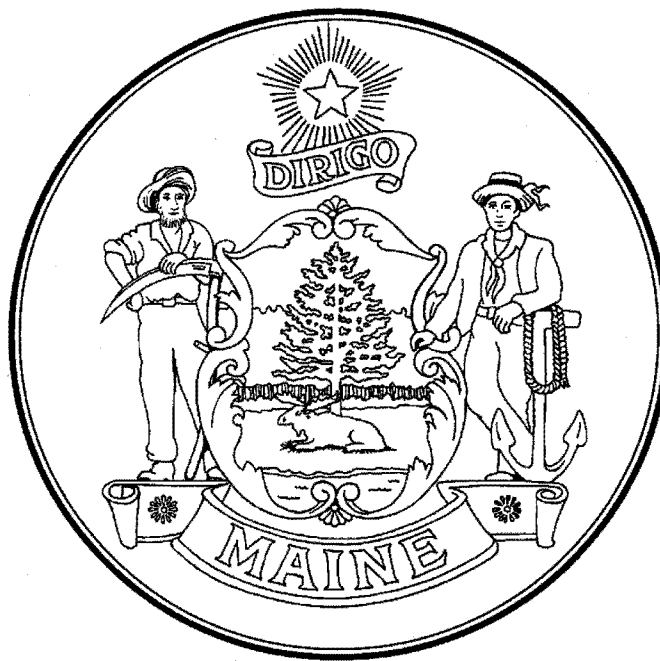


MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



Lynn Randall
Legislative Council Info.

N. CHELLIE PINGREE
N. JANE A. AMERO
N. ANNE M. RAND
SEN. R. LEO KIEFFER
REP. CAROL A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
ORGANIZATION MEETING

December 5, 1996

Approved January 16, 1997

CALL TO ORDER

The first meeting of the 118th Legislative Council was called to order by Senate President Mark W. Lawrence at 10:47 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: Mark W. Lawrence, President of the Senate
Chellie Pingree, Senate Majority Leader
Jane A. Amero, Senate Minority Leader
Anne M. Rand, Senate Assistant Majority Leader
R. Leo Kieffer, Senate Assistant Minority Leader

Representatives: Elizabeth H. Mitchell, Speaker of the House
Carol A. Kontos, House Majority Leader
James O. Donnelly, House Minority Leader
Michael V. Saxl, House Assistant Majority Leader
Richard H. Campbell, House Assistant Minority Leader

Legislative Officers: Sally Tubbesing, Executive Director, Legislative Council
John Wakefield, Director, Office of Fiscal and Program Review
David Boulter, Director, Office of Policy and Legal Analysis
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House

ELECTION OF OFFICERS FOR THE 118TH LEGISLATIVE COUNCIL

Senate President Lawrence, declaring that a quorum was present, proceeded to read excerpts from the Rules of Procedure that had been adopted by the 117th Legislative Council that pertained to the election of the Council Chair and Vice-Chair. He noted that the Rules prescribed the following with regard to the election of Council officers.

Rule #2 provides that the position of Chair shall alternate in succeeding biennial sessions between members from the Senate and members from the House. Thus, pursuant to these Rules, the Chair for this new Council would come from the House.

Rule #3 provides that the Vice-Chair shall not be a member of the same body of the Legislature as the Chair. Thus, the Vice-Chair for the 118th Council must be a Senator.

President Lawrence then opened the floor for nominations for the position of Chair.

Motion: That speaker Elizabeth H. Mitchell be nominated for the position of Council Chair. (Motion by Rep. Kontos; second by Rep. Saxl).

There being no other nominations offered, President Lawrence closed the nominations.

The vote to elect Speaker Mitchell as Chair was unanimous.

President Lawrence then proceeded to open the floor for nominations for the position of Vice-Chair.

Motion: That Senate President Lawrence be nominated to the position of Vice-Chair. (Motion by Senator Pingree; second by Sen. Rand).

There being no other nominations, President Lawrence closed the nominations.

