

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

September 29, 1994

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of August 29, 1994, Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Retirement of Jane Edwards, Principal Law Librarian

Item #2: Legislative Information Network (LINK): Proposed Changes
in Subscription Fees

REPORTS FROM COUNCIL COMMITTEES

OPLA Director Search Committee

Committee on Total Quality Management in the Legislature

OLD BUSINESS

NEW BUSINESS

Item #1: Request from Commission to Study the Future of Maine's
Paper Industry to Accept Outside Funds Pursuant to Law

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

**Lynn Randall
Legislative Council Info.**



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

MEETING SUMMARY

August 29, 1994

Approved September 29, 1994

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Council to order at 1:47 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Dutremble, Sen. Esty, Sen. Cahill, Sen. Bustin, Sen. Carpenter
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Paradis, Rep. Zirnkilton Absent: Rep. Whitcomb,
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council John Wakefield, Director, Office of Fiscal and Program Review 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

(Note: Other staff attending included Tim Glidden and David Elliott, Office Policy & Legal Analysis, and Suzanne Gresser, Office of the Revisor.)

SECRETARY'S REPORT

The Summary of the July 27, 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 the Council's consideration:

Item #1: Request for Authorization of Tuition Assistance for Jim Clair to Attend 1994 Leadership Maine Institute

Ms. Tubbesing reported that Jim Clair had been accepted to be one of 44 participants from across the State to participate in the 1994 Leadership Maine Institute, 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. Two legislators participated in the program last year - Representatives Campbell and Rowe -- and three more have been accepted into this year's program -- Representatives Ahearne, Birney and Carleton.

Noting that the tuition for the program, which consists of 10 sessions between September and May, is \$2,300, Ms. Tubbesing suggested that a \$1,000 commitment from the Legislative Council toward Jim's tuition would be comparable to the level at which the Council has supported those legislative staff members who have attended NCSL's Legislative Staff Management Institute.

The Chair, Speaker Gwadosky, noted that the Maine Development Foundation has indicated that it would underwrite the 3 legislators' participation this year with the hope that, prospectively, it could look to the Legislature for support.

Motion: That the Legislative Council authorize payment of \$1,000 from the legislative account in support of Jim Clair's participation in the 1994 Leadership Maine Program. (Motion by Sen. Esty; second by Sen. Cahill; unanimous).

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

Motion: That attendance at the Annual Meeting be approved. (Motion by Sen. Carpenter; second by Sen. Esty; unanimous).

- **John Knox to attend Annual Conference of the Council on Licensure, Enforcement and Regulation (CLEAR) September 28-October 1, Boston**

Motion: That attendance at the annual conference be approved. (Motion by Sen. Cahill; second by Sen. Carpenter; unanimous).

- **Jane Orbeton and Patrick Norton to attend NCSL Skills Development Seminar for Senior Research Staff, October 13-15, Hartford, Connecticut**

Motion: That attendance at the Skills Seminar be approved. (Motion by Sen. Carpenter; second by Rep. Jacques; unanimous).

Item #3: Recommendation to Appoint David Elliott as Acting Director, Office of Policy & Legal Analysis

Ms. Tubbesing, noting that Martha Freeman's resignation would take effect on September 6, recommended that the Council appoint David Elliott as Acting Director of the Office until a new Director has been selected and assumed his or her responsibilities. She explained that her recommendation was based on the fact that Mr. Elliott is one of the 2 Principal Analysts in the Office at this point and that the other, Julie Jones, had applied for the Director's position. Sen. Esty asked whether a salary increase would accompany the designation as Acting Director, and Ms. Tubbesing responded that it had been the Council's policy in the past to temporarily assign everyone in an acting capacity to the new salary range if the "acting" designation was for a period of more than one month.

Motion: That David Elliott be appointed as Acting Director of the Office of Policy & Legal Analysis until such time as a new Director has assumed the duties of the position. (Motion by Rep. Jacques; second by Sen. Cahill; unanimous).

