

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
August 21, 2002
1:00 p.m.
Room 334, Legislative Council Chamber
PRELIMINARY AGENDA

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JULY 31, 2002 COUNCIL MEETING	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
8	• Executive Director's Report	
	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
11	• Update on Interim Study Appointments (Elliott)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	
	• Technology and Migration Committee	
	• Subcommittee to Consider Additional Security Measures	
	• Space Committee	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
OLD BUSINESS		
17	Item #1: Recommendation relating to use of furlough days for legislative employees	Decision

NEW BUSINESS

22	Item #1: Percent for Art Committee Recommendations for funding of State House Artwork pursuant to the Percent for Art program	Decision
	Item #2: Personnel policies revisions - recommendation	Decision

ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for September 24, 2002 at 1:00 p.m.

ADJOURNMENT



REP. MICHAEL V. SAXL
CHAIR

SEN. MICHAEL H. MICHAUD
VICE-CHAIR

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

DAVID E. BOULTER
EXECUTIVE DIRECTOR

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
July 31, 2002

CALL TO ORDER

In the absence of the Chair and Vice-Chair of the Legislative Council, Rep. Patrick Colwell, Chair Pro Tem, called the Legislative Council meeting to order at 1:27 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat Absent: Sen. Michaud
Representatives:	Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider Absent: Speaker Saxl
Legislative Officers:	Pamela Cahill, Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House David Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE JUNE 24, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of June 24, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Schneider, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter reported on the following items:

1. Renovations

- A. The renovations work is underway, in particular the restoration of the East and South entrances to the State House. The project is on schedule and within budget, thus far. During the demolition phase, contractors encountered ledge that may require some plan modifications as they relate to drainage. It is unlikely, though possible, that ledge blasting will be required.
- B. The temporary partitions in the diorama areas have been removed and the area will be fully completed shortly except for the reinstallation of the dioramas themselves. The dioramas will likely not be completed until July 2003 according to the Maine State Museum staff who are performing the work.

2. Shutdown Day

The Governor has established October 11th as a second day when executive branch agencies will be closed and employees placed on furlough. This action by the Governor does not apply to legislative employees. The decision whether to require legislative employees to take off a second day without pay, or other options, will be a matter for the Legislative Council's meeting on August 21st.

Discussion: It was Sen. Treat's suggestion that employees were to be polled as to what their preference would be on furlough days. Mr. Boulter said employees had not been approached to date. There are options to furlough days such as taking the equivalent funding from the Legislature's general operating account and not asking employees to take the furlough days; have the furlough days track the Governor's scheduled furlough days; having staggered furlough days; or having voluntary days without pay that would help obviate the need for everyone to do so.

Motion: That Mr. Boulter poll employees on various furlough options, including inviting suggestions, and report the information to the Personnel Committee. The Personnel Committee can review the received information and bring a proposal back to the Legislative Council as appropriate. (Motion by Sen. Treat, second Rep. Colwell, unanimous).

3. FY 02 Budget

The Executive Director's office has taken the necessary steps to transfer \$200,000 from FY 02 back to the General Fund in fulfillment of the Legislature's commitment to the Governor to help reduce the current budget shortfall.

Discussion: Rep. Bruno asked Mr. Boulter on the fiscal report he distributed, if the \$900,000 surplus at the end of the year was used to fund, in part, the \$200,000 and used some in other areas. Mr. Boulter responded by indicating that the \$200,000 was money from FY 02. The unexpended balances carried to FY 03 and will be used in part to cover the anticipated \$700,000 cost for the 2 general salary increases in FY 03. He then asked Rose Breton to elaborate on the use of those funds.

Rose Marie Breton, Assistant for Administrative Services, Office of the Executive Director said a reason for the unexpended balance was because the Legislature still has invoices that will have to be paid for renovations and for the ongoing work. It also had invoices relating to FY 02 that were not paid until the start of FY 03, and also applying \$200,000 to off set the revenue shortfall.

4. Capitol Celebration Day

As the State House renovations near completion (exterior work is to be completed by late fall), the Legislative Council may want to consider holding a "Capitol Celebration Day." The celebration would be a way to formally acknowledge and celebrate the remarkable renovation of the State House and to express appreciation to the decision-makers and contractors who made the renovations possible. No immediate action is necessary at this time. If there is sufficient interest in holding a Capitol Celebration Day, a day in December or early January may be appropriate.

• Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report.

1. General Fund and Highway Fund Revenue Variances for June 2002 and FY 02

- A. The General Fund was \$92.5 million below revenue projections for the year. Individual Income Tax revenues were under budget by \$106.2 million; Corporate Income Tax down by \$12.5 million; Estate Tax down by \$2. million; and Income from Investments was down by \$1.9 million.

The General fund positive variances were Insurance Companies Tax was up \$11.9 million and Other Revenues were up \$11.4 million.

- B. The Highway Fund Revenue was up \$9.6 million.

2. Economic and Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission met Friday, July 26, 2002. Mr. Pennoyer said he sent a letter to all legislators summarizing the results of that meeting.

Mr. John Dorrer was appointed to fill a vacancy on the Commission. Mr. Dorrer is a labor economist and a consultant who works Down East and also in Washington, DC. Mr. Pennoyer will forward his resume to Council members when it is made available to him.

A concern expressed by the Appropriations Committee was the problem with the distribution of the detail of Personal Income. The Consensus Economic Forecasting Commission did try to forecast the detail components, but deferred a lot of those decisions to the State Planning Office. That work is not complete and is needed before the information can be run through the tax models. The Commission was much more pessimistic in their

outlook, noting concerns over mixed signals on the national level and projected wage and salary employment growth, and with the personal income growth down for each year of the forecast period.

All of the Executive's estimates of the short fall concentrate on individual income tax. Thus change in the personal income variable will also affect the sales tax line and will tend to depress it, which has not been factored into their discussions. There will be an additional pressure to forecast that line downward. Mr. Pennoyer said he could not predict what the net effect will be in the current biennium, but expected it to be more than the \$92.5 million. In terms of the structural gap, his initial impression is that it would increase the structural gap by about \$100 to \$200 million.

Mr. Pennoyer said the Revenue Forecasting Committee is scheduled to meet on August 14 and August 28, 2002. The meetings will be held in the Appropriations Committee Room.

3. Cash Pool Status

The June 2002 Cash Pool Summary shows the General Fund \$114 million negative. Excluding the reserve fund balances, it is down \$261.8 million.

A Tax Anticipation Note (TAN) for \$250 million at a 1.5% interest rate has been issued. The TAN will improve the State's cash position by \$250 million and will earn interest.

• Office of Information Services' Report

Paul Mayotte, Director, Legislative Information Services, reported on two items.

1. Bill Drafting System

Compaq, now Heward Packett, is on schedule. Mr. Mayotte is receiving weekly reports from them on their status and issues. The Executive Director has a series of meetings scheduled with Compaq, one having already taken place, to get direct face-to-face communications from Heward Packett on issues or questions. To date there have been no major issues that have not been resolved. Heward Packett is completing the programming on the additional functionality that Contract Amendment 4 called for and is nearly complete on addressing all the open problem log items. The Legislature is in the position, with the help of the Revisor's office, to begin testing on August 7, 2002 the fixes and the final solution. Mr. Mayotte is beginning to work on plans for user training and system implementation to support the next session.

2. Direct Internet Access

Mr. Mayotte said he has reached agreement with the Bureau of Information Services and the State CIO. The website address that will be used is "Legislature.Maine.gov". He has also reached an agreement with BIS on the Global Email Address List and is in the process of making that function technically. The Global Address List allows the Legislature to share their address with the Executive Branch. The old email address at "State.ME.US", we will continue to receive mail into 2003 and possibly longer if needed, at the old address. It will not be necessary to do a wholesale change of email addresses to move over to the new system. Legislators and legislative employees do not need to change their email addresses until December, 2002.

The Internet address to get to the Legislature's Web page will now work at either address, "State.ME.US" or "Legislature.Maine.gov".

Mr. Mayotte said that as soon as the Global Address email forwarding process is tested and working properly, his office will convert to the new address and he will report the status to the Council members at the August Council meeting.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, gave an update on legislative studies authorized for the interim and distributed a report that lists the various types of studies. The report lists studies of various types and will be updated as more information is received. The reports includes the legislative studies that are staffed by nonpartisan staff, studies that are to be conducted by other agencies or departments at the direction of the Legislature by legislation enacted this year, interim studies pursued by the Joint Standing Committees subject to approval by the Presiding Officers, and studies carried over from last session not yet complete. Nineteen studies are being tracked, 9 require appointments and the other 10 are either ongoing, staff studies or being done by an agency or department. Appointments to five of the 9 studies have now been completed.

Attached is the Progress Report on Legislative Studies as of July 30, 2002.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

No report. The Personnel Committee did not meet this month.

- **Technology and Migration Committee**

No report. The Technology and Migration Committee did not meet this month.

- **Subcommittee to Consider Additional Security Measures**

Sen. Treat reported that the Subcommittee to Consider Additional Security Measures met on June 24, 2002. The Subcommittee concluded the following:

1. The subcommittee endorsed ES Boulos Option #3 at a cost of \$63,970, as the preferred option for security camera purchase and installation, subject to verification by Building Control/Capitol Security that the proposed camera placements are the preferred locations. The costs of the subcommittee's recommendation would be paid from the Reserve Fund for State House Preservation and Maintenance in FY 03. Sufficient funds are available to pay the costs. The Executive Branch had withdrawn its earlier offer to cost-share due to current budgetary constraints.
2. Purchase of the camera security system is contingent upon the receipt and review for acceptability of a security camera monitoring and response plan that is to be prepared by Building Control in conjunction with the Bureau of Capitol Security. The subcommittee wants assurance, through this planning exercise, that the expenditure of funds will result in tangible enhancements to the security of Legislators, legislative staff, the Governor and his staff and visitors in or about the State House.

3. The subcommittee asked Mr. Boulter to convey the subcommittee's decision to Building Control and to ask for a monitoring and response plan to be submitted within a month. The subcommittee also asked Mr. Boulter to hold off ordering and installing the equipment until the plan has been submitted for review.

No Council action required.

- **Space Committee**

Rep. Colwell, Chair of the Space Committee reported the committee's June 24, 2002 meeting.

