

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

MEETING SUMMARY

WEDNESDAY, NOVEMBER 30, 1994

CALL TO ORDER

The Chair, Speaker Gwadosky, called the Council to order at 3:28 p.m. in the Legislative Council Chamber.

ROLL CALL

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|------------------------------|---|
| Senators: | President Dutremble, Sen. Esty, Sen. Bustin, Sen. Carpenter Absent: Sen. Cahill |
| Representatives: | Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Paradis, Rep. Zirkilton |
| Legislative Officers: | Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian 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 |

SECRETARY'S REPORT

The Summary of the October 25 Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Bustin; unanimous)

EXECUTIVE DIRECTOR'S REPORT

Items #1: Personnel Activity

Sally Tubbesing reported that she had the following item to report to the Council and deferred to David Boulter, Director of Office of Policy & Legal Analysis.

Mr. Boulter reported that he had appointed Patrick Norton to the vacant position of Principal Analyst, a vacancy created when Tim Glidden had resigned in September to take a position outside of state government. Mr. Norton has been a Legislative Analyst in the Natural Resources Group, the group he will now head. Mr. Boulter noted that Mr. Norton's promotion would create a vacant Analyst position, which he would fill as soon as possible. He then reported that he had appointed Amy Holland as a Research Assistant, again, to fill a vacant position.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

The Chair, Speaker Gwadosky, recognized Rep. Carol Kontos, Chair of the TQM Committee. Rep. Kontos drew members' attention to materials related to both New Member Orientation and Committee Chairs' Orientation, noting that some of the recommendations related to the former area were already being implemented.

At her invitation, Rep. Anne Larrivee, who had chaired the Subcommittee on Committee Chairs' Orientation, and Clerk of the House Joe Mayo, who had chaired the Subcommittee on New Member Orientation, briefly presented the highlights of their respective subcommittees' findings and recommendations. Rep. Mayo noted that many of the recommendations related to new member orientation were already in the process of being implemented -- notably the regional meetings and the expanded Legislator's Handbook -- proposals which the Council had approved earlier in the fall.

Rep. Kontos, in summary, urged the members of the Council to endorse the TQM Committee's recommendations, noting that it was important to avoid past experience when much of the work of the 115th TQM Committee "fell between the cracks" in the transition from one legislature to the next. She stressed that the Committee's recommendations reflected the consensus of the members. Finally, she encouraged the Council to recommend to the new Council that it appoint a new TQM Committee as soon as possible, expressing the appreciation of all the Committee members for having the opportunity to participate in the Legislature's TQM process.

The Chair, Speaker Gwadosky, thanked Rep. Kontos for her leadership of the Committee and stated that he would send a letter to the new Council Chair encouraging consideration of the Committee's recommendations.

No Council action was required on this item.

OLD BUSINESS

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

The Chair, Speaker Gwadosky, drew Council members' attention to the program for the Pre-Legislative Conference, reminding them that they were the hosts of the Conference.

No Council action was required.

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)

Motion: That this item be referred to the 117th Legislative Council. (Motion by Sen. Carpenter; second by Sen. Bustin; unanimous).

Item #3: Request for Council support of a Conference for Legislators on Rural Health Issues

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

Discussion:

In response to a question from Sen. Esty, the Chair, Speaker Gwadosky, replied that this was the only conference related to health care that was on the calendar to date. Rep. Whitcomb then suggested that since this was the 116th Council's last meeting, it should give the incoming Council the opportunity to make the final decision; and Sen. President Dutremble concurred with this suggestion.

Rep. Jacques withdrew his motion.

Motion: That the Council support the concept of this conference on January 11 and encourage the new Council to formally approve it at the earliest possible date in December. (Motion by Rep. Whitcomb; second by Rep. Jacques; unanimous).

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)**

Rep. Spear, who was in attendance, clarified that the Subcommittee had now completed its report.

Motion: That the letter be accepted and placed on file. (Motion by Sen. President Dutremble; second by Rep. Jacques; unanimous).

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

Motion: That the report be accepted and placed on file. (Motion by Senate President Dutremble; second by Sen. Carpenter; unanimous)

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

The Chair, Speaker Gwadosky, noted that the establishment of this Commission had involved a very extensive appointment process, which had delayed their getting started.

Motion: That a letter be sent to Rep. Daggett, Commission Chair, informing her that the statutory reporting date can be amended only by legislation and that she should file a bill to this end. (Motion by Sen. President Dutremble; second by Rep. Whitcomb; unanimous).

- Item #4: Proposed legislation to Reinstate the Maine Dairy Farmers' Stabilization Tax**

The Chair, Speaker Gwadosky, recognized Rep. Spear, who indicated that he was appearing on behalf of a subcommittee of the Joint Standing Committee on Agriculture to provide Council members with background information about the bill. He reported that the Subcommittee had been working actively to address the concerns of the federal court (which had struck down the tax originally enacted by the Legislature) and that it was important to many dairy farmers to have financial relief as soon as possible.

In discussion, Council members expressed concern about having the newly-elected Legislature be faced with such a significant -- and potentially controversial -- issue on the opening day of the session. The Chair, Speaker Gwadosky stressed that, with the large number of new members, trying to pass any legislation on opening day could be daunting.

Since this was an informational item, no Council action was required.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session to discuss items related to personnel. (Motion by Rep. Jacques; second by Sen. President Dutremble; unanimous).

The Council proceeded to go into Executive Session at 4:14 p.m.

RECONVENE

The Chair, Speaker Gwadosky, reconvened the Council in open session at 4:29 p.m.

Motion: That Lynn Randall be reappointed as State Law Librarian and that Sally Tubbesing be reappointed as the Legislative Council's Executive Director, both for 3-year terms. (Motion by Sen. Esty; second by Sen. President Dutremble; unanimous).

The Chair, Speaker Gwadosky noted that the Council had concluded that any action regarding step increases, which is normally taken in conjunction with reappointment, should, in this case, be the function of the new Legislative Council.

ANNOUNCEMENTS AND REMARKS

The Chair, Speaker Gwadosky, noting that this was the last meeting of the 116th Legislative Council, thanked all of the members for their cooperation, their dedication and their friendship.

ADJOURNMENT

The Council meeting was adjourned at 4:30 p.m., on the motion of Sen. President Dutremble (seconded by Rep. Jacques).