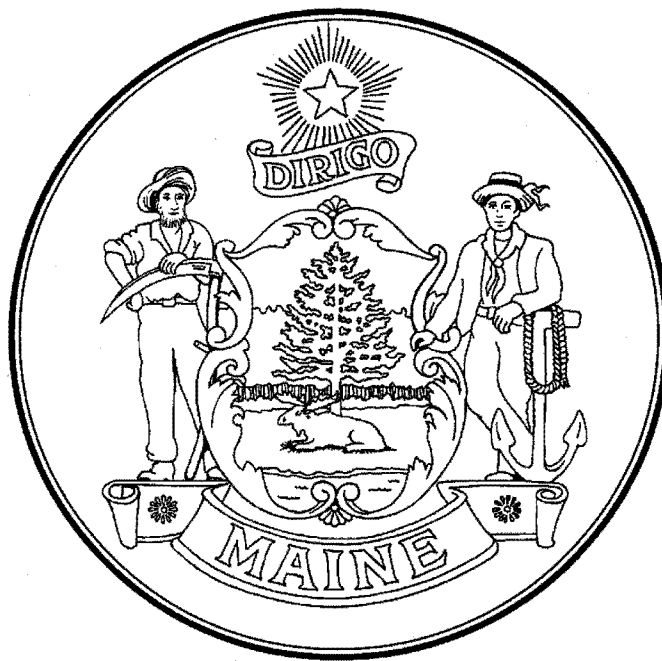


MAINE STATE LEGISLATURE

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118TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY

September 24, 1997

Approved October 27, 1997

CALL TO ORDER

The Council Chair, Speaker Mitchell, called the Council to order at 11:26 a.m. in the Legislative Council Chamber

ROLL CALL

Senators: President Lawrence, Sen. Pingree, Sen. Amero,
Sen. Rand, Sen. Kieffer

Representatives: Speaker Mitchell, Rep. Kontos, Rep. Campbell
Absent: Rep. Donnelly and Rep. Saxl

The Chair, Speaker Mitchell, noted that Representative Saxl was out-of-state on legislative business and that Representative Donnelly had business obligations that conflicted with this meeting.

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
John Wakefield, Director, Office of Fiscal
and Program Review
David Boulter, Director, Office of Policy
and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative
Information Services
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House
Millicent MacFarland, Assistant Clerk
of the House

SUMMARY OF AUGUST 22 COUNCIL MEETING

Motion: That the Meeting Summary be accepted and placed on file. (Motion by Rep. Campbell; second by Sen. Rand; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: State House Repairs and Renovations: Follow up

East Portico Ceiling

Ms. Tubbesing reported that the architect and structural engineer had approved plans for repairing the East Portico Ceiling that involved repairs to the joints between the granite blocks on the third floor balcony, as well as replacement of the ceiling itself. The total estimate for this work is approximately \$45,000. She reminded Council members that they had approved a transfer of funds at the August Council meeting to fund these repairs, as well as the demolition of the damaged ceiling in July.

No formal action was required on this item.

Bond Issue

Ms. Tubbesing reported that she and Peggy Schaffer, a member of the Speaker's staff, had attended a meeting the previous week to discuss plans for a campaign to support the proposed bond issue to fund the purchase of adoptive equipment, and repairs and renovations in the University System and in the State House that are designed to improve access and/or fire safety and protection.

No formal Council action was required; however, Speaker Mitchell expressed her hope that this Council and Legislature would provide leadership in continuing work on the State House.

Third Floor Corridors

Ms. Tubbesing reported that she had explored the feasibility of repainting the third floor corridors at the Council's request, and that the major issue is the extent of abatement that would be required due to lead paint. Senator Kieffer asked when the corridors had last been painted and whether that paint contained lead. Ms. Tubbesing responded that it had been at least 15 years since the corridors had been completely repainted, and that the paint used at that time was lead-based.

The Chair, Speaker Mitchell, then informed Council members that the executive branch had launched a major study of space needs and had contracted with SMRT, a Portland architectural firm, for this purpose. She expressed her concern that the functions of the Legislature and its needs must be a formal part of these discussions and recommended that the Council send two members to participate in this planning effort. She then asked Rep. Saxl and Rep. Campbell to serve as the Council's representatives on this effort and directed Ms. Tubbesing to inform the Commissioner of Administrative and Financial Services of the Council's desire to participate.

Motion: That the Executive Director make arrangements to paint the third floor corridors before the Legislature reconvenes, as well as additional areas if the funds are available. (Motion by Rep. Campbell; second by Senate President Lawrence; unanimous).

