

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)

**LEGISLATIVE COUNCIL
Monday, August 29, 1994
REVISED AGENDA**

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of July 27, 1994, Meeting

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Request for Authorization of Tuition Assistance for Jim Clair to Attend 1994 Leadership Maine Institute (Memo enclosed)
- Item #2: Requests for Authorization of Staff Travel
- John Wakefield and Kevin Madigan, to attend Annual Meeting of Eastern States Legislative Fiscal Officers' Association, September 27-30, Providence, Rhode Island
 - John Knox to attend annual conference of the Council on Licensure, Enforcement and Regulation (CLEAR) September 28-October 1, Boston
 - Jane Orbeton and Patrick Norton to attend NCSL Skills Development Seminar for Senior Research Staff, October 13-15, Hartford, Connecticut
- Item #3: Recommendation to Appoint David Elliott as Acting Director, Office of Policy & Legal Analysis
- Item #4: Legislative Budget Request for FY 96 - F 97 Biennium (Memo enclosed)

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Committee on Total Quality Management in the Legislature

COUNCIL AGENDA
Monday, August 29, 1994
Page Two

OLD BUSINESS

NEW BUSINESS

Item #1: Maine Health Care Reform Commission: Request for
Authorization to Reallocate Funds Originally Budgeted for
Commissioners' Per Diem

Item #2: Request from Reverend Gerard Begin for Authorization to
Use Capitol Park for the Period September 19-24, for a
24-hour Prayer Vigil

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

MEETING SUMMARY

Wednesday, July 27, 1994

Approved August 29, 1994

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Legislative Council meeting to order at 1:50 p.m. in the Council Chambers.

ROLL CALL

| | |
|-----------------------|---|
| Senators: | President Dutremble, Sen. Esty, Sen. Bustin Absent: Sen. Cahill and Sen. Carpenter |
| Representatives: | Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Paradis Absent: Rep. Zirnkilton |
| Legislative Officers: | Martha Freeman, Director, Office of Policy and Legal Analysis Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Margaret Matheson, Revisor of Statutes Millie MacFarland, Assistant Clerk of the House Tim Glidden, Principal Analyst, Office of Policy and Legal Analysis |

SECRETARY'S REPORT

The Summary of the June 29, Council meeting was approved and placed on file. (Motion by Rep. Jacques; second by Rep. Paradis; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Noting that Sally Tubbesing was attending the NCSL Annual Meeting, the Chair, Speaker Gwadosky, drew Council members' attention to the following items:

Item #1: Resignations of Martha Freeman, Director, Office of Policy & Legal Analysis and Tim Glidden, Principal Analyst, Office of Policy & Legal Analysis

Speaker Gwadosky thanked Ms. Freeman for her hard work and the high degree of professionalism she had brought to her position. Rep. Paradis then expressed his appreciation for Ms. Freeman's contributions to the Judiciary Committee during the years she had staffed it prior to being named to the Director's position in 1988.

Ms. Freeman expressed her appreciation for the Council's recognition of her efforts and then thanked Tim Glidden for his superb work both as staff to the Joint Standing Committee on Energy & Natural Resources and as the Principal Analyst who served essentially as her deputy director. She noted, in particular, his efforts to strengthen collaboration among the non-partisan staff offices and to enhance the use of computers to support both management and analytic functions.

Rep. Jacques then expressed his high regard for both Ms. Freeman and Mr. Glidden, noting that he had always been able to rely on them for unbiased information and support. Rep. Whitcomb echoed this, observing that in the era of term limits, the high level of trust in the Office was particularly important. Senator Esty recalled Ms. Freeman's important role in the Legislature's extended debate on workers' compensation in 1991, noting the stability she brought to those negotiations; and he pointed to Mr. Glidden's work on color, odor and foam and the high quality and reliability of the information he had provided the Committee.

Motion: That the Council accept both resignations with deep regret. (Motion by Sen. Bustin; second by Sen. Esty; unanimous).

The Chair, Speaker Gwadosky, drew Council members' attention to Ms. Tubbesing's memo related to the search for a new Director and asked Council members who were interested in serving on the Search Committee to let him know.

Item #2: 1993 Laws of Maine, Volume III

The Chair, Speaker Gwadosky, noted that Volume III of the Laws of Maine was out and that this was the first year in memory that the volume had been available prior to the July 14 effective date for most legislation. At his invitation, Meg Matheson reported that the timely delivery of the publication was attributable to the decision to produce camera-ready copy in house, a decision which also achieved cost savings.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES**Committee on Total Quality Management in the Legislature**

The Chair, Speaker Gwadosky, drew members' attention to the letter from Rep. Kontos, who chairs the TQM Committee, and pointed out that new member orientation has been identified as the highest priority for the Committee's work this summer.