Item #4: Legislative Budget Request for FY 96 - FY 97 Biennium

Ms. Tubbesing reported that the Budget Office had set September 1 as the deadline for all departments' submission of "Part I" budget requests for the 1996-1997 fiscal biennium. She drew members' attention to materials in their agenda packet and explained that they constituted proposed budget requests for each account administered by the Legislature that had been developed in accordance with guidelines provided by the Budget Office. She noted that both this Council and the new Council would have opportunities to review and modify the request in detail before it was finally printed.

Motion: That the Executive Director be authorized to submit the budget requests to the Budget Office as presented. (Motion by Sen. Cahill; second by Rep. Jacques; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Speaker Gwadosky, who chairs the Committee, reported that the Committee had met twice to conduct annual performance reviews with the Directors of the non-partisan staff offices, including John Wakefield, Margaret Matheson, Lynn Randall and Sally Tubbesing. He noted that the Committee is also working on recommendations to reclassify certain non-partisan staff positions.

Search Committee for OPLA Director

Speaker Gwadosky, who also chairs this Committee, reported that the Committee had met and selected 11 resumes from the 158 that were submitted for interviews.

Committee on Total Quality Management in the Legislature

The Chair, Speaker Gwadosky, recognized Rep. Kontos, who chairs the TQM Committee. Rep. Kontos reported that the Committee was continuing to develop its final recommendations regarding orientation of both new members and committee chairs for the Council's consideration at its October meeting. Because one of the recommendations would affect planning and scheduling of activities immediately following the November elections, the Committee had unanimously endorsed bringing it to the Council at this meeting.

The Committee recommends that the Council extend the traditional orientation schedule by adding a series of regional meetings for all new members prior to the Pre-Legislative Conference in early December. The focus of these meetings would be to acquaint new members with the general structure of the Legislature and the roles of the various legislative offices; to present information about legislators' salary and benefits; and to explain cloture and the process for filing legislation. The Committee proposes that there be 5 regional meetings in Augusta, Bangor, Houlton, Lewiston, and Portland, scheduled in the evening in mid to late November. The proposed number and duration of meetings is designed to minimize the cost.

Motion: That the Legislative Council sponsor a series of 5 regional meetings as part of the orientation program for the 117th Legislature; and that these meetings be located in Augusta, Bangor, Houlton, Lewiston and Portland between November 14 and November 30. (Motion by President Dutremble; second by Sen. Carpenter; approved 8-1).

OLD BUSINESS

None.

NEW BUSINESS

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

The letter from the Commission's Acting Chair, Dr. Robert Keller, requested the Council's approval of allowing Commission members to forego the \$75 per diem to which each is authorized to collect by law and make these funds available to reimburse travel and other appropriate expenses to members of the public who would not otherwise be able to participate on the Commission's advisory committees or attend Commission meetings.

The Chair, Speaker Gwadosky, opened the discussion by pointing out that the Council had no authority to take formal action on the Commission's request. In other discussion, Council members expressed concern about setting such a precedent (Sen. Cahill and Rep. Jacques); and after further discussion, which focussed on the lack of its legal authority to act on this request, voted.

Motion: That whether or not the Council has legal authority, the request to use funds available to the Commission in this manner not be approved. (Motion by Rep. Jacques; second by Sen. Carpenter; unanimous).

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

The Chair, Speaker Gwadosky, drew members' attention to Rev. Begin's application for a permit and to related materials in the packet. Following a brief review of the issues that needed to be addressed in considering the request, he recognized Rev. Begin, who offered to respond to questions and concerns of Council members. They included:

- Responsibility for assuming costs associated with portable toilets, additional security, if required; liability insurance, etc. (Speaker Gwadosky; Sen. Cahill)
- Nature of the group sponsoring the event. (Sen. Cahill)

Rev. Begin stated that his organization was a religious organization and that it was his intent to invite other religious organizations throughout the State to participate in the prayer vigil.

