

MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



120th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

JAMES A. CLAIR
EXECUTIVE DIRECTOR

**MEETING SUMMARY
MARCH 28, 2001
APPROVED APRIL 25, 2001**

CALL TO ORDER

The Chair, Speaker Saxl, called the Council meeting to order at 1:07 p.m. in the Legislative Council Chambers.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Acting 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 Paul Mayotte, Director, Legislative Information Services

**SUMMARIES OF THE FEBRUARY 13 and 21, 2001 COUNCIL
MEETINGS**

Motion: That the Summaries of February 13 and 21, 2001 be accepted and placed on file.
(Motion by Sen. Bennett, second by Rep. Colwell, unanimous).

NEW BUSINESS

Item #1: After Deadline Requests

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

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report** (see written Summary)

James Clair explained to members that there were three agreements which he was seeking their authority to enter into. All of them concerned the Law and Legislative Reference Library.

Mr. Clair enter into a contract if the Council so authorizes, for: (1) temporary shelving; (2) the move of the Library, both in and out; and (3) 161 Capitol Street temporary rental space. Speaker Saxl asked if the lease was to be coterminous with the move of the Library. Mr. Clair said the lease would be entered into one month early, assuming the Library was moving out July 1, or hopefully late June. He had asked that the building be available June 1st. The Speaker asked if there was anything else the Council should be aware of that may be out of order. Mr. Clair did not know if it was out of order, but there was also a one month cushion at the other end of the move as well. Based on previous experience of not meeting renovation deadlines with the two previous wings, he wanted the leased space through January 31, 2002

Motion: That James Clair be authorized to enter in agreements on behalf of the Law and Legislative Reference Library for Temporary Shelving, moving in and out services and the lease at 161 Capitol Street during the North Wing renovations. (Motion by Sen. Bennett, second by Rep. Bruno, unanimous).

Mr. Clair moved to the next item of the Executive Director's Report. He said the quarterly budget variance reports were based on the budget the way it was established for this fiscal year. The quarter ends on March 31st and the Legislative Council members would have a variance report by the middle of next week.

No Council action required.

- **Renovations: Status Report**

None.

- **Fiscal Update**

Grant Pennoyer apologized to the members for not having a written report, but would get something out in writing as soon as the "Part I" budget and budget amendments were over. There were approximately 90 amendments in his office awaiting fiscal review, about 1/3 of them had been outstanding longer than 5 working days. Speaker Saxl asked Mr. Pennoyer if a report providing committee fiscal note information could be done before the next Chair and Leads meeting.

Mr. Pennoyer referred members to the Revenue Update in their packet. He wanted to bring to the Council's attention that the General Fund did not include the revenue reprojection, it showed a negative variance in February of \$11.5 million, but for the year to date, were still up by a half a million dollars. When the reprojection was figured in, the report would have shown a positive year to date variance of approximately \$2 million and believed the next time the Commissioner of Administrative and Financial Services released the monthly revenue sheet, they would incorporate the revenue reprojection, so he would have a better sense of how they were doing on budget to actual basis based on the reprojection. The Highway Fund was up \$2.3 million to date.

No Council action required.

- **Migration Project Status**

Paul Mayotte reported to the Legislative Council that Compaq would be installing bill drafting software next week, the week of April 2, once that had been completed, they would begin extensive testing.

No Council action required.

- **Interim Studies: Status Report**

David Boulter said the interim studies for the 119th Second Regular Session had concluded with the exception of 4, which were two year studies.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl gave an update on the process of hiring a Director for the Office of Fiscal and Program Review. The Search Committee had narrowed the candidates to 5, would be interviewing on April 3rd and 4th and hoped to have a recommendation for the full Legislative Council by the April 25, 2001 Council meeting.

The Personnel Committee took up 2 other matters that required Council approval. The first item was income protection.

Motion: Speaker Saxl moved that income protection for a Legislative employee be granted as reviewed and accepted by the unanimous vote of the Personnel Committee at its March 28, 2001 meeting, second by Sen. Bennett, 9-0 unanimous).

Motion: Notwithstanding the current policy regarding the Sick Leave Bank established by the previous Legislative Council, which has not yet been officially implemented, we move that the Executive Director is authorized to implement a limited sick leave bank for an employee and to report back to the Legislative Council for the duration of the access to the Bank and develop a recommendation that would appropriately implement the Sick Leave Bank on a permanent basis. (Motion by Speaker Saxl, second by Sen. Bennett, 9-0 unanimous).

