

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SEN. MARK W. LAWRENCE  
CHAIR

REP. G. STEVEN ROWE  
VICE-CHAIR



**Lynn Randall  
Legislative Council Info.**

SEN. CHELLIE PINGREE  
SEN. JANE A. AMERO  
SEN. ANNE M. RAND  
SEN. RICHARD A. BENNETT  
REP. MICHAEL V. SAXL  
REP. THOMAS W. MURPHY, JR.  
REP. DAVID C. SHIAH  
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

119th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

**MEETING SUMMARY  
December 3, 1998  
Approved December 21, 1998**

**CALL TO ORDER**

Senate President Mark W. Lawrence called the first meeting of the 119th Legislative Council to order at 11:18 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:

Mark W. Lawrence, President of the Senate  
Jane A. Amero, Senate Minority Leader  
Anne M. Rand, Senate Assistant Majority Leader  
Richard A. Bennett, Senate Assistant Minority Leader  
Absent: Chellie Pingree, Senate Majority Leader

Representatives:

G. Steven Rowe, Speaker of the House  
Michael V. Saxl, House Majority Leader  
Thomas W. Murphy, Jr., House Minority Leader  
David C. Shiah, House Majority Whip  
Richard H. Campbell, House Assistant Minority Leader

Legislative Officers:

Joy O'Brien, Secretary of the Senate  
Joseph Mayo, Clerk of the House  
Millicent MacFarland, Assistant Clerk  
of the House  
Sally Tubbesing, Executive Director,  
Legislative Council  
James Clair, Director, Office of Fiscal  
and Program Review  
David Boulter, Director, Office of Policy  
and Legal Analysis  
Margaret Matheson, Révisor of Statutes  
Paul Mayotte, Director, Legislative  
Information Services

## ELECTION OF OFFICERS FOR THE 119TH 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 118th 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 Senate.

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 119th Council must be a member of the House of Representatives

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

**Motion:** That Senate President Mark Lawrence be nominated for the position of Council Chair. (Motion by Speaker Rowe; second by Sen. Rand; unanimous).

**Motion:** That the nominations cease. (Motion by Rep. Saxl; second by Rep. Shiah; unanimous)

**Motion:** That a single ballot be cast to elect Senate President Lawrence as Chair. (Motion by Sen. Rand; second by Rep. Shiah; unanimous)

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

**Motion:** That Speaker Steven Rowe be nominated to the position of Vice-Chair. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

**Motion:** That the nominations cease. (Motion by Rep. Saxl; second by Sen. Bennett; unanimous)

**Motion:** That a single ballot be cast to elect Speaker Rowe as Vice-Chair. (Motion by Rep. Campbell; second by Sen. Bennett; unanimous).

The newly-elected Chair, President Lawrence, then proceeded with the printed agenda.

## RULES OF PROCEDURE FOR THE 118TH LEGISLATIVE COUNCIL

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

**Motion:** That the 119th Legislative Council adopt the Rules of the 118th Council. (Motion by Sen. Rand; second by Rep. Murphy; unanimous).

Following the vote, Rep. Murphy asked that a list of the positions that would be included in Rule #10 of the newly-adopted Rules be provided. Sally Tubbesing affirmed that she would do this.

## **SUMMARY OF NOVEMBER 18, 1998 COUNCIL MEETING**

**Motion:** That the Meeting Summary be approved. (Motion by Rep. Campbell; second by Speaker Rowe; unanimous by those voting, Sen. Bennett and Rep. Murphy having abstained based on the fact that they had not attended the 11/18 Council meeting).

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES**

### **Item #1: Notification From WMTW (Channel 8) Regarding Leased Space in Press Center**

Sally Tubbesing drew Council members' attention to the letter in their packets and distributed a listing of the current tenants in the State House Press Center. Sen. Amero inquired about the long-term plans to provide space for the press. Ms. Tubbesing responded that some of the design for the new West Wing Entrance appears to require elimination of at least a portion of the structure that houses the Press Center; but that the final decision lay with the Council.

This item did not require formal Council action.

### **Item #2: Status of Bill Drafting**

Meg Matheson, Revisor of Statutes, reported that 1,100 bill requests had been filed in her office as of the previous day, December 2. Of these, about 900 are legislator requests. She compared these figures to the comparable date in 1997, when only 415 requests had been filed.

#### **Duplicate Bill Requests**

Ms. Matheson drew Council members' attention to the Joint Rules, which provide that the Legislative Council give guidance to the Revisor in establishing a process for resolving duplicate bill requests and distributed a sheet summarizing the process used in the 118th Legislature. In general, the sponsor of the first-filed bill is the prime sponsor; and sponsors of identified duplicate bills are added as mandatory co-sponsors.

In the ensuing discussion, Council members touched on the following points and questions:

- Whether the designation of mandatory cosponsors affects the number of cosponsors permitted by the Joint Rules (Rep. Campbell)

Ms. Matheson verified that it does not.

- Whether any bill drafts had already been sent out for sponsor review and signature. (Rep. Saxl)

Ms. Matheson responded that her office has sent out some bills and acknowledged that this could result in missing some of the duplicates. After more discussion, it was agreed that the Secretary of the Senate and Clerk of the House would hold any bills that were sent up for reference until early January to aid in the identification of duplicates.