- Whether it would not be more appropriate to use the City portion of the Park. (Sen. Carpenter)

Rev. Begin responded that it was vital, symbolically, to use the state-owned portion, since the purpose of the vigil was to pray for all state employees.

Motion: That the Legislative Council approve the request to hold a prayer vigil in Capitol Park in September, provided that the sponsoring organization work with the Executive Director and the Director of Capitol Police to negotiate all arrangements including schedule, parking, traffic control, security and sanitation, with the understanding that the sponsoring organization is responsible for assuming the cost of these arrangements and any cost required for repairs; and, further, that a certificate of insurance be required. (Motion by President Dutremble; second by Rep. Zirnkilton; unanimous).

Item #3: Request for the Council to Intervene in a Situation Involving Bottle Clubs

The Chair, Speaker Gwadosky, recognized Rep. Coffman, who, in turn, introduced Ms. Patricia Clark as the spokesperson for the Maine Bottle Clubs Association. Ms. Clark reported that representatives from 9 other Bottle Clubs were present to seek the Council's assistance in resolving their dispute with ASCAP, which is entitled to collect royalties for songs played in the bottle clubs. Until recently, ASCAP had collected royalties from the performers; however ASCAP representatives have now been assessing bottle club owners for these fees. In addition to questioning whether they are liable for the fees, bottle club owners have questions about how the fees are assessed. Ms. Clark reported that many clubs were faced with having to close because could not afford the fees. The Association has asked the Attorney General's Office to conduct an investigation, but feels the response of that Office has been insufficient.

Rep. Jacques indicated that he was familiar with the issue, noting that one of his constituents had brought it to his attention. The Chair, Speaker Gwadosky, reported that he had called the Attorney General and gained his commitment to work with an informal group that includes representatives from the Bottle Clubs to pursue the issue.

No Council action was required at this time.

**Item #4: Joint Select Committee to Study and Review the
Implementation of the Auto Emissions Inspection Program:
Progress Report**

The Chair, Speaker Gwadosky, reported that the Committee, which had been established by himself and Senate President Dutremble, had been asked to report to the Council by August 29. He then turned to Rep. Jacques, House Chair of the Jt. Select Committee, to review the Committee's work. Rep. Jacques reported that the Committee was still in the process of developing its recommendations, but that it had voted unanimously that morning to support the suspension of the program and to direct DEP and CarTest to work together to develop performance standards and a schedule for correcting problems encountered in the program and for implementing a revised program. He noted, however, that it was not yet clear whether the 2 parties would agree to work together and expressed his conviction that it was important for the Committee to be extended for the purpose of monitoring the implementation of the changes until the 117th Legislature convenes and the new Jt. Standing Committee on Energy & Natural Resources is in place.

The Chair, Speaker Gwadosky, thanked Rep. Jacques, Sen. Carey, and all members of the Committee for their work and for the significant time and energy they had devoted to this task. He then commended the staff for its work, and Rep. Jacques echoed the high quality of staff work.

Motion: That the Council support the Committee's preliminary recommendation and encourage the Committee to report again to the Council with further recommendations as soon as possible. (Motion by Sen. Esty; second by Sen. Bustin).

Discussion:

Sen. Carpenter expressed concern that the motion should be more specific and established a "date certain" for the Committee's next report. This was followed by discussion among the Council members regarding:

- The importance of public involvement in the Committee's continuing work. (President Dutremble)
- Clarification that only DEP and CarTest could agreed to suspend the program, and that it is important to confirm their commitment to work together before the Committee could finalize its recommendations. (Rep. Jacques). Rep. Jacques went on to say that if the parties refuse to work together, the Committee had discussed terminating the program as well as legal action against CarTest.

- The implications of suspension of the program on those car owners who get notices in September. (Sen. Cahill)
- Concern that the Committee's work not go on indefinitely. (There seemed to be consensus among all members on this point).

The vote was taken on the previously stated motion, and it was approved unanimously.

