

# MAINE STATE LEGISLATURE

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SEN. JANE A. AMERO  
CHAIR

REP. ELIZABETH H. MITCHELL  
VICE-CHAIR

Lynn Randall  
Legislative Council Info.

SEN. JEFFREY H. BUTLAND  
SEN. R. LEO KIEFFER  
SEN. MARK W. LAWRENCE  
SEN. BEVERLY MINER BUSTIN  
REP. DAN A. GWADOSKY  
REP. PAUL F. JACQUES  
REP. WALTER E. WHITCOMB  
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

## 117th MAINE STATE LEGISLATURE

### LEGISLATIVE COUNCIL

## MEETING SUMMARY

December 29, 1994

Approved January 11, 1995

## CALL TO ORDER

The Council meeting was called to order by Senate President Jeffrey H. Butland at 9:30 a.m. in the Council Chamber.

## ROLL CALL

### Senators:

President Butland, Sen. Lawrence,  
Sen. Kieffer, Sen. Bustin, Sen. Amero

### Representatives:

Speaker Gwadosky, Rep. Jacques,  
Rep. Whitcomb, Rep. Mitchell,  
Rep. Carleton

### Legislative Officers:

May Ross, Secretary of the Senate  
Pamela Cahill, Assistant Secretary  
of the Senate  
Joseph Mayo, Clerk of the House  
Millicent MacFarland, Assistant Clerk  
of the House  
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

## RECESS

Motion: That the Council stand in recess until 10:00 a.m.  
(Motion by Sen. Lawrence; second by Sen. Bustin; unanimous).

Accordingly, the Council meeting was recessed at 9:35 a.m.

## RECONVENE

The Council reconvened at 10:35 a.m.

## ELECTION OF OFFICERS

President Butland, referring to the Rules of Procedure that the Council had adopted at its previous meeting, noted that the Rules prescribe the following with regard to the election of Council Officers:

Rule # 2 provides that the position of Chair shall alternate in succeeding biennial sessions between members from the Senate and members from the House. Thus, pursuant to these Rules, the Chair for this new Council would come from the Senate.

Rule # 3 provides that the Vice-Chair shall not be a member of the same body of the Legislature as the Chair. Thus, the Vice Chair for the 117th Council must be a Representative.

He then opened the floor for nominations for the position of Chair.

Motion: That Senator Jane Amero be nominated for the position of Council Chair. (Motion by Sen. Bustin; second by Rep. Carleton).

Motion: That the nominations cease. (Motion by Rep. Whitcomb; seconded by Speaker Gwadosky; unanimous).

The vote to elect Senator Amero as Chair was unanimous.

The newly-elected Chair, Senator Amero proceeded to open the floor for nominations for the position of Vice-Chair.

Motion: That Representative Elizabeth H. Mitchell be nominated to the position of Vice-Chair. (Motion by Senate President Butland; second by Rep. Jacques).

Motion: That the nominations cease. (Motion by Sen. Kieffer; second by Speaker Gwadosky; unanimous).

The vote to elect Representative Mitchell to the position of Vice-Chair was unanimous.

The Chair, Senator Amero, then proceeded with the printed agenda.

## **SUMMARY OF NOVEMBER 30 AND DECEMBER 14 COUNCIL MEETINGS**

**Motion:** That these summaries be accepted and placed on file.  
(Motion by Speaker Gwadosky; second by Rep. Jacques; unanimous).

### **EXECUTIVE DIRECTOR'S REPORT**

Sally Tubbesing reported that she had no items to bring to the Council's attention at this meeting.

### **REPORTS FROM COUNCIL COMMITTEES**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

**Item #1:** Committee to Study the Operations of the Governor Barter School for the Deaf: Submission of Final Report Pursuant to Statute

The Chair, Sen. Amero, noted that the report had been distributed at the Council's previous meeting.

**Motion:** That the report be accepted and placed on file.  
(Motion by Speaker Gwadosky; second by Rep. Whitcomb; unanimous).

