

# MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL  
CHAIR

SEN. MARK W. LAWRENCE  
VICE-CHAIR



Lynn Randall  
Legislative Council Info.

SEN. CHELLIE PINGREE  
SEN. JANE A. AMERO  
SEN. 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

August 22, 1997

Approved September 24, 1997

### CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 10:21 a.m. in the Legislative Council Chamber.

### ROLL CALL

**Senators:** President Lawrence, Sen. Pingree,  
Sen. Amero, Sen. Rand,  
Absent: Sen. Kieffer

**Representatives:** Speaker Mitchell, Rep. Saxl,  
Rep. Campbell  
Absent: Rep. Kontos, Rep. Donnelly

The Chair, Speaker Mitchell, confirmed that a quorum was present and noted that Senator Kieffer was absent because his flight had been cancelled due to weather and that Rep. Kontos was out-of-state.

**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  
Joseph Mayo, Clerk of the House

### SUMMARY OF JULY 14 COUNCIL MEETING

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

## EXECUTIVE DIRECTOR'S REPORT

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

### Item #1: Personnel Actions

Ms. Tubbesing reported that she had approved David Boulter's recommendation to hire Heather Henderson to fill the vacancy in OPLA that had been created by Lisa Copenhaver's resignation. She noted that Ms. Henderson had been employed during the First Regular Session and thus brings a session's worth of legislative experience to her new, permanent position.

This item did not require formal Council action.

### Item #2: Legislative Appropriations for FY 1997: Year End Status Report

Ms. Tubbesing drew members' attention to materials in their packets which summarized the activity in each of the accounts administered by the Legislature. She pointed out that while the figures suggest that there was a "surplus" of approximately \$160,000 in the general legislative account, the expenses actually incurred in Fiscal Year 1997 exceeded total funds available by about \$75,000.00: some invoices received in June had been held to ensure that sufficient funds were available to pay legislators' expenses through the end of the session. In response to a request from Senator Amero, Ms. Tubbesing briefly reviewed the budget categories in which expenditures appeared to be significantly over or under budget. She also noted that this Legislature had considered more bills in its First Regular and First Special Sessions than the 117th Legislature had in its biennium, thus increasing printing costs.

Ms. Tubbesing then turned members' attention to the year end balances in the other accounts administered by the Legislature, and estimated that slightly more than \$100,000 of the total balance could be considered "surplus."

No formal Council action was required on this item.

### Item #3: State House Repairs and Renovations

Ms. Tubbesing provided Council members with a brief summary of the work being done during the interim that the Council had authorized at its May meeting.

### East Portico Ceiling

She then reported that the ceiling above the East Portico of the State House (at the 2nd floor) had shown evidence of structural failure following a series of heavy rain storms in early July. Preliminary investigations suggested that the entire ceiling had been weakened by water damage; and the ceiling had since been pulled down. She stated that plans for restoring the ceiling are still in process, but that preliminary estimates indicate that the total cost of replacing the ceiling, including the demolition, could be as high as \$70,000.

Council members expressed a desire to have this item on the September Council agenda, when more complete information is available, and also asked Ms. Tubbesing to provide an updated list of proposed work in the State House.

The Council took no formal action on this item at this time.

### Award of Contract for Repairs and Renovations during the Interim

Ms. Tubbesing recalled that a prequalification process had been employed to screen general contractors for the work to be undertaken during the interim. Both of the prequalified firms had submitted bids, and the firm with the low bid is Ledgewood, Inc., based in South Portland.

**Motion:** That the Executive Director be authorized to enter a contract with Ledgewood, Inc. for the work previously approved by the Council. (Motion by Sen. President Lawrence; second by Rep. Saxl; unanimous).

### Reserve Fund for State House Preservation and Maintenance

Ms. Tubbesing reminded Council members that the Fund had been set up in statute to separate expenditures for major repairs and renovations from the funds required to support the general operation of the Legislature. The law includes specific language authorizing the Legislative Council to transfer funds from its own account balances to this Fund. Ms. Tubbesing suggested that the Council consider transferring the unobligated balances from the accounts that had been described previously, noting that some of these funds would be required for the work on the Portico Ceiling described previously.