Sen. Bennett expressed concern that there was some potential for those bills that had been sent out to sponsors prior to cloture to circumvent the mandatory cosponsor rule, and Secretary O'Brien and Clerk Mayo again agreed to hold off sending bills out for printing.

**Motion:** That the Council adopt the policy used by the 118th Legislature for duplicate bill requests and that the mandatory cosponsor rule be applied to all bills, including those circulated to sponsors prior to cloture. (Motion by Rep. Saxl; second by Rep. Campbell; unanimous).

Rep. Campbell that expressed his concern that the large number of bills filed would put an additional burden on a staff that already works extraordinary overtime and suggested that overtime had been a significant issue in the passage last spring of the bill authorizing legislative employees to bargain collectively. Ms. Matheson responded that while it was still too early to know how many bills will finally be filed, she had already worked with Sally Tubbesing to make arrangements to hire several contract drafters to supplement her staff. She also noted that staff in both OPLA and OFPR draft bills and committed that all staff would give the March 1 deadline for completing all drafts that was established by Joint Order "their best shot".

Rep. Campbell continued, suggesting that as employers, the Council has a responsibility for initiating an employee relations dialogue rather than waiting for the unions to come in. He asked the Directors to keep the Council informed about workload. Sen. Bennett suggested that the Council continue this discussion at its first meeting after cloture, noting that it is difficult to find qualified people who want to do this work, and supporting Rep. Campbell's assertion that it is the Council's responsibility to manage the Council staff so that this is a place they want to work.

Rep. Saxl stated that he cares deeply about each legislative employee, partisan and non-partisan; that budget cuts in past years have forced the Legislature to shorten the length of the legislative session; and that the last Legislature had set a deadline for all bills to be drafted in an effort to help the Legislature work more efficiently. Ms. Matheson again noted that other staff offices have always supported the drafting effort and that the 118th Council had given her more latitude to augment her full-time legal staff with contract drafters. Sen. Bennett agreed that additional funds might be part of the solution, but stated that it was important for the Council to explore new solutions with its Office Directors and employees.

Sen. Amero recalled complaints about drafting errors from some members during the 118th Legislature, which required some bills to be redrafted.

Sen. Rand supported Sen. Bennett's suggestion that this item be on the agenda for the next Council meeting. Rep. Murphy agreed, noting that this would give the Council an opportunity to analyze whether the Joint Order should be modified; whether additional staff are required; or whether the ceiling for compensatory time should be raised. Responding to his concern about uncompensated overtime, Ms. Tubbesing responded that this is an issue for every legislative office.

The Chair, President Lawrence, closed this discussion by stating that he and Speaker Rowe would meet with Ms. Tubbesing and the Staff Office Directors to plan the session schedule, deadlines, etc. Sen. Bennett asked what the process for developing the Legislative Budget is; and Sen. President Lawrence responded that this would be covered in depth at the next Council meeting as part of the orientation process.

Rep. Murphy then asked the Directors to come back to the Council with recommendations regarding how to use staff more efficiently. The Chair, President Lawrence noted that this is a decision that falls to the presiding officers; and Rep. Murphy responded that the impact of this decision could have a very positive impact on Council staff.

### **Item #3 Interim Studies: Status**

David Boulter reported that most studies are starting to wind up and that he is not aware of any that will require extensions. He noted that his staff is beginning to gear up for orientation at the Committee level and that he would welcome Council members' suggestions with regard to this. He closed his report by offering to assist in the development of a series of issues forums for interested legislators. Sen. Rand noted that there are certainly some issues that are of general interest and expressed her support for pursuing this.

### **Item #4: Revenues and Structural Gap: Status**

Jim Clair reported that while the formal report of the Revenue Forecasting Committee was not yet out, the structural gap is disappearing rapidly. He pointed out that the gap is measured against current services and does not consider new requests. The Highway Fund, on the other hand, continues to suffer from continued slow growth and significant costs.

### **Item #5: Legislative Record: Status**

Paul Mayotte reported that the progress on eliminating the backlog has been excellent during the interim. Because the Legislative Indexer indexes bill requests (required to support the identification of duplicate bill requests), progress has slowed temporarily.

## **REPORTS FROM COUNCIL COMMITTEES**

The Chair, Senate President Lawrence, noted that the 118th Council had established three committees -- Personnel, Migration, and Space/Renovations. He asked Council members for suggestions regarding committees, noting that they do require a significant time commitment.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

**Item #1: Submission of Interim Study Report: Commission to Examine Rate Setting and the Financing of Long-term Care Facilities. (Joseph M. Kozak, Esq., Chair)**

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

## **ANNOUNCEMENTS AND REMARKS**

The Chair, President Lawrence reported that he and Speaker Rowe had agreed to extend the deadline for signing bills and designating cosponsors to Friday, January 8, noting that this deadline applies to all bills that have already been sent out for sponsor review and signature, or will be prior to January 3.

## **ADJOURNMENT**

The Council meeting was adjourned at 12:34 p.m. on the motion of Rep. Saxl (second by Rep. Shiah).