**Item #2:** Request from Senator Goldthwait for Assignment of Office Space

**Motion:** That this item be referred to the Council's "Space Committee" as soon as the Committee is named. (Motion by Sen. Bustin; second by Rep. Jacques; unanimous).

**Discussion:** Senate President Butland inquired what the most appropriate forum would be to discuss the larger issue. Rep. Whitcomb clarified that Council Committees operate as subcommittees, reporting and making recommendations to the full Council. He further noted that this Committee had other pending issues and recommended that the Executive Director work with the Council Chair and Vice-Chair to develop jurisdictions for each of the Committees to be named.

The Council took no further action on this item.

**Item #3: Proposal from David Brown, Director, Maine Emergency Management Agency, to install a Monitor in the State House**

The Chair, Senator Amero, recognized David Brown, the Director of the Maine Emergency Management Agency (MEMA), and asked him to present his proposal. He compared the monitors he was proposing to install to the community bulletin boards that appear on many local public cable stations: the screen "scrolls" through information -- which, in this case, would include information regarding committee hearings and work sessions and other legislative meetings. He noted that this information would be provided by the Legislative Information Office and suggested that two monitors be installed -- one on the 3rd floor near the Rotunda and one on the 1st floor of the State Office Building near the elevators.

Summarizing the costs involved in this project, he stated that the cable "drop" is provided by State Cable Television to MEMA at no cost and supports 3 channels. His proposal would broadcast the legislative information on Channel 21, which currently provides continuous weather information. He stated that the only cost would involve the cost of labor to install the monitors.

In the discussion that followed, Council members raised the following questions and concerns:

- Whether Mr. Brown had contacted either the Clerk of the House or the Secretary of the Senate regarding his proposal. (Speaker Gwadosky)

Mr. Brown replied that his conversations had been brief and "non-technical", and he suggested that a small working group be established to work through a variety of issues.

- Whether the information to be posted on these monitors would be available outside of the State House and whether these agencies had had an opportunity to express a preference about whether they wanted weather information pre-empted. (Sen. Lawrence)

Mr. Brown replied that it would be available wherever the 3 channels controlled by his agency were available, mentioning the Department of Transportation and the State Library specifically. He noted that he had not discussed his proposal with either of these agencies because the decision about what would be broadcast rests solely with his agency.

- Whether these monitors would be free standing. (Rep. Whitcomb)

Mr. Brown responded that they are typically mounted on the wall.

Motion: That the Council Chair appoint a working group to further investigate the issue of installing monitors in the State House and State Office Building. (Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

**Item #4: Request for Clarification of Legislative Council Policy Regarding Custody of Computer Programs and Documents of a Non-Confidential Nature**

This item was not on the printed agenda and was taken up at Senate President Butland's request.

Speaker Gwadosky noted that the Council had not had a standing committee with specific responsibility for issues related to the Legislature's computer system for several years and offered the following motion:

Motion: That the Council establish a special subcommittee to develop a prospective policy for review by the full Council regarding custody and ownership of legislative computer programs and documents. (Motion by Speaker Gwadosky; second by Rep. Jacques).

The discussion that followed yielded the following comments and concerns:

- That it will be important to work with the Attorney General to determine who owns the programs and the information; and, further, that it would be useful to have the Executive Director do a search to determine what other states are doing in this area. (Senate President Butland)

Speaker Gwadosky responded that he thought these suggestions could be incorporated in the work of the committee proposed in his motion.

- It will also be important for this committee to spell out clearly what is confidential and what is not. (Sen. Kieffer)
- Whether the motion should include a "date certain" for at least an initial report in order to address the pending situation in a timely manner. (Rep. Whitcomb)

In the discussion on this point, consensus seemed to emerge that the motion should address the issue prospectively and that the current situation should be addressed and resolved within the Senate. Members also expressed their concern that this is a critical issue which does need to be addressed.

The vote was taken, and the motion was approved unanimously.

Rep. Carleton asked whether the item could be on the agenda for the next Council meeting if the immediate issue in the Senate remained unresolved; and the Chair, Sen. Amero, responded affirmatively.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 11:10 a.m., on the motion of Rep. Mitchell (second by Rep. Jacques).