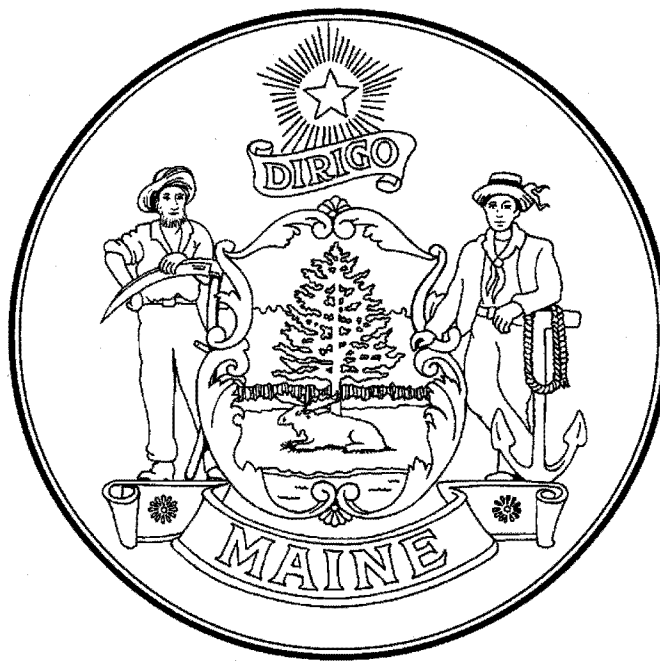


MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. R. LEO KIEFFER
REP. CAROL A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
FEBRUARY 25, 1998
Approved March 9, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 4:17 p.m. in Room 124, State House.

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Kieffer
Representatives:	Speaker Mitchell, Rep. Kontos, Rep. Donnelly, Rep. Saxl, Rep. Campbell
Legislative Officers:	Joy O'Brien, Secretary of the Senate Judi Defranco, Assistant Secretary of the Senate Joseph Mayo, Clerk of the House Millicent MacFarland, Assistant Clerk of the House 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

SUMMARY OF JANUARY 21, 1998, COUNCIL MEETING

(The Council took no formal action)

SPECIAL PRESENTATION OF PROPOSED REHABILITATION OF STATE OFFICE

The Chair, Speaker Mitchell, stated that she had invited Janet Waldron, Commissioner of Administrative and Financial Services for the purpose of answering Council members' questions about the plans for rehabilitating the State Office Building. She recognized Ms. Waldron who, in turn, introduced her Deputy Commissioner, Charles Jacobs; Director of the Bureau of General Services, Warren Swetz; and Ellen Belknap, a partner in the architectural firm SMRT, which has been engaged under contract to DAFS to conduct an analysis of state-owned space and develop plans for rehabilitating the State Office Building.

Ms. Waldron stated that in order to contain the cost of the project, she was trying to bring as many executive branch employees back into the State Office Building as are there now (850), and that this can be accomplished with the use of landscape furnishings. The conceptual design assigns 33,000 square feet -- the entire second floor of the State Office Building -- to the Legislature, compared to the 7,300 square feet that Legislative hearing rooms currently occupy in that building. She indicated that the assignment of space on the 1st floor of the building is still an open question.

Ms. Belknap proceeded to give Council members an overview of the proposed rehabilitation plan for the State Office Building. She indicated that once the legislative package that includes this work is approved, her firm would undertake a structured programming process, which will involve meeting with all occupants of the building. She expressed her hope that the Legislature would appoint a committee to participate in a similar process for its space in the State Office Building.

The discussion that followed covered the following issues and questions:

◆ **Space allocated to the Legislature in the conceptual design**

Sen. Rand noted that the Legislature had just begun a comprehensive needs assessment and that it was too early to determine whether the 2nd floor would meet the identified needs.

◆ **The degree to which plans for the State Office Building and the State House have been integrated** (Sen. Kieffer; Rep. Saxl)

Ms. Belknap responded that her firm and the Council's architect had been coordinating their work closely in two major areas: the electrical and mechanical systems that will support the 2 buildings (heating, cooling, electrical) and the actual connector between the 2 buildings. Rep. Saxl asked if wiring for computers had been discussed, and Ms. Belknap replied that it had not been done in detail at this point, but that the new connector would provide the necessary "path" for data and telecommunications wiring.

Speaker Mitchell noted that the two buildings are "symbiotically related" and asked if there was a way to leave the door open so the Legislature can make its programming decisions over the next few months. Ms. Waldron responded that this entire project had emerged from concern about code violations in the State Office Building and encouraged Council members to think of the rehabilitation project as an effort to address pressing health and safety issues in the near time while preserving the opportunity for the Legislature to increase the amount of space assigned to it over time.