At issue is the funding to pay for completion of the restoration of the Klir Beck dioramas. The Legislative Council has spent considerable sums of money removing the dioramas from the original location, storing them, constructing a new location in the connector and reinstalling them. What remains to be done is the replacement and re-fabrication of the flora and scenery and a restoration of the fauna.

At the time of the diorama removal a plan was developed whereby the Maine State Museum would use its existing staff, including Gary Hoyle an expert in these matters, to perform the work. Mr. Hoyle has retired from state service, but Sheila McDonald from the Museum reported he would perform the work on a contract basis. She also indicated the Museum has no available funding to complete the work at this time. The Museum estimated the costs to complete at \$66,000 with a completion date of July 1, 2003.

The members of the Space Committee felt that completion of the dioramas was very important but also felt the Council had completed its share of the project based on its understanding that the Museum would complete its share. The committee declined to fund the remaining costs at this time and instead, asked the Maine State Museum to explore ways to pay the costs, including private donations, federal grants, use of available unexpended funds appropriated to the Museum or organizing fund-raising through the Friends of the Maine State Museum. The Space Committee asked that the Museum report its progress back to them within 30 days.

No Council action required.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: NCSL State House Luncheon

Mr. Boulter reported to the Council that Diane Steward from the Senate Democratic Office has made a request that the Legislative Council pay the cost of a luncheon for members of NCSL's Leadership Staff Section who will be in Portland and Augusta in September. She is a member of the NCSL Leadership staff committee that meets 3 or 4 times a year, rotating the location of each meeting among member states. In September Ms. Steward is expecting approximately 150 people to the State House for a luncheon, estimating the cost to be \$9.50 to \$10.00 per meal. She is requesting the Council approve

payment up to \$1,500 for the luncheon. Mr. Boulter said the money was not specifically budgeted, but the Legislature had sufficient funds to cover the expense. Sen. Daggett reiterated what Mr. Boulter said. Ms. Steward was unable to attend the Council meeting due to an illness in the family.

Motion: That the Legislative Council authorize up to \$1,500 for the cost of hosting a luncheon for NCSL Leadership Staff Section members at the State House in September. (Motion by Rep. Colwell, second by Sen. Treat, unanimous).

ANNOUNCEMENTS AND REMARKS

Item #1: The next Legislative Council meeting is scheduled for August 21, 2002 at 1:00 p.m.

Item #2: Sen. Small reported she had attended a Percent for Art Committee meeting and agreed with committee members that the Legislative Council needs to provide some direction as to acceptable artists and artwork. She asked how that guidance can be conveyed to the Commission. Mr. Boulter said the recommendations of the Percent for Art Committee will be on August 21, 2002 Council agenda unless the Council chooses otherwise. The Committee will have its recommendations and other information in writing prior to the meeting. It was Mr. Boulter's understanding that the committee will recommend 3 artists for funding under the Percent for Art program, each one to be voted on individually if the Council so chose.

Sen. Small thought it would be helpful to have clear steps the Council needs to take and its options. Mr. Boulter noted that the decision is the Council's with respect selecting the artist and the artwork. One artist has chosen to complete his artwork in advance of the Council decision because the artist wanted to give its best presentation; the others have not started on their artwork. There is no binding commitment to the council; it is free to accept, reject or accept in part the artwork presented. All artists had been put on notice from the outset that ultimately the decision is that of the Council.

No Council action required.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:13 p.m. (Motion by Sen. Treat, second by Sen. Small, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
August 21, 2002

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for July 2002 (FY 03)

- General Fund – Up by \$5.9 million in July – the only negative variance was Income from Investments (that negative variance was only due to an error in the monthly distribution)
- Highway Fund Revenue – Up by \$1.6 million for July 2002 (FY 03) – the only significant negative variance was again Income from Investments (that also will be reversed in future revised distributions)

(See Attached Revenue Sheets)

2. Economic and Revenue Forecasting Schedule

- Economic Forecasting Commission met Friday, July 26 (summary distributed previously)
- Revenue Forecasting Committee Meetings – August 14th and August 28th

3. Preliminary Data Presented to the Revenue Forecasting Committee.

- RFC met on August 14th. Data presented would increase the FY 03 shortfall to over \$140 million. This is in addition to the \$92.5 million FY 02 shortfall.
- These estimates are preliminary and not adopted by the RFC. The RFC is considering further revisions of the capital gains assumption, which could reduce revenue estimates by as much \$13 million more.

4. Budget Shortfall for FY 03 based on Preliminary RFC Information

- Over \$220 million (after recognizing FY 02 Savings)
- Governor's Identified Savings to solve FY 03 Shortfall: \$147.5 million
- Additional proposals required to address remaining FY 03 Shortfall: \$72.5 million +

5. Structural Gap Estimates will be increased by more than \$350 million based on the preliminary data presented to the RFC. 2004-2005 Structural Gap estimates will be in excess of \$900 million if these revised revenue projections are adopted.

STATE OF MAINE
 Undedicated Revenues - General Fund
 For the First Month Ended July 31, 2002

Jul-02

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2003
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Sales and Use Tax	82,777,437	80,342,269	2,435,168	3.0%	82,777,437	80,342,269	2,435,168	3.0%	895,011,846
Individual Income Tax	69,726,689	68,262,762	1,463,927	2.1%	69,726,689	68,262,762	1,463,927	2.1%	1,257,663,548
Corporate Income Tax	3,930,812	2,132,217	1,798,595	84.4%	3,930,812	2,132,217	1,798,595	84.4%	85,738,483
Cigarette and Tobacco Tax	8,563,527	7,799,954	763,573	9.8%	8,563,527	7,799,954	763,573	9.8%	102,949,755
Public Utilities Tax	(150,000)	(150,000)	-	0.0%	(150,000)	(150,000)	-	0.0%	30,400,000
Insurance Companies Tax	1,799,751	1,355,431	444,320	32.8%	1,799,751	1,355,431	444,320	32.8%	40,924,003
Estate Tax	1,278,342	2,134,751	(856,409)	(40.1%)	1,278,342	2,134,751	(856,409)	(40.1%)	23,691,016
Property Tax - Unorg Territory	-	-	-	-	-	-	-	-	9,669,807
Income from Investments	-	634,203	(634,203)	(100.0%)	-	634,203	(634,203)	(100.0%)	10,014,129
Transfer to Municipal Revenue Sharing	(7,978,182)	(7,687,600)	(290,582)	3.8%	(7,978,182)	(7,687,600)	(290,582)	3.8%	(114,654,916)
Transfer from Liquor Commission	2,647,377	2,576,669	70,708	2.7%	2,647,377	2,576,669	70,708	2.7%	26,290,223
Transfer from Lottery Commission	3,067,219	3,050,975	16,244	0.5%	3,067,219	3,050,975	16,244	0.5%	36,809,911
Other Revenues	11,636,017	10,969,802	666,215	6.1%	11,636,017	10,969,802	666,215	6.1%	145,262,118
Total Collected	177,298,988	171,421,433	5,877,555	3.4%	177,298,988	171,421,433	5,877,555	3.4%	2,549,769,923

NOTES: (1) Included in the above is \$7,978,182 for the month and \$7,978,182 year to date, that was set aside for Revenue Sharing with cities and towns.

(2) Figures reflect estimates of the Maine State Revenue Forecasting Committee approved in July 2002.

(3) This report has been prepared from preliminary month end figures and is subject to change.

STATE OF MAINE
 Undedicated Revenues - Highway Fund
 For First Month Ending July 31, 2002

Exhibit V

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2003
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Fuel Taxes	16,094,602	16,144,731	(50,130)	(0.3%)	16,094,602	16,144,731	(50,130)	(0.3%)	182,478,107
Motor Vehicle Registration & Fees	6,543,637	4,695,462	1,848,175	39.4%	6,543,637	4,695,462	1,848,175	39.4%	79,754,630
Inspection Fees	272,055	207,048	65,007	31.4%	272,055	207,048	65,007	31.4%	3,918,052
All Other	756,212	1,015,341	(259,129)	(25.5%)	756,212	1,015,341	(259,129)	(25.5%)	13,989,236
Total Revenue	23,666,506	22,062,582	1,603,924	7.3%	23,666,506	22,062,582	1,603,924	7.3%	280,140,025

NOTE: This report has been prepared from preliminary month end figures and is subject to change.



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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AUG 13 2002

Memorandum

TO: The Honorable Michael V. Saxl, Chair
The Honorable Michael H. Michaud, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

FROM: David C. Elliott, Director

DATE: August 13, 2002

RE: Interim Studies

Attached is a progress report on legislative studies authorized for this interim. As you will see, appointments have been completed to 6 of the 9 studies requiring appointment and several meetings have been scheduled so far this interim.

I have also included a memo from the Health Care System and Health Security Board updating the Council on the board's study progress.

I would be happy to answer any questions you may have or to provide additional information.

cc: Senate President Richard A. Bennett
David E. Boulter, Executive Director

A handwritten signature in cursive script, appearing to read 'D. Elliott'.

