

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)

LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, to Establish the Special Commission to Study the Operations of State Government (EMERGENCY) (H.P. 401) (L.D. 575) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-160) on same Bill which was tabled earlier in the day and later today assigned pending the motion of the Representative of Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support the "Ought Not to Pass" Report. This is a bill that I submitted in the hope that we could establish a Mini-Grace Commission for the study of state government. It's in effect a private sector survey on cost control and my goal was to generate some recommendations to improve management of state government, suggest restructuring ideas, and reduce the cost therein.

The major thrust of this bill is to provide an outside view of government with the intent of gaining better management through the introduction of proven business techniques.

The original Grace Commission which was much broader in scope was established in June of 1982 by Executive Order of the President and I will quote in their findings "that government was overly responsive to Special Interests, mired in efficiency, and headed for fiscal disaster if spending were not controlled." That is from the New York Times of January 13, 1984.

The Grace Commission worked for about 18 months and generated about 2500 recommendations (I have their report here) to eliminate government waste. Some of the more infamous suggestions I am sure you remember. For example, the \$91 screws that were purchased by the Pentagon and they are available at your local hardware store for 3 cents each. I am sure we won't find those same areas of flagrant violation and waste but I do believe that a private sector review of how the state delivers services should produce areas of savings and some restructuring proposals.

I do recognize that business in the private sector has a bottom line approach. They have a goal of making a profit and government, on the other hand, is designed to provide a safety net for our citizens and its services cannot be measured by profitability. However, I believe that these services should be delivered in a cost effective way so we can maximize our direct services.

I want to give you a few examples that came out of the Grace Commission Study. It was called in the New York Times, Grace's Panel-Random Examples of Bureaucratic Absurdity, and there were many. As I said, they had over 2500 recommendations. The first item is erroneous government mailing list" — it often repeats the same address up to 29 times with a projected potential savings over three years of \$96 million dollars. A second is poor management of cash seized from criminals. Cash taken from criminals is

simply sat on instead of being deposited in interest-bearing accounts — potential savings over three years of \$50 million dollars. A third is inefficient management of government property. The Grace Commission found that, in comparison to a private sector company, managing comparable space, the General Services Administration employed 17 times as many people and spent 14 times as much on total management costs. Their recommendation would have save \$62 million dollars over a three year period.

I believe that this bill provides a vehicle for that kind of study, its cost is modest, it has a fiscal note on it of \$6,000. There were other proposals that would have financed a similar, although much broader, type of study with a tax credit. This, however, makes the assumption that the private sector would be willing participants because as corporate taxpayers they would certainly stand to gain from increasing cost effectiveness in government.

I do point out that there is one problem that did not get in the amendment that the interim report would be by April 1st, which has long gone, and it would need an amendment in second reading but I hope you will vote against the pending "Ought Not to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote in favor of this Majority "Ought Not to Pass" Report. I must say to you that the public hearing was held on March 25th and I refer to that date because at that time we were continuing to discuss the budget issues of 1991 and the bill was printed on February 12th. However, the committee's feeling was that (1) the Governor could establish such a commission if he felt that he wished to do that but the committee also felt that there were several commissions already being established in order to study different sections of government.

In House Amendment "I" to L.D. 274, which was passed by this body, there is a special commission on governmental restructuring and also in Part T of that piece of legislation there were recommendations for restructuring and says "that the Governor should develop and submit to the Joint Standing Committee on State and Local Government on or before April 15th recommendations to reduce and by restructuring and realigning functions related to various departments, agencies" — also with the Report back of May 1, 1991.

Also in the 1992-1993 budget in Part S, there is a commission on government efficiency and organization tax credits and there also is another commission to study the government efficiency and organization of state government. The Commission of Government Efficiency and Organization would consist of 20 members (I am not sure what the actions of the Appropriations Committee are or were) and at the date we passed out this bill, we felt currently there are a number of commissions. Most of you are familiar with the fact that in 1989 and 1990, a Peat, Marwick study was done by the request of the Maine Legislature on the subject of government and the efficiency of the Maine Legislature so, with that in mind, the majority of the committee felt that we did not need this special commission to study the operations of state government, we felt that there were currently enough commissions to do that and that the Governor could do this if he pleased.

I urge you to vote for the "Ought Not to Pass"

Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: I would like to speak to all those points. They were under discussion during committee deliberations. First of all, the Peat, Marwick study in 1989 — and I did serve on that committee which was entirely focused on the legislative branch of government — this bill is much broader than that.

The second point, the Chairman of State and Local Government Committee suggests that it is in fiscal 1992-1993 budget, although I have heard little, if no, support for a major tax credit for the corporate givers who would support that major study and would believe, probably, that we would not be able to find the money to cover that tax break.

The third point is on the Commission on Governmental Restructuring, which came out of the recent budget, I would point out to you that the status of that, albeit tenuous at the moment, has a membership of 11 legislators and 10 other members, several of whom now are working or under contract with state government, hardly objective outsiders who have no vested interest in how we are structured and how we spend state dollars. I would suggest that this is a total private sector view.

Mr. Speaker, I ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 44

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Ketterer, Kontos, LaPointe, Lawrence, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.;

Stevenson, Tupper, Whitcomb.

ABSENT - Coles, Constantine, Donnelly, Duplessis, Dutremble, L.; Gean, Goodridge, Gurney, Jalbert, Kerr, Kilkelly, Larrivee, Lemke, Mayo, McKeen, Norton, Ott, Reed, W.; Rydell, Skoglund.

Yes, 84; No, 47; Absent, 20; Paired, 0; Excused, 0.

84 having voted in the affirmative and 47 in the negative with 20 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: (H.P. 558) (L.D. 801) Bill "An Act to Amend the School Approval Standards" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-178) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Pertaining to 7-14, L.D. 801, the School Approval Standards Act, as I said this morning, the bill addresses a serious air quality standard problem in school buildings. The bill simply addresses air quality in existing schools by requiring school officials to operate and maintain currently installed mechanically driven heating, ventilating and air condition systems in accordance with the air quality code. The school units are already required to inspect and, if necessary, repair air quality systems annually and there is nothing new or different here. What is now being emphasized is that the existing requirement be acknowledged and followed. The Bureau of Public Information adopted public improvements, these standards in August of 1989 and the Department of Education supports L.D. 801 and volunteered to make notes of progress to the committee in the future.

This bill changes nothing, we have two notices from the Office of Fiscal and Program Review saying there was no fiscal note needed and they still say that.

Subsequently, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-178) was read and adopted and the Bill assigned for second reading Monday, April 29, 1991.

The Chair laid before the House the following item: (H.P. 239) (L.D. 330) Bill "An Act to Increase Funding to Programs Dealing with Domestic Violence" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-179) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Hampden, Representative Richards, that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and