

MAINE STATE LEGISLATURE

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REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE
LEGISLATIVE COUNCIL

SEN CHARLES P. PRAY
SEN NANCY RANDALL CLARK
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. DAN A. GWADOSKY
REP. JOSEPH W. MAYO
REP. MARY CLARK WEBSTER
REP. FRANCIS C. MARSANO

SARAH C. DIAMOND
EXECUTIVE DIRECTOR

LEGISLATIVE COUNCIL

DECEMBER 20, 1989

MEETING SUMMARY

APPROVED JANUARY 4, 1990

CALL TO ORDER

The Legislative Council meeting was called to order by the
Chair, Speaker Martin, at 4:34 p.m.

ROLL CALL

Senators: Sen. Pray, Sen. Clark, Sen. Dutremble, Sen.
Webster, Sen. Cahill

Representatives: Rep. Mayo, Rep. Gwadosky, Rep. Martin, Rep.
Marsano

Absent: Rep. Webster

Legislative Officers: Sally Diamond, Executive Director,
Legislative Council
Lynn Randall, State Law Librarian
Bent Schlosser, Director, Office of Fiscal
and Program Review
Martha Freeman, Director, Office of Policy
and Legal Analysis
David Kennedy, Revisor of Statutes
David Silsby, Director, State House and
Capitol Park Commission
Helen Ginder, Director, Legislative
Oversight

SECRETARY'S REPORT

The summary of the November 10, 1989, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Diamond, Executive Director, presented the following items to the Council for consideration:

Item #1: Approved Step Increases

Ms. Diamond reported that she had approved step increases for the following legislative employees, based on the favorable recommendations of their respective Offices Directors:

Jean S. Blair, Engrossing Technician, Office of the Revisor, (Salary Range 5), from Step 7 to Step 8, effective November 27, 1989.

Todd R. Burrowes, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 1 to Step 2, effective November 27, 1989.

Theresa Coughlin, Senior Secretary, Office of Fiscal and Program Review, (Salary Range 4), from Step 6 to Step 7, effective December 25, 1989.

Deborah C. Friedman, Legislative Analyst, Office of Policy and Legal Analysis, (Salary Range 10), from Step 2 to Step 3, effective December 4, 1989.

Joyce D. Garside, Legislative Technician, Office of the Revisor, (Salary Range 4), from Step 4 to Step 5, effective December 11, 1989.

Elizabeth H. Gosselin, Computer Programmer, Office of the Revisor, (Salary Range 8), from Step 8 to Step 9, effective November 27, 1989.

Edythe J. Hampson, Legislative Information Assistant, Legislative Information Office, (Salary Range 4), from Step 2 to Step 3, effective December 4, 1989.

Kathleen W. Kaloustian, Supervising Legislative Technician, Office of the Revisor, (Salary Range 6), from Step 7 to Step 8, effective December 18, 1989.

Laurette G. Knox, Senior Secretary, Office of Policy and Legal Analysis, (Salary Range 4), from Step 7 to Step 8, effective December 4, 1989.

Theresa M. Lahey, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step 7 to Step 8, effective November 27, 1989.

Germaine C. Longley, Legislative Information Assistant, Legislative Information Office, (Salary Range 4), from Step 4 to Step 5, effective December 11, 1989.

Motion: That the Director's report be accepted and placed on file. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

Item #2: Bill Drafting: Status Report

Ms. Diamond drew members' attention to the summary prepared by David Kennedy, which indicated that 195 bills had been released to the Secretary and Clerk for reference and printing as of December 20. Council members congratulated Mr. Kennedy and his staff on their fine effort. Mr. Kennedy noted that the procedural changes adopted by the presiding officers and, in particular, those relating to cosponsors' designation and signature had significantly helped the pace of final bill production.

Motion: That the Revisor's report be accepted and placed on file. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

Item #3: Recommendation Regarding Designation of Records Management Coordinator for the Legislature.

Ms. Diamond drew Council members' attention to a letter addressed to Speaker Martin as Council Chair recommending that Lynn Randall, State Law Librarian, be designated the Records Management Coordinator for the Legislature, pursuant to law (P.L. 1989, Chapter 235). The coordinator is responsible for serving as the liaison between the Legislature and the Maine State Archives to ensure that official legislative records are properly inventoried and disposed of. Ms. Diamond clarified that this is not a new position, but merely an administrative designation.

Motion: That Lynn Randall be designated as the Records Management Coordinator for the Legislature. (Motion by Sen. Clark; second by Sen. Pray; unanimous).

