

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
WEDNESDAY, NOVEMBER 30, 1994
REVISED AGENDA**

Lynn Randall
Legislative Council Info.

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of October 25, 1994, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Items #1: Personnel Activity

- Promotion of Patrick Norton to position of Principal Analyst, OPLA
- Appointment of Amy Holland as a Research Assistant, OPLA

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

Personnel Committee

OLD BUSINESS

Item #1: Pre-Legislative Conference: Review of Program

Item #2: Joint Standing Committee on Audit & Program Review:
Schedule of Reviews for 117th Legislature/1st Regular
Session (item tabled at October 25 Council meeting)

NEW BUSINESS

Item #1: Subcommittee to Review Changes in Tree Growth and Open
Space Laws: Request for extension of Statutory Reporting
Date. (Letter from Rep. Hoglund, Subcommittee Chair)

Item #2: Submission of Annual Report by the Loring Development
Authority of Maine Pursuant to Statute. (Letter from
Brian N. Hamel, Executive Director)

Item #3: Request for Extension of Reporting Deadline for the
Commission to Study Biotechnology and Genetic
Engineering. (Letter from Rep. Daggett, Commission Chair)

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

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).



MAINE STATE LEGISLATURE
Augusta, Maine 04333

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

November 30, 1994

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

Dear Speaker Gwadosky and Members of the Council:

I am pleased to present the enclosed report from the Committee on Total Quality Management in the Legislature. During the past interim, we concluded our review of the "new" budget process, which the full Committee had undertaken a year ago under your chairmanship. We also established three new subcommittees to study and develop recommendations in the following areas:

- New Member Orientation
- Committee Orientation
- Issues Related to Security and Access in the State House.

Our selection of new areas for work was influenced primarily by Committee members' shared concern about the impact of the anticipated high turnover in membership as a result of the fall elections and the initiation of term limits in 1996. Our report is a compilation of the findings and recommendations of these subcommittees.

The Committee is aware that action on several of the recommendations -- particularly those relating to the committee process -- fall outside of the Council's jurisdiction. We are sharing them with you, however, with the sincere hope that you will forward them to the leaders of the newly-elected 117th Legislature with your endorsement.

Honorable Dan Gwadosky, Chair
and Members of the Legislative Council
November 30, 1994
Page Two

In addition to the specific work of the subcommittees, the full TQM Committee has continued to evaluate itself -- that is, the structure and process that we have employed to implement the TQM process in the Legislature. Maine was the first state legislature in the country -- and remains one of a very few -- to have introduced TQM principles and the process into its own operation. It is a process that draws individuals from all levels of an organization together to evaluate the organization's performance and to pursue "continuous improvement" in its performance and its products. In the Legislature, that means that we have drawn our core membership from both legislators -- leaders and members of the "rank and file"; veterans and first-termers -- and both partisan and non-partisan staff. This coming together provides an opportunity for all of the participants to learn more about the institution and how it works, as well as more about the duties and responsibilities of various parts of the organization. It is an invaluable experience; and it is one that we have tried to extend to others through drawing in additional legislators, staff, and members of our various publics, including state agency personnel and representatives from various interest groups.

It is also a process that requires an enormous commitment of time and focus. Despite that time commitment, we strongly recommend that the new Legislative Council assure the continuity of the process we have undertaken by appointing a new TQM Committee early in the new legislative session.

On behalf of the entire Committee, I would like to express our appreciation for having had this opportunity to participate in improving the operation of the Legislature and to express our willingness to work with our successors in the 117th Legislature.

Sincerely,



Carol A. Kontos, Chair

116th LEGISLATIVE COUNCIL
COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE

Membership

Representative Carol A. Kontos, Chair

Senator Jeffrey L. Butland

Senator Mark W. Lawrence

Senator Charles E. Summers

Representative Wendy L. Ault

Representative Anne M. Larrivee

Representative Hugh A. Morrison

Representative Debra D. Plowman

Joy J. O'Brien, Secretary of the Senate

Joseph W. Mayo, Clerk of the House

Lynn Randall, State Law Librarian

Pat Norton, Office of Policy & Legal Analysis

Suzanne Gresser, Office of the Revisor

Jim Clair, Deputy Director, Office of Fiscal and Program Review

Joseph McGonigle, Senate President's Office

Jan Anderson, House Minority Office

Ex officio: Speaker Dan A. Gwadosky, Chair, Legislative Council

Staff: Sally Tubbesing

Revised March 22, 1994

Summary of Activities

Audit and Program Review Committee 1994-1995 Review Cycle

- Department of Mental Health and Mental Retardation
- Saco River Corridor Commission
- Board of Commercial Driver Education;
- Acupuncture Licensing Board;
- Board of Licensing of Auctioneers;
- Board of Licensing of Dietetic Practice; and
- Advisory Board for the Licensing of Taxidermists.

