

MAINE STATE LEGISLATURE

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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

October 25, 1994

Approved November 30, 1994

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Council meeting to order at 10:18 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Cahill, Sen. Bustin, Sen. Carpenter Absent: President Dutremble; Sen. Esty
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Paradis, Rep. Zirnkilton
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Joseph Mayo, Clerk of the House

The Chair, Speaker Gwadosky, noted the presence of David Boulter, who had recently assumed his duties as Director of the Office of Policy and Legal Analysis, and welcomed him to his new role. He then recognized David Elliott, who had served as OPLA's Acting Director for the past 8 weeks while the search for the new Director was in process. He noted that in addition to representing OPLA on the Search Committee, Mr. Elliott had taken a leadership role in helping the entire office plan for an orderly transition to a new Director -- a role that he had carried out with great sensitivity and expertise.

SECRETARY'S REPORT

The Summary of the September 29 Council meeting was accepted and placed on file. (Motion by Rep. Paradis; second by Sen. Cahill; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew members' attention to the following item and to the related materials in the agenda packet:

Item #1: Printing Contracts for the 117th Legislature

She reviewed the bid process and reported that the apparent low bidder for each contract had been identified, noting that, in most cases, the low bidder had held the contract during the previous biennium. In brief discussion, Council members raised the following questions and concerns:

1. The performance of the various firms during the previous biennium. (Sen. Bustin)

Clerk of the House, Joe Mayo, responded that it had been excellent.

2. The quantities called for in the various contracts. (Rep. Whitcomb)

Clerk Mayo replied that the number of copies had been reduced for some items for the 117th biennium.

3. Whether the State Constitution was available in printed form. (Rep. Whitcomb)

Clerk Mayo responded that the Secretary of State publishes the Constitution as a separate document, and copies are readily available. Margaret Matheson reported that the Constitution is also available on line to all legislative offices.

Motion: That the Executive Director be authorized to accept the appropriate bids and execute contracts with the successful bidders for these printing contracts in consultation with the Secretary of the Senate and the Clerk of the House. (Motion by Rep. Paradis; second by Sen. Carpenter; unanimous)

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

Speaker Gwadosky reported that the Committee would be presenting its findings and recommendations regarding both the orientation of new legislators and the Legislature's review of the budget at the November Council meeting.

No Council action was required on this items.

Personnel Committee

The Committee Chair, Speaker Gwadosky, reported that several legislative "housekeeping issues" had emerged in Margaret Matheson's recent performance review with the Personnel Committee. These included current procedures related to duplicate bills and the release of bill titles. At the Committee's request, Ms. Matheson had developed a series of recommendations for the Council's consideration, and Speaker Gwadosky asked her to present them:

1. Release of Bill Titles

Ms. Matheson recalled that early in 1993 (the 116th/1st) the Council had authorized the Revisor's Office to release bill titles following cloture. These were organized by broad subject and were distributed to the Council and Committee Chairs to assist them in planning and scheduling their work. She clarified that sponsors' names were not included, and that legislators were given an opportunity to request that any title be excluded from this list, thus preserving total confidentiality.

Rep. Jacques noted that the availability of titles had been very helpful to Committees; and Ms. Matheson attested that it had also been helpful to staff because it allowed them to order their drafting priorities to reflect committees' priorities. After Rep. Whitcomb received confirmation that the intention was to release titles only and not other information related to bill requests, Council members expressed consensus.

Ms. Matheson reported that her office was going to make every effort to make titles more specific and more reflective of the content of the bill.

2. Duplicate and Closely-Related Bills

Closely-Related Bills

Ms. Matheson recommended to the Council that unless legislators take the initiative to combine on these bills, her Office produce separate bills.

Exact Duplicate Bills

Ms. Matheson recommended that the Council give her the authority to determine who is the first filer. All other sponsors of exact duplicates would be entitled to be listed as cosponsors (unless they chose to withdraw their bill).

3. Streamlined Drafting

Ms. Matheson reported that with the Council's support, non-partisan staff offices had collaborated in an experiment during the Second Regular Session, which involved eliminating several steps from the drafting process for original bills. These included deferring statutory cross reference checks, fixing "bad" language, and applying gender neutral terms until bills were ready to report out of Committee. She reported that these steps did not save as much time in the initial drafting process as had been anticipated; and that they had resulted in a significant increase in the time required at "the other end", when Committees were ready to report bills out.

Motion: That the Council accept the recommendations of the Revisor's Office. (Motion by Rep. Jacques; second by Sen. Cahill; unanimous).

In response to a question from Sen. Bustin following the vote, Sen. Cahill noted that none of these recommendations would require a change in the Joint Rules.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Request to Extend Reporting Deadline for Committee to Study the Operations of the Governor Baxter School for the Deaf. (Letter from Rep. George Kerr, Committee Chair)

In brief discussion, Council members agreed that they had no authority to change a statutory deadline, and the Chair, Speaker Gwadosky, agreed to send a letter to Rep. Kerr to this effect.

The Council took no formal action on this item.

Item #2: Legislative Document Service & Proposed Changes in Fee Schedule for the 117th Legislature.

Clerk of the House Joe Mayo noted that he had taken two items into account in developing the proposed fee schedule for the 117th biennium: 1) the increases in the printing contracts that were about to be awarded; and 2) the

pending 10% increase in all postage rates that is currently scheduled to take effect in February. He reported that the goal was to cover the marginal costs associated with producing additional copies of the various documents for the subscribers, who number approximately 300.

Motion: That the fee schedule for the Legislative Document Service for the 117th Legislature be accepted as presented. (Motion by Rep. Jacques; second by Sen. Bustin; unanimous)

**Item #3: Presentation by Committee on Audit and Program Review.
(Letter from Sen. Cleveland and Rep. Erwin)**

The Chair, Speaker Gwadosky, recognized the Committee Chairs, Senator Cleveland and Representative Erwin, and asked them to describe both the Committee's work in progress and the work they propose to conduct during the First Regular Session. Rep. Erwin briefly summarized the work the Committee had performed during the interim. Sen. Cleveland then reviewed the proposed schedule for 1995, which includes reviews of the Departments of Environmental Protection and Marine Resources, as well as 10 independent agencies. He noted that it was critical for the Committee to get approval of the work scope for the First Regular Session this far in advance because of the lead time departments need to assemble information for the Committee.

The Chair, Speaker Gwadosky, recalled that the point of the change in the law governing the Committee's work was to move away from the 10-year cycle and to focus the Committee's efforts and resources on those issues of greatest importance. He stressed that this would be the focus of the Council as well. He then asked Sen. Cleveland and Rep. Erwin if the departments would still have enough time to prepare the information for the Committee if the Council deferred its action regarding the scope of review until its November meeting. The Chairs responded that there would still be sufficient time, particularly if the independent agencies were scheduled for review first. Although there seemed to be general interest in reviewing DEP, Rep. Whitcomb expressed his opinion that many of the candidates had offered proposals to reorganize DEP and that scheduling a review would be premature until the results of the election are known. Rep. Jacques, however, advocated a study of DEP by a committee other than the Energy & Natural Resources Committee.

Council members agreed to defer action, and the Chair, Speaker Gwadosky, thanked the Audit Committee Chairs for their successful efforts to structure the Committee's review of the Department of Mental Health and Mental Retardation within the time and resources constraints.

The Council took no action on this item.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 11:16 a.m., on the motion of Rep. Jacques (seconded by Rep. Paradis).