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 08/13/02 1:41:47 PM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Committee to Study Reimbursement Rates for Maine's (PL 2001, c. 661)			06-Nov-02	Reestablishment of previous committee Staffed by SPO
Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market , Resolve to Study the Impact of a Maine-based (Resolve 2001, c. 124)	9/3/02	Tuesday - 9/3/2002 1:00 p.m. - 5:00 p.m. Room 216 Cross State Office Bldg.	06-Nov-02	17 of 18 appointments made. August 12 th : conference call with chairs to plan structure of task force meetings. Memo to be sent to members.
Community Preservation Advisory Committee , An Act to Establish the (PL 2001, c. 648; sunsets 6/1/08)			Dec. 01 annually	Permanent entity Staffed by SPO; OPLA drafting assistance Appointments complete
County Jail Population, Cost and Reimbursement by the State , Joint Order to Study (HP 1731)			06-Nov-02	CRJ interim work. Gathering information. No meetings requested or scheduled yet. Likely only one meeting will be requested.
Family and Medical Leave for Maine Families , Resolve to Continue the Study of Benefits and Costs for Increasing Access to (Resolve 2001, c. 115)			06-Nov-02	Appointments complete
Fatherhood Issues Study Commission , Resolve to Establish a (Resolve 2001, c. 121)	8/27/02	Tuesday - 8/27/02 9:30 a.m. Room 214, CSOB	06-Nov-02	Appointments complete
Financing of Long-term Care , Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)			06-Nov-03	Appointments complete
Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation		01-Dec-02	Mathematica Policy Research (consultant) met with board on 8/5/02 and has begun its work; draft report expected mid-October. First installment of grant funding received from Maine Health Access Foundation.
MCJUSTIS Board , Resolve to Implement the Recommendations of the (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	Continuation		15-Dec-02	

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 08/13/02 1:41:47 PM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Proposed Revisions to School Finance Laws and Recommendations to Implement the Essential Programs and Services Funding Model, Department of Education and State Board of Education Study (PL 2001, c. 660)			15-Jan-03	Staffed by DOE; OPLA drafting assistance
Public Funds are Used to Acquire Conservation Easements , Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation		15-Jan-03	Staffed by SPO
Rail Transportation , Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120)	8/9/02		06-Nov-02	Appointments complete
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Proceeding well
Salmonid Sport Fish in Maine , Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	Friday - 9/13/02 10:30 a.m. – 5:00 p.m. Room 206 Cross Office Building	31-Oct-02	
Stormwater Management in Developed Watersheds , Resolve to Establish the Task Force to Study the Effectiveness of (LD 2186)	May 31, 2002		06-Nov-02	NAT Interim work
Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers , An Act to Address the (PL 2001, c 707)			06-Nov-02	1 of 7 members appointed
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (PL 2001, c. 353)			04-Oct-02 Initial Rep. 01-Nov-02 Final Rep.	4 of 7 appointments made

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 08/13/02 1:41:47 PM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP (on-going beginning July 2002))		Wednesday, August 14 th 9:00 a.m. – 8:00 p.m. Criminal Justice Academy Vassalboro, ME Thursday, August 15 th 8:00 a.m. – 5:00 p.m. State House Room 228	Feb. 15th annually	Appointments complete

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SENATOR JOHN L. MARTIN, CHAIR
REPRESENTATIVE PAUL VOLENIK, CHAIR
SENATOR MARY E. SMALL
REPRESENTATIVE FLORENCE T. YOUNG
JAMES AMARAL
HOWARD BUCKLEY
ROBERT DOWNS
TAMMY GREATON
FRANK A. JOHNSON
BETH KILBRETH, PhD



MARJORIE MEDD
JOHN MORAN
FRANK O'HARA
ANTHONY NEVES
PATRICIA PHILBROOK
VIOLET RAYMOND
LEO SIEGEL, MD
RICHARD WEXLER, MD
CHRISTINE ZUKAS-LESSARD

STATE OF MAINE

ONE HUNDRED AND TWENTIETH LEGISLATURE

HEALTH CARE SYSTEM AND HEALTH SECURITY BOARD

TO: The Honorable Michael V. Saxl, Speaker
Chair of the Legislative Council

The Honorable Michael H. Michaud, President Pro Tempore
Vice Chair of the Legislative Council

And Honorable Members of the 120th Legislative Council

FROM: Sen. John Martin, ~~Senate Chair~~
Rep. Paul Volenik, ~~House Chair~~

DATE: August 12, 2002

RE: Progress Report and Work Plan

We are writing to update you on the Health Security Board's recent activities and its work plan to complete its work by December 1, 2002. As you know, the Health Security Board was charged by the Legislature to complete a feasibility study of the financial and economic impact of a statewide single-payer health plan on Maine individuals and businesses. Public Law 2001, chapter 439, part ZZZ.

Until recently, the Board has devoted its time and effort on 2 primary activities: fundraising and hiring a consultant to conduct the feasibility study as directed by the Board's enabling legislation. The Board was successful in these efforts. Recently, the Board received a \$200,000 grant from the Maine Health Access Foundation, Inc. In addition, the Board has raised approximately \$34,000 in funds from other private sources. These funds will be used to support the Board's feasibility study and other ongoing expenses of the Board.

With funds available to hire a consultant, the Board selected Mathematica Policy Research, Inc. to construct a micro-simulation model that will estimate the costs and economic impact of a single-payer plan on Maine citizens. Mathematica was selected through a competitive bid process that was completed on July 22nd. On August 5th, the Board had its initial meeting with Mathematica's project team.

Based on that meeting, we have worked with Mathematica to develop an aggressive work plan that meets our December 1st reporting deadline. We anticipate that the Board and our staff from the Office of Policy and Legal Analysis will work closely with Mathematica to ensure that the feasibility study is completed in accordance with the Board's requirements. We expect that the Board will meet 3 more times (but not more than 5 times) before December 1st: one meeting to finalize the parameters, benefit configuration and financing mechanism for the single-payer plan and alternatives identified by the Board; one meeting to review and comment on Mathematica's draft report and findings; and one meeting to review the Board's own report to the Legislature. The funds raised by the Board are sufficient to support the ongoing expenses associated with these meetings (legislative per diem and expenses).

Please contact us or our staff, Colleen McCarthy Reid, if you have any questions or concerns about our work plan.

cc: David E. Boulter, Executive Director, Legislative Council
David C. Elliott, Director, Office of Policy and Legal Analysis



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memorandum

To: The Honorable Michael V. Saxl, Speaker
Chair of the Legislative Council

And Honorable Members of the 120th Legislative Council

Dave
From: Dave Boulter, Executive Director

Date: August 15, 2002

Re: Consideration of Furlough Days for Legislative Employees & Options

As you know, Governor King is requiring executive branch employees to take three (3) furlough days within the next fiscal year, as one means to deal with the current budget shortfall. July 5th was the 1st furlough day, and he has scheduled October 11th preceding the Columbus Day holiday as the second day that executive branch employees must take without pay. Except for those workers in offices who are required to provide essential State services, Executive Branch offices will be closed all day on Friday, October 11th.

A "furlough day" is a temporary, unpaid layoff for 1 day for employees. A furlough day does not affect employees' benefits such as state-paid insurances and leave accrual. Employees may not use vacation time or any other form of paid leave to cover their furlough from work. Employees who are placed on furlough for 3 days would experience a wage reduction of about 1.15%.

Any decision to furlough legislative employees rests with the Legislative Branch and the presiding officers, and in the past has been a formal action of the Legislative Council, acting in concert with the presiding officers.

The Legislative Council has several options available to it. It may:

- 1- take no action, in which case, legislative employees would not be placed on furlough, and legislative offices would remain open for business. No budget savings would accrue however;
- 2- track the Governor's decision and schedule, placing legislative employees on furlough for October 11th, with resultant office closings and budget savings;

Memo to Legislative Council

Re: Furlough Days

August 15, 2002

Page 2

- 3- track the governor's decision but not his schedule, thereby placing legislative employees on furlough for days or a day other than October 11th, with resultant budget savings. Rather than requiring all offices be closed on specific days, employee furloughs would be staggered within each office so that offices would remain open to the public (although at reduced levels); or
- 4- require reductions and adjustments to legislative accounts to achieve a similar savings to the budget, but through means other than the use of employee furlough days.

As the Legislative Council requested, legislative employees were surveyed on various aspects of the use of furlough days. Employee response was high. The results are attached for your review. In summary:

- 2/3 of the respondents felt legislative employees should take days off without pay if other state employees were required to do so, rather than finding alternative ways to save money.
- 77% preferred closing all offices for a day, rather than staggering furlough days among employees to keep offices open.
- 62% of employees indicated that they would not voluntarily take additional days off without pay. For those interested in taking additional days off, the largest group (21%) indicated they would take a maximum of 1-2 days off without pay. Therefore, budget savings using this option would be modest.

I would be happy to elaborate on this information and answer any questions at the council meeting. The Personnel Committee will be reviewing the various options and will be making its recommendation to the full Council on August 21st.

Attachment

**Results of the
Survey of Legislative Employees
Regarding Shutdown/Furlough Day Options
August 9, 2002**

Question 1. When other state employees are required to take days off without pay: (circle one)

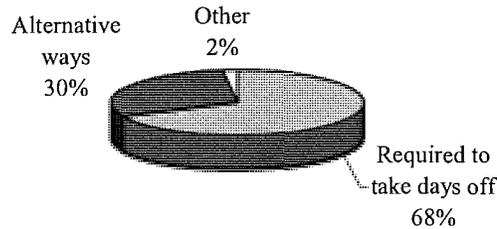
- A. Legislative employees should be required to take days off, without pay, the same as other state employees.

78 employees (68%)

- B. Alternative ways should be found to provide equivalent budget savings without requiring legislative employees to take off days without pay.

35 employees (30%)

Other responses: Two employees (2%) wrote in comments.



Question 2. If legislative employees are required to take days off without pay, would you prefer that it be done by: (circle one)

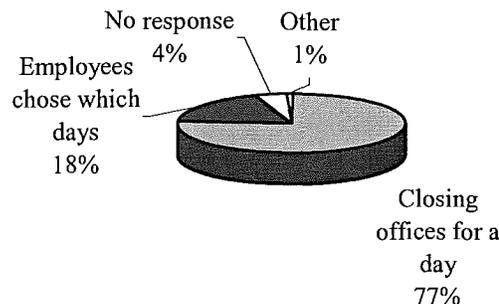
- A. Closing all legislative offices for a day, preferably before or after a holiday to allow for an extended holiday.

88 employees (77%)

- B. Keeping offices open and giving employees several days from which to choose to be on furlough. (For example, 1/2 the office takes a furlough day on the 1st Friday of the month and the second 1/2 takes a furlough day on the following Monday).

