment of per diem and expenses to the members of the Legal Affairs Committee for one meeting. (Motion by Rep. Jacques; second by Sen. Cahill; unanimous).

Item #3: Requests to Authorize Payment of Annual Dues to the International Association of French-Speaking Parliamentarians (A.I.P.L.F.)

Senate President Dutremble reported that he had been asked by Sen. Judy Paradis to bring this item before the Council. Sen. Paradis had informed him that Maine had not paid its dues for several years, and that unless Maine paid its dues of \$2,000 for the current year, it would no longer be considered a member in good standing. After brief discussion, Council members asked Ms. Tubbesing to obtain additional information from the organization.

Motion: That the item be tabled. (Motion by Sen. Cahill, second by Rep. Jacques; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 2:58 p.m. on the motion of Sen. Cahill (seconded by Sen. Bustin).