

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
January 25, 1995
REVISED AGENDA**

CALL TO ORDER

ROLL CALL

SUMMARY OF JANUARY 11 COUNCIL MEETING

(Enclosed)

EXECUTIVE DIRECTOR'S REPORT

Item #1: Request for Information Pursuant to Freedom of Access
Law (1 MRSA § 408)

OLD BUSINESS

Item #1: Consideration of Salaries for the Secretary of the
Senate and Clerk of the House (tabled at January 11
Council meeting)

Item #2: Senior Secretary Position Previously Assigned to the
Joint Standing Committee on Audit & Program Review

NEW BUSINESS

Item #1: Requests for Council Approval to Introduce Joint
Resolutions and After Deadline Bills

Item #2: Consideration of Step Increases for Constitutional
Officers

Item #3: Legislative Budget: Continuation of Presentations by
Staff Offices

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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

January 11, 1995

Approved February 8, 1995

CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 10:55 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:	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 May Ross, Secretary of the Senate Joseph Mayo, Clerk of the House Pamela Cahill, Assistant Secretary of the Senate Millie MacFarland, Assistant Clerk of the House Richard N. Sawyer, Administrative Services Director

SUMMARY OF DECEMBER 29 COUNCIL MEETING

The Meeting Summary was approved and placed on file. (Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

EXECUTIVE DIRECTOR'S OFFICE

Sally Tubbesing presented the following items for the Council's consideration:

Item #1: Report on Bills Filed by Cloture

Ms. Tubbesing deferred to Meg Matheson, Revisor of Statutes, who reported that 2084 bill requests had been filed by the cloture deadline the previous Friday, January 6, at 4 p.m. She noted that the total number filed represented a slight increase over the total number filed two years earlier; and that she expects the number to grow by as many as 200, since the deadline for receipt of Governor's and Department bills is not until February 4.

Rep. Mitchell asked if the Revisor's Office would be providing a revised list of bill titles that incorporates the requests filed since the "preliminary" cloture date of December 16. Ms. Matheson responded that she hoped to have the list available by the first part of the week.

No Council action was required on this item.

Item #2: Notification of New Employees Hired to Fill Existing Vacancies Pursuant to Council Approval

Ms. Tubbesing drew Council members' attention to resumes in their agenda packets for Ms. Colleen McCarthy and Mr. Mark Knierim, who had been hired to fill vacant positions as an Analyst in the Office of Policy and Legal Analysis and Associate Law Librarian in the Law and Legislative Reference Library respectively. She noted that these individuals had been offered positions pursuant to approval from the 116th Legislative Council to fill two vacancies, but that it was customary to notify the Council once the selection process was complete.

Discussion

Council members raised the following questions with regard to the new employees:

- Whether the individuals were already "on board". (Sen. Kieffer)

Ms. Tubbesing responded that both had established starting dates and had given notice to their current employers, but that neither had actually reported for work.

- The impact of not filling the positions. (Sen. Bustin)

David Boulter responded that the Analyst position would be assigned to the Joint Standing Committee on Banking and Insurance and that the preliminary list of bill titles suggested that this Committee would have a workload of 100-125 bills which he could not otherwise cover. Lynn Randall noted that the Associate Librarian position in question would be assigned responsibility for providing reference assistance to Library users and keeping the Library's periodicals collection updated.

- Whether staff who had previously been assigned to the Audit & Program Review Committee should not be placed in these positions. (Rep. Whitcomb)

The Chair, Sen. Amero, noted that she had discussed this with David Boulter and understood that the employee in question was not interested in the position. David Boulter concurred, noting that he had explored this possibility as well.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES

The Chair, Sen. Amero, reported that she and Rep. Mitchell had met on several occasions to organize the committees and announced that Council members would be receiving letters of appointment later that day. Recognizing the many demands on Council members' time, she expressed her hope that all would agree to serve.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Legislative Budget: Introduction

Sally Tubbesing drew Council members' attention to materials that summarized the various appropriation accounts under the Council's jurisdiction, and provided information related to expenditure history, current year budgets and budget requests for the FY 1996-1997 biennium. After reviewing these materials briefly, she deferred to the Secretary of the Senate, May Ross; the Clerk of the House, Joe Mayo; and each of the nonpartisan office directors -- Lynn Randall, Law Librarian; Margaret Matheson, Revisor of Statutes; John Wakefield, Director, Office of Fiscal and Program Review; Dave Boulter, Director, Office of Policy and Legal Analysis; and Dick Sawyer, Administrative Services Director. These individuals proceeded to describe the organization and staffing of their respective offices, including the positions they had eliminated recently or held vacant. They also described the primary functions of their offices.

These presentations were interrupted following the discussion of the Revisor's Office so that the Council could turn to other items on its agenda; and Council members agreed to continue the overview of the budget at the next Council meeting.