21 employees (18%)

**Other responses: 5 employees (4%) did not provide a response to the question
1 employee (1%) wrote-in a different option**

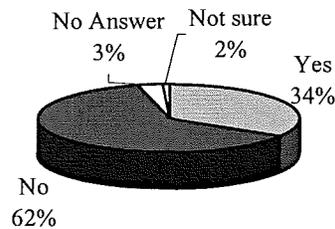


Question 3. Even if legislative employees are not required to take days off without pay, would you voluntarily take days off without pay? (circle one)

- Yes - 39 employees (34%)
- No – 71 employees (62%)

Other responses:

- No Answer - 3 employees (3%)
- Not Sure – 2 employees (2%)

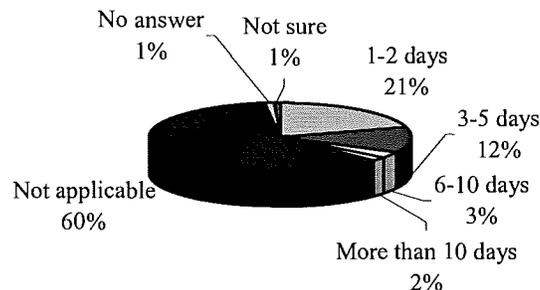


Question 3a. If yes, how many days would you take off without pay during the period from August 15 – December 15, 2002? (circle one)

- A. 1-2 days – 25 employees (21%)
- B. 3-5 days – 13 employees (12%)
- C. 6-10 days – 3 employees (3%)
- D. More than 10 days – 2 employees (2%)

Other responses:

- Not applicable (answered No to question #3) – 70 employees (61%)
- No answer (answered yes to question #3) – 1 employee (1%)
- Not sure – 1 employee (1%)



Question 4. Please note any suggestions you have.

38 employees provided suggestions/comments; some employees provided more than one suggestion/comment.

Comments:

- Reduced work week (39 hours, leave one hour early on Fridays) – 13 employees
- Coincide legislative furlough days with executive branch furlough days – 6 employees
- If furlough days are required, then all legislative employees, including legislators, should have to take them (special session without pay) – 4 employees

- Employees should not be required to take furlough days to help balance the budget; budget crisis is not their fault – **3 employees**
- For financial reasons, when both spouses are state employees, they should not both be required to take the same furlough days – **3 employees**
- Employees should be able to take furlough days as they do vacation days; leave the choice of the day up to the employee – **2 employees**
- Offer early retirement – **1 employee**
- Eliminate vacant positions – **1 employee**
- Put more published information on-line to save in printing costs – **1 employee**
- Scale back travel budgets – **1 employee**
- Pay cuts for highly paid legislative staff – **1 employee**
- Furlough day dates should be announced well in advance to allow employees and the public to plan for them – **1 employee**
- To avoid a large reduction in one pay-period, spread impact of furlough days throughout the fiscal year – **1 employee**
- Allow employees to take furlough days for those who do not want to – **1 employee**
- Appreciate the opportunity to express my wishes – **1 employee**
- Other responses – **2 employees**

Note: The number of surveys returned totaled 115.

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MAINE STATE LEGISLATURE

Augusta, Maine 04333

MEMORANDUM

TO: LEGISLATIVE COUNCIL
FROM: MAINE STATE HOUSE PERCENT FOR ART COMMITTEE
SUBJECT: ART SELECTION APPROVAL
DATE: 8/15/02
CC: PERCENT FOR ART COMMITTEE

Summary

The Maine State House Percent for Art Committee held sixteen meetings over a period of twenty-four months from May of 2000 through May of 2002. The Committee's charge was to carry out an open competition to engender the widest possible participation among the artistic community. The Committee advertised the project stating their intent to consider works of art in all media, styles, and formats appropriate to public settings. They were to select works to represent the geographic and cultural diversity of the state of Maine, and encourage artists representing all of Maine's diverse communities to apply to the project.

The Committee received 150 requests for information and reviewed ninety-five applications from artists. After reviewing the slides and letters from each artist, the Committee requested detailed proposals from six finalists. They also set aside the names of several painters to consider for a single purchase. Early in 2002, the Committee reviewed the past and proposed work of six painters of national and international reputation and five finalists' proposals. The Committee proceeded with unanimity throughout the process, both in narrowing the field and in selecting the artists to submit proposals.

The Committee work throughout the process included evaluation of artistic quality, community context, anticipated audience, location, media, cost, and technical issues in addition to the important criteria of the artists' professionalism and experience. The Committee believes its recommendation fulfills these criteria. All of the artists selected for recommendation to the Legislative Council employed extensive research with the Committee and a very thorough process in developing their proposed work to meet the Committee's expectations. On January 31, 2001, the Legislative Council approved the Committee's recommendation of Evan Haynes' Granite engraving "*Communiqué*" for the State House Connector for \$50,000.

Recommendation: The State House Percent for Art Committee is today requesting the Legislative Council take action on its recommendation of the following package:

Diana Cherbuliez, Vinalhaven: Painted pine sculptures for the first floor lobby. \$66,250.

Robert Indiana, Vinalhaven: A painting for the first floor inner lobby east wall.
Oil on canvass, 60" x 60", \$75,000.

Valdemar Skov, Waldoboro: Carved benches for first floor inner and outer lobby spaces. \$29,050.

Percent for Art Committee membership and meeting schedule

Total Percent for Art Budget: \$240,000 Selection Process: Open Call to Maine artists

Legislature: Hon. Elizabeth Watson
Legislature: Hon. Betty Lou Mitchell
MAC: Nathaniel Bowditch, Photographer, Office of Tourism, Augusta
MAC: Richard Entel, Painter, Hallowell,
Architect: Weinrich & Burt, Damariscotta,
Non-voting: Alden Wilson, Director, Maine Arts Commission
Non-voting: Earle Shettleworth, Director, Maine Historic Preservation Commission
Agency NV: Sarah Tubbesing, Director, 119th Legislative Council
" " Jim Clair, Director, 120th Legislative Council
" " David Boulter, Director, 120th Legislative Council
Advisory NV: Christopher Crosman, Director, Farnsworth Library and Art Museum

The Percent for Art Committee held sixteen meetings from May 2000 through May of 2002.

5/24/00 Introduction to Percent for Art Guidelines & Rules, Construction plans review.
6/20 Publicity & prospectus design.
7/26 Information meeting for artists.
8/30 Applications and proposals review.
9/13 Semi-finalist interviews.
9/21 Semi-finalist information meeting.
10/11 Review of Committee process and decisions.
11/14 One proposal review, plus one semi-finalist interview.
12/11 Haynes final proposal.
1/5/01 Meeting with Chris Crosman & Bruce Brown. Review designs provided by Valdemar Skov.
8/1/01 Review list of painters to consider for the East Wall.
9/13/01 Review images from painters being considered for the East wall.
10/31 Third round of review of painters. Meeting with Chris Crosman.
3/7/02 Presentation of proposal by Robert Indiana.
3/22 Five finalist presentations.
5/2/02 Final presentations & selection.

THE PERCENT FOR ART ACT

§451 Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish the Percent for Art Program to provide funds for and authorize the acquisition of works of art for certain public buildings and other public facilities.

§453 Expenditure for and location of art

Any contracting agency, except a school administrative unit, shall expend out of any money appropriated or allocated by the Legislature for the construction of any public building or facility, except for correctional facilities, a minimum amount of 1% of the construction portion of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art.

Detailed Selection Process

The Percent for Art project at the Maine State House is one of the most exceptional projects in the history of Maine's Percent for Art program. The works reside in one of the State's most important buildings, both historically and architecturally. It is a building for all the people of Maine - both those who come to participate in the governmental process and those who come as visitors seeking to share in this expression of Maine's heritage. The State House artwork takes a place of prominence in a public setting that is visited by thousands each year.

The process of art selection for the Maine State House began in 1998. The original voting Committee members included photographer Nathaniel Bowditch of Richmond, Assistant Director of Colby College Museum of Art Lynn Marsden-Atlass from Belfast, 118th Maine Legislature Speaker of the House Elizabeth Mitchell of Vassalboro, Senator Joel Abromson of Portland, Architect Rick Burt of Burt-Weinrich in Damariscotta. Nonvoting members were Sarah Tubbesing, Executive Director of the Legislative Council, Earle Shettleworth, Executive Director of Maine Historic Preservation Commission, Alden C. Wilson, Director of the Maine Arts Commission, and Peter Simmons, the Maine Arts Commission's former Assistant Director. The first phase of the process addressed the Speaker's rostrum of the House Chamber. The Committee at that time selected a design team headed by Thomas Thomsen, who designed the original woodwork, to create a classical motif that complimented the existing design.

The second phase of the process of selection began in May of 2000. The 119th Legislative Council appointed new member Representative Elizabeth Watson of Farmingdale to replace Speaker Mitchell. Dr. Rich Entel, who is also a painter from Manchester, replaced Lynn Marsden-Atlass on the committee. Jim Clair replaced Sarah Tubbesing as Executive Director of the Legislative Council in the 119th Legislature and David Boulter replaced Jim Clair in the 120th. With the unfortunate passing of Senator Joel Abromson late in the year 2001, the Legislative Council appointed Senator Betty Lou Mitchell of Etna to take his place.

During this phase of selection the Percent for Art Committee held sixteen more meetings over a period of twenty-four months through May of 2002. In May of 2000, the statewide advertisement of the project and the availability of the prospectus netted ninety-five applications from artists. The Committee work throughout the process included evaluation of artistic quality, community context, anticipated audience, location, media, cost, and technical issues in addition to the important criteria of the artists' professionalism and experience. After reviewing the slides and letters from each artist, the committee requested detailed proposals from six finalists. They also set aside the names of several painters to consider for a single purchase. During the later phase of selection, the Committee slowed the process to allow the time necessary to reconsider changes that were taking place in the designated use of the spaces, which also affected art locations.

Artists Selected

Evan Haynes, Portland, Maine. "*Communiqué*" - Granite engraving. Two sections 22' X 7'. \$50,000. Artwork location: State House Connector.
Approved by the Legislative Council on January 31, 2001.

Diana Cherbuliez of Vinalhaven: Painted pine sculptures for the first floor lobby. \$66,250.

Robert Indiana of Vinalhaven: A painting for the east wall of the inner lobby on the first floor. Oil on canvass, 60" x 60." \$75,000.

Valdemar Skov of Waldoboro: Carved benches for the inner and outer lobby spaces on the first floor. \$29,050.

The committee recommended the selection of Evan Haynes' proposal to the Legislative Council for its endorsement on January 31, 2001. The Legislative Council unanimously approved the committee's recommendation. Mr. Haynes completed the installation of his work in July 2001. His carved granite work that enhances the Connector between the State House and the Cross Office Building centers on the theme of human communication and its trail through Maine's ethnic and cultural roots. The texts are excerpts from French-Abenaki dictionaries compiled by two French Jesuit missionaries, Joseph Aubéry and Sebastian Rasles in the late 1600's and early 1700's.