The vote to elect President Lawrence to the position of Vice-Chair was unanimous.

The newly-elected Chair, Speaker Mitchell, then proceeded with the printed agenda.

RULES OF PROCEDURE FOR THE 118TH LEGISLATIVE COUNCIL

The Chair, Speaker Mitchell, drew members' attention to a draft of proposed rules of procedure, based on those that prior Councils have used.

Motion: That the proposed Rules be adopted. (Motion by Rep. Kontos).

Discussion: Sen. Kieffer drew Council members' attention to **Rule 7, Meeting Notice**, and noted that it was important for both Council members and other who attend Council meetings that the Council meetings start on time. Speaker Mitchell thanked Sen. Kieffer for his comments and urged all Council members to make this a priority.

The motion previously offered was seconded by Sen. Rand, and the Rules were adopted unanimously.

A copy of the Rules is attached to these minutes.

SUMMARY OF NOVEMBER 26, 1996 COUNCIL MEETING

Motion: That the Summary be accepted and placed on file. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Joint Rule 206 Limitation on Number of Cosponsors: Request for Clarification of Procedures. (Memo from Margaret Matheson, Revisor of Statutes)

The Revisor of Statutes, Margaret Matheson, had requested clarification from the Council regarding the total number of cosponsors that could sign onto a bill. After brief discussion, Council members agreed that Joint Rule #206 pertains to all bills to be considered this session, including those that may already have been sent out for signature. They further agreed that the limit should apply in all situations, including those where duplicate and closely-related bills are combined.

The Council took no formal action on this item.

Item #2: Legislative Budget: Proposed Part I Request for the Fiscal 1998-1999 Biennium

The Chair, Speaker Mitchell, noted that the 117th Council had finally voted to refer the Legislature's Budget Request for the Fiscal 1998-1999 biennium to the 118th Council after the budget which they had originally voted to submit had been rejected by the Bureau of the Budget because it did not meet statutory requirements.

She then asked Sally Tubbesing to go through the materials that had been distributed to Council members. Her presentation was followed by discussion, which focused on the following points:

- Why the FY 98/99 request was nearly \$5 more than the FY 96/97 appropriation, given that the Legislature had had a surplus of \$1 million (Sen. Amero).

- What would happen if the Legislature did not submit a request (Speaker Mitchell). Ms. Tubbesing responded that the Governor would recommend a budget, noting that the Council would then have an opportunity to review that recommendation once it had been formally submitted to the Legislature.

Motion: That the Executive Director be authorized to present a Part I budget request pursuant to statute. (Motion by President Lawrence; second by Rep. Saxl).

Discussion: Sen. Kieffer asked why the Council was taking action on an item that the 117th Council had acted upon. President Lawrence reiterated that that action could not be implemented based on the ruling by the Bureau of the Budget. Sen. Amero repeated her concern that it was "unconscionable for the Council to submit such an inflated budget"; and Rep. Campbell, concurring with her, asked Ms. Tubbesing to clarify if the entire increase was in the salary line. Ms. Tubbesing pointed out that \$2 million of the increase was to continue implementation of the Master Plan for repair and restoration of the State House. Rose Breton, Assistant for Administrative Services, further noted that the Personal Services request included only currently budgeted positions

Sen. Kieffer then inquired whether the only appropriate action would be to identify reductions required to "flat fund" all legislative accounts for the 1998/1999 biennium. Speaker Mitchell responded that while the Council could not accomplish that at this meeting, it would certainly have the opportunity to review the legislative budget and to identify specific reductions. The question was called, and the vote on the pending motion was approved, 6-4.

REPORTS FROM COUNCIL COMMITTEES

Committee on Information and Technology in the Legislature

The Chair, Speaker Mitchell, recognized Representative Carleton, Committee Chair. Rep. Carleton briefly described the composition of the Committee and summarized recommendations that the Committee had originally presented to the 117th Council. These include:

- The importance of developing an Internet (and Intranet) presence to achieve cost savings and to increase the availability of and accessibility to legislative information.