Compliance Reviews:

- Board of Optometry - to bring performance on par with other boards
- Board of Podiatry - resolve outstanding bill to AG's Office

Department of Mental Health and Mental Retardation - 14 Meetings (#15 was cancelled due to inability of DMHMR to attend 9/15/94)

- July 20 / July 21 (Site Visit to AMHI and community providers);
- August 3 (1st public meeting) / August 4
- August 18 / August 17
- August 31 / September 1;
- September 28 / September 29;
- October 12 / October 13 (2nd public meeting for providers);
- November 16 / November 17

5 Boards and 1 Commission: 9 Meetings

- May 11, 1994 / May 12
- May 25 / May 26
- June 8 / June 9
- June 29 / June 30
- September 14 (compliance)

PUBLIC HEARING on all Committee Recommendations to date:

- November 30, 1994

**3 § 927. Scheduling guideline for review of agencies
or independent agencies**

The committee may use the following list as a guideline for scheduling reviews of agencies or independent agencies. Notwithstanding this list of agencies arranged by year, an agency or independent agency may be reviewed at any time by the committee pursuant to section 925-A.

7. 1996.

A. Agencies:

- (1) Department of Environmental Protection; and**
- (2) Department of Marine Resources.**

B. Independent agencies:

- (2) Atlantic Sea Run Salmon Commission;**
- (3) Public Utilities Commission;**
- (4) Atlantic States Marine Fisheries Commission;**
- (5) Maine Development Foundation;**
- (6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;**
- (7) Lobster Advisory Council;**
- (8) Board of Environmental Protection;**
- (9) Board of Underground Oil Storage Tank Installers;**
- (10) Telecommunications Relay Services Advisory Council; and**
- (11) Public Advocate.**

EXCERPTS

TITLE 3

(CHAPTER 33)

(JUSTIFICATION OF STATE GOVERNMENT PROGRAMS)

3 § 925-A. Committee analysis and recommendations

1. **Authority.** For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 922, the committee may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the justification report, the extent to which the agency or independent agency operates in accordance with legislative intent and the degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandate. **In consultation with the Legislative Council, the committee shall select agencies or independent agencies for review either in accordance with the scheduling guideline provided in section 927 or at any time determined necessary or warranted by the committee.** The Legislative Council shall provide the committee with assistance as required to carry out the purposes of this chapter.

3 § 930. Legislative Council

The Legislative Council shall issue rules necessary for the efficient administration of this chapter.

**SUBCOMMITTEE OF THE
JOINT STANDING COMMITTEE
ON TAXATION TO REVIEW CHANGES
IN TREE GROWTH AND OPEN SPACE LAWS**

Staff

Lock Kiermaier, Legislative Analyst

Members

Representative Annette M. Hoglund, Chair
Senator Richard J. Carey
Representative Eleanor M. Murphy
Representative Robert W. Spear
Representative Robert J. Tardy

October 27, 1994

Senator John E. Baldacci, Chair
Representative Susan E. Dore, Chair
Joint Standing Committee on Taxation
116th Maine State Legislature
Augusta, Maine 04333

Dear Senator Baldacci and Representative Dore,

I am writing on behalf of the Subcommittee of the Joint Standing Committee on Taxation to Review Changes in Tree Growth and Open Space Laws, to request an extension of the November 1, 1994 date which is specified as a reporting deadline in PL1993, C.576. The Subcommittee has met 4 times over the past several months but because of our relatively late start and other scheduling obligations, the subcommittee will not be able to complete its work in an adequate fashion by November 1st. We respectfully request that our deadline be extended to December 1, 1994. On that date, with your permission, we will submit a report with any subsequent recommendations. Unless we hear from you otherwise, we will assume that this request for an extension meets with your approval.

Please feel free to contact me with any questions or comments that you have regarding the Subcommittee's work

Sincerely



Annette M. Hoglund
Chair

cc: Subcommittee members
Representative Dan Gwadosky, Chair
Legislative Council

WPP1530/13



Loring Development Authority Of Maine

October 28, 1994

Ms. Sarah C. Tubbesing
Executive Director of the Legislative Council
State House Station #115
Augusta, ME 04333

Dear Ms. Tubbesing:

Pursuant to "Section 13080-L Annual Report" of the Loring Development Authority of Maine's (LDA) legislation, enclosed please find a complete report on the activities of the LDA for the fiscal year ended June 30, 1994.

The LDA has made significant strides since its inception in November 1993 and I believe that we have built a solid foundation that will serve as a basis for future economic growth within Aroostook County and the entire State of Maine. Once you have had an opportunity to review the attached materials, I would like to make arrangements to meet with you to discuss in detail the LDA's past, present and future operations.

If you have any questions or need additional information, please call me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian N. Hamel", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Brian N. Hamel
Executive Director

Enclosures

cc: Joint Standing Committee of Housing and Economic Development

Loring Development Authority of Maine Trustees:

Michael W. Aube, Paul R. Cariani, Donald F. Collins, David I. Dorsey, Daniel LaPointe, Elizabeth B. Reuthe, Brian E. Thibreau, Arthur H. Thompson, Robert D. Umphrey, Albert L. Watt, Lyndel J. Wishcamper

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MAINE STATE LEGISLATURE
Augusta, Maine 04333

November 29, 1994

Speaker Dan A. Gwadosky
Chair, Legislative Council
Speaker's Office, Room 301
State House
Augusta, Maine 04333

Dear Speaker Gwadosky:

The Commission to Study Biotechnology and Genetic Engineering (Chapter 72, Resolves 1993) requests permission to extend the reporting date of the Commission from December 1, 1994 to March 30, 1995. The first meeting was not convened until October, and as a result, the Commission will be unable to meet its reporting date requirement. Your consideration of this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly C. Daggett".

Representative Beverly C. Daggett
Chair, Commission to Study
Biotechnology and Genetic Engineering

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