The committee then set to working on the direct purchase decision. They reviewed the past and proposed work of six painters of national and international reputation. In the final review, the committee recommended the selection of a painting by Robert Indiana of Vinalhaven for the inner lobby on the first floor. The artist based his image upon the first light of dawn, which Maine alone experiences first, of all the United States, at the beginning of each new day. In the actual work, the numeral 1 is an intensely saturated red in front of the symbolic sunrise of gold and green on a field of violet.

In March, the Committee reviewed the proposals requested from the other five finalists that they selected. In the final selection, the Committee chose for recommendation to the Legislative Council Diana Cherbuliez of Vinalhaven and Valdemar Skov of Waldoboro.

Ms. Cherbuliez proposes to create two carved and painted pine sculptures evocative of 19th century ship figureheads for the first floor outer lobby. The two female figures serve as counterpoint and compliment to the two men on the state seal. One dressed as a fisherwoman and one as a farmer, the women balance the gender representation and update the symbols of inner and coastal Maine. Ms. Cherbuliez stated, "They are not portraits of specific women, but of an underrepresented labor force." The two figures mirror each other, their right hand over their hearts. "The hand gesture is consistent with traditional figureheads as well as being appropriate for the State House." In material and representation, they symbolize and embody Maine's natural resources, people, and products. From the artist's own assessment, "they will complement the neo-classical renovations with grace and just enough wit."

Valdemar Skov is proposing benches for the inner and outer lobby spaces on the first floor. Mr. Skov designed the hardwood benches with highly durable and comfortable leather upholstered top panels, an uninterrupted band of hand carving around the entire bench, and "Jet Mist" granite bases to match the baseboard elements in each lobby. The carving design incorporates the pinecone and tassel, Maine's State flower on one set of benches, and beech leaves and trillium, also native to Maine's forests, on the other set. "The cumulative effect of the bench that I envision is a solid, elegant, interesting, but not too showy, very functional seating solution for this space, befitting the Maine State House."

The committee discussed the feasibility of locating paintings on the corridor walls in the inner lobby and near the information kiosk. The viewing distance and flow of traffic would allow effectively locating artwork on these walls. The committee would like to recommend this idea of reserving the space currently in use as exhibit space for ongoing temporary exhibits.

**ARTIST BACKGROUND
AND
PROPOSAL
INFORMATION**

The ship is an apt metaphor for the State House. The ship does not defy nor conquer the given variables, but employs them, much as our government must. A ship and our Government are means, not ends, and must wed the waters with the woods.

For the State House project I will make two carved and painted pine sculptures, evocative of 19th century ship figureheads, for the two rear corners of the new lobby. Despite the disappearance of the figurehead as a nautical element, it retains power as an emblem – a body between sailor and the angry seas, a mediator. The forward thrust of the body and the upward/outward gaze, though dictated by the bow's design, emphasizes the figurehead as guide, a steady assurance of safe passage, and enduring companion. My figureheads are female, though unlike the Lady of Wisdom atop the State House dome, these do not refer to a mythic ideal or woman as muse. They are derived from actual women, and serve as a counterpoint and compliment to the men on the State Seal. The figureheads correct the gender representation imbalance and update the symbols of inner and coastal Maine. The women are not portraits of specific women, but of an underrepresented labor force. The left-hand figure is a fisher(wo)man, identifiable by the oilskins she wears. The rope she holds in her hand is a general implement of fishing, not specific to one fishery. The right-hand figure is a farmer, ideally to be modeled from a Native American farmer, in appropriate work clothing and holding an agricultural tool. In terms of stance, the two figures mirror each other, with their left knee forward in stride, and their right hands on their hearts. That hand position is consistent with traditional figureheads as well as being appropriate for the State House. Their posture is not of symmetry but unison, as they draw you into the lobby and up the ramp.

I have developed my proposal to be all encompassing, incorporating the past and present and implying the future, and referential to both the native Mainers and those “from away”. The figures cite our natural resources (our people and products) representationally and by being made of native wood. They will complement the neo-classical renovations with grace and just enough wit. The pieces are slightly larger than life, 5 feet from knee to head so to have a presence from the front of the lobby, yet not crowd the space. They will be hung from the wall at a height that allows seating placement. They are laminated pine with a rich rubbed painted finish. The colors will be those of the real working clothing the models choose to wear, with some adjustments, so to compliment each other and the yellow walls. They will be extremely simple to maintain, requiring only dusting and damp wiping. Wood is a material that ages gracefully, thus its proximity to, and temptation for little fingers is a small matter, and may add to the patina in the long run.

This is a large carving project that I am estimating will take 10 months.

Education

- 1993 M.F.A. New York State College of Ceramics at Alfred University, Alfred NY
1985 B.F.A. San Francisco Art Institute, San Francisco, CA
1984 A.A. Simon's Rock of Bard College, Great Barrington, MA

Exhibitions

- 2002 *Past, Present, and Future* Center for Maine Contemporary Arts, Rockport, ME
2002 Juried Biennial Exhibition CMCA, Rockport, ME
Terrain: Sculpture Today ICA, Portland, ME
2001 *Three Vinalhaven Artists* Elements Gallery, Rockland, ME
2000 *Out of the Box* Fog Gallery, Vinalhaven, ME
Open Studios Villa Montalvo, Saratoga, CA
1999 *Previews* Elements Gallery, Rockland, ME
Diana Cherbuliez Elements Gallery, Rockland, ME
1998 *Last Haul* Fog Gallery, Vinalhaven, ME
Fresh from the Studio Danforth Gallery, Portland, ME
1997 *Miniatures* Between the Muse Gallery, Rockland, ME
Home is Where... Fog Gallery, Vinalhaven, ME
1996 *The Buoy Show* Fog Gallery, Vinalhaven, ME
Vinalhaven Artists Between the Muse Gallery, Rockland, ME
Miniatures Between the Muse Gallery, Rockland, ME
1993 *M.F.A. Thesis Show* Fosdick—Nelson Gallery, Alfred, NY
1992 *Installation/Performance* Robert Turner Gallery, Alfred, NY
1994 *Sculpture Show* Fog Gallery, Vinalhaven, ME
1992 *Off the Wall* Pyramid Contemporary Arts Center, Rochester, NY
Member Show Pyramid Contemporary Arts Center, Rochester, NY
Garbage Show North Haven Gallery North Haven, ME
1990 *Fun City* Bronx Museum of the Arts, Satellite Gallery, Bronx, NY
Salon Epoche Gallery, Brooklyn, NY
Sculpture Show Fog Gallery, Vinalhaven, ME
1986 *Two Man Show* Howard Gallery, San Francisco, CA
1985 *B.F.A. Show* Diego Rivera Gallery, San Francisco, CA
Sculpture Show Diego Rivera Gallery, San Francisco, CA

Residencies

- 2000 Villa Montalvo, Saratoga, CA



Teaching Experience (Alfred University)

- 1993 Teaching Assistant for Mixed Media and Installation Class.
Assisted in installations, technical demonstrations and critiques.
- 1992 Instructor for Sculpture for Liberal Arts Majors.
Lectured on history of sculpture and contemporary art issues.
Demonstrated materials and techniques critiqued projects.
- 1991 Teaching Assistant for sophomore and Junior Sculpture Classes.
Assisted in demonstrations of metal and stone working.
Provided students with technical assistance and critiqued projects.

Related Freelance Work

- 1997—1999 Set and costume design and construction for John Wulp, North Haven, ME
- 1987—2002 Residential construction, renovation, and restoration, Vinalhaven, ME and New York Metropolitan area
- 1989 —1990 Special effects rigging and modelmaking assistance for Salles Filmworks, Brooklyn, NY
- 1986—1988 Foundry and metal fabrication assistance for Wilson Langworthy, New Rochelle, NY
- 1987 Art Installation Assistance for Paul Kos, San Francisco, CA
- 1986 Residential marblework for David Ireland, Paul Kos, San Francisco, CA
- 1984—1985 Sculpture shop monitor, San Francisco Art Institute, San Francisco, CA

Technical Experience

- Wood** Use and maintenance of most hand tools, portable power tools and stationary power tools. Extensive range of construction and artist related skills.
- Metal** Soldering, brazing, gas welding and cutting, stick welding, MIG welding, gas forging, cold forming, and fabrication.
- Casting** Moldmaking: latex, silicon and plaster moldmaking, ceramic shell, investment and resin-bonded sand casting.

The Vinalhaven Press

ROBERT INDIANA

BORN: New Castle, Indiana, 1928

EDUCATION:

- 1947-48 Munson-Williams-Proctor Institute, Utica, N.Y.
 1949-53 Art Institute of Chicago, B.A.
 1953 Skowhegan School of Painting and Sculpture, Skowhegan, Me.
 1953-54 University of Edinburgh and the Edinburgh College of Art, Scotland.
 1970 Franklin and Marshall College, Lancaster, Pa.; Honorary Degree.
 1977 University of Indiana, Bloomington, Honorary Degree.

SELECTED ONE MAN EXHIBITIONS:

- 1963 Walker Art Center, Minneapolis, Mn., Richard Stankiewicz, Robert Indiana, and tour.
 1966 Dayton's Gallery 12, Minneapolis, Mn., Robert Indiana.
 1968 Institute of Contemporary Art, University of Pennsylvania, Philadelphia, Robert Indiana, and tour.
 1972 Galerie Denise Rene, New York, N.Y., Robert Indiana.
 1973 Galerie Denise Rene, New York, N.Y., Robert Indiana: Decade.
 1975-76 Galerie Denise Rene, New York, N.Y., Robert Indiana, Selected Prints.
 1977 University Art Museum, University of Texas at Austin, Robert Indiana, and tour.
 1982 William A. Farnsworth Library and Art Museum, Rockland, Me., Indiana's Indianas: A Twenty Year Retrospective of Paintings and Sculpture from the Collection of Robert Indiana, and tour.
 1984 National Museum of American Art, Washington, D.C., Wood Works.
 1985 Portland Museum of Art, Me., Wood Works.
 1986 O'Farrel Gallery, Brunswick, Me., Robert Indiana.