Item #2: 486 Computers: Status (At the request of Senate President Lawrence and Speaker Mitchell)

Ms. Tubbesing drew members' attention to the letter in their agenda packet that she had received from Senate President Lawrence and Speaker Mitchell, asking for a detailed accounting of the disposition of 486 work stations. Before turning the presentation over to Paul Mayotte, Director of Information Services, she stated that Mr. Mayotte's focus since he assumed his newly-created position had been to move the Legislature into a completely networked situation as quickly and economically as possible.

Mr. Mayotte stated that he had been working with the Council's Committee on Legislative Information Technology and with staff throughout the building to develop a robust long-term plan for use of technology in the Legislature. The foundation for that plan requires a significant equipment upgrade in the near term; and the Legislature has a substantial inventory of 486 work stations that do not support either the operating systems or software applications that are already in use.

Senate President Lawrence noted that he and the Speaker were concerned about getting some kind of work station on every employee's desk and asked Mr. Mayotte if he saw any advantage to installing 486's as "free-standing" machines that would not be attached to the Legislature's local area network. Mr. Mayotte responded that these machines would not have e-mail and that it would be necessary to purchase additional printers to support these non-networked machines. Rep. Joe Carleton, who was in attendance, stated that 486 machines are essentially obsolete, and that upgrading them essentially diverts funds from the longer-term migration effort. Sen. President Lawrence asked Mr. Mayotte if he had explored the cost of upgrading the 486's, and Mr. Mayotte replied that both his research and consultation with the Gartner Group suggested that upgrading, which could cost nearly \$1,000 per machine, is not cost effective.

The Chair, Speaker Mitchell, concluded this discussion by asking Senator Pingree and Rep. Carleton, who co-chair the Committee on Legislative Information Technology, to further explore the development of a plan for placing 486's in areas in the State House and State Office Building that are not currently on the Local Area Network and to make recommendations to the Council.

REPORTS FROM COUNCIL COMMITTEES

Committee on Legislative Information Technology

Senator Pingree reported that the Committee was meeting that afternoon.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Deadline for Submission of Major Substantive Rules: Consideration of Establishing an Early Deadline (memo from David Boulter)

At the Chair's invitation, David Boulter, Director, Office of Policy and Legal Analysis, reviewed the memo that he had prepared for the agenda packet. With the proposed March 31 adjournment date for the Second Regular Session, the current deadline for filing proposed rules (March 3) would limit the Legislature's time for reviewing these proposals and preparing legislation.

The memo offered options for addressing this situation; and after brief discussion, the Council voted on the following approach:

Motion: That the Legislative Council establish Friday, February 20, 1998, as the filing deadline for provisional rules pursuant to the Council's statutory authority. (Motion by Rep. Kontos; second by Sen. Kieffer; unanimous).

The Chair, Speaker Mitchell, asked Mr. Boulter to prepare a memo notifying departments of this action for her signature.

Item #2: Interim Study Commissions

The Chair, Speaker Mitchell, informed Council members that many of the interim study commissions created by legislation during the First Regular Session had been significantly late in convening. She reported that she had convened several where a majority of the appointments had been made, but that this had not been possible in those cases where the Governor's appointments constitute a quorum. She and Senate President Lawrence have been encouraging the Governor to move on these appointments as quickly as possible.

This was an informational item; no Council action was required. Sally Tubbesing stated that she would provide Council members with an updated list of these study commissions with notes regarding their status.

Item #3: Bill Requests for the Second Regular Session

Senator Kieffer reported that he had had several inquiries about whether the Council had established guidelines for accepting bills for the Second Regular Session. Sen. Rand stated that she had been responding to similar inquiries by stating that the Council will have to be "very tough" given the reduced length of the session. The Chair, Speaker Mitchell reminded Council members that the availability of a sizable surplus would certainly generate many bill requests; and Senator Kieffer, acknowledging that this was probably the case, suggested that the provisions of the Constitution (limiting the scope of legislation in the Second Regular Session to that of an "emergency nature") are still there. Rep. Kontos indicated that she would like to have a report from the Office of the Revisor and the Office of Policy and Legal Analysis on concept drafting and asked Mr. Boulter how many had been filed during the previous session. Mr. Boulter responded that 6 had been filed. Rep. Kontos reported that she had filed one of these and found it to be a "very positive experience".

No Council action was required on this item.

Item #4: Executive Orders

Rep. Kontos stated that she had some concern that Executive Orders were being used to accomplish policy-related goals that the Legislature had rejected and expressed her concern that the Legislature "needs to be keenly aware of what the Executive Branch is doing," particularly in view of term limits. Rep. Donnelly supported her concern, and Council members asked for a summary of statutory provisions and case law that pertains to Executive Orders at the October meeting. Sally Tubbesing stated that she would distribute a set of all of the Executive Orders issued since the convening of the 118th Legislature to each Council member.

The Council took no formal action on this item.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 12:25 p.m.