Item #5. Request From Rep. Coffman

Rep. Coffman presented Council members with a list of bill titles which he described as "emergency measures" and which he asked the Council to vote on. He further requested that he be seated on the Council as the leader of the Independent Caucus.

The Chair, Speaker Gwadosky, noted that the Council has authority pursuant to the Joint Rules to screen bills for introduction to the Second Regular Session, but that the 116th Legislature's Second Regular Session had been adjourned *sine die* in April. President Dutremble agreed, noting that there is currently no session to present bills to. The Chair then recommended that he and Senate President Dutremble meet with Rep. Coffman, adding that the two presiding officers would have to poll all of the members of their respective bodies to determine if Rep. Coffman's bills were of sufficient importance to bring the Legislature into special session. Sen. Bustin pointed out that the Constitution describes the circumstances under which special sessions may be called and that the Council has no power in this area.

The Council took no action on this request.

ANNOUNCEMENTS AND REMARKS

Recognition of Martha Freeman and Tim Glidden

The Chair, Speaker Gwadosky, read resolutions honoring the service and contributions of both Martha Freeman and Tim Glidden, on behalf of the entire Council.

ADJOURNMENT

The Council meeting was adjourned at 3:40 p.m. on the motion of Sen. Esty (second by Sen. Carpenter).

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

September 29, 1994

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

FROM: Sally *hey*

SUBJECT: Public Access to Legislative Information Network (LINK)

Two years ago, the 115th Legislative Council approved a revamping of the way in which we make bill status information available via computer to members of the public. Access was provided through a network maintained by a private company, and the Council authorized us to enter into a contract for this purpose. The Council also approved a subscription fee schedule which was designed solely to defray the fixed costs of providing the network access.

During the past session we successfully converted access to LINK from the commercial network to a bank of modems in our computer room. This had eliminated the ongoing monthly cost of making LINK available. In addition, as electronic access to information continues to expand -- and as the opportunities to gain access to information at no cost through systems like the Internet increase -- we recommend that the Council re-evaluate the appropriateness of our subscription fee.

Our recommendation to the Council:

That the initial sign-up and annual subscription fees for access to the Legislature's LINK system be eliminated; and that subscribers be charged only for the Users' Manual and the software that they choose to purchase.

We would be happy to answer any questions.



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE**

August 29, 1994

Honorable Dan A. Gwadosky, Chair
an Members of the Legislative Council
116th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky and Members of the Legislative Council:

The Committee on Total Quality Management in the Legislature continues its work in the three areas I outlined in my previous letter to you: new member orientation; committee process and committee orientation; and issues related to access and security in the State House. While our goal is to bring a package of recommendations to you in early October, we are bringing one recommendation to you at this time so that the necessary planning can proceed should you choose to adopt it.

The full TQM Committee has unanimously endorsed the recommendation from the Subcommittee on New Member Orientation that the Legislative Council extend the orientation schedule and sponsor a series of regional meetings for all new members prior to the Pre-Legislative Conference in early December. With the large number of new members that we will have in the 117th Legislature, we have concluded that it will be essential to both expand the scope of material that we have traditionally covered in orientation and to cover some topics in greater depth. The focus of these regional meetings would be to acquaint new members with the general structure of the Legislature and the roles of the various legislative offices; to present information about salary, benefits and other administrative matters; and to explain cloture and the process for filing legislation.

We propose that these initial sessions be 3-hours, from 6 - 9 p.m. This schedule will avoid conflict with members' jobs and minimize the cost of the sessions. We further propose that there be 5 regional meetings in Augusta, Bangor, Houlton, Lewiston and Portland and that these be scheduled on November 14, 15, 28, 29 and 30. We arrived at 5 meetings for two reasons: first, we think the small group will be an effective way to introduce the orientation process; and second, no member would be required to stay overnight.