SELECTED GROUP EXHIBITIONS:

- 1961 Museum of Modern Art, New York, N.Y., The Art of Assemblage, and tour.
 1962 Sidney Janis Gallery, New York, N.Y., The New Realists.
 1963 Museum of Modern Art, New York, N.Y., Americans.
 1963 Oakland Art Museum, Ca., Pop Art U.S.A.
 1963 Albright-Knox Art Gallery, Buffalo, N.Y., Mixed Media and Pop Art.
 1964 The Tate Gallery, London, England, Painting and Sculpture of a Decade-54/64.
 1964 Haags I'Aja Gemeente Museum, The Hague, Netherlands, Nieuwe Realisten.
 1964 Museum des 20. Jahrhunderts, Vienna, Austria, Pop, etc.
 1965 Worcester Art Museum, Ma.; The New American Realism.
 1965 Milwaukee Art Center, Wi., Pop Art and the American Tradition.
 1966 The Howard and Jean Lipman Foundation and Whitney Museum of American Art, New York, N.Y., Contemporary American Sculpture: Selection I.
 1968 Museum of Modern Art, Sao Paulo, Brazil, Sao Paulo, Environment USA: 1957-1967.
 1968 Documenta 4: Internationale Ausstellung, Kassel, Germany.
 1969 Deutscher Gesellschaft für Bildende Kunst E.V. und der Nationalgalerie der Staatlichen Museen Preussischer Kulturbesitz in der Neuen Nationalgalerie, Berlin, Germany, and tour.
 1989 The Howard and Jean Lipman Foundation and Whitney Museum of American Art, New York, N.Y., Contemporary American Sculpture: Selections 2.

SELECTED GROUP EXHIBITIONS: (continued)

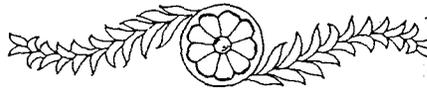
- 1970 Institute of Contemporary Art, University of Pennsylvania, Philadelphia, The Highway.
- 1974 Whitney Museum of American Art, New York, N.Y., American Pop Art.
- 1974 Virginia Museum of Fine Arts, Richmond, Twelve American Painters.
- 1975 Yale University Art Gallery, New Haven, Ct., Richard Brown Baker Collects: A Selection of Contemporary Art from the Richard Brown Baker Collection.
- 1976 Institute of Contemporary Art, Boston, Ma., A Selection of American Art: The Skowhegan School 1946-1976.
- 1978 Whitney Museum of American Art, New York, N.Y., Art About Art, and tour.
- 1983 Miami University Art Museum, Oxford, Ohio, Living with Art, Two: The Collection of Walter and Dawn Clarck Netsch.
- 1986 Portland Museum of Art, Me., Vinaihaven Press 1985-86.

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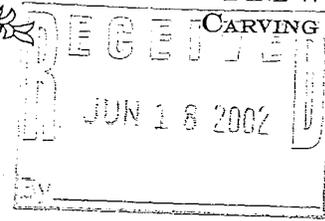
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ORNAMENTAL CARVING FOR
FURNITURE AND
ARCHITECTURAL WORK

VALDEMAR SKOV
WOODCARVER



RELIEF CARVING
FINE WOODENWARE
CARVING INSTRUCTION



Proposal for State House lobby benches.

June 12, 2002

For the spaces designated in both the inner and outer lobbies, I have designed wood-framed, flat seating platforms with no upright backs, supported by solid bases of "Jet Mist" granite to match the baseboard and edge tiles of the floor. The wood frames are of cherry. In plan view the bench would be rectangular with flat sides with an uninterrupted band of carving along each side.

The bench top surface incorporates leather-upholstered panels, incorporating a thin layer of high-density foam to give the leather some tension and to relieve the flatness of the top surface, as well as to soften the seat. I chose leather for its durability and its comfortable, high-quality feel; as a natural material it will nicely complement the wood and stone. This upholstery should last for many years, but the panels are easily removed if required.

I have selected two patterns of my own design for the carving running along the sides of the benches. For the outer lobby, "Pine Boughs and Cones", our State flower, is certainly an appropriate motif for our State House. Mine is a fairly naturalistic, free-form treatment, carved in high relief. Each bough is drawn individually, and an occasional chickadee is found amongst the cones and needles. For the inner lobby benches, I recommend a simpler, repeating pattern, "Beech Leaves and Trillium". Beech, birch, chestnut and other species with this leaf type are native to Maine's forests, as are the trillium.

The cumulative effect of these benches that I envision is a solid, elegant, interesting but not too showy, very functional seating solution for this space, befitting the Maine State House. Recommended maintenance is merely an annual treatment of the leather with saddle soap or the like to keep it clean and supple, and occasional waxing of the woodwork.

Maine is a State of Art and a state with more artists per capita than any other, including New York. In fact, since Statehood and probably since the earliest charts and sketches by the first French and English explorers off Popham Beach, Monhegan and Mt. Desert, Maine has attracted many of America's finest artists beginning with Thomas Cole to Winslow Homer, Edward Hopper, John Marin, Neil Welliver, Alex Katz, Kenneth Noland—and Robert Indiana.

Robert Indiana is no newcomer, part-time resident of Maine. He has lived year-round on Vinalhaven for nearly a quarter century and is one of the State's most distinguished painters and sculptors. His work is included in nearly every major museum collection in the United States and he is one of the most recognized American artists in the world. His work is on display in Japan, Israel, Germany and he was recently featured in a major retrospective in France. In 1982 the Farnsworth mounted the first Maine exhibition of his work and recently the Portland Museum mounted a comprehensive retrospective look at his entire career stretching back to the late 1950s. "Love" with its stacked letters and tilted "O" is one of the genuine icons of modern American art—along with Andrew Wyeth's *Christina's World* and Andy Warhol's variously hued *Marilyn Monroes*. He is one of the original inventors of Pop Art, a good-natured style that first called attention to popular culture and everyday life from advertising, television, comic books and other forms of mass media. However, since coming to Maine Indiana's art is less about the largely urban world of mass communication and urbane ironies than about the intersection of nature—the sun, sky and sea--and culture, isolated words and phrases. Like a master song writer, Indiana suggests more than words alone can convey and his paintings are carefully "tuned" so that his words and signs are reinforced and carried by color, scale, composition and form. His best works—like all great works of art—are like those songs you can't get out of your head or that trigger memories of one's own personal experience.

On a more practical and mundane level, this original work is something of a gift by the artist, with a price that is far below what he could command in his steadily increasing market in New York and international galleries.

His design for the Capitol could not be more fitting. Indiana's work is abstract but it is not without subject matter and meaning. Its bold immediacy and overall simplicity and directness are intended to be "read" from a considerable distance down the corridor—an exceptionally difficult space for any artwork with its low ceiling and long vista. That clarity, boldness and simplicity are also meant to be emblematic of Maine government and its people. The image of a stylized sunburst, symbolizing Maine's geographic location as the place where dawn's first light comes to the United States can also be viewed as one of the principles of "enlightened" government—government that strives to be a beacon of openness and honesty. Although the design is not geographically specific, the rays also suggest a kind of "compass rose" and Maine's maritime heritage but also the notion of navigating among a variety of directions and choices open to deliberate government representing the various needs of the people of Maine. And the image is especially appropriate in an architectural setting where passers by can choose among several paths to and from the State House.

Indiana's work is democratic with a small "d." It has no political point of view other than its insistence on the value of individual expression, independence, and unique identity, values that are embedded in the Maine way of life. Maine is more than landscape. It's people and ideas that have original and enduring qualities, qualities that Mr. Indiana's epic image captures with powerful simplicity, grace, and timeless eloquence.

And who knows. After this work of art has achieved national prominence, as it most surely will, maybe Robert Indiana will one day be known as Robert Maine?

POLICY BRIEF: BUILDING MAINE THROUGH THE ARTS AND CULTURE

Maine Cultural Affairs Today

Maine's cultural development bears a remarkable similarity to the movement to preserve our natural resources. A generation ago emerging and strengthened statewide private organizations devoted to the preservation of the Maine environment came together with state government leadership to create a public/private support network for Maine's environment that is today a model for other states to emulate.

So too has the cultural field emerged with expanded cultural activity, organization of statewide cultural services and advocacy groups and attention from state government. Maine culture - broadly defined to include the state's museums, folk arts traditions, humanities, literary groups, libraries, historic preservation, performing arts and individual artists and craftspeople - has moved to a new level of sophistication, organization and now has political clout.

The most visible example of this coming together is the New Century Community Program (NCCP), designed to preserve Maine's cultural resources and to strengthen their effectiveness at the local level. Legislative leadership, the Maine Cultural Affairs Council (a one-of-a-kind national collaboration of state government and private organizations), combined with statewide grassroots advocacy have delivered \$4.2 million in state matching grants and services to Maine communities. In addition, NCCP has attracted attention as a national model of public/private sector cultural policy. Notably, the Pew Charitable Trusts has selected NCCP as one of ten exemplary public policy initiatives in the country in its recently released, *Policy Partners: Making the Case for State Investment in Culture*.

While enormous strides have been made in cultural resource development, the fact remains that these resources are themselves in peril due to under capitalization, aging facilities and often lack of visibility. As with environmental policy, Maine needs a coherent cultural policy to preserve our cultural heritage and to encourage the creation of the arts, both of which are essential to the Maine "sense of place." What are those key features in Maine that give our state its "sense of place?" Certainly our attractive villages and cities, fairs and festivals, galleries, antique shops, arts institutions, and artists who live everywhere in Maine, are every much a part of the Maine identity as are the mountains and lakes, countryside and the coastal regions. The time is now to follow the example of the environmental field, with which cultural experiences are often inextricably combined, and forge a public/private cultural policy for the state that will serve Maine well in the coming decades.

The Creative Economy

While the preservation and development of Maine's cultural resources require private and public attention, when cultural resources are viewed as part of a nationwide economic movement they provide a new compelling argument for a statewide cultural policy.

Healthy cultural resources are truly part of the solution for Maine rather than being considered another sector to support.