Item #4: Holiday Work Schedule

Ms. Diamond reported that the item appeared on the agenda as a result of questions from a number of offices. She reminded Council members that their policy has been to maintain a schedule comparable to that adopted by other state agencies. The official schedule for all state offices is 8 am - 5 pm Friday, December 22 and Tuesday, December 26 through Friday, December 29.

Without objection, Speaker Martin noted that the Council would continue its past policy.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS**Item #1: Negotiations Regarding Acquisition of the City-Owned Portion of Capitol Park**

This item was deferred at the request of the Speaker and taken up later in the Council meeting.

NEW BUSINESS**Item #1: Step Increases for Secretary of the Senate, Clerk of the House and their Assistants (authorized by statute, 3 MRSA. § 162-A).**

Speaker Rep. Martin drew members' attention to Ms. Diamond's letter, which summarized the statutory authority for the proposed action. The letter noted that Deborah Bedard Wood, Assistant Clerk of the House, is "topped out" in her statutory salary range.

Motion: That step increases be awarded to the Secretary of the Senate, the Clerk of the House, and their assistants pursuant to Statute, retroactive to December 7, 1989.

Joy J. O'Brien, Secretary of the Senate, from Step 5 to Step 6 (Salary Range 14).

Edwin H. Pert, Clerk of the House, from Step 5 to Step 6 (Salary Range 14).

Pamela Lovley, Assistant Secretary of the Senate, from Step 7 to Step 8 (Salary Range 9).

(Motion by Sen. Pray; second by Sen. Clark; unanimous).

- Item #2: Step Increases for Constitutional Officers, as authorized by statute (3 MRSA. § 162-B).

Council members had received a letter from Ms. Diamond regarding the Constitutional Officers' eligibility for salary adjustments pursuant to statute (3 MRSA § 162-B).

Motion: That the increases be awarded in accordance with statutory provisions and retroactive to December 7, 1989, as follows:

Attorney General James E. Tierney, from Step H to Step I (Salary Range 91).

Secretary of State G. William Diamond, from Step C to Step D (Salary Range 88).

Treasurer of State Samuel Shapiro, from Step H to Step I (Salary Range 88)

(Motion by Sen. Clark; second by Sen. Pray; approved 8-1).

- Item #3: Requests for Study Extensions

The Council was in receipt of letters requesting extensions for the following studies and took action as noted:

Committee on State and Local Government, requesting an extension for the Study of the Structure of Substance Abuse Assistance and Services to December 7.

Motion: That the request be approved. (Motion by Rep. Marsano; second by Sen. Cahill; unanimous).

Committee on Judiciary, requesting an extension for the Study of the Jurisdiction of the District Court and the Administrative Court and the Relationship to the Jurisdiction of the Superior Court, to December 29.

Motion: That the request be approved. (Motion by Rep. Marsano; second by Sen. Clark; unanimous).

- Item #4: Request from the Joint Standing Committee on Education to Conduct Research Regarding Administrator Certification Requirements

The letter from Sen. Estes and Rep. Crowley, Co-Chairs, announced that the Committee had been able to arrange with Martin Bressler, a doctoral

candidate in educational administration at Vanderbilt University, to develop and conduct a survey of school administrators in Maine regarding administrator certification requirements. Dr. Bressler would contribute his time on this project at no charge since it is part of his graduate program; but the Committee requested authorization to underwrite the cost of printing and mailing the survey, which is estimated to be \$200.

Motion: That the Committee's request be approved, with the understanding that no additional space would be required, and that the costs of printing and mailing the proposed survey be absorbed by the Legislature. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Item #5: Legislative Budget: Status and Options for Reduction for Balance of Fiscal Year 1990.

The Chair, Speaker Martin, recommended to Council members that the Council support his appointment of a committee comprised of Council members to work with the Executive Director and other staff to explore options for reducing the Legislature's budget in both the current fiscal year and fiscal year 1991.

Motion: That the Council Chair be authorized to appoint such a committee to examine the possibilities of reducing spending within the discretionary funds appropriated to the Legislature. (Motion by Sen. Pray; second by Rep. Mayo; unanimous).

Item #6: Bills Requiring Reference to Committee

LR 3214 AN ACT to Regulate the Use of Beverage Containers. (Sponsor: Sen. Baldacci; Cosponsor: Rep. Libby).

Ms. Diamond reported that this item had been placed on the agenda at the request of the Secretary of the Senate, who had reported that neither she and the Clerk of the House, or the presiding officers had been able to reach consensus regarding the committee of reference. Speaker Martin indicated his position that the bill should be referred to the the Committee on Energy and Natural Resources rather than the Committee on Business Legislation. Since the proposed bill would repeal a bill that had been reported out by the Energy Committee during the last session.