No Council action was required.

Personnel Committee

The Chair, Speaker Gwadosky, noted that the Committee was scheduled to meet on August 3 to begin performance reviews of the Office Directors.

No Council action was required.

OLD BUSINESS**Item #1: State House Dome Lighting: Progress Report**

The Chair, Speaker Gwadosky, drew members' attention to the memo from Ms. Tubbesing, which reported results of a meeting related to the lighting design for the Dome. He noted that while the memo required no action by the Council, he wished to have the Council's consensus recorded. There was no objection.

Item #2: International Association of French-Speaking Parliamentarians

Motion: That the Council approve payment of the dues for the current fiscal year. (Motion by Sen. Dutremble; second by Rep. Jacques).

Discussion:

Rep. Whitcomb asked if the dues to the Council of State Governments had been paid; and, after consultation with Dick Sawyer, Administrative Services Director, the Chair, Rep. Gwadosky, reported that the annual dues to both NCSL and CSG had been processed for payment. Rep. Whitcomb then stated that he had supported the visits that French-speaking parliamentarians from other countries had made to Maine as well as Maine legislators' participation in these activities; however, he expressed concern that the Council have the opportunity to consider dues for all groups at the same time. Sen. Esty concurred and further observed that Sen. Judy Paradis had gone to Haiti through A.I.P.L.F. to oversee the recent elections. Senate President Dutremble also agreed with this, but noted that it was important for the Council to act on the dues to A.I.P.L.F. immediately in order to allow Maine to participate in the annual meetings in New Brunswick in early August.

The motion was approved unanimously.

NEW BUSINESS**Item #1: Request from the Maine State Museum for Authorization to Use Capitol Park for a Civil War Encampment**

Motion: That the request be approved (Motion by Sen. Esty; second by Senate President Dutremble; unanimous).

Rep. Whitcomb sought clarification that the group had fulfilled all of the conditions placed on their use of the Park for a similar purpose last year; and Rep. Jacques, referring to the letter from Mr. Phillips, noted that they had.

Item #2: Request from the Office of Health Planning and Development for Council Support of a Conference for Legislators on Rural Health Issues

The Chair, Speaker Gwadosky, drew members' attention to the letter, noting that it requested use of the House Chamber as well as financial support from the Legislature.

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

At this point, the Chair, Speaker Gwadosky, recognized Helen Zidowecki, representing the Maine Office of Rural Health. Ms. Zidowecki indicated that the conference date had been changed from mid-November to January 18. Speaker Gwadosky posed the question about whether the group's request required Council action; and Sen. Bustin concurred, noting that the use of the House Chamber was not a Council issue. She encouraged Council members, however, to support the conference itself.

The discussion then turned to the timing of the conference, with Senate President Dutremble advocating that the presiding officers should determine whether the date fits with the Legislature's January schedule. Both Rep. Jacques and Rep. Whitcomb concurred that this decision should be made by the presiding officers; and Rep. Whitcomb further suggested that the request be tabled until it could be considered in the context of other similar requests (such as any programs conducted by the Maine Development Foundation). Sen. Esty agreed, noting that the newly-elected leaders and the newly-appointed committee chairs should be involved in planning the legislative schedule. Sen. Bustin observed, however, that the Department of Human Services needed to have some definitive answer regarding this conference within a very short time so that planning could begin, and amended her original motion as follows:

Motion: That the Legislative Council endorse the concept of the proposed conference and that the Chair appoint a subcommittee to work out the scheduling details and make a recommendation to the Council at its next meeting. (Motion by Sen. Bustin; second by Sen. Esty; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned on the motion of Senate President Dutremble at 2:55 p.m.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR

GERALD THIBAUT
INFORMATION SYSTEMS
MANAGER

TEEN ELLEN GRIFFIN
LEGISLATIVE INFORMATION OFFICE
MANAGER



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

August 24, 1994

TO : Honorable Dan Gwadosky, Chair
and Members of the Legislative Council

FROM : Sally *Sally*

SUBJECT : Jim Clair's Participation in Leadership Maine

Jim Clair has been accepted for membership in the second Leadership Maine program, a program established by the Maine Development Foundation to equip Maine's current and future leaders with awareness and understanding of issues related to Maine's economy and with leadership skills. Jim is one of 44 who have been invited to participate in this year's program; and the other participants include senior staff from several executive agencies, representatives from the private sector, including businesses and non-profit organizations, and 3 legislators -- Representatives Ahearne, Birney, and Carleton.