Carnegie Mellon University Economist Richard Florida in *The Rise of the Creative Class* defines the emergence of a new way of looking at the arts and culture in relation to the workforce as a whole. His study encompasses artists and musicians, engineers and architects, software designers, scientists and anyone else who uses creativity as a factor in business, education, health care and other professions. Florida's research focuses on how, why and where people chose to work and his findings show "...that people were not slavishly following jobs to places. Their location choices were based to a large degree on their lifestyle interests and these, I found, went well beyond the standard quality-of-life amenities that most experts thought were important." (Florida)

Richard Florida is no stranger to Maine; he has advised Maine state government and recently commented on Maine's future prosperity requiring a highly innovative economy, an economy that prizes artists, designers, actors, musicians and the cultural institutions, events and support groups that make for vibrant cultural communities. Moreover, the Creative Economy phenomenon is not only a feature of our urban centers. As recently stated in an editorial in reference to Florida's work, "...Maine's sparse population in much of the state means that it must work to attract creative types-artists and authors, scientists and software designers - in addition to growing some locally if it (Maine) is to survive in the changing economy." (*Bangor Daily News*)

Maine government in working with the private sector has made a firm commitment to attract and retain business, to make Maine a destination for the traveler and the retiree, and to bring Maine into the 21st century with priority given to contemporary technology and pervasive use of the internet. Now if the state is to prosper in the Creative Economy, Maine needs workers who want to be here for what Maine has to offer. In the arts and culture Maine has it all. As "Discovery Research", local cultural assessment and planning completed in sixty percent (60%) of the state has proven, a vigorous cultural life exists in all parts of Maine. Collectively these artists and cultural resources provide a means to build Maine's economy and are requisite in defining the state's image not only for the visitor but also for our residents. Consider, for example, how the arts and culture give our young people, 23% of whom (25-34 age group) left Maine in the last decade, a compelling reason to stay here. (U.S. Census)

Recommendation One: Promote the Creative Economy

In a related development to Richard Florida's economic research, in 2000 the New England Council with support from the New England Foundation for the Arts researched and published the *Creative Economy Initiative: The Role of the Arts and Culture in New England's Economy*. This report, business led and developed, looked at a subset of the Creative Economy, namely, the creative cluster of not-for-profit cultural organizations, individual artists, and commercial activities. In the past, only the not-for-profit cultural field had been studied. This new research into the entire cultural sector affirms empirical observation on the breadth of New England's culture in comparison to other regions. In

brief, New England employs more workers in the creative sector than the national average and employment exceeds that of software and communications services, as well as healthcare technology, and supports almost as many jobs in the region as the computer equipment industry. Significantly for Maine in 2000, the **creative sector employed 13,998 individuals.**

- Maine has not taken advantage of the *Creative Economy Initiative*, as have the other states in the region, especially Massachusetts and New Hampshire. Maine needs to embark upon a vigorous promotion of the both the principles and findings embedded in the *Creative Economy Initiative*, and the state needs to “roll out” the findings in several rural and urban communities. Also, the National Governor’s Association Center for Best Practices in June 2001 presented a paper on *The Role of the Arts in Economic Development*. These studies, along with new research on the Creative Economy in general, deserve wide public exposure, discussion, debate and a statewide conference to examine their findings and application for Maine’s social investment.
- In addition, Maine needs to promote the **role of the arts in education** as an integral part of the Creative Economy. Arts Education teaches the skills that are required for the 21st century workforce as a whole, not just for those who work in arts and culture. Another National Governor’s Association publication, the *Impact of Arts Education on Workforce Preparation* states, “...the arts can provide effective learning opportunities to the general student population, yielding increased academic performance, reduced absenteeism and better skill-building.” (NGA) The report cites even greater success with creativity and arts based programs for disadvantaged youth. Clearly Maine’s arts education programs must remain strong and the Learning Results to support arts education must be considered on a par with other disciplines if Maine is to train creative-thinking problem-solvers to participate in the 21st century knowledge economy.
- Through the Maine Cultural Affairs Council, Maine government has brought together seven public and private agencies (Maine Arts Commission, Maine Historic Preservation Commission, Maine State Library, Maine State Museum, Maine State Archives, Maine Humanities Council, and Maine Historical Society) that have worked in concert to create the NCCP. This assistance needs to be continued as a base level of support to prevent the erosion of our state’s cultural resources. In addition, greater attention should be given to **empowerment through public/private partnerships** and an exploration should be undertaken to create a cultural trust for Maine. Finally, more research on the arts and culture is needed, perhaps through an alliance with the Economic Growth Council of the Maine Development Foundation, the Muskie School, and Coastal Enterprises, Inc.

Recommendation Two: Revitalize Maine’s Downtowns and Villages

Support to develop Maine’s villages and cities through arts and cultural investment will reap significant benefits for the state’s economy. Maine has an unmatched stock of

historic and architecturally significant buildings, well-planned urban spaces and towns and villages with Maine's singular "sense of place." Adaptive use of Maine's architecturally significant buildings and getting people into what has been the former center of community life is a means to save the identity of our communities. In addition, the creative worker needed in the 21st century workforce wants authentic cultural experiences and these workers will find these experiences in revitalized community centers. In brief, community development through the arts and culture brings business to downtowns, thwarts sprawl, and improves local economies.

In our cities examples abound in varying stages of progress:

- Portland is revitalizing Congress Street through cultural facilities; refurbished Merrill Auditorium is at one end and the Portland Museum of Art at the other. The remarkable transformation of the Porteous department store into the Maine College of Art anchors the center and many other cultural organizations define the neighborhood.
- Lewiston is now developing LA Arts as a new cultural locus directly across from the new Courthouse located in former Lewiston Supply Company (once a theater itself). St. Mary's Church is on its way to become an important center for Franco-American affairs, and LA Excels has sprung up to provide a broad view of Lewiston's future development, much of it through the arts and culture.
- In Bangor, the Library, the Maine Discovery Museum, and Penobscot Theatre Company are all downtown and civic leaders see these institutions and other cultural groups as magnets that pull in business downtown to fill empty storefronts. In addition, as part of Bangor's development of the waterfront both the Maine Shakespeare Festival and the internationally regarded National Folk Festival have settled in town. In fact, Bangor was selected from a national pool of candidates vying for the Festival.
- In June, Americans for the Arts announced that Rockland had been selected as one of 91 cities nationwide to be studied for the relationship between the arts and the economy. The Farnsworth Arts Museum, with a unique alliance among the community, the Wyeth Family and MBNA America, now provides a national model for how an arts institution can make a big difference in the vitality of a small city. Wisely and symbolically, the Farnsworth opened two of its entrances on the main street, literally bringing the museum to street level commerce.
- Augusta now boasts the expertly renovated State House and State Office Building, each with permanent art by Maine artists. Together with the State Museum, the riverfront development, Fort Western Museum and one of the state's best jazz programs, Augusta now reaches a potential befitting a state capital.

In smaller communities as well, Maine provides many examples of how the arts and culture revitalize core community centers:

- The Stonington Opera House has promoted community pride and, at the same time, presents cutting edge programming, in the long vacant town landmark.
- Caribou has created its own performing arts center adjacent to the high school, and did so with extensive community volunteer labor and finances.

- The Growth Council of Oxford Hills cites “downtown revitalization and community facilities” as one of its key components and the arts and arts-related businesses are at the center of Norway’s transformation.
- Dover-Foxcroft is revitalizing a downtown theater that will be a focal point for community life, as the theater once was.
- The entire St. John valley has reached out to the rich Acadian heritage and developed community Acadian interpretation guides, as well as attracting the first ever direct support from the National Endowment for the Arts.
- Eastport is developing its own arts center and increasing bi-national communication through the arts in the Passamaquoddy region.

To date, these stories have become known one by one. While there has been some sharing among communities, an important feature of a state cultural policy will be to develop case studies with appropriate partners of how and why revitalization has occurred in both the cities and smaller communities. Maine will then be able to use these studies to help other Maine communities learn how to do this work and to attract the public and private resources to make revitalization happen. In addition, through the Cultural Affairs Council and agencies such as the Maine Housing Authority, a cultural facilities fund should be explored to help arts and culture groups find the best technical advice and investment strategies to create culture spaces for the 21st century.

Recommendation Three: Sustainable Development

Several components of the arts and cultural field intersect with the Creative Economy and community revitalization, each of which will benefit from a coherent state policy of support.

- **Business attraction and retention** will benefit from healthy cultural communities not only for executive recruitment, but also for creative workers, who will increasingly demand an arts-filled cultural environment in the places in which they live and work. As noted above, arts education plays a key role too since the arts educated worker will be better at solving contemporary problems. Maine rightfully boasts a skilled workforce with a superb work ethic, and a renowned crafts tradition, qualities that also translate from one field to another in the developing work world. State policy that includes the arts and culture in vigorous marketing for business development can only be advantageous for growing the state’s economy and social assets.
- **Cultural tourism**, closely allied with nature tourism, is a major way in which to increase this economic sector. According to the U.S. Department of Commerce, U.S. Trade Administration and Maine Office of Tourism, cultural tourism in Maine exceeds \$1.3 billion annually, involves 2,529,500 travelers and affects 14,075 jobs. Moreover, the cultural traveler spends more, stays longer, and, by definition, spends travel time at cultural activities. State policy would benefit from expanding cultural tourism even more to all parts of the state. A state government led taskforce on sustainable tourism would bring the role culture

plays in the tourism economy to decision-makers that can take action, much as a similar strategy with the retirement industry has expanded that industry.

- **International Trade and Affairs** will also benefit from utilizing Maine's cultural resources including its arts in presenting a more accurate image of what Maine is all about, again, Maine's "sense of place." Moreover, culture usually precedes commerce as it did with the opening of China in the 1970's, or with what is happening in Cuba today. Other states, such as Ohio and Massachusetts, have benefited from cultural agreements with other countries. Also, some states, including neighboring New Hampshire, have not only developed new opportunities for the state's products and artists abroad, but have brought international business home. Maine is a ripe market for increased international trade with and through arts and culture.

Closing Comments

Curiously enough, Maine's cultural resources are often most appreciated by those who do not live here. What we possess as a state in arts and cultural resources alone is truly remarkable, and the ability to better connect these resources with a developing new creative economic model provides extraordinary opportunity for Maine. Much of this development will happen in any case. People from away will continue to find Maine's attractions. Young people may grow increasingly proud of being Mainers and want to stay here. However, the likelihood of positive growth and development in Maine through its cultural sector is slim if the sector itself is not adequately supported, and if vigorous marketing of the state's cultural resources does not take place. Maine then has a choice, much as it made with environmental policy in the 1970's, namely, to promote a policy of managed cultural growth and financial vitality, or to let matters take their own course. The wise path is the former, in order to help chart Maine's destiny based on resources that are right here before us.