Based on a roll call vote (6-3), the bill was referred to the Joint Standing Committee on Energy and Natural Resources.

Item #7: Maine Financial & Administrative Information Systems (MFASIS): Status Report. (By request of Speaker Martin).

In response to a letter from the Chair to the Governor requesting a status report on the implementation of MFASIS, Commissioner of Finance, Sawin Millett, State Controller David Bourne; and Mr. Carl Barnes, partner in charge of the project for the contractor Price Waterhouse, presented a brief overview of the project.

The project involves 3 major components: Personnel/Payroll; Accounting; and Budgeting. Mr. Bourne reported that the conversion to the new payroll system, which had been scheduled for January 3, had been delayed to early February. He noted the accounting system is still scheduled to convert in January, 1990. This conversion requires a period of several days during which transaction activity is minimal, and the project team has worked to develop procedures to

1) minimize interruptions in payments and 2) handle emergency payments during the conversion period. He assured Council members that there would be no interruption in the schedule of payments to either providers of medical service or to recipients of entitlement programs.

Council members' questions pursuant to the presentation focussed on the following:

- Whether sufficient advance notice was given to vendors. (Rep. Gwadosky).

Mr. Bourne noted that an insert was included in all checks mailed out by the State Treasurer throughout the month of November. He acknowledged that the actual dates of the "shutdown" were not known at that time, but that these were publicized as soon as they were available.

- Costs of the new system. (Rep. Gwadosky; Sen. Cahill; Rep. Mayo; Sen. Pray).

Mr. Bourne itemized the following components of the total project:

- \$285,000 for the acquisition of computer terminals for users in various departments.
- \$3 million for both on-line time and for services provided by personnel in the Bureau of Data Processing on a fee-for-service basis.

- Approximately \$4.5 million in fees to the contractor, Price Waterhouse, or \$45.9% of the total project.

Mr. Barnes stated that all Price Waterhouse personnel were billed at a flat \$70/hour rate, which was slightly less than half of the weighted average of the standard billing rates of the individuals involved.

- \$943,000 for software purchased to support the system.
- \$281,000 for additional staff to assist in system development.
- \$191,000 for training of personnel in all departments
- \$560,000 for miscellaneous costs related to the project, including the lease of temporary space for project staff.

Mr. Bourne noted that he anticipates no cost overruns on the project, or any balances remaining.

- Bid Process. (Rep. Gwadosky; Sen. Dutremble).

Commissioner Millett reminded Council members that the original bid was competitive; 4 firms bid, although 1 bid was for only one segment of the total project, and the bid from Price Waterhouse was the lowest received. The selection of the bidder was made by a Steering Committee comprised of the Commissioners of the Departments of Finance and Administration and representatives from other state agencies.

- System Functionality. (Sen. Clark; Rep. Gwadosky).

Specific questions related to 1) whether the personnel and payroll portions of the system would contain the information for seniority rights: (although this was not part of the original scope, the new system will contain a history of all positions held by each employee); and 2) whether it would include a purchasing module. (This was in the original scope, but has been eliminated due to budget and deadline constraints).

The Chair, Speaker Martin, thanked Commissioner Millett and the others for their presentation.

No Council action required.

- Item #8: Requests to Introduce Legislation to the Second Regular Session. (After Deadline).

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session for the purposes of discussing both the disposition of certain properties and matters related to personnel. (Motion by Sen. Dutremble; second by Sen. Pray; unanimous).

The Council went into Executive Session at 5:07 p.m.

RECONVENE

The Council reconvened on the motion of the Chair at 5:25 p.m.

NEW BUSINESS (continued)

- Item 9: Contract for State House Renovations

Motion: That the draft letter of notice of termination to the firm of Pelletier & Flanagan, Brunswick, Maine, be approved and sent forthwith. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

- Item 10: Resignation of Helen Ginder

Motion: That the resignation be accepted with regret and that the Council extend its deep appreciation to Ms. Ginder for her work and support to the Legislature over many years; and, further, that the Personnel Committee undertake a review of the position of Director, Legislative Oversight. (Motion by Sen. Pray; second by Sen. Clark; unanimous).

OLD BUSINESS (continued)

- Item #1: Negotiations Regarding Acquisition of City-Owned Portion of Capitol Park

Motion: That the Council authorize sending a letter to the City of Augusta explaining Bill Dowling's role in the negotiations and clarifying that he was acting in concert with the Council's unanimous intent. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 5:28 p.m. on the motion of the Chair.