◆ **The Preliminary design of the connector** (Rep. Campbell)

Ms. Belknap stated that the conceptual design of the connector attempts to separate pedestrian traffic from the utilities; recognize the architectural integrity and dignity of the State House; and conform to ADA accessibility requirements. Rep. Campbell stated that “above ground or ground level structures are more beneficial to society” and questioned the cost involved in keeping the connector underground. Ms. Belknap pointed out that the connector also provides an above ground access and again stressed the importance of the planning process in the months ahead to finally resolve these issues.

◆ **Provisions for the cost of relocation during the construction period** (Rep. Saxl)

Ms. Waldron stated that she and her staff have developed some preliminary estimates for relocation during the construction period and assured the Council that she would incorporate the funds the Legislature requires to relocate committees during the 2nd Regular Session/119th Legislature in the next biennial budget. It is her goal to minimize the disruption on the Legislature.

◆ **The next steps this session** (Speaker Mitchell)

Ms. Waldron reported that the legislation she has proposed would authorize the project planning to move forward but that it incorporates no programming decisions. In response to a question from Senator Rand, she stated that the bill includes 3 funding lines as follows: State Office Building (which includes demolition of the Education Building); State House Renovations; and the Connector. Sen. Rand then asked if the bond could be approved without approving the demolition of the Education building.

◆ **Parking** (Sen. Kieffer)

Sen. Kieffer noted that while the current proposal does not affect parking, it is clearly “down the road.”

The Chair, Speaker Mitchell, summarized the discussion by asking Ms. Waldron to make herself, her staff, and Ms. Belknap available to all the Council members as they discuss this proposal with their caucuses. She concluded by reminding Council members that the goal of this project is “a safe environment for our employees, the public, and ourselves.”

EXECUTIVE DIRECTOR’S REPORT

Sally Tubbesing presented the following items for the Council’s consideration:

Item #1: Personnel Activity

Ms. Tubbesing reported that, pursuant to the Council’s approval, Julie Jones had been hired on a temporary basis to fill the vacancy created by Kevin Madigan’s resignation. She then stated that Gerry Thibault had accepted employment out of State, though his exact departure date was still under discussion. She pointed out that Mr. Thibault’s knowledge of the Wang system was unique and that it was a skill that would have to be replaced until major legislative computer applications (including bill drafting and bill status) could be fully “migrated” to the client server environment.

This item did not require Council action.

Item #2: Legislative Budget: Status

Ms. Tubbesing drew Council members' attention to the material in their agenda packets which summarized expenditures to date compared to budget for each of the legislative accounts.

This item did not require Council action.

Item #3: State House Master Plan for Capital Improvements: Status and Items Requiring Council Action

Ms. Tubbesing drew members' attention to the materials that presented a recommended scope of renovation work for the 1998 interim and reported that the Legislative Facilities Committee had reviewed the list of projects and estimated budgets at its last meeting. She stated that the funds for most of the proposed work are already available from the bond issue that was approved last November and from the \$850,000 that is already in the Legislature's FY 1999 appropriation. Finally, she pointed out that replacement and extension of the sound system is a major undertaking and that work needs to get underway as soon as possible following adjournment *sine die*.

In discussion, Senator Amero asked how the budget estimates for each project had been developed, and where the additional funds required to complete all projects would come from. Ms. Tubbesing responded that the architect and engineers had developed them based on the information available from preliminary investigations in most of the areas and from the experience in previous work. She stressed that they are estimates and that there would undoubtedly be changes as actual bid specifications and construction documents are developed. She pointed out that the remaining funds required are currently reflected in two proposed bills: the Governor's bill to fund renovation of the State Office Building under the auspices of the Governmental Facilities Authority, which also carries slightly more than \$13 million for implementation of the State House Master Plan; and the Speaker has a bill currently before the Appropriations Committee to appropriate funds for the balance of the Master Plan.

Rep. Campbell expressed his support for the general scope of work that has been proposed, but stated that he thought the estimates were inflated. He advocated placing the highest priority on technology in terms of allocating resources.

Rep. Kontos expressed her concern that the renovations represent an "extraordinary addition" to Ms. Tubbesing's workload and advocated that the Council authorized hiring a Clerk of the Works with responsibility for overseeing the construction on a daily basis.

