

MAINE STATE LEGISLATURE

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SEN. MARK W. LAWRENCE
CHAIR

REP. G. STEVEN ROWE
VICE-CHAIR



119th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

MEETING SUMMARY
December 21, 1998

CALL TO ORDER

The Chair, Senate President Lawrence, called the Council meeting to order at 1:42 p.m. in the Legislative Council Chamber

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Bennett
Representatives:	Speaker Rowe, Rep. Saxl, Rep. Murphy, Rep. Shiah, Rep. Campbell
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, Revisor of Statutes Lynn Randall, State Law Librarian

SUMMARY OF DECEMBER 3, 1998, COUNCIL MEETING

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

REPORTS

Item #1: State Compensation Commission: Request for Extension of Reporting Deadline

Sally Tubbesing stated that the Commission had met the prior week and had requested an extension of its reporting deadline. Several members of leadership had attended this meeting; and Senate President Lawrence stated that he had filed a bill prior to cloture to accomplish this.

This item required no further Council action.

Item #2: Interim Studies: David Boulter

David Boulter drew Council members' attention to a summary report in their packets, noting that many study commissions had issued their final reports and that several others were nearing completion of their work. He stated that one, the Task Force to Develop Plans to Enhance Enforcement of Civil and Criminal Penalties, was going to request a one-year extension.

This item required no Council action.

OLD BUSINESS

Item #1: Legislative Video

Ms. Tubbesing drew Council members' attention to a memo in their packets that had been prepared at Senator Kontos' request regarding the copy right registration for the new legislative video. The Legislature's ability to reproduce and distribute the video requires passage of legislation that specifically authorizes the Legislature to administer the copyright on the video and on other materials that are deemed to be intellectual property. In discussion, it was clarified that Sen. Kontos had already filed this legislation and that the purpose of the memo was to provide the Council with an update on this item.

No further Council action was required.

LEGISLATIVE COUNCIL: ROLES AND RESPONSIBILITIES

The Chair, Senate President Lawrence, noted that the primary purpose of this Council meeting was to provide new members with an orientation to the Council's statutory roles and responsibilities.

Sally Tubbesing drew members' attention to a set of materials that had been distributed that included the statutory provisions related to the Council's authority and responsibilities. She then asked the Director of each of the staff offices that operate under the Council's

jurisdiction to briefly describe the primary duties and responsibilities of their respective offices. The Chair, Senate President Lawrence, encouraged Council members to ask questions throughout the presentation. Council members' questions and the ensuing discussion are summarized below.

Office of the Revisor of Statutes: Margaret Matheson, Director

- Availability of text of bills and amendments on the Legislative WEB site this session (Rep. Shiah)

This will be available in the near future; the Information Services Office is in the process of resolving final technical issues.

- Issue of Duplicate Bills and the Use of Concept Drafts (Rep. Campbell)

Ms. Matheson responded that her office had begun drafting bills well before cloture and described the difficulty in identifying all duplicates in a dynamic environment. She added that several members had requested concept drafts this session, but that it is still too early to know how many bills will finally be drafted in concept form.

- Explanations for the significant increase in the number of bills filed by cloture (Rep. Campbell)

Ms. Matheson noted that many legislators indicated that they were filing bills at the request of constituents, and added that the filings appear to be pretty evenly split between new and returning members.

 **Office of Fiscal & Program Review: Jim Clair, Director**

- Staffing Priorities (Speaker Rowe)

Acknowledging the Office's efforts to make its information and expertise more broadly available to all members of the Legislature, Speaker Rowe stressed that it is important for legislators who aren't members of the Appropriations or Taxation Committees to understand what the Office's priorities have to be given the resources available.

- Policy Committees' Use of OFPR Staff/Information (Sen. Bennett)

Senator Bennett added that the Policy Committees need to make better use of the Office of Fiscal and Program Review, noting that some of these committees rely too heavily on executive departments for fiscal information. Mr. Clair noted that his staff are available to work with Committees on an informal basis before the final fiscal note on a committee amendment is prepared so that the Committee understands the potential fiscal impact of its proposals and the OFPR staff have a fuller understanding of the Committee's intent.

He stated that OPLA staff do a good job of keeping his office apprised of the policy committees' intentions.

Speaker Rowe suggested that Council members need to emphasize to Chairs the importance of using OFPR as a resource. Sen. Bennett concurred, noting that legislative rules of procedure could be amended to provide that policy committees will not consider information of a fiscal nature unless the report from the Legislature's non-partisan fiscal office has been issued. Sen. Bennett agreed that OPLA staff are in the best position to know when to bring OFPR staff in to committee deliberations.