The tuition for the program, which consists of 10 sessions between September and May, is \$2300. In addition, participants are required to pay \$200 out of their own pockets. The Maine Development Foundation provided full scholarships for 2 legislators last year -- Representatives Campbell and Rowe.

Jim's acceptance into the program is an honor, and the Foundation's commitment to provide scholarship support to him in excess of the average scholarship grant of \$500 is further testament to the value they place on his ability to participate. A commitment of \$1000 from the legislative account toward Jim's tuition would be comparable to the level at which the Council has supported those members of the staff who have attended in the NCSL Legislative Staff Management Institute. Jim would clearly be an asset to the program, and I would recommend that the Council consider authorizing payment of \$1000 in support of Jim's participation.

LEGISLATIVE COUNCIL
PROPOSED BUDGET REQUEST
FISCAL YEARS 1996/1997

| ACCOUNT | F.Y. 1994 Actual | F.Y. 1995 Appropriation | F.Y. 1996 Request | F.Y. 1997 Request |
|---------------------------------------|---------------------|----------------------------|----------------------|----------------------|
| Interstate Cooperation Commission | | | | |
| All Other | 120,758.00 | 125,684.00 | 133,053.00 | 133,774.00 |
| Commission on Uniform State Laws | | | | |
| All Other | 13,915.57 | 14,990.00 | 15,650.00 | 16,320.00 |
| State House & Capitol Park Commission | | | | |
| All Other | 127,383.55 | 115,382.00 | 119,581.00 | 123,951.00 |
| Maine Health Care Reform Commission | | | | |
| Personal Services | | 103,476.00 | 124,259.00 | 10,400.00 |
| All Other | | 50,115.00 | 52,190.00 | 3,500.00 |
| Capital | | 5,000.00 | | |
| Total | | 158,591.00 | 176,449.00 | 13,900.00 |
| Legislative Law & Reference Library | | | | |
| Personal Services | 621,853.93 | 667,402.00 | 751,740.00 | 763,502.00 |
| All Other | 216,730.35 | 261,319.00 | 281,684.00 | 277,288.00 |
| Capital | 1,840.00 | | 10,000.00 | 10,000.00 |
| Total | 840,424.28 | 928,721.00 | 1,043,424.00 | 1,050,790.00 |
| Legislative Account | | | | |
| Personal Services | 8,347,701.54 | 10,237,641.00 | 10,936,031.00 | 12,126,659.00 |
| All Other | 3,066,664.42 | 4,061,562.00 | 3,955,376.00 | 4,353,004.00 |
| Capital | 63,643.42 | 80,000.00 | 85,000.00 | 85,000.00 |
| Total | 11,478,009.38 | 14,379,203.00 | 14,976,407.00 | 16,564,663.00 |
| TOTAL REQUESTS ALL ACCOUNTS | 12,580,490.78 | 15,722,571.00 | 16,464,564.00 | 17,903,398.00 |

