

# MAINE STATE LEGISLATURE

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SEN. JANE A. AMERO  
CHAIR

REP. ELIZABETH H. MITCHELL  
VICE-CHAIR



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

**March 1, 1995**

### CALL TO ORDER

The Chair, Sen. Amero, called the Council to order at 10:45 a.m. in the Legislative Council Chamber.

### ROLL CALL

**Senators:** President Butland, Sen. Lawrence, Sen. Bustin, Sen. Amero  
Absent: Sen. Kieffer

**Representatives:** Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Mitchell, Rep. Carleton

**Legislative Officers:** Sally Tubbesing, Executive Director,  
Legislative Council  
Richard N. Sawyer, Administrative  
Services Director  
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  
Pamela Cahill, Assistant Secretary  
of the Senate  
Joseph Mayo, Clerk of the House  
Millicent MacFarland, Assistant Clerk  
of the House

## SUMMARY OF FEBRUARY 8 COUNCIL MEETING

**Motion:** That the Meeting Summary be approved and placed on file.  
(Motion by Rep. Mitchell; second by Sen. bustin; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items to the Council for consideration.

### Item #1: Request for Review of Agency Rules Pursuant to 5 MRSA § 377A

Ms. Tubbesing reported that she had received and forwarded to the Joint Standing Committee on Human Resources a request to review administrative rules promulgated by the Department of Human Services related to the classification of nursing facilities. The request was submitted by Benjamin P. Townsend, an attorney, on behalf of the Kennebec Valley Medical Center, pursuant to statute (5 MRSA § 377A). Ms. Tubbesing stated that the Committee has decided to review the rule, noting that it has 90 days to complete this review and report its finding and recommendations to the Council.

No Council action was required on this item.

### Item #2: Commission to Study the Future of Maine's Paper Industry: Status Report

Ms. Tubbesing observed that most Council members had recently had been contacted by Glen Foss, Chair of the Commission to Study the Future of Maine's Paper Industry, regarding the Commission's budget. She drew members' attention to a Budget Status Report in their agenda materials and reviewed it briefly, noting that the actual total expenditures incurred by the Commission exceeded the funds raised to date. Ms. Tubbesing reported that she, Dave Boulter and Dick Sawyer had met with Mr. Foss to discuss the following options for resolving the situation: 1) absorbing the costs of miscellaneous printing and postage in the legislative account, as is the practice for most committee studies; 2) absorbing the cost of printing those copies of the final report which the Legislature requires - again, as is the practice for many committee studies; and 3) seeking to get the STA-CAP charges removed.

Richard Sawyer, Administrative Services Director, described the STA-CAP charge as an indirect cost rate which the Department of Administrative & Financial Services levies against all non-general fund expenditures, and Ms. Tubbesing added that an indirect cost rate is a standard approach used in both the public and private sectors to allocate central administrative service costs to programs. She noted that while the Department had waived the STA-CAP charge for previous legislative studies on occasion, the response to date with regard to this study had been negative.

The Chair, Sen. Amero, recognized Glen Foss, who was present. Mr. Foss stated that the Commission had been proud of its success in raising the funds required to support the major study by Jaakko Poyry, Inc., and that he was in the process of raising additional funds to cover the cost of printing copies of the final report beyond those required by the Legislature. He urged the Council to support the efforts to find other funds to cover the identified costs. Rep. Mitchell expressed a long term concern that if the Legislature thinks a study is important enough to enact, it should provide the necessary funding for it, and that it is not sound public policy to mandate the study but to leave the responsibility for funding the study to the study commission.

**Motion:** That the Council Chair send a letter requesting that the STA-CAP charges be waived for this particular Commission. (Motion by Rep. Jacques; second by Rep. Whitcomb; unanimous).

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

Sen. Amero, Committee Chair, reported that the Committee had not met, and that some personnel-related items would be brought directly to the full Council in the course of its work on the budget.

### Committee on Computer Security and Access

In Sen. Kieffer's absence, Sally Tubbesing reported that the Committee had had to cancel its last meeting due to the extended length of the session.

## OLD BUSINESS

None.

## NEW BUSINESS

Item #1: Joint Standing Committee on Audit and Program Review:  
Submission of Report Summarizing Reviews Conducted During  
1994 - 1995.

**Motion:** That the Report be accepted and placed on file.  
(Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

**Item #2: Memorandum from Joint Standing Committee on State & Local Government Regarding LD 21, An Act to Limit the Number of Bills Filed by a Legislator.**

**Motion:** That the letter be referred to the Legislature's Committee on Total Quality Management. (Motion by Rep. Jacques; second by Sen. Butland; unanimous).

Sen. Amero reported that she and Rep. Mitchell had agreed to appoint the Committee by the end of the week.

**Item #3: Requests for Council Approval to Introduce Joint Resolutions and After Deadline Bills**

The Council considered after deadline requests. A summary of the Council's action on these requests is attached to this meeting. Summary.

**Item #4: Legislative Budget**

Sally Tubbesing "walked" Council members through the materials which had been prepared. The Council agreed to devote its entire meeting on March 8 to a detailed review of the budget, and members requested that Ms. Tubbesing prepare some additional information for their review at that time.

The Council took no other action on this item.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council adjourned at 12:18 p.m. on the motion of the Chair.