

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
November 13, 1981

CALL TO ORDER

A meeting of the Legislative Council was held in the Legislative Council Chambers, Room 327 and called to order by Chairman Elizabeth Mitchell at 2:45 p.m.

ROLL CALL

Senators: Sen. Conley, Sen. Sewall

Representatives: Rep. Diamond, Rep. Higgins, Rep. Martin,
Rep. Mitchell, Rep. Tarbell

Legislative Officers

and Staff: David Silsby - Legislative Research Director
Helen Ginder - Legislative Assistants Coordinator
Ronald Lord - Legislative Finance Officer
Edith Hary - Law Librarian

SECRETARY'S REPORT

MOTION

Rep. Martin made a motion to accept the minutes of September 25, 1981 with the following correction:

On page 3, 2nd item will have an addition at the end to read:

'The Council discussed the possibility of future legislation which may change the tenure of all appointed legislative employees.'

The motion was seconded and carried unanimously.

LEGISLATIVE OFFICERS AND STAFF REPORTS

MOTION

A motion was made by Sen. Conley to take an item of business out of order from the agenda to be discussed at this time.

The motion was seconded by Rep. Martin and carried unanimously.

David Silsby submitted a letter to the Council with a proposed schedule for cloture, drafting and screening of legislation for the Second Regular Session as follows:

Notice - November 13, 1981
Cloture - December 4, 1981
Screening - December 10, 1981 (amended)
Appeals Deadline - December 16, 1981
Appeals Screened - December 18, 1981
Convened - January 6, 1982

MOTION

Rep. Higgins moved that the dates be approved.

Sen. Conley seconded the motion and discussion followed.

It was decided that the screening date be changed from December 10th, to December 11th.

MOTION

Rep. Martin moved that the dates be accepted as amended.

Sen. Conley seconded the motion and it was carried unanimously.

A letter from William Garside, Legislative Administrative Director, concerning merit increases for the following was discussed:

	<u>Present</u>	<u>Proposed</u>	<u>Effective Date</u>
Ronald H. Lord	\$675.90	\$709.09	10/18/81
David S. Silsby	675.90	709.09	10/18/81
Edith L. Hary	675.90	709.09	10/18/81

MOTION

Rep. Martin moved that the letter be amended by adding William Garside for a merit increase from the present salary of \$749.67 to \$786.57 effective 10/18/81 and approved at this time.

The motion was seconded by Rep. Higgins and discussion followed.

A vote was taken and the motion carried unanimously.

MOTION

Sen. Conley moved that all future merit increases of Legislative employees be the decision of the Legislative Administrative Director excluding the Director himself and if he has questions then it will be brought to the attention of the Council.

MOTION

Rep. Higgins moved that this action be tabled.

Rep. Diamond seconded the motion and it was carried unanimously.

Another letter from William Garside concerning merit increases for the following was discussed at this time:

	<u>Present</u>	<u>Proposed</u>	<u>Effective Date</u>
John Bailey	\$396.82	\$416.17	12/12/81
Martha Freeman	319.57	338.84	12/15/81
Christine Holden	396.82	416.17	12/19/81
Carol Jackson	208.40	214.86	11/12/81
Julie Jones	338.84	358.17	12/29/81
Lars Rydell	377.50	396.82	12/17/81

MOTION

Rep. Martin moved that the letter be approved.

Sen. Sewall seconded the motion. Discussion.

Helen Ginder, Legislative Assistants Coordinator asked that the letter be amended by stating that Martha Freeman, Carol Jackson and Julie Jones have completed their probationary periods and are permanent employees.

MOTION

Rep. Martin moved that the letter be approved with the amendment.

The motion was seconded and carried unanimously.

Helen Ginder submitted a memo to the Council to authorize the appointment of two Legislative Assistants, Christos Gianopoulos, to begin work December 2, 1981 at a weekly salary of \$338.84 and David Elliot, to begin work November 30, 1981 at a weekly salary of \$338.84.