**Motion:** That the Council authorize the transfer of \$107,953 from the year end balances in various accounts to the Fund for State House Preservation and Maintenance pursuant to statute. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

**Item #4: Proposed Cloture Date and Screening Schedule for Second Regular Session**

The Chair, Speaker Mitchell, drew Council members' attention to the proposed schedule for cloture and bill screening for the Second Regular Session and recognized Margaret Matheson, Revisor of Statutes. Ms. Matheson stated that the schedule closely follows the schedule employed 2 years ago, which seemed to have worked effectively.

Following discussion, the Council agreed to make adjustments in the dates. A copy of the revised schedule is attached to this Meeting Summary.

**Item #5: Request to Install Public TTY Phones in the State House and State Office Building**

Ms. Tubbesing drew Council members' attention to a letter that she had received, after the agenda packet had been finally assembled, from Mary Edgerton, an advocate for the deaf. Ms. Edgerton observed that while several legislative offices have TTY's, these are not readily accessible to the public.

Ms. Tubbesing recommended that, on the basis of her discussions with various parties, a new TTY phone be installed in the 4th Floor Corridor in conjunction with the work that is being done this summer. She further recommended that Ms. Edgerton's request be forwarded to the Commissioner of Administrative and Financial Services for action in the State Office Building.

**Motion:** That the recommendations with regard to installation of public TTY phones be approved. (Motion by Sen. President Lawrence; second by Rep. Saxl; unanimous).

**REPORTS FROM COUNCIL COMMITTEES****CSG/ERC Legislative Steering Committee**

The Chair, Speaker Mitchell, thanked all legislators and staff who had contributed their time and effort to the highly successful meeting in Portland, noting that it required an enormous team effort. Senator Amero, Co-Chair of the Legislative Steering Committee, added her thanks and congratulations to all participants and offered special recognition to Pat Eltman, Chief of Staff to the Speaker, and Sally Tubbesing, who had coordinated the overall planning and execution of all activities for which the Legislature was responsible.

No formal Council action was required on this item.

## OLD BUSINESS

None.

## NEW BUSINESS

**Item #1: Request from Representative Tripp to Re-establish Select Committee to Study the Health Effects of Reformulated Gasoline**

The Chair, Speaker Mitchell, drew members' attention to a letter from Rep. Tripp, which was included in their packets. She then briefly summarized the history of the Select Committee, noting that it had originally been appointed by the presiding officers of the 117th Legislature and that because it had had no specific legislative authorization to extend, it had expired with the completion of the 117th legislative biennium. She then asked David Boulter, Director, Office of Policy and Legal Analysis, to amplify on the work that the Joint Select Committee had accomplished. Mr. Boulter stated that the Select Committee was originally established by the presiding officers in March, 1996, and authorized to have four meetings -- two public hearings and two additional meetings of the Committee. He noted that Rep. Tripp had originally asked for public hearings in each of the 7 counties that had been mandated to use reformulated gas. The Select Committee had an organizational meeting and had conducted two public hearings in September, 1996, in Scarborough and Wiscasset. Mr. Boulter reported that the Committee had never convened its final meeting because of lack of time, with the election of the new Legislature, and Committee interest in again requesting further public hearings. With the seating of the 118th Legislature the Committee's authority expired. The Legislative Council had considered a request to re-establish the study in May, during its consideration of all other study requests and had voted 8-2 not to reauthorize the study (with Sen. President Lawrence and Rep. Donnelly voting in favor of reauthorization). The Chair, Speaker Mitchell, noted that 6 of the 7 members of the original Select Committee are still in the Legislature.

In the ensuing discussion, Council members questioned whether the request should be handled by the Council. Clerk of the House Joe Mayo stated that the Joint Rules provide for the establishment of select committees by the presiding officers. In response to a question from Senate President Lawrence, he clarified that there is nothing to preclude the Council from creating a committee with staffing and that the Council has the broader authority to assign non-partisan staff to study commissions, regardless of their auspice.

