

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

May 5, 1995

Approved May 22, 1995

CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 10:14 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Kieffer, Sen. Bustin, Sen. Amero Absent: President Butland and Sen. Lawrence
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Mitchell Absent: Rep. Whitcomb and 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 Millicent MacFarland, Assistance Clerk of the House

SECRETARY'S REPORT

Motion: That the Summaries of the March 1 and March 22, 1995 Council meetings be accepted and placed on file. (Motion by Rep. Jacques; second by Speaker Gwadosky; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

Item #1: General Status Report

Ms. Tubbesing deferred to the Revisor, Meg Matheson, who reported that, of the 52 bills not yet released for introduction, 26 were out for sponsor signature, and 7 were "on hold" at the individual sponsors' requests.

At the close of this overview, Rep. Mitchell asked Ms. Matheson who wrote the Statements of Fact that appear on every printed bill, noting that she had read one recently that appeared to go beyond "facts." Ms. Matheson responded that her office is responsible for writing these statements, and that while they work with material that may be provided to them by the sponsor, they try to excise language that they consider to be "testimony".

Ms. Tubbesing then drew Council members' attention to the latest Status Report of Bills remaining in Committee, which is distributed to all Council members at the beginning of each week. Speaker Gwadosky noted that the Report indicates that several committees appear to be moving very slowly -- 8 committees had completed work on 3 bills or less in the past two weeks -- and stressed that the pace needs to pick up considerably. He stated that he and Senate President Butland had agreed on the importance of working with committees both to ensure that they had time to work and to stress the need to take final action on bills. He acknowledged the outstanding efforts of both the Office of Policy & Legal Analysis and the Revisor's Office in moving bills and amendments out quickly. Finally, he stated that he and Senate President Butland had agreed to issue a blanket waiver of the require to provide 2 weeks advance notice of public hearings for the remainder of the session.

No Council action was required on this item.

NEW BUSINESS

At Sen. Amero's suggestion, the Council proceeded to take up Item #1, under NEW BUSINESS out of order in deference to the legislators who were present.

Item #1: After Deadline Requests

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

EXECUTIVE DIRECTOR'S REPORT (con't.)

Ms. Tubbesing proceeded with her report:

Item #2: Requests to Use Capitol Park

Ms. Tubbesing, referring to the list of pending requests in members' agenda packets, noted that the first Civil War re-enactment in 1993 had provided the opportunity for her to work with the Director of Capitol Police; Bureau of General Services personnel; and the Chair of State House and Capitol Park Commission to develop administrative procedures for reviewing requests and monitoring the events and that these appear to work effectively. Speaker Gwadosky agreed, noting that the process had worked well.

Motion: That the pending requests be approved. (Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

Note: In response to a request from Senator Kieffer, Ms. Tubbesing agreed to provide Council members with copies of the administrative guidelines at the next Council meeting.

Item #3: Requests from Offices for 486 PC Workstations

Noting that the 486 PC has now become the "standard" workstation and the goal to equip all legislative employees to work in a "Windows" environment, Ms. Tubbesing reminded Council members that the initial purchase of 486 workstations, which had been budgeted, had subsequently been allocated to the Offices of the Secretary of the Senate and the Clerk of the House to support the automated bill stamping process which was implemented at the beginning of the First Regular Session. Finally she drew members' attention to a listing of the current location of the workstations that support Windows.

Motion: That the Executive Director be authorized to purchase as many 486 PC's as required to support legislative offices' use of the system. (Motion by Sen. Bustin; second by Rep. Jacques; unanimous).

Ms. Tubbesing informed Council members that it would be possible to purchase an additional 10 workstations with available capital funds in the current fiscal year.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS (con't)

(Note Item #1 above)

Item #2: Request from Treasurer of State related to his Authority Under the Abandoned Property Law

Sen. Amero recognized Sam Shapiro, Treasurer of State, who provided Council members with a brief history of the Abandoned Property Program, which was established to ensure that the State of Maine makes every effort to find the rightful owners of unclaimed property. In the event that the property remains unclaimed, the State deposits unclaimed checks in the General Fund, with the assurance that if the rightful owner is found, the owner may claim the cash "in perpetuity." He then introduced Ms. Denise Ducharme, who manages the Abandoned Property Program.

Treasurer Shapiro reported that he and his staff have done some preliminary research that indicates that the Maine State Retirement System might have as much as \$100,000 in unclaimed checks; however, MSRS personnel have asserted that if the Treasurer were to take any money from the System through this process, it would only increase the System's unfunded liability. Because the unfunded liability is a major legislative concern, he chose to seek the Council's endorsement of his initiation of an audit for the purpose of identifying unclaimed property, even though he has clear statutory authority to embark on this process. In response to a question from Sen. Bustin regarding the cost of the proposed audit, the Treasurer responded there was no new cost but that it was simply a question of prioritizing the work of existing staff.

Motion: That the Council endorse this effort. (Motion by Rep. Jacques; second by Speaker Gwadosky; unanimous).

Item #3: Carry Over Bills and Interim Studies: Consideration of Procedures

Senator Amero briefly reviewed the procedures for Council review of committee requests to carry bills over to the Second Regular Session. Council members agreed to employ similar procedures this year and directed Sally Tubbesing to draft a letter from presiding officers to Committee Chairs explaining the procedure and establishing the following schedule for review of Carry Over Requests:

Friday, May 19: Deadline for submitting letters requesting Carry Over

Monday, May 22: Council Meeting to review Carry Over requests

The Council took no formal action on this item.

Item #4: Submission of Final Reports

- Interim Advisory Committee on the Use of Alternative Dispute Resolution in the Public Sector (Note: Report was also submitted directly to the Judiciary Committee pursuant to statute and LD 1069 incorporates the Advisory Committee's recommendations)
- Commission to Study Potato Quality Issues

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

Item #5: Recommendation from Joint Standing Committee on State & Local Government to Establish a Committee to Make Recommendations on the Use of Technology in the Legislature (memo from Sen. Amero and Rep. Daggett)

Sen. Amero noted that the State and Local Government Committee had considered a bill that proposed to provide every member of the Legislature with a personal computer on his or her desk in the Chambers. While the Committee voted to defeat this bill, it agreed that it was critical for the Legislature to launch a comprehensive study of potential uses of technology to support the legislative process. The Committee's letter to the Council recommends that the Council establish a Committee which would include legislators, staff and public users of the LINK system. Sen. Kieffer asked whether the Council would be developing a charge for this Committee, and Sen. Amero responded affirmatively. Rep. Jacques noted that he thought replacing the sound system should be a higher priority.

Motion: That the Council Chair and Vice-Chair work with members of the staff to develop a qualified committee. (Motion by Rep. Mitchell; second by Sen. Kieffer; unanimous).

Sen. Amero asked Council members to provide her with names of people whom they know are interested.

Item #6: Emergency Response Plan for the State House

Sen. Amero drew members' attention to this item, which was not on the printed agenda, and noted that Senate President Butland had asked her to bring it up in his absence to determine what plan and procedures are in place. Speaker Gwadosky stated that he and President Butland had discussed this issue briefly, and both agreed that it was appropriate for the Council to devote some time to this issue. He noted that House staff had developed some procedures for the House Chamber and that he had shared this information with the Senate President. Sally Tubbesing noted that there had never been a fire drill in the State House.

Council members directed Ms. Tubbesing to work with the Secretary of the Senate and the Clerk of the House to compile information about existing plans and procedures and for discussion at the next Council meeting

The Council took no formal action on this item.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 11:42 a.m., on the motion of Rep. Jacques.