

# MAINE STATE LEGISLATURE

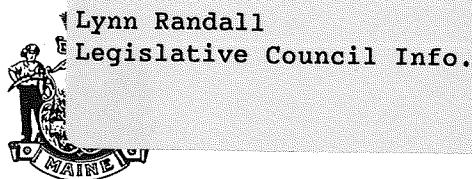
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REP. PAUL F. JACQUES  
REP. WALTER E. WHITCOMB  
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

## 117th MAINE STATE LEGISLATURE

### LEGISLATIVE COUNCIL

## MEETING SUMMARY

**February 6, 1996**

**Approve March 7, 1996**

## CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 4:18 p.m. in the Legislative Council Chamber.

## ROLL CALL

Senators:	President Butland, Sen. Lawrence, Sen. Kieffer, Sen. Bustin, Sen. Amero
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Mitchell, Absent: 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

## SUMMARIES OF JANUARY 17 COUNCIL MEETING AND JANUARY 24 WORK SESSION

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

## EXECUTIVE DIRECTOR'S REPORT

### Item #1: Retirement of Theresa Coughlin, Senior Secretary, Office of Fiscal and Program Review

Sally Tubbesing reported that Theresa Coughlin had submitted formal notification of her intention to retire effective March 31. Ms. Tubbesing further noted that Ms. Coughlin, who had served the Legislature well for more than 10 years, had fixed her retirement date in order to take advantage of a special Retirement Incentive Program that the Legislature had enacted during the Special Session last November.

No Council action was required on this item.

## REPORTS FROM COUNCIL COMMITTEES

### Committee on Total Quality Management in the Legislature and Subcommittee on Rules

#### • Proposed Recodification of Joint Rules: Review of Revised Language

The Chair, Senator Amero, noted that the primary focus of the Council meeting was to review proposed changes in the draft originally presented to the Council at its previous meeting. She recognized the Chairs of both the TQM Committee -- Sen. Harriman and Rep. Kontos -- and the TQM Subcommittee on Rules -- Sen. Carey and Rep. Reed. Rep. Reed then asked David Elliott, Principal Analyst in OPLA and a member of the Subcommittee, to walk Council members through the changes.

Mr. Elliott reported that the Subcommittee had met to review language in three of the proposed rules as the Council had requested. These included Rule 209 (Revisor's role in assigning bill titles); Rule 304 (Procedures for committee members to testify before their own committee); and Rule 310 (Unanimous Ought Not to Pass report and 48 Hour rule). He then went over each of the changes in detail and concluded his presentation by pointing out that, in addition to making the specific changes, the Subcommittee had decided to expand the list of substantive changes that appears in the introduction to the proposed recodification.

Senator Amero thanked Mr. Elliott and the four Chairs and opened the floor for discussion. Speaker Gwadosky stated that the revisions appeared to address the concerns the Council had raised previously, and he applauded the two committees for the outstanding job they had done. Senator Amero added her thanks for the excellent work and noted that the "real work" now begins.

**Motion:** That the Council adopt the proposed Recodification of the Joint Rules. (Motion by Speaker Gwadosky; second by Rep. Whitcomb; unanimous).

- **Letter from Senator Harriman and Representative Kontos, Chairs, Committee on Total Quality Management in the Legislature**

Senator Amero again recognized Senator Harriman and Representative Kontos, who drew Council members' attention to a letter that presented two recommendations regarding changes in current procedures related to fiscal notes. Sen. Harriman reported that the TQM Committee had ranked Fiscal Notes a high priority, and that a presentation by John Wakefield and Grant Pennoyer, Offices of Fiscal and Program Review, had been very useful in providing committee members with a better understanding of the process. Members of the Subcommittee on Rules also participated in this presentation. Sen. Harriman noted that the two recommendations had emerged from the Committee's discussion following the presentation and that the Committee had decided to bring them to the Council at this time because both promised to speed the process and achieve cost savings for the balance of the Second Regular Session. The two recommendations are:

1. **Make the statutory requirements for Correctional Impact Statements consistent with the current requirements for Judicial Impact Statements.**

Currently, Judicial Impact Statements are prepared by the Judicial Department for the Office of Fiscal and Program Review's consideration for inclusion in the fiscal note. This avoids both confusion and duplication in the information provided on the bill. The Correctional Impact Statement, in contrast, is currently written by the Department of Corrections, submitted directly to the Committee, and must be included in the Committee's report. The fiscal note is entirely separate; it may duplicate information that appears in the Correctional Impact Statement; and it may, in fact, conflict with that statement.

Sen. Harriman reported that members of the TQM Committee are confident that implementing the recommended change will eliminate some duplicative information, without diminishing the quality of information available to legislators, and result in reduction in printing costs for some amendments.

2. **Eliminate the practice of printing fiscal notes as separate amendments for bills reported out by committee with no other amendments, provided that there is only a minor cost or savings. This would include fiscal notes that indicate "costs absorbed".**

Currently, every bill reported favorably out of Committee contains a fiscal note, which is printed as an amendment even if there are no other amendments. This not only represents a cost, but it slows the movement of these bills from committee to the floor.

Sen. Harriman noted that the TQM Committee had endeavored to balance issues related to the quality of information available with issues of cost and timeliness. He assured Council members that the **Statement of Fiscal Impact** would still be distributed to all members of the Committee of jurisdiction, the bill sponsor, and the presiding officers, as is current practice, to assure the availability of information both at the committee level and on the floor of the two legislative chambers.

**Motion:** That both recommendations be approved. (Motion by Rep. Whitcomb; second by Rep. Mitchell; unanimous).

## **OLD BUSINESS**

### **Item #1: Commission on Higher Education Governance: Progress Report**

Ms. Tubbesing reported that the Council had unanimously approved an extension in the Commission's reporting deadline by ballot as follows: the final reporting deadline is June 30, 1996, provided that the Commission submits an Interim Report to the Council and the Joint Standing Committee on Education and Cultural Affairs no later than March 1, 1996. That report must present the Commission's findings and conclusions on the three issues outlined by the Commission in its January 23 letter. Finally, the Commission is to present a work plan and budget to cover the remainder of its work to the Council at its February meeting.

No further Council action was required on this item.

## **NEW BUSINESS**

### **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.

### **Item #2: Northern New England Passenger Rail Authority: Submission of First Annual Report**

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

### **Item #3: A Review of State Dam Abandonment and Registration Laws and Federal Dam Licensing Laws: Final Report. Staff Study Conducted for the Natural Resources Committee under the auspices of the Legislative Council.**

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

**Item #4: Final Report from Study Committee on Commercial Driver Training (pursuant to P.L. 1995, Chapter 376)**

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

**Item #5: Requests for Extension of Reporting Deadlines**

- **Judicial Compensation Commission**

The Commission, which had its first meeting on February 5, has requested that the statutory reporting date be changed from December 1 of each odd-numbered year to December 1 of each even-numbered year.

- **Home School Study Committee**

The Chair, Senator Amero, reported that she had just received a letter requesting an extension from December 1, 1995 to February 23, 1996.

- **State Planning Office Report of Identify Statutory References to Maine Waste Management Agency**

Requested extension from December 1, 1995, to March 1, 1996 to submit legislation.

**Motion:** That the requests be approved. (Motion by Rep. Jacques; second by Sen. Kieffer; unanimous).

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

The Council meeting was adjourned at 5:30 p.m. (Motion by Rep. Jacques; second by Sen. Kieffer).