Rep. Carleton noted that a subcommittee had been working to develop a legislative WEB site and to identify information that could be put out on the WEB fairly readily. He noted that it is complicated to launch a WEB site, but that it can be done.

- Consolidating the Legislative Information Office and the Information Systems Office to recognize the increasing integration of their functions.
- Creating a new position at the Director level to manage this consolidated office and to serve as the Legislature's Chief Information Officer.

Finally, Rep. Carleton reported that the Committee had conducted a survey of members of both the 117th and 118th Legislatures; and he briefly summarized the results of the 120 responses that had been received to date.

The Chair, Speaker Mitchell, thanked Rep. Carleton for his leadership and expressed her hope that he would continue to serve on the next Council's Committee on Legislative Information Technology. Sen. Kieffer asked what process would be used to establish criteria for determining what material would be on the Legislative WEB site. Rep. Carleton responded that this could be a responsibility of the new Committee.

Motion: That a Search Committee be formed to select a candidate for the position of Director of Legislative Information Services and to make a recommendation to the full Council. (Motion by President Lawrence; second by Rep. Campbell; unanimous).

Sen. Amero expressed her hope that the search process begin soon, and Speaker Mitchell concurred that the entire Council shared a sense of urgency about this. Rep. Carleton suggested that some of the newly-elected members of the Legislature whose business is computers be involved on the Committee, and the Chair, Speaker Mitchell, concurred that this was an excellent idea. Finally, Sen. Pingree expressed her hope that a WEB presence be established by the time the Legislature reconvenes in January and that legislators also have access to a computer room. Ms. Tubbesing responded that both projects are in the process; but that the limitations on staffing have an impact on the role of progress.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Salaries for the Constitutional Officers and State Auditor

Ms. Tubbesing drew members' attention to materials in their packets that included statutory provisions related to the salaries to the Constitutional Officers and State Auditor.

Motion: That the action of the prior Council related to anniversary dates for the Constitutional Officers and State Auditor, the Secretary of the Senate and the Clerk of the House, and the non-partisan Directors be rescinded. (Motion by President Lawrence; second by Sen. Rand).

Discussion: Sen. Amero asked why the motion was necessary, noting that part of the prior Council's intent had been to get everyone on a schedule so that all of the reviews could be conducted in a single time period.

President Lawrence responded that, upon reflection, the effect of that action had been to treat people inequitably, depending on their anniversary date.

The motion was approved, 6-4.

Motion: That the Attorney General be granted a step increase effective on his anniversary date. (Motion by President Lawrence; second by Sen. Rand; unanimous).

Motion: That the new Constitutional Officers have their salaries set as follows, pursuant to statute:

Secretary of State: Range 88, Step C
Treasurer: Range 77, Step C
Auditor: Range 89, Step E.

(Motion by President Lawrence; second by Rep. Kontos; unanimous).

Motion: That the Clerk of the House be granted a step increase effective on his anniversary date, 10/1/96. (Motion by President Lawrence; second by Sen. Pingree).

Discussion: Sen. Amero asked when the Council had last taken action on the Clerk's salary. Ms. Tubbesing responded that the Council had awarded Clerk Mayo a step increase last fall, but that it had been the increase for which he had been eligible in October, 1995. Rep. Campbell then asked why Clerk Mayo had an October anniversary date; and President Lawrence recalled that he had originally been elected to the post of Clerk, upon Ed Pert's resignation, in October, 1992.

Sen. Kieffer then asked how this action was related to the situation for other state employees. Ms. Tubbesing responded that all state employees are assigned to ranges and steps and that they are eligible to advance one step for each year of service, based on a positive performance evaluation. Sen. Kieffer expressed discomfort acting on salaries for legislative staff at this time, given the legislative budget.

The vote was taken, and the motion was approved, 6-4.

Item #2: Salary for Secretary of the Senate, Joy O'Brien

Motion: That the incoming Secretary of the Senate have her salary set at Range 14, Step 7, effective 12/4/96.