Ms. Tubbesing responded that the Council might be better served by a Construction Manager, who would not only fill the day-to-day role, but take an active role in the development of construction documents as well as in the review of bids on behalf of the Council. Rep. Campbell stated that the Construction Manager and Clerk of the Works fill two different and distinct roles and suggested that the role Rep. Kontos had described is really that of "Owner's Representative", who would assist in all phases of the project.

Motion: That the Council authorize hiring an Owner's Representative. (Motion by Rep. Campbell; second by Rep. Kontos; approved unanimously).

Item #4: Legislative Computer System: Report from Paul Mayotte, Director, Legislative Information Services

The Chair, Speaker Mitchell, suggested that given the significance of this item, the Council schedule a special meeting for this purpose. Thus, the item was tabled.

REPORTS FROM COUNCIL COMMITTEES**Committee on Legislative Information Technology**

Rep. Carleton, Committee Vice-Chair, spoke briefly in the absence of the Chair, Senator Pingree. He stressed that the Legislature cannot proceed with plans for chamber automation until the "migration" of all systems to the client server network has been completed. This Committee's report was also tabled to the special meeting described in the previous Item.

Personnel Committee

Speaker Mitchell, who chairs the Committee, stated that the Committee has met three times since the January Council meeting to consider various items, including the annual review of four of the five Staff Office Directors and the Executive Director. She further reported that, pursuant to the Council's Rules of Procedure, the Committee had approved award of step increases to the Secretary of the Senate, Joy O'Brien; Margaret Matheson, Revisor of Statutes; Lynn Randall, State Law Librarian; and John Wakefield, Director Office of Fiscal and Program Review. She concluded her report by presenting the following recommendations to the Council in the form of motions, noting that these had all been unanimous recommendations of the Committee:

Motion: That Lynn E. Randall be appointed to a new 3 year term as State Law Librarian and that this appointment be retroactive to her appointment date, July 31, 1997. (Motion by Rep. Kontos; second by Sen. Rand; unanimous)

Motion: That David E. Boulter be appointed to a new 3 year term as Director of the Office of Policy and Legal Analysis, retroactive to his appointment date, October 24, 1997. (Motion by Senate President Lawrence; second by Sen. Pingree; unanimous).

Motion: That the Council amend the current policy regarding Step Increases to provide that an employee's eligibility for advancement to the longevity steps in the assigned salary range be based on both legislative service **and previous employment that is directly relevant to an employee's legislative assignment.** (Motion by Sen. Pingree; second by Sen. Rand)

Discussion: Senate President Lawrence asked for clarification as to whether the Council would be approving individual increases with this motion. Ms. Tubbesing responded that adoption of this policy would ultimately affect a small group of employees, but that her office was still developing the list. She further indicated that the list would be reviewed with each Office Director and that any salary adjustments that resulted would be handled in accordance with established procedures. Thus, the answer to Senate President's question was "no".

The vote was then taken, and the motion approved unanimously.

Legislative Facilities Committee

No report

OLD BUSINESS

None.

NEW BUSINESS**Item #1: Report from Joint Standing Committee on State and Local Government regarding Council's Position on LD 566, An Act to Provide Computers for Use in the Legislature (letter from Senate Chair Nutting and House Chair Ahearne)**

Council members present agreed that a letter should be sent to the Committee stating that the Council is moving in the direction of Chamber Automation and that work on the State House this summer would include an upgrade and extension of the wiring that supports the local area network throughout the building. The letter should also indicate that the Council is currently reviewing proposed plans for migration of the remaining applications to the client server network, with the goal of being ready to go "on line" in both chambers at the beginning of the Second Regular Session of the 119th Legislature.

In the absence of a quorum, there was no formal motion.

Item #2: Special Committee to Review the Study Commission Process: Submission of Report

The Chair, Speaker Mitchell, observed that she had seen the need for implementation of this report earlier in the day. Sen. Pingree reported that David Boulter had made a presentation of the Report and its recommendations to the Senate Democratic caucus and that while caucus members agreed with many things, they had some issues and questions. The Chair, Speaker Mitchell, asked Mr. Boulter to be prepared to make a presentation to the Council at its next meeting.

Item #3: Submission of Study Reports

The Council took no formal action on this item.