MOTION

Rep. Martin moved that the two appointments be hired.

The motion was seconded and carried unanimously.

Helen Ginder submitted a report to the Council with suggestions for committee assignments pursuant to Rep. Drinkwater's request for study by the Legislative Council. Discussion.

MOTION

Rep. Martin moved that the report be placed on file, with the intention of looking at it again in the future with the hopes of implementing it in the 111th Legislature.

The motion was seconded by Rep. Mitchell and carried unanimously.

Helen Ginder also requested approval to ascertain equipment and training needs for her office to take advantage of the statutory retrieval system and other information included in the Legislature's data bank, and word processing opportunities to facilitate committee and staff work in preparing legislation and report writing.

MOTION

Rep. Martin moved that the approval be granted to investigate different options and to report back to the Council. Also included in this approval to ascertain needs will be the Law Library and the Finance Office.

The motion was seconded by Rep. Tarbell and carried unanimously.

Ronald Lord submitted a letter to the Council requesting approval to appoint Barbara Gottschalk to Senior Program Analyst with a one-step merit increase.

MOTION

Rep. Martin moved that the request be approved.

Rep. Diamond seconded the motion. Discussion followed.

A vote was taken with 6 members present, 5 voted yea, 1 opposed, motion failed to pass.

CORRESPONDENCE

A letter from Georgette Berube requesting merit increases for employees of the Maine-Canadian Legislative Advisory Office was submitted to the Council for approval.

MOTION

Rep. Higgins moved that the merit increase be approved.

MOTION

Rep. Martin moved that the matter be referred to the Legislative Administrative Director.

Sen. Conley seconded the motion and it was carried unanimously.

COMMITTEE REPORTS

A letter from the State Government Committee was submitted to the Council to request permission to hold additional meetings on the study of the Maine State Housing Authority.

MOTION

Rep. Martin moved that the letter be tabled.

Sen. Conley seconded the motion. Motion failed to carry with 1 opposed. Discussion.

MOTION

Rep. Higgins moved that the request be decided by the Chairman of the Legislative Council.

Rep. Martin seconded the motion. Motion failed to carry with 1 opposed.

After a discussion the chairman decided that the letter be tabled.

NEW BUSINESS

A new telephone system was brought up for discussion at this time. Members of the Council expressed concern over several issues that arose with the new system. One issue was the matter of confidentiality which legislators may need on particular calls they make. Another area of concern was the provisions of Title 5 which allowed purchasing of utilities without Legislative scrutiny.

MOTION

Rep. Martin moved that a meeting of the Appropriations and Financial Affairs Committee be approved to review the purchase provisions as outlined in Title 5.

The motion was seconded by Rep. Diamond and carried unanimously.

A letter from Ronald Lord concerning appointing Barbara Gottschalk to Senior Program Analyst was brought up for reconsideration.

MOTION

Sen. Conley moved that the letter be reconsidered.

Rep. Martin seconded the motion and it was carried unanimously.

MOTION

Rep. Martin moved that the appointment be approved.

The motion was seconded and carried unanimously.

A proposed schedule of fees for Document Service for the Second Regular Session was submitted to the Council.

MOTION

Rep. Martin moved that the fees be accepted.

Sen. Conley seconded the motion and it was carried unanimously.

ADJOURNMENT

MOTION

Sen. Conley moved that the Council meeting be adjourned at 3:45 p.m.

The motion was seconded and carried unanimously.



COPY

STATE OF MAINE
DIRECTOR OF LEGISLATIVE RESEARCH
AUGUSTA, MAINE 04333

November 13, 1981

PROCEDURE FOR SECOND REGULAR SESSION

This is to notify you under Article IV, Part Third, Section 1 of the Constitution of Maine that the 110th Legislature will convene in its second regular session on the first Wednesday after the first Tuesday of January, which falls on January 6, 1982.