Discussion: Rep. Campbell asked for clarification that both the Secretary and Clerk are in Range 14 (they are). Rep. Donnelly asked why the proposal was to assign Secretary O'Brien to Range 7; and President Lawrence responded that the motion recognizes Ms. O'Brien's prior experience in this position.

The motion was approved, 6-4.

Motion: That all step increases subject to a vote of this Council are approved for the term of this Council. A majority of the Personnel Committee shall give final approval to each increase before it will be effective. No other action is required by this Council unless directed by the Personnel Committee. (Motion by Senate President Lawrence; second by Rep. Saxl).

Discussion: Sen. Amero commented that this motion would insure automatic increases. Rep. Kontos then asked what positions would be covered by this motion, and Speaker Mitchell responded that it would cover the non-partisan Directors. Sen. Amero stated that performance should be an important factor given the salaries paid to the Directors. Sen. Rand responded that the motion was not designed to make the increases automatic. Rep. Kontos then stated that she found it "extraordinary" that these matters, which involve decisions about peoples' professional lives, are dealt with in a public forum. President Lawrence pointed out that these are non-partisan employees and that their salaries should not be a part of the political arena. He noted that they had been treated unfairly, compared to other professionals in state government. Rep. Kontos concluded that the real issue is the responsibility, scope and composition of the Personnel Committee; and that this is where the Council should concentrate its attention.

Motion: That the item be tabled. (Motion by Rep. Donnelly; second by Rep. Campbell; motion failed, 3-6).

Sen. Amero expressed concern that this issue had been taken up without advance notice. President Lawrence responded that the Council hires non-partisan employees to do a very difficult job with the expectation of a career path and that: if the Council has a problem with their performance, they should not be employed. At the same time, he noted it is the Council's responsibility not to hold them out to the whim of the Legislature.

The vote was taken, and the original motion was approved 6-3.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

The Council meeting was adjourned at 12:32 p.m., on the motion of Sen. Lawrence.

**MAINE LEGISLATIVE COUNCIL
118th LEGISLATURE**

RULES OF PROCEDURE

Adopted by the Legislative Council, December 5, 1996

1. **Organizational meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session and preside until the election of the Chair.
2. **Chair:** The Council shall select a Chair, who shall preside at all meetings of the Council when present. The position of Chair must alternate in succeeding biennial sessions between members from the Senate and members from the House.
3. **Vice Chair:** The Council shall select a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair may not be a member of the same branch of the Legislature as the Chair.
4. **Quorum:** The Council may not conduct business in the absence of a quorum, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by vote of the Council or by call of the Chair.
6. **Meeting Location:** The official meeting place of the Legislative Council is the Legislative Council Chambers, and the Chair shall convene all meetings there unless a different place is specified in the call of the meeting.
7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public except for executive sessions, and the Council shall take all final action at a public meeting.
9. **Council Subcommittees:** The Chair shall name subcommittees of the Council. The subcommittees must consist of at least three members. All subcommittees shall have representation from each of the two major political parties.

**MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

10. **Council Records:** The Executive Director of the Legislative Council shall maintain an accurate permanent public record of all meetings and proceedings of the Council.
11. **Order of Business:** The regular order of business of the Council is:
 1. Call to Order
 2. Roll Call
 3. Summary of Previous Council Meeting
 4. Executive Director's Report
 5. Reports from Council Committees
 6. Old Business
 7. New Business
 8. Announcements and Remarks
 9. Adjournment
12. **Statements to the Press:** Only the Council Chair or persons authorized by the Chair may make official statements to the press or to the public on behalf of the Legislative Council.
13. **Rules of Order:** The Chair or Vice Chair shall conduct the proceedings of the Council in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.
14. **Revision of Rules:** The Council may amend these rules, with the exception of Rule 4, upon a two-thirds vote of the Council members present and voting, provided that the vote to amend is by at least six affirmative votes.