COUBUD67.XLS

**LEGISLATIVE COUNCIL
PROPOSED BUDGET REQUEST
FISCAL YEARS 1996/1997
LEGISLATIVE ACCOUNT**

| Category | FY.Y. 1994 Acutal | F.Y. 1995 Appropriation | F.Y. 1996 Request | F.Y. 1997 Request |
|--------------------------------|----------------------|----------------------------|----------------------|----------------------|
| PERSONAL SERVICES | | | | |
| Salaries | 6,272,776.06 | 7,599,283.00 | 7,842,457.00 | 8,592,193.00 |
| Benefits | | | | |
| Health Insurance | 1,017,271.44 | 1,258,680.00 | 1,623,388.00 | 1,866,896.00 |
| Dental Insurance | 68,548.69 | 74,563.00 | 81,988.00 | 87,728.00 |
| Retirement | 928,215.05 | 1,225,190.00 | 1,302,025.00 | 1,483,106.00 |
| Other | 60,890.30 | 79,925.00 | 86,173.00 | 96,736.00 |
| Total Benefits | 2,074,925.48 | 2,638,358.00 | 3,093,574.00 | 3,534,466.00 |
| TOTAL PERSONAL SERVICES | 8,347,701.54 | 10,237,641.00 | 10,936,031.00 | 12,126,659.00 |
| ALL OTHER | | | | |
| Professional Fees, Not State | 56,719.98 | 184,460.00 | 194,236.00 | 204,531.00 |
| Professional Fees, State | 198.00 | 2,500.00 | 2,525.00 | 2,550.00 |
| Travel - In-State | 830,608.94 | 1,348,926.00 | 1,162,415.00 | 1,376,039.00 |
| Travel - Out-State | 98,069.28 | 100,786.00 | 103,810.00 | 106,924.00 |
| Utility Service | 280,248.35 | 294,849.00 | 301,041.00 | 307,363.00 |
| Rents | 270,447.76 | 388,000.00 | 399,640.00 | 411,629.00 |
| Repairs | 143,542.29 | 79,446.00 | 81,670.00 | 83,957.00 |
| Insurance | 19,421.18 | 15,000.00 | 15,300.00 | 15,606.00 |
| General Operating | 962,882.53 | 1,294,872.00 | 1,333,718.00 | 1,373,730.00 |
| Food | 1,214.06 | 5,172.00 | 5,281.00 | 5,392.00 |
| Office Supplies | 31,532.20 | 72,563.00 | 75,103.00 | 77,807.00 |
| Clothing | 4,456.77 | 8,390.00 | 8,684.00 | 8,996.00 |
| Miscellaneous Equipment | 166,522.43 | 167,348.00 | 172,703.00 | 178,230.00 |
| Misc Grants to Individuals | 199,900.00 | 99,250.00 | 99,250.00 | 200,250.00 |
| Workers' Compensation | 583.89 | | | |
| Miscellaneous Expenses | 316.76 | | | |
| TOTAL ALL OTHER | 3,066,664.42 | 4,061,562.00 | 3,955,376.00 | 4,353,004.00 |
| CAPITAL | | | | |
| Buildings and Improvements | | | | |
| Equipment | 63,643.42 | 80,000.00 | 85,000.00 | 85,000.00 |
| TOTAL CAPITAL | 63,643.42 | 80,000.00 | 85,000.00 | 85,000.00 |
| GRAND TOTAL | 11,478,009.38 | 14,379,203.00 | 14,976,407.00 | 16,564,663.00 |

COUBUD67.XLS

8/25/94

**LEGISLATIVE COUNCIL
PROPOSED BUDGET REQUEST
FISCAL YEARS 1996/1997
LAW AND LEGISLATIVE REFERENCE LIBRARY**

| Category | F.Y. 1994 Actual | F.Y. 1995 Appropriation | F.Y. 1996 Request | F.Y. 1997 Request |
|--------------------------------|---------------------|----------------------------|----------------------|----------------------|
| PERSONAL SERVICES | | | | |
| Salaries | 493,773.39 | 524,338.00 | 581,727.00 | 579,833.00 |
| Benefits | | | | |
| Health Insurance | 40,684.02 | 49,052.00 | 61,468.00 | 70,688.00 |
| Dental Insurance | 2,914.48 | 3,003.00 | 3,262.00 | 3,491.00 |
| Retirement | 80,556.07 | 86,672.00 | 100,115.00 | 104,312.00 |
| Other | 3,925.97 | 4,337.00 | 5,168.00 | 5,178.00 |
| Total Benefits | 128,080.54 | 143,064.00 | 170,013.00 | 183,669.00 |
| TOTAL PERSONAL SERVICES | 621,853.93 | 667,402.00 | 751,740.00 | 763,502.00 |
| ALL OTHER | | | | |
| Professional Fees, Not State | | | | |
| Professional Fees, State | | | | |
| Travel - In-State | 424.10 | 300.00 | 303.00 | 306.00 |
| Travel - Out-State | 722.88 | | | |
| Utility Service | 9,278.65 | 9,952.00 | 10,161.00 | 10,375.00 |
| Rents | 1,610.88 | 1,650.00 | 1,700.00 | 1,750.00 |
| Repairs | 383.55 | 539.00 | 555.00 | 570.00 |
| Insurance | 1,682.33 | 2,040.00 | 2,081.00 | 2,122.00 |
| General Operating | 188,268.73 | 181,496.00 | 197,441.00 | 192,549.00 |
| Food | | | | |
| Office Supplies | 2,330.99 | 3,442.00 | 3,562.00 | 3,691.00 |
| Clothing | | | | |
| Miscellaneous Equipment | 11,325.64 | 61,900.00 | 65,881.00 | 65,925.00 |
| Misc Grants to Individuals | | | | |
| Workers' Compensation | 701.00 | | | |
| Miscellaneous Expenses | 1.60 | | | |
| TOTAL ALL OTHER | 216,730.35 | 261,319.00 | 281,684.00 | 277,288.00 |
| CAPITAL | | | | |
| Buildings and Improvements | | | | |
| Equipment | 1,840.00 | | 10,000.00 | 10,000.00 |
| TOTAL CAPITAL | 1,840.00 | 0.00 | 10,000.00 | 10,000.00 |
| GRAND TOTAL | 840,424.28 | 928,721.00 | 1,043,424.00 | 1,050,790.00 |