For purpose of explanation, Speaker Saxl said there has been a long standing policy at the Legislature to create a Sick Leave Bank where healthy employees can donate their sick leave to a Bank. Because the policy has been very cumbersome, it has only been implemented on an informal basis. There is now a case where an employee is very much in need of the Bank, and the Personnel Committee would like to grant the Executive Director the latitude to make the policy work for the employee, but do not want it to continue to be an informal policy. The Committee would like the formal policy to work so they had asked Mr. Clair to come back with a recommendation on how a formal policy would work, while not disadvantaging an employee who is very much in need of the support presently.

- **Space Committee**

Speaker Colwell reported that the Space Committee had met twice since the last Council meeting. They had 3 motions to present to the full Council for consideration.

The first item was the placement of a touch screen display computer to educate people about the Hall of Flags and various other educational efforts in providing them access to the State House.

Motion: That the Legislative Council, should the Part 2 supplemental funding be appropriated, endorse the placement of a personal computer, possibly a "touch screen display", that will provide information about the Hall of Flags, be located in the "Visitor Center" on the 1st Floor/West Wing rather than in or near the Hall of Flags itself. (Motion by Rep. Colwell, second by Sen. Small, 10-0 unanimous).

The Committee discovered the budget amount for the West Wing, 1st floor kiosk, which is similar to the one in the State Office Building where the staff person sits and directs people to various areas of the building, was budgeted at \$15,000. The bid that has been received for the kiosk designed by the architect and the Committee is \$23,000, approximately an \$8,000 overrun. The Space Committee believed the Legislature could absorb the overrun from the State House and Capitol Park Commission appropriation

Motion: That the Executive Director be authorized to fund from the State House and Capitol Park Commission appropriation that part of the 1st floor/West Wing "kiosk" bid estimate that exceeds the budget amount. (Motion by Rep. Colwell, second by Sen. Small, 10-0 unanimous).

The 3rd item from the Space Committee, was approval for the Executive Director to enter into an agreement for the North Wing's furnishing design. Mr. Clair said some offices had recent furnishings and items in storage. The Legislature had brought in, on a limited basis, a furnishings design consultant from Creative Office Pavilion. They were assisting with what furnishings could be reused and incorporate into the future North Wing when it opens in December or January. Mr. Clair said he was seeking authority to enter into a contract with Creative Office Pavilion to do that. Rep. Colwell said the Space Committee unanimously recommended that the Council authorize the Executive Director to enter into the agreement.

Motion: That the Legislative Council authorize the Executive Director to enter into an agreement with Creative Office Pavilion for a furnishing design for the North Wing. (Motion by Rep. Colwell, second by Sen. Small, 9-0 unanimous).

Rep. Colwell also reported to the members of the Legislative Council that the Space Committee had been discussing the smoking policies at the State House. The Committee had come up with 2 locations for smoking. One would be in the Governor's parking area and the other at the South End where the Education Building was. The Committee was discussing the possibility of putting up some type of shelter in those 2 areas. They are working with Earle Shettleworth, Capitol Security and the Architect to present some designs for approval or disapproval to the full Council. The Space Committee was still working on the issue and hopefully would have a recommendation to the Council in the near future. Senators Small and Treat both discussed smoking on the front porch. With spring not far off, they were sure it was going to become an issue. Rep. Colwell said the Committee, hopefully, would come up with a final or interim recommendation shortly.