The Constitution further provides that "...the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18."

Under these constitutional requirements and the statutory limitation of 50 legislative days provided by the Maine Revised Statutes, Title 3, section 2 for the second regular session, the legislative leadership has established the following schedule and procedures for filing and processing legislation in order to expedite the work of the session.

December 4, 1981 This date has been set by the Legislative Council as the cloture date or final deadline for filing bills and drafting requests with the Director of Legislative Research. Any requests received after that date may be admitted by the Council as after deadline legislation. (please note: Titles will not be accepted. There must be a sponsor and sufficient information and data with which to prepare all legislation requested.)

December 10, 1981 Following cloture a list of legislative proposals will be compiled and presented to the Legislative Council which, on December 10, 1981, will finally screen those requests to ensure compliance with constitutional and other requirements, such as Joint Rule 37 concerning measures rejected at the first regular session. As in the past

sessions, Legislators will be notified in advance of this meeting if assistance is needed to screen their legislation. At the close of the screening process a list of all admitted bills will be compiled and made available. Also, Legislators will be notified as to the acceptance or rejection of each of their bill requests.

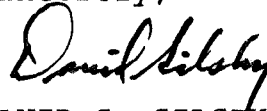
- December 16, 1981 Any Legislator aggrieved by the rejection of his legislative request may appeal in writing to the Council provided letters of appeal are received by the Council no later than December 16, 1981.
- December 18, 1981 All letters of appeal will be finally considered by the Council on December 18, 1981.
- January 5, 1982 Deadline for filing study Legislation with the Director of Legislative Research. (Joint Rule 18)
- January 6, 1982 Second Regular Session convenes.

All departmental legislation or questions regarding Executive proposals should be referred to the Governor's Office.

If you have any questions or are in need of assistance, please feel free to call this office (Tel. 289-2101).

Thank you for your attention.

Sincerely,



DAVID S. SILSBY, DIRECTOR
Legislative Research

DSS/j1



STATE OF MAINE
DIRECTOR OF LEGISLATIVE RESEARCH
AUGUSTA, MAINE 04333

November 13, 1981

TO REGISTERED LOBBYISTS

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DAVID S. SILSBY, DIRECTOR
Legislative Research

DSS/jl

November 1981						
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November 4, 1981 - Deadline for departmental bills (Joint Rule 24)

November 13, 1981 - Procedure notice sent

December 4, 1981 - Deadline for filing in the Legislative Research Office drafting requests by Legislators

December 11, 1981 - Final screening of session legislation

December 11, 1981 - Notice of screening results sent

December 16, 1981 - Deadline for letters to appeal the council decision

December 18, 1981 - Final screening of appeals by council

January 5, 1982 - Deadline for filing study legislation with Director of Legislative Research (Joint Rule 18)

January 6, 1982 - Second regular session convenes

April 3, 1980 - 109th Second Regular Session adjourned

IMPORTANT DATES

NOVEMBER
 3 Election Day
 11 Veterans Day
 26 Thanksgiving Day

DECEMBER
 21 Hanukkah
 25 Christmas Day

JANUARY
 1 New Year's Day
 15 Martin Luther King's Birthday

FEBRUARY
 12 Lincoln's Birthday
 14 Valentine's Day
 15 Washington's Birthday - Obsvd
 22 Washington's Birthday
 24 Ash Wednesday

MARCH
 17 St. Patrick's Day

APRIL
 4 Palm Sunday
 8 Passover Begins
 9 Good Friday
 11 Easter Sunday



State of Maine
Bureau of Public Improvements
Augusta, Maine 04333

November 3, 1981

David G. Huber, Senate Chairman
Michael D. Pearson, House Chairman
Committee on Appropriations and
Financial Affairs
State House
Augusta, Maine 04333

Dear David and Mike:

After your recent public expression of concern about the actions of the Bureau of Public Improvements with regard to the procurement of Telephone Management Services, I wanted to follow-up on my recent telephone conversation with Dave Huber about this matter. I want you to know that I welcome the closest possible review and working relationship with the Committee on Appropriations and Financial Affairs and the Legislature.

