

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL  
December 14, 1994  
AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**ELECTION OF OFFICERS**

**SUMMARY OF NOVEMBER 30 COUNCIL MEETING  
(116th Legislative Council)**

**EXECUTIVE DIRECTOR'S REPORT**

**REPORTS FROM COUNCIL COMMITTEES**

**OLD BUSINESS**

**NEW BUSINESS**

Item #1: Rules of Procedure

Item #2: Request for Council Support of a Conference for  
Legislators on Rural Health Issues (referred by 116th  
Legislative Council; letter from Speaker Gwadosky, Chair,  
116th Legislative Council)

Item #3: Committee to Study the Operations of the Governor Baxter  
School for the Deaf: Submission of Final Report pursuant  
to statute

Item #4: Request from Senator Goldthwait for Assignment of Office  
Space

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

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

<b>Senators:</b>	President Dutremble, Sen. Esty, Sen. Bustin, Sen. Carpenter Absent: Sen. Cahill
<b>Representatives:</b>	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Paradis, Rep. Zirkilton
<b>Legislative Officers:</b>	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).

**MAINE LEGISLATIVE COUNCIL  
116th LEGISLATURE**

**RULES OF PROCEDURE**

**Adopted by the Legislative Council, December 3, 1992**

1. **Organizational meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session and preside until the election of the Chair.
2. **Chair:** The Council shall select a Chair, who shall preside at all meetings of the Council when present. The position of Chair must alternate in succeeding sessions between members from the Senate and members from the House.
3. **Vice Chair:** The Council shall select a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair may not be a member of the same branch of the Legislature as the Chair.
4. **Quorum:** The Council may not conduct business in the absence of a quorum, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by vote of the Council or by call of the Chair.
6. **Meeting Location:** The official meeting place of the Legislative Council is the Legislative Council Chambers, and the Chair shall convene all meetings there unless a different place is specified in the call of the meeting.
7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public except for executive sessions, and the Council shall take all final action at a public meeting.
9. **Council Subcommittees:** The Chair shall name subcommittees of the Council. The subcommittees must consist of at least three members. All subcommittees shall have representation from each of the two major political parties.



## **MAINE STATE LEGISLATURE LEGISLATIVE COUNCIL**

10. **Council Records:** The Executive Director of the Legislative Council shall maintain an accurate permanent public record of all meetings and proceedings of the Council.
11. **Order of Business:** The regular order of business of the Council is:
  1. Call to Order
  2. Roll Call
  3. Secretary's Report
  4. Executive Director's Report
  5. Committee Reports
  6. Old Business
  7. New Business
  8. Announcements and Remarks
  9. Adjournment
12. **Statements to the Press:** Only the Council Chair or persons authorized by the Chair may make official statements to the press or to the public on behalf of the Legislative Council.
13. **Rules of Order:** The Chair or Vice Chair shall conduct the proceedings of the Council in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.
14. **Revision of Rules:** The Council may amend these rules, with the exception of Rule 4, upon a two-thirds vote of the Council members present and voting, provided that the vote to amend is by at least six affirmative votes.

REP. DAN A. GWADOSKY  
CHAIR

SEN. DENNIS L. DUTREMBLE  
VICE-CHAIR



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SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

December 6, 1994

TO: Members of the 117th Legislative Council

FROM: Dan A. Gwadosky, Chair  
116th Legislative Council

SUBJECT: Proposal to Convene a Conference for Legislators on  
Rural Health Issues

The Legislative Council was approached last summer by a group desiring to sponsor a conference for legislators on Rural Health Issues. The planning group, facilitated by the Office of Rural Health, in the Department of Human Services, saw a conference as a way of educating legislators about both the current rural health delivery system and the changing health care needs and resources in Maine.

Helen Zidowecki, the Director of the Office of Rural Health, sought direction from the Council about when to schedule the conference. The Council was reluctant to commit the newly-elected legislature and its presiding officers to a specific date so far in advance and recommended that the planning group continue working and come back to the Council with proposed dates later in the fall. At the 116th Council's last meeting on November 30, Ms. Zidowecki returned to present us with a specific proposal to conduct a half-day conference on January 11. The Council voted unanimously to support the concept of the proposed conference on this date and directed me to formally convey our support to the incoming Council. We believe the proposed conference addresses an important topic and, based on the information available to us, concluded that it would not conflict with other scheduled legislative business.

On behalf of the outgoing Council, I would ask that the new Council give this proposal consideration as soon as possible so that the planning group can complete its plans. I would be happy to answer any questions you may have.

cc: Helen Zidowecki, Director  
Maine Office of Rural Health