Rep. Watson said she had discussed her concerns regarding the smoking policy at the Space Committee meeting and was at the Legislative Council meeting to present an interim proposal to the Legislative Council. She requested that the current policy of 20 feet from any entrance of the State House be extended to 50 feet from the building. Sen. Daggett was concerned about the location for smoking. Rep. Colwell said the Committee was focusing on 2 separate areas, both being further from the building, hoping to make them an attractive permanent solution so the issue will not have to be brought back every year to the Council. He believed the policy before the Council today was to amend the current policy of 20 feet to 50 feet. Sen. Treat thought before people started complaining about the smoke, that the distance be 2 feet from the stone porch. She asked if it was possible for the Space Committee to meet on just the issue of the smoking policy before the next Council meeting. Sen. Bennett did not believe the construction of buildings for smoking purpose was a very good idea, and would not support it. He would prefer to see a more sensible policy, as Sen. Treat had suggested, and maybe there could be a consensus from the Council today to have something in effect, for a temporary basis, so the Committee could at a more leisurely pace, reconsider. Speaker Saxl thought it a very difficult issue, and thought the intention of the past Council had been to keep people 20 feet away from the building. Until the Space Committee could come to a better recommendation, he would suggest that the existing rule be enforced. He said that a letter should be sent to Legislative members and staff from the Council as a reminder that during warm weather, and windows are open, remind members and set the appropriate receptacles for smoking further away at the line, and see if there is still a problem after the notice has been sent out. Rep. Bruno asked who was responsible for enforcing the policy? Someone needs to be in charge whether it is Capitol Security or the Offices. Speaker Saxl asked before heavier handed enforcement goes into effect, could they try the notice first. A notice or reminder had not been distributed. One being sent asking that people respect that windows will be open, and that the smoking receptacles would be placed at a distance that would be appropriate according to the Council rules. If that does not work, come back and enforce other mechanism. Rep. Colwell said the Space Committee was trying to create an aesthetically pleasing shelter along the parking lot lines. If it is not what other members want, that is fine but you do have to be realistic. If it is snowing or rainy, you have no enforcement mechanism or shelter for people, they will smoke on the porch, they will smoke where they can. The Committee has been wrestling with the smoking issue, it is not a simple problem. Sen. Treat thought it was unclear what the current rules were and asked if the Presiding Officers could send out a map with areas "X" where people could or could not smoke. Sen. Bennett agreed the rules were not clear. He thought it should be 20 feet from the building and no smoking at all on the south side ramp.

Motion: The Chairs of the Legislative Council create a communication with some visuals attached to it that will clearly communicate the current smoking policy and the fact that it will be enforced pending any new policy the Council may come up with. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

- **Technology and Migration Committee**

Sen. Treat reported to the Council the Committee met on March 9th, unfortunately the attendance was not very good. Rep. Norbert did attend, and the Committee proceeded to do a line-by-line review of the Part 2 Budget, get updates on the bill drafting system, the legislative management system, and the fiscal note issue. They requested that staff come back to the Committee with more complete information on a number of those items. There will have to be another meeting of the full Committee in order to make some proposals about the budget, present it to the Council in time to have some input into the Part 2 decisions on the Budget. She thought it was a very productive meeting and thought it was helpful in sorting through the issues that they will be dealing with.

- **Time and Attendance Subcommittee**

Sen. Treat said this Subcommittee goes along with the Technology and Migration Committee and the issues will be resolved when the Technology issues are resolved.

OLD BUSINESS

Item #1: Submission of Study Report:

- Task Force on Educational Programming At Juvenile Correctional Facilities (pursuant to P.L. 1999, Chapter 770).

Motion: Move for acceptance of the Committee Report. (Motion by Speaker Saxl, second by Sen. Bennett, unanimous).

Item #2: Report Back From the Percent for Art Committee

Rep. Watson spoke on behalf of Sen. Abromson and herself, who are on the Committee. She wanted to answer the questions by Sen. Bennett at the previous Council meeting, if the funds for Percent for Art could be used for other things other than the purchase of art for the project, in the West Wing and the Connector. She referred members to the information provided by Paul Faria from the Maine Arts Commission that refers to Section 452 in the definitions of art and the rules section. It explains that the intent is to encourage the development of Maine artists, and the money has to be spent just on this project alone and spent while the project is going on. Sen. Bennett thanked the Committee for getting back to the Council. His reading of the statute is it would be a bit of a stretch to do that, although regrettable, because a lot of money is being spent by the Legislature on the dioramas and they are the work of a Maine artist and are something that people have argued for as art.

NEW BUSINESS

Item #1: Submission of Study Report:

- Committee to Study Access to Private and Public Lands in Maine (pursuant to H.P. 1951)

Motion: Move for acceptance of the Committee Report. (Motion by Rep. Bruno, second by Sen. Bennett, unanimous).

Item #2: Proposed Drafting Guidelines for Legislative Studies-120th Legislature

Motion: To Table the Proposed Drafting Guidelines for Legislative Studies-120th Legislature until a future meeting. (Motion by Speaker Saxl, second by Sen. Bennett, unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Sen. Bennett moved that the Council adjourn at 2:55 p.m. (Motion by Sen. Bennett, second by Rep. Norbert, unanimous).