Honorable Dan A. Gwadosky,
and Members of the Legislative Council
August 29, 1994
Page Two

We hope that the Legislative Council will act favorably on this recommendation. It reflects our concern about the importance of equipping new members with the information they need to participate effectively as members of the 117th Legislature. We sincerely appreciate the Council's interest in and support of our work and look forward to our continued collaboration directed toward continuous improvement of the legislative process.

Sincerely,

Carol Kontos ^{Set}

Carol A. Kontos, Chair
Committee on Total Quality
Management in the Legislature

cc: Members of the TQM Committee



MAINE STATE LEGISLATURE
Augusta, Maine 04333

Commission to Study the Future of Maine's Paper Industry

September 21, 1994

Representative Dan Gwadosky
Chairman
Legislative Council
State House Station #115

Dear Chairman Gwadosky:

I am writing to request Legislative Council approval of the fund raising effort of the Commission to Study the Future of the paper Industry as provided for in Section 4 of Resolves 1993, chapter 75. A copy of our proposed fund raising letter is attached.

It is our plan to attempt to raise \$125,000 which is the sum required to compensate a private consulting firm for providing information to help us respond to the many and detailed questions posed to us in the enabling legislation. The proposed supplier is Jaako Poyry, Inc., the largest consulting firm to the paper industry.

Our fund raising letter will go to all parties who have a stake in the future of the industry, including labor, suppliers to the industry, state and local government and environmental interests.

The Commission would very much appreciate your support, not only of this particular aspect of our endeavor, but that endeavor in its totality. We feel very strongly about the importance of the assignment given us and have made major personal commitments to it. Thank you.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Glen D. Foss".

Glen D. Foss
Chairman

Attachment
GDF:cr
#6166NRG



MAINE STATE LEGISLATURE
Augusta, Maine 04333

Commission to Study the Future of Maine's Paper Industry

Date

Name
Title
Company
Address
City/State/Zip

Dear (first name)

I'm writing to ask (company) to provide financial support for the preparation of a vitally important study of Maine's paper industry.

The last session of the Legislature created a commission to study the future of Maine's paper industry. Enclosed is a copy of the legislation and a list of the commission members. I am chair of the commission. The commission is charged with making specific recommendations to the legislature in January to strengthen the industry in Maine. Specifically, the legislation charges the Commission with examining the future trends of the industry, effects of international competition, the effect of the state's taxation policies, workforce levels in the industry, the adequacy of existing transportation services, the effects of state environmental regulations on the industry, and an evaluation of the continued viability of the industry in our state.

Unfortunately, the legislature was unable to finance any of the commission's work, but authorized the commission to seek private and public funding to finance its study. We believe we have an extraordinary opportunity to prepare a definitive study on the importance of this industry to Maine's economic future and to make sound recommendations for strengthening the industry.

However, the success of the commission's work will be directly dependent upon the quality of the study they undertake to answer the above questions. We would like to engage Jaakko Poyry Inc., a well known and highly regarded pulp and paper engineering company, to prepare an analysis of our industry and to make recommendations. Jaakko Poyry will charge

(name)
(date)
Page 2

\$125,000 to complete its study over the next three months.

The Legislative Council has authorized preparation of the study and, once funding has been secured, will be contracting with the consultant on behalf of the Commission. The Maine Development Foundation is also providing support for the preparation of the study.

(first name), we are asking (company) to contribute \$() for preparation of this study. Please make your check payable to the Treasurer of the State of Maine and mail to Sally Tubbesing, Executive Director of the Legislative Council, State House Station 115, Augusta, ME 04333. Our plan is to raise about 2/3 of the funds from the paper industry, and 1/3 from municipalities, vendors and other interested parties. Time is of the essence; a favorable response immediately would be appreciated.

I will be contacting you shortly to discuss your interest and support. Thanks in advance for your help.

Sincerely,

Glen Foss
Chair
Commission to Study the Future of
Maine's Paper Industry

**COMMISSION ON THE FUTURE OF MAINE'S
PAPER INDUSTRY
(Chapter 75, RESOLVES OF 1993)**

MEMBERSHIP

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