COUBUD67.XLS

8/25/94

MAINE MEDICAL ASSESSMENT FOUNDATION

P. O. Box 4682

AUGUSTA, MAINE 04330-1682
(207)622-9342 • FAX (207)622-5647

ROBERT B. KELLER, M.D.
EXECUTIVE DIRECTOR

August 15, 1994

Legislative Council
Maine State Legislature
State House Station 115
Augusta, ME 04333

Dear Members of the Council:

The legislation creating the Maine Health Care Reform Commission stipulated that members of the Commission could be paid at the rate of \$75.00 per day and could be reimbursed for appropriate travel expenses.

In a recent telephone conference call, the three members of the Commission unanimously voted to decline the \$75.00 per day reimbursement. It is our desire to make a significant portion of these funds available for travel and other appropriate expenses for individuals who could not otherwise afford the costs to participate in the activities of the Commission. These would include regular Commission meetings, meetings of advisory committees, appearance at hearings in Augusta and various regions.

We would like to write a contract with the Consumers for Affordable Health Care and request that they assume responsibility for appropriate disbursement of these funds. We hope that this recommendation meets with your approval.

Sincerely,



Robert B. Keller, M.D.
Acting Chair, Health Care Reform Commission, for
Mr. Peter Hayes and Mr. Neil Rolde

RBK/ged
pc: Sen. Dale McCormick
Rep. Edward L. Pineau
Rep. Joseph G. Carleton, Jr.



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

REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

August 23, 1994

TO : Members of the Legislative Council
FROM : Dan Gwadosky, ~~Chair~~
SUBJECT : Request to Use Capitol Park

I want to draw your attention to one of the agenda items for next Monday's Council meeting - the request from Rev. Gerard Begin to use Capitol Park from September 17 - 26.

As you review the application, you will note that Reverend Begin and his organization -- the Spirit of Fire Evangelical Ministry and Gospel Tent Ministries -- proposes to conduct a 24-hour prayer vigil throughout the week. The group is requesting permission to erect a large tent for this purpose and has, additionally, asked for permission for individuals participating in the vigil to set up their own tents. Reverend Begin has requested an opportunity to present his request to us at our meeting next Monday, and I understand that Representative Coffman will be accompanying him.

As you know, the only published rules governing the use of Capitol Park at the present time are rules adopted by the Department of Public Safety that apply to the entire Capitol Area. These rules prohibit various activities and place restrictions on others in the interest of preserving order, and protecting the health and safety of both individuals and state-owned property. While the Legislative Council has the final authority regarding the use of the Park pursuant to statute, we have opted up to this point to use the existing rules and to work with Capitol Security to evaluate specific requests.

Legislative Council
Pending Request to Use Capitol Park
August 23, 1994
Page 2

The pending request from Reverend Begin raises several issues that we will need to consider. These include:

- **The Use of Capitol Park for an Event of this Duration**

The proposed prayer vigil would extend over a 10-day period, 24 hours a day. I would note that we have already approved the use of the Park from September 16 - 18 by the Friends of the State Museum for another Civil War encampment, an event that is designed to raise funds for the preservation of Maine's historic flag collection. Beyond this schedule conflict, there are questions related to the management of traffic and parking during the week when state offices are open. As you know, one lane on State Street is already closed during the week due to the work on the Retaining Wall.

- **Camping in the Park**

I am told that Capitol Security generally refers groups who request permission to camp directly to the City of Augusta because the City portion of the Park is more suited to this purpose. The Council has approved two exceptions to this rule in the past 5 years: the State employees' "tent-in" during the 1991 shutdown and the Civil War encampment last fall. I think we would all agree that the 1991 event was a unique situation which should not be used as a precedent. The Civil War encampment, on the other hand, does offer some precedent: the event was confined to a weekend when state offices were closed; in addition, we agreed that the camping was an integral part of the historic re-enactment and that the event was one of general interest.

- **Provisions Related to Health and Safety**

I understand that there have not yet been any specific discussions with Reverend Begin in this area pending final action by the Council on the request. Again, I think we have established a clear precedent that groups who use the Park are responsible for working with the Chief of Capitol Security to determine the need for such things as additional toilet facilities and policemen and to provide these at their expense.

I look forward to seeing you on Monday and would be happy to discuss this request with any of you in advance.