

MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL
VICE-CHAIR

Lynn Randall
Legislative Council Info.

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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 7, 1996

Approved April 30, 1996

CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 3:55 p.m. in the 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 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

SUMMARY OF FEBRUARY 6 COUNCIL MEETING

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

EXECUTIVE DIRECTOR'S REPORT

- Item #1: Study to Increase Access to the Legislature and Government Services for Persons Who are Deaf or Hard-of-Hearing and to Make Progress Towards Compliance with the Americans with Disabilities Act: Report submitted pursuant to P.L. 1995, Chapter 426.**

Sally Tubbesing drew members' attention to a copy of the Report that had been prepared pursuant to Chapter 426, P.L. 1995, which required both the executive and legislative branches to conduct studies of the accessibility of their services to persons who are deaf and hard-of-hearing. She reported that, at Dave Boulter's suggestion, the study had been assigned staff like other interim studies, and acknowledged the thorough and thoughtful work that Colleen McCarthy and Carrie McFadden, both members of OPLA's staff, had done throughout the course of the study with guidance from Mr. Boulter. In a brief summary of the Report's major findings and recommendations, Ms. Tubbesing reported that the Legislature is generally in compliance with both the Americans with Disabilities Act and the Maine Human Rights Act, but that the study had identified several areas where additional steps could be taken to increase the accessibility of both the facilities the Legislature uses and the legislative process itself to disabled persons, noting that these are listed in the Executive Summary.

Motion: That the Council Chairs appoint a subcommittee to work with the Executive Director during the interim to oversee implementation of the recommendations, including the development of policies that are designed to strengthen the Legislature's efforts to assure access to the legislative process. (Motion by Rep. Jacques; second by Rep. Mitchell; unanimous).

Following the vote, Rep. Mitchell noted that the issue of ensuring the availability of interpreters at public hearings and work sessions is a very important one that would require the Council and the presiding officers to work closely with Committee Chairs in the 118th Legislature.

- Item #2: Productivity Bill: Analysis of Proposed Deappropriation from Legislative Accounts**

Ms. Tubbesing drew Council members' attention to the fact that the proposed Productivity legislation, which is currently being reviewed by the Appropriations Committee, includes a further deappropriation from the legislative account totalling \$146,384 over the Fiscal Year 1996-1997 biennium. This deappropriation is designed to cover the costs of the unfunded liability and retired employees' health insurance, which continue to be costs to the General

Fund even though positions have been eliminated. The figures in the bill were calculated using the total personal services deappropriations that had been identified for the Legislature's "productivity savings" in the budget passed last spring, rather than only those reductions attributable to the 17 positions that were eliminated. Ms. Tubbesing reported that she had recalculated the amount "owed" using only the salaries associated with the eliminated positions and verified these calculations with both the Office of Fiscal and Program Review and the Budget Office.

Sen. Amero stated that she had shared this information with Senator Hanley.

No Council action was required on this item.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: After Deadline Requests

Before proceeding with consideration of the After Deadline bill requests, Senator Amero asked Margaret Matheson if she would give the Council a brief update on the status of items in her office. Ms. Matheson responded that there were currently more than 30 bills that have not yet been released, and that 19 of these were new requests that had been filed within the past week. Of the newly-filed requests, half were bills that had been filed pursuant to law; 2 were pursuant to joint order; 4 were after deadline bills that the Council had previously approved for introduction; and 3 were new Governor's bills.

The Council proceeded to consider after deadline requests. The Council's action on these requests is included on the attached list.

Item #2: Submission of Study Reports:

- Enabling Legislation to Establish Water District Charter (Staff Study authorized by the Legislative Council on the recommendation of the Joint Standing Committee on Utilities & Energy).

Motion: That the proposed legislation be accepted.
(Motion by Rep. Jacques; second by Rep. Mitchell;
unanimous).

- **Commission on Higher Education Governance: Interim Report**

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

- **Assisted Living Task Force (pursuant to P.L. 1995, Ch. 362)**

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

Item #3: Legislative Review of Agency Rules: Implementation of New Statutory Requirements Pursuant to Chapter 463, P.L. 1995.

The Chair, Senator Amero, recognized David Boulter, who reported that he and his staff had begun trying to develop procedures to implement the new statutory requirements regarding the rule-making process that the Legislature had adopted last spring (Chapter 463, P.L. 1995). As this process has gone forward, staff have identified several policy issues raised by the bill that need to be resolved before procedures can be developed, and summarized these in a report which Council members had received. Mr. Boulter suggested that the Council might want to appoint a subcommittee to oversee the implementation process during the interim to ensure that the policy issues are addressed in a manner that is consistent with the Council's goals.

Senator Amero stated that it was important that an implementation plan be in place before the next Legislature convenes. She asked Council members who would be interested in participating on a subcommittee with her to let her know of their interest. Both Speaker Gwadosky and Representative Mitchell volunteered.

Senator Amero thanked Mr. Boulter and Mr. Elliott for preparing the report.

The Council took no other action on this item.

Item #4: Request for Authorization for a Subcommittee to meet during the Interim to Review the Budget for the Bureau of Motor Vehicles. (Memo from Sen. Stevens and Rep. Strout, Chairs, Joint Standing Committee on Transportation).

Motion: That the request be tabled pending further discussions with the Chairs of the Joint Standing Committee on Transportation. (Motion by Sen. Bustin; second by Rep. Jacques; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 4:45 p.m.