8-15-02
Alden C. Wilson
Director
Maine Arts Commission
Augusta

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JAMES A. CLAIR
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



Lynn Randall
Legislative Council Info

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

August 17, 2001

TO: Members, Legislative Council

FROM: Jim Clair, Executive Director 

RE: **AMENDING THE *BILL DRAFTING SYSTEM CONTRACT* WITH COMPAQ
COMPUTER CORPORATION**

Enclosed for your review and action are a number of documents related to a proposed contract amendment (#3) with Compaq Computer Corporation. In order, please find:

- an Executive Summary prepared by staff that explains what is included in the proposed contract amendment;
- the proposed contract amendment; and
- a ballot asking you to authorize me to sign the amendment.

Compaq complains that our "user testing" has taken longer than they think it should have; we complain that their product to date has not been robust enough for us to test well. This amendment holds our feet *and theirs* to the hypothetical fire such that each party will have greater assurance that the final product will be one that works well for the Maine Legislature.

Part of our negotiations have included some "missed requirements" on our part (ie, items that should have been in our initial requirements document but weren't.) I made a commitment to Compaq to try to find \$50,000 in an acknowledged "tight" FY 02 budget to get the most important of those fixes worked on as soon as possible. They know that I have not found that (or any other) sum yet; that you will have to specifically authorize any additional expenditure beyond the present budget; and that a successful signing of this amendment is not contingent on securing those funds. Nonetheless, I believe it is in our interest to find the money and make the final product even more compatible with our legislative needs. I hope to speak with you in the near future more specifically about these missed requirements.

For all of the reasons above and attached it is my recommendation that you approve the ballot so that all parties can continue working on the bill drafting system in as seamless a manner as possible.

I encourage you to contact me should you have any questions or need additional information.

enclosures

cc: Michael H. Michaud, President of the Senate
Rose Breton, Office of the Executive Director
Office Directors
Joy O'Brien, Secretary of the Senate
Pamela Cahill, Assistant Secretary of the Senate
Millie MacFarland, Clerk of the House
David Shiah, Assistant Clerk of the House

MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

EXECUTIVE SUMMARY
CONTRACT AMENDMENT 3, COMPAQ BILL DRAFTING SYSTEM
CONTRACT
AUGUST 17, 2001

- Allows Compaq to start the 12-month warranty period, effective 8/3/01.
- Establishes the final acceptance criteria and process.
- Establishes the Legislature's right to reject all or parts of the application prior to the completion of the testing period.
- Commits both the Legislature and Compaq to finalize all remaining open issues.
- Sets dates certain for the following:
 - Completion of user testing by the Legislature, August 24, 2001
 - Correction by Compaq for all nonconforming items found in user testing, September 4, 2001
 - Completion of final acceptance testing by the Legislature, September 14, 2001
 - Final acceptance / rejection by the Legislature, September 15, 2001
 - Correction of all nonconforming items by Compaq, October 15, 2001
 - Delivery of documentation by Compaq, August 17, 2001 and September 4, 2001.
- Extends the warranty period should Compaq not complete its required actions within the set dates.
- Commits Compaq to providing on-site technical support.
- Acknowledgement by Compaq that the software application is not production ready at this time.
- Addresses the Legislature's concern that Compaq address potential software application performance issues.
- Freezes the final testing milestone payment acceptance testing and the correction of nonconforming items are completed.
- Provides for the release of change order work, subject to Legislative Council approval, for needed functions missed in the system requirements.
- Confirms Compaq's responsibility to resolve all nonconforming items.

**MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
CONTRACT AMENDMENT NO. 3**

This Contract Amendment No. 3 is to the June 29, 2000 contract agreement ("Contract") made by and between the Maine State Legislature, Legislative Council ("Customer"), 115 State House Station, Augusta, Maine 04333 and Compaq Computer Corporation, Compaq Professional Services ("Compaq"), located at 131 Hartwell Avenue, Lexington, MA 02421.

1. Notwithstanding the provisions of paragraph 5.1 of the Contract, the warranty period shall be twelve (12) months from August 3, 2001; the commencement of this warranty period in no way may be construed to signify the Customer's acceptance of the Deliverable or the obligation of the Customer to make the final acceptance payment unless and until all requirements have been met as described in the Requirements Specification Document and the checklist has been validated by both parties as described in the Statement of Work. By August 17, 2001 Customer shall provide to Compaq the acceptance criteria for those user requirements that have not yet been finalized by Customer. By August 24, 2001, Compaq and Customer shall agree to the acceptance criteria for those user requirements. If Compaq and Customer can not agree, the disputed criteria must be resolved as provided for in paragraph 11.6 of the Contract. Compaq and Customer agree that commencement of the warranty period as provided for in this Contract Amendment No. 3 is not, and may not be construed as, a waiver of Customer's right to reject all or any parts of the MELD software application, and does not relieve Compaq of any of its obligations under the contract with regard to delivery and acceptance. It is further agreed that commencement of the warranty period as provided for in this Contract Amendment No. 3 is not and shall not be deemed to be final acceptance by customer.

2. Compaq shall provide user documentation that describes the process for Laws of Maine publishing, statutory update, appropriations and bill summary publishing by August 17, 2001. Compaq and Customer agree that user functionality testing has not yet been completed; Customer shall complete testing by August 24, 2001 of the version of the Deliverable installed on July 16, 2001.

3. Compaq shall install no later than September 4, 2001 at 8:00 a.m. EST a new release of the Deliverable that corrects any nonconformance identified through user functionality testing on or before August 24, 2001, including all problems identified in the problem log and the change requests, and meets Customer's specifications. If Compaq fails to install a new release of the Deliverable as required in this section, the acceptance/rejection date of September 15, 2001 specified in section 5 of this Contract Amendment No. 3 is extended by an amount of time equal to the number of days beyond September 4, 2001 that Compaq installs the new release of the Deliverable. Compaq also

shall provide all user documentation for the entire Deliverable no later than September 4, 2001 at 8:00 a.m. EST.

4. Within 24 hours of written notification by Customer, Compaq shall correct to meet Customer's specifications any nonconformance of the Deliverable installed pursuant to section 3 of this Contract Amendment No. 3 that has been discovered by Customer on or before September 14, 2001. If Compaq fails to correct the nonconformance within 24 hours, the acceptance/rejection date of September 15, 2001 specified in section 5 of this Contract Amendment No. 3 is extended by an amount of time equal to the amount of time beyond 24 hours that the nonconformance is corrected. Customer shall complete user functionality testing by September 15, 2001 of the Deliverable installed pursuant to section 3 of this Contract Amendment No. 3.

5. Customer shall accept or reject the Deliverable provided pursuant to section 3 of this Contract Amendment No. 3, including any modifications thereto, no later than September 15, 2001, unless extended by sections 3 or 4 of this Contract Amendment No. 3, or by mutual agreement between Customer and Compaq. If Customer rejects the Deliverable, Customer shall notify Compaq pursuant to the provisions of paragraph 4.2 of the Contract. Compaq shall thereafter correct the nonconformance. Notwithstanding section 1 of this Contract Amendment No. 3, if Compaq fails to correct the nonconformance by October 15, 2001, the time spent beyond September 15, 2001 by Compaq to correct the nonconformance extends the warranty period by an equal amount of time.

6. Notwithstanding the commencement of the warranty period pursuant to this Contract Amendment No. 3, during the periods of user functionality testing specified in this Contract Amendment No. 3, Compaq shall provide on-site technical support consisting of personnel with qualifications suitable for the performance of such services from 8 a.m. to 5 p.m. on each day of testing, Monday through Friday.

7. Compaq acknowledges that the MELD software application is not ready for productive use by Customer and will not be ready for productive use until user functionality testing is complete and problems identified pursuant to user functionality testing are corrected. Compaq shall analyze the MELD software application for overall performance and reliability after all problems identified are corrected and a tested, stable software release is in place. By August 24, 2001, Compaq and Customer shall agree on the indicators and measures baseline to be used to analyze MELD performance and reliability. Compaq shall make those modifications required to make the MELD application meet the levels of performance and reliability agreed to in the indicators and measures baseline developed pursuant to this section. Compaq further acknowledges that commencement of the warranty period prior to completion of user functionality testing and final acceptance will result in a greater number of identified problems to be corrected by Compaq during the warranty period.

8. Notwithstanding the provisions of Contract Amendment No. 2 entered into on June 28, 2001, Compaq and Customer agree that milestone payment 9c is not due and payable until user functionality testing is complete as provided for in the SOW.

9. Customer shall release, subject to Legislative Council approval, change orders for certain functions not specified in the Requirements Specifications Document.

10. Compaq and Customer agree that the Contract, and prior amendments thereto, remain in full force and effect except as expressly modified or amended by this Contract Amendment No. 3.

IN WITNESS WHEREOF, Compaq and Customer, by their duly authorized representatives, have executed this Contract Amendment No. 3 as of the ___ day of August 2001.

Dated: Maine Legislative Council:

By _____
James A. Clair, Executive Director, Legislative Council
Maine State Legislature

Dated: Compaq Computer Corporation:

By _____
Clint Cuny, Group Account Manager

120TH MAINE LEGISLATURE
LEGISLATIVE COUNCIL

Date: August 17, 2001

Motion: The Executive Director of the Legislative Council is authorized to enter into the attached Contract Amendment with Compaq Computer Corporation concerning the Bill Drafting System scope of work and responsibilities.

Presented by: Speaker Michael V. Saxl

				Signature
Sen. Richard A. Bennett	Yes ___	No ___	Abstain ___	_____
Sen. Beverly C. Daggett	Yes ___	No ___	Abstain ___	_____
Sen. Mary E. Small	Yes ___	No ___	Abstain ___	_____
Sen. Paul T. Davis, Sr.	Yes ___	No ___	Abstain ___	_____
Sen. Sharon Anglin Treat	Yes ___	No ___	Abstain ___	_____
Rep. Michael V. Saxl	Yes ___	No ___	Abstain ___	_____
Rep. Patrick Colwell	Yes ___	No ___	Abstain ___	_____
Rep. Joseph Bruno	Yes ___	No ___	Abstain ___	_____
Rep. William S. Norbert	Yes ___	No ___	Abstain ___	_____
Rep. William J. Schneider	Yes ___	No ___	Abstain ___	_____
Totals:	Yes _____	No _____	Abstain _____	
	Attested _____			
	Date _____			