- How to isolate bills with fiscal notes (Rep. Campbell)

Mr. Clair responded that the broad subject listing of bill titles helps in the identification of bills that will potentially have fiscal notes and added that if the Council were to engage in a policy priority - setting process, it would be even more helpful.

- Staffing the Transportation Committee (Senate President Lawrence)

The Chair, Senate President Lawrence, noted that the Personnel Committee had talked specifically with Mr. Clair during the interview process about strengthening the information resources that we provided to the Transportation Committee.

Law & Legislative Reference Library: Lynn Randall, State Law Librarian

- Level and nature of the Legislature's use of the Library (Senate President Lawrence & Speaker Rowe)

Ms. Randall reported that the Legislature, including members and staff, account for 30-35% of the Library's active users during the session. The Attorney General's Office and the legal counsels assigned to executive branch departments are the largest single group of users.

Speaker Rowe asked if other states combined the State Law Library and the Legislative Reference Library; and Ms. Randall replied that Maine is unique. Senator Rand asked who contributed to the support of the Law Library; and Sally Tubbesing responded that the General Fund appropriation under the Legislative Council's jurisdiction represents the sole funding source.

David Boulter, Director, Office of Policy and Legal Analysis and Paul Mayotte, Director, Legislative Information Services Office, also provided overviews of the organization and primary functions of their offices.

The Chair, Senate President Lawrence, concluded this discussion by noting that the Legislative Council had been created by a prior legislature and encouraged Council members to be forthcoming with ideas to improve its structure and operations. Rep. Campbell suggested that the Council as the Board of Directors organize a retreat with its employees, designed to establish an open dialogue. Chair Lawrence said that he would pursue this.

KEY ISSUES AND INITIATIVES: OVERVIEW

Item #1: Proposed Schedule for the 1st Regular Session

The Chair, Senate President Lawrence, noted that in order to meet its budget reduction targets the 118th Legislature had reduced the length of the First Regular Session by 3 weeks, which would require adjournment sine die by May 28, 1999. He then led members through a tentative schedule for the entire session, noting that it is still tentative. Senator Bennett suggested that perhaps the Legislature is at a point where it needs to establish a limit on the number of bills a legislator can introduce, adding that legislators cannot fully participate in their assigned committees and shepherd a large number of bills through the process at the same time. He continued, suggesting that, especially in view of term limits, the Legislature need "to look at the whole way we do business." We have the quantity problem and it's going to affect quality." He encouraged the Council to think creatively about how to deal with the workload. Sen. Pingree agreed with the need to think creatively for the future, but added that it would be very difficult to reduce the number of bills this session retrospectively. In discussion, Council members asked Meg Matheson to analyze sponsor data in terms of the sponsor's length of legislative service.

The discussion turned again to a topic raised earlier: whether there is a way to separate those bills that have fiscal impact from those that don't. Ms. Matheson and Mr. Clair agreed that they could work together to try and isolate this subset of bills with the information that was filed. They noted that Legislators are asked when they file bills if the bill is going to have a fiscal impact; but some don't know, and others are intent on finding ways to avoid a fiscal impact. Rep. Murphy, recalling that the budget had been passed 2 years ago before some bills had even been heard, advocated either "fast tracking" all bills with fiscal notes or leaving a large table so that funds are left. Senator Bennett advocated passing a Current Services budget by April 1 that would guarantee the continuation of "base line" programs and services. In response to a question from Senate President Lawrence as to whether this "base line" budget would include GPA, Sen. Bennett responded that it would allow the 3% increase currently provided in statute but that any additional increase would have to be done in the Part 2 budget unless there were bipartisan support for doing more within the Part I framework.

Discussion then turned to the impact of the workload on legislative staff. Senator Bennett stated that the Council needs to look at the whole process and try to find a way to pace the process better. Sen. Pingree asked whether Sen. Bennett would support increasing the legislative budget to allow the Legislature to do its work over a longer period of time; and Sen. Bennett responded that his priority would be increasing the efficiency of members' time within the existing legislative schedule first. Rep. Campbell reiterated his earlier suggestion that the Council schedule a retreat with

employees to explore ideas and opportunities; and there was consensus that a committee be established to look at this. Council members raised the following specific questions and concerns:

- What percentage of the bills filed are generated by lobbyists? by constituents? (Senate President Lawrence)
- Some Committees schedule too many bills on a single day; members of the public who come to Augusta to testify are often short-changed. (Rep. Campbell)
- Some Committees do not schedule enough work days. (Sen. Rand)

Item #3: Budgets Under the Council's Jurisdiction

Item #4: Renovations

The discussion of these items was deferred to a future meeting, based on time considerations.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 5:09 p.m., on the motion of Speaker Rowe (second by Rep. Murphy).