Motion: That the discussion of the budget be tabled to the next Council meeting. (Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

Item #7: Requests for Council Approval to Introduce Joint Resolutions and After Deadline Bills

This item was taken up out of order by consensus. The Chair, Sen. Amero stated that she thought it would be helpful to develop guidelines before the Council voted on any of the requests. Rep. Carleton suggested that those sponsors present should be given an opportunity to explain why they missed cloture. Speaker Gwadosky then explained that the Council had, in the past, asked sponsors of after deadline bills to first work with a committee to see if there was already a bill before the committee that could provide a vehicle for incorporating the intent of the after deadline request. He clarified that the Council would table the request until the sponsor had completed this. Discussion then turned briefly to Council procedures for considering Joint Resolutions.

The Council then proceeded to consider requests to introduce legislation to the Second Regular Session. A summary of the Council's action on these requests is attached to this meeting summary.

Item #2: Consideration of Salary for Attorney General pursuant to Statute

The Chair, Sen. Amero, asked Sally Tubbesing to review the Council's statutory authority with regard to setting salaries for the constitutional officers. Ms. Tubbesing drew members' attention to the copy of the law (3 MRSA § 162-B) that was in their packets.

Motion: That Items 2, 4 and 5 on the NEW BUSINESS Calendar be tabled until later. (Motion by Sen. Bustin, second by Rep. Jacques; unanimous).

Item #3: Recommendations from Committee to Study Organizational and Tax Issues in Public Schools for Expending the Remainder of its Budget

The Chair, Sen. Amero, reported that she had spoken with members of the Committee to Study Organizational and Tax Issues in Public Schools regarding their request and that they had all expressed their strong support for the \$3,000 "investment" in a school facilities inventory survey, on the basis that the State invests millions of dollars in school construction every year.

Rep. Mitchell, referring to her own experience on the Education Committee during the previous biennium, noted that the Committee had struggled constantly with the lack of data to make sound decisions. Sen. Kieffer expressed concern that a one-time survey would not really address the problem and asked what the long-term goal would be. Sen. Amero responded that the survey could be incorporated in another form that Superintendents are already required to complete annually. Sen. Kieffer reiterated his concern that the information be used once it is collected.

The discussion then turned to what would happen to the unexpended funds in the Committee's appropriation, and Ms. Tubbesing clarified that unexpended funds would lapse to the legislative account. Various Council members expressed concern about the Council's deciding to authorize expenditure of the unexpended balance, suggesting that if the projects proposed by the "Rosser Committee" were important, they should either a) be in the Department of Education's budget (Sen. President Butland) or b) come forward to the Council as recommendations from the Joint Standing Committee on Education (Rep. Jacques).

Motion: That the Chair send a letter to Dr. Rosser and the Committee thanking them for their work and their frugality and directing them to take their request to the Joint Standing Committee on Education for discussion and recommendation to the Council and the Legislature. (Motion by Sen. Lawrence; second by Rep. Carleton; unanimous).

The Chair, Sen. Amero, drew Council members attention to a second letter from Dr. Rosser that had been received just prior to the meeting, asking for an extension of the Committee's reporting deadline to February 13. Noting that this extension would require legislation, Speaker Gwadosky offered the following motion:

Motion: That a bill be drafted to extend the Committee's statutory reporting deadline. (Motion by Speaker Gwadosky; second by Rep. Carleton; unanimous).

Note: This bill is included on the attached list summarizing the Council's action on After Deadline bill requests.

EXECUTIVE SESSION

Motion: That the Council proceed into Executive Session for the purpose of discussing items related to personnel. (Motion by Speaker Gwadosky; second by Sen. Bustin; unanimous).

The Council proceeded to go into Executive Session at 12:37 p.m.

RECONVENE

The Chair, Sen. Amero, reconvened the Council in open session at 1:50 p.m. and then drew Council members' attention to Item #2, which had previously been tabled.

Item #2: Consideration of Salary for Attorney General pursuant to Statute

Motion: That the Council set the salary of the attorney General in Range 91, Step 5 pursuant to statute. (Motion by Sen. Lawrence; second by Rep. Carleton; unanimous).

Item #4: Consideration of Salary for the Secretary of the Senate

Motion: That this item be tabled. (Motion by Sen. Lawrence; second by Rep. Mitchell; unanimous).

Item #5 Review of Support Positions Previously Assigned to the Joint Standing Committee on Audit and Program Review

Motion: That the following positions be eliminated in the Office of Fiscal and Program Review effective February 1: one Principal Analyst and one Analyst position that have been assigned to the Joint Standing Committee on Audit & Program Review and one vacant Analyst position originally established to support the preparation of municipal fiscal notes. (Motion by Rep. Whitcomb; second by Sen. Kieffer; unanimous).

Note: The original motion was amended with a "friendly amendment" from Sen. Lawrence to include an effective date.