Studies Pursuant to Joint Order

- ◆ Joint Select Committee to Oversee the Maine Yankee Atomic Power Company (pursuant to Joint Order, H.P. 1345)
- ◆ Joint Select Committee on Research and Development (pursuant to Joint Order, S.P. 669)

Reports Pursuant to Government Evaluation Act

- ◆ Joint Standing Committee on Business and Economic Development: Review of Department of Professional and Financial Regulation
- ◆ Joint Standing Committee on Health and Human Services: Review of Office of Substance Abuse

Statutory Study Commissions

- ◆ Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine (pursuant to Resolves of 1997, Chapter 85)
 - ◆ Task Force to Study Equal Economic Opportunity for All Regions of the State (pursuant to P & S 1997, Chapter 51)
 - ◆ Commission to Study Insurance Fraud (submitted to Joint Standing Committee on Banking and Insurance, pursuant to Resolves of 1997, Chapter 77)
-

- ◆ Maine Commission on Children's Health Care (submitted to the Legislature, pursuant to P.L. 1997, Chapter 560, Part B)
- ◆ Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine (submitted to the Legislature, pursuant to P.L. 1997, Chapter 557, Part C)
- ◆ Commission to Study the Unemployment Compensation System (submitted to Joint Standing Committee on Labor, pursuant to Resolves of 1997, Chapter 65)
- ◆ Task Force on Improving Access to Prescription Drugs for the Elderly (submitted to the Legislature pursuant to P.L. 1997, Chapter 560, Part E)
- ◆ Task Force to Study the Cost-effectiveness of the Child Development Services System (submitted to the Legislature, pursuant to P.L. 1997, Chapter 534)

Study Authorized by the Legislative Council

- ◆ Joint Standing Committee on Criminal Justice: Scope of Juvenile Justice Problems and Services in Maine

Item #4: Request for Extension of Reporting Deadline

- ◆ Task Force to Study the State's Regional Service Center Communities: (letter from Rep. Richard Farnsworth, Task Force Chair)

Motion: That the request be denied. (Motion by Sen. Rand; second by Speaker Mitchell; unanimous).

Item #5: After Deadline Requests

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

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Chair, Speaker Mitchell, adjourned the Council meeting at 5:50 p.m.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 25, 1998

Action

SPONSOR: Rep. Bull, Thomas

WITHDRAWN

LR 3453 An Act to Require that Any Natural Gas Pipeline Constructed
Be Constructed Within Existing Utility Right of Ways

SPONSOR: Sen. Libby, James D.

ACCEPTED

LR 3466 An Act to Allow a Municipality to Request a Joint
Check from the Circuit Breaker Program in the Event
of Nonpayment of Taxes

JOINT RESOLUTION

SPONSOR: Rep. Bull, Thomas

ACCEPTED

LR 3464 JOINT RESOLUTION MEMORIALIZING THE FEDERAL ENERGY
REGULATORY COMMISSION TO USE EXISTING UTILITY RIGHTS OF
WAY IN SITING A NATURAL GAS PIPELINE WHEN TECHNOLOGICALLY
FEASIBLE

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Chartrand, Paul
LR 3393 An Act to Include Locally Funded Debt Service in the Formula for Purposes of the Circuit Breaker Program
Tabled 02/23/98

SPONSOR: Sen. Cleveland, John J.
LR 3455 Resolution, Proposing a Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto
Tabled 02/23/98

SPONSOR: Rep. Gooley, Walter R.
LR 3368 An Act to Extend the Deadline for Filing Updated Management Plans Under Tree Growth Tax Laws
Tabled 01/21/98

SPONSOR: Rep. Mitchell, Elizabeth H.
LR 3289 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Year Ending June 30, 1998 and June 30, 1999
Tabled 11/20/97

SPONSOR: Sen. Pingree, Chellie
LR 3288 An Act to Improve Access to Women's Heathcare
Tabled 11/20/97

SPONSOR: Rep. Saxl, Michael V.
LR 2965 An Act to Ensure the Participation in Court Proceedings of Victims of Violent Crimes
Tabled 02/25/98

SPONSOR: Rep. Snowe-Mello, Lois A.
LR 3454 Resolve, to Name the Timber Bridge in Byron the Richard Lauze Memorial Bridge
Tabled 02/23/98

SPONSOR: Rep. Tuttle, Jr., John L.
LR 3283 An Act to Permit Employees to Resume Receiving Unemployment Benefits in Certain Cases
Tabled 11/20/97

SPONSOR: Rep. Tuttle, Jr., John L.

TABLED
11/20/97

LR 3284 An Act to Authorize an Apprentice Cadet Program in the
Bureau of State Police

SPONSOR: Rep. Tuttle, Jr., John L.

TABLED
11/20/97

LR 3285 An Act to Establish the State Police Law Enforcement
Scholarship Program

SPONSOR: Rep. Tuttle, Jr., John L.

TABLED
12/18/97

LR 3303 An Act Regarding the Expanded Archery Deer Hunting Season