As you are aware, BPI's actions were based on our responsibility as outlined in Title 5 with regard to Utility Services, "To purchase or contract or approve the purchasing or contracting for telephone, telegraph, electric, water, sewage, and gas service for any and all departments and agencies of the State Government." With regard to telephone services, it has been a long-standing practice to do business solely with New England Tel & Tel Company. New England Telephone has been the sole vendor of communications equipment and services and the State has relied on their equipment, their personnel and their contract for all communication needs. In the past, such contracts have been routinely entered into without the benefit of competing proposals and have been covered by the most binding possible contracts, which were provided and required by New England Telephone. These contracts provided for the supply of equipment and services, often on a long-term binding lease arrangement with no cancellation clauses included. Implicit in these agreements has been the financing of the transaction, in this case, through New England Telephone. At no time, however, do these contracts ever allow the State to own the equipment for which it is contracting.

As a result of the dramatic changes in the communications industry, we are now faced with a number of vendors of high quality and sophisticated communications equipment. We now have an opportunity to seek competitive proposals, enter into contracts which are on State contract forms, and with contract terms which are drawn by the State. We also gain the option of owning telecommunications equipment at the close of a lease period, which can dramatically improve the cost benefit to the State. The procedure, therefore, that we have utilized in the procurement of the Telephone Management System in question, is a dramatic improvement over the procurement procedures used in the past.

In addition, the Telephone Management System for which we have contracted addresses itself to a number of cost saving and management goals as recommended by the Governor's Management Task Force and should provide your Committee with some substantial identifiable cost savings. We currently estimate that once the management system is in place that it will save better than \$400,000 a year in long-distance charges and that this figure will increase by approximately \$150,000 a year at the close of the 36-month lease purchase agreement. In addition to cost savings, the new management system should improve service and provide the Legislature and Executive departments with important and useful telecommunications information.

As to the oversight required in such transactions, I want you to know that I am extremely sensitive to your concerns. I want to briefly outline the steps that BPI took in this procurement specifically to provide for maximum review. I want to further indicate my desire to work with you to provide for whatever levels of administrative and legislative review you believe are lacking. The steps we took include:

1. Comprehensive procurement review by the Office of the Attorney General. Not only did the Attorney General review this matter as to form, but BPI outlined to them in detail the exact nature of the procurement; including the differences between former New England Telephone contracts and this contract.
2. Although not required, Commissioner Scribner asked that BPI submit this contract to the review of the Contract Review Committee. A number of comments were received and we endeavored to positively acknowledge them.
3. In general, this procedure was reviewed by the Bureau of Public Improvements' Lease Space & Telecommunications Director, the Bureau Director and by the Commissioner of Finance & Administration. In addition, the Governor's Management Task Force and the Office of the Governor were kept informed about the progress of this project.

I hope that this information demonstrates that the Bureau of Public Improvements has endeavored to act in the public interest; in accordance with the law; with an unprecedented open and competitive procurement procedure; and with more review and comment than has ever been occasioned by past procurements from a single vendor. Even with these actions, I want you to know that I sincerely welcome your interest and your review. I believe that Legislative interest in this subject can only stimulate and improve our efforts to acquire and manage better telecommunications services.

I look forward to an opportunity to meet and discuss this and related subjects with you and your Committee at your convenience.

Yours truly,



Leighton Cooney
Director

LC/jmd

cc: James Tierney, Attorney General
Senate President Joseph Sewall
Speaker of the House John L. Martin
Members of the Committee on Appropriations & Financial Affairs
S. Kirk Studstrup, Office of the Governor
Rodney L. Scribner, Commissioner, Finance & Administration
C. Richard LaCasce, Administrator, Lease Space & Telecommunications