Motion: That the Council authorize John Wakefield to fill the vacant Analyst position. (Motion by Speaker Gwadosky; second by Rep. Whitcomb; unanimous).

Motion: That the Council defer action on the Senior Secretary position currently assigned to the Audit Committee until the next Council meeting. (Motion by Speaker Gwadosky; second by Rep. Mitchell; unanimous).

Item #6: Letter from William A. Pierce Regarding Joint Standing Committee on Audit and Program Review

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

ANNOUNCEMENTS AND REMARKS

The Vice-Chair, Rep. Mitchell, reported that she and Sen. Amero were working as quickly as possible to organize the TQM Subcommittee on Rules and asked Council members for their recommendations. Speaker Gwadosky suggested that they consider bringing in all new members.

ADJOURNMENT

The Council meeting was adjourned at 1:55 p.m.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 11, 1995

Action

SPONSOR: Rep. Gwadosky

APPROVED

LR 2097 An Act to Facilitate the Confirmation Process

SPONSOR: Rep. Whitcomb

APPROVED

LR 2086 An Act to Alter the Valuation of Seaport

TABLED

SPONSOR: Sen. Berube

TABLED
01/11/95

LR 2095 An Act Concerning Expungement of Nonconviction Data

SPONSOR: Rep. Dore

TABLED
01/11/95

LR 2087 An Act to Expand the Qualifications of Master Plumbers and Master Electricians

SPONSOR: Sen. O'Dea

TABLED
01/11/95

LR 2085 An Act Concerning Fees Collected for the Restoration, Recreation and Preservation of Records in the Register of Deeds Office

SPONSOR: Rep. Richardson

TABLED
01/11/95

LR 2096 An Act to Abolish Secrecy in the Courts on Matters of Public Health or Safety

TABLED

Action

JOINT RESOLUTIONS

SPONSOR: Rep. Benedikt

**TABLED
01/11/95**

**LR 0512 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
HOUSE OF REPRESENTATIVES NOT TO ABOLISH THE MERCHANT
MARINE AND FISHERIES COMMITTEE**

SPONSOR: Rep. Campbell

**TABLED
01/11/95**

**LR 0118 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO DESIGNATE ESCHERICHIA COLI 0157:H7
AS A REPORTABLE DISEASE THROUGHOUT THE NATION**

SPONSOR: Rep. Campbell

**TABLED
01/11/95**

**LR 1693 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
POSTAL SERVICE TO DESIGN A JOSHUA CHAMBERLAIN STAMP**

SPONSOR: Rep. Jacques

**TABLED
01/11/95**

**LR 1236 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ALLOW ALL
STATES EAST OF THE 100TH MERIDIAN TO REGULATE THE
EXPORT OF UNPROCESSED LOGS**

SPONSOR: Rep. Mitchell

**TABLED
01/11/95**

**LR 1760 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REQUIRE
FULL DISCLOSURE IN INSURANCE PLANS AND MANAGED HEALTH
CARE PLANS**

SPONSOR: Sen. O'Dea

**TABLED
01/11/95**

**LR 0043 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES CONCERNING THE FEES CHARGED BY THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**

SPONSOR: Rep. Volenik

**TABLED
01/11/95**

**LR 0745 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
CONGRESS AND THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY TO APPROVE THE SALE OF REFORMULATED
GASOLINE IN ALL 16 COUNTIES IN THIS STATE**

ADDENDUM

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 11, 1995**

Action

SPONSOR **Rep. Gwadosky**

APPROVED

LR 2099 **An Act to Extend the Reporting Date of the
Committee to Study Organizational and Tax Issues
in Public Schools**

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 20, 1995

Action

SPONSOR: Rep. Gerry

LR 2098 An Act to Suspend the Auto Emissions Testing Program
Pending the Investigation of the Attorney General's
Office Into Allegations of Breach of Contract

SPONSOR: Rep. Lemont

LR 2108 An Act to Define Domicile for the Purpose of
Automobile Registration

SPONSOR: Rep. Povich

LR 2112 An Act to Provide for Public Representation on the
Hancock County Budget Advisory Committee

SPONSOR: Rep. Watson

LR 2100 An Act to Specifically Prohibit Possession of
Equipment to Manufacture Goods that are Prohibited
by the Laws Governing Criminal Simulation

SPONSOR: Rep. Watson

LR 2113 An Act to Designate Square Dancing as the Official
Folk Dance of Maine

JOINT RESOLUTION

SPONSOR: Rep. Gooley

LR 1186 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO CEASE CERTAIN ACTIVITIES CONCERNING
THE UNITED NATIONS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Berube **TABLED**
01/11/95

LR 2095 An Act Concerning Expungement of Nonconviction Data

SPONSOR: Rep. Dore **TABLED**
01/11/95

LR 2087 An Act to Expand the Qualifications of Master Plumbers
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JOINT RESOLUTION

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