The Chair, Speaker Mitchell, then drew the Council's attention to the issue of whether the Joint Select Committee needs more time to complete its work. Rep. Tripp, noting that OPLA staff support had not been available during the session, indicated that no one on the Committee had understood that the Committee would expire "automatically" with the seating of the new Legislature. He restated his request for re-establishment of the Committee, as well as, authorization to conduct three additional public hearings in "built up areas" (Portland/S.Portland; Waterville/Augusta; Lewiston/Auburn). He stressed that the subject matter was very important to the Legislature. Speaker Mitchell asked Rep. Tripp if he thought the Committee could accomplish its goal with only one more hearing; and he responded, again, that he thought it was critical to have at least one hearing in a built-up area. Senator Amero pointed out that Scarborough would certainly fit this criterion, noting that while she questioned the need for additional hearings, she supported allowing the Committee to complete its work.

Other questions focussed on:

- **The attendance at the hearings in 1996 (Sen. President Lawrence).**

Rep. Tripp replied that 60 attended the hearing in Scarborough and that about one third of the participants had attended both hearings.

- **Is there new information available now? (Sen. President Lawrence)**

Rep. Tripp pointed to legislation that has been introduced in California based on concerns that MTBE is difficult to dissipate.

- **Will the report include scientific data? (Speaker Mitchell)**

Rep. Tripp replied affirmatively, noting that not all of the information in the report would be anecdotal. Speaker Mitchell emphasized the importance of including scientific information in the final report.

- **Had the Committee dealt with the drinking water issue in its earlier work? (Sen. President Lawrence)**

Rep. Tripp responded that this issue would be addressed.

Additional discussion followed about whether it was necessary to have another public hearing, and Sen. President Lawrence expressed his desire to have more than one.

**Motion:** That the Select Committee be authorized to hold one additional public hearing and one work session and submit its report to the Joint Standing Committee on Natural Resources. (Motion by Sen. Pingree; second by Sen. Rand).

**Discussion:** Sen. Amero offered a friendly amendment to the motion to establish a specific reporting date, and the motion was amended to add "by December 15".

The motion as amended was approved unanimously.

Senate President Lawrence and Speaker Mitchell reported that they would re-establish the Select Committee and make appointments following the Council meeting.

**Motion:** That the Council authorize the assignment of appropriate staff to the Committee once it has been reconstituted by the presiding officers. (Motion by Sen. Pingree; second by Sen. Rand; unanimous).

**Item #2: Performance Budgeting and Strategic Planning: Current Status and Issues (Request of Sen. Rand)**

The Chair, Speaker Mitchell, commented that the performance budgeting process was developing rapidly and that it raised a variety of significant policy issues that require the Legislature's involvement. Sen. Rand concurred and advocated setting up a briefing for the Council.

While the Council took no formal action on this item the Chair, Speaker Mitchell, indicated that she would appoint a small Working Group to prepare a briefing for the Council in the near future.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council was adjourned at 11:41 a.m., on the motion of Rep. Saxl.



**LEGISLATIVE COUNCIL**  
**SCHEDULE OF MEETINGS AND**  
**KEY DATES**

<b>SEPTEMBER</b>	<b>Wednesday, September 24</b>  Regular Business Meeting Briefing on Performance Budgeting/ Strategic Planning	<b>10:00 a.m.</b>
<b>OCTOBER</b>	<b>MONDAY, OCTOBER 6</b>  <b>Monday, October 27</b>  Regular Business Meeting <b>Screening Bill Requests for 2nd Regular Session</b>	<b>FILING DEADLINE FOR SECOND REGULAR SESSION</b>  <b>10:00 a.m.</b>
	<b>Thursday, October 30</b>	<b>Notification of Council Action to Sponsors</b>
<b>NOVEMBER</b>	<b>Tuesday, November 4</b>  <b>Saturday, November 15</b>  Regular Business Meeting <b>Consideration of Appeals</b>	<b>Deadlines</b> <ul style="list-style-type: none"><li>• Filing appeals</li><li>• Submission of sufficient info or drafts for all bills approved for introduction on 6/27</li></ul> <b>10:00 a.m.</b>