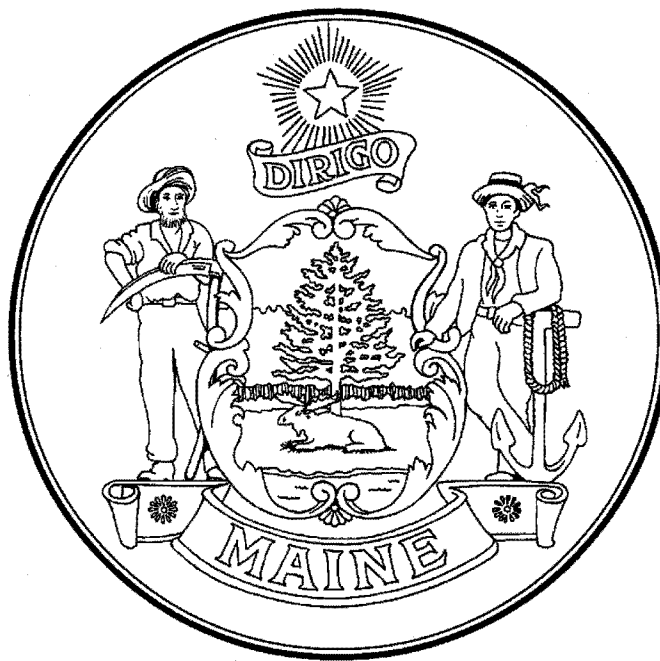


# MAINE STATE LEGISLATURE

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VICE-CHAIR



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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

## 118th MAINE STATE LEGISLATURE

### LEGISLATIVE COUNCIL

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

## MEETING SUMMARY MARCH 9, 1998 Approved March 23, 1998

### CALL TO ORDER

The Chair, Speaker Mitchell, called the Council meeting to order at 3:25 p.m., in Room 427, Banking and Insurance Committee Room.

### 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 Delfranco, 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

### SUMMARIES OF FEBRUARY 23 and FEBRUARY 25, 1998, COUNCIL MEETINGS

**Motion:** That the Summaries be accepted and placed on file. (Motion by Senate President Lawrence; second by Rep. Kontos; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing reported on the following:

### Item #1: Status of Bills

Ms. Tubbesing drew members' attention to the Bill Status Summary in their packets. The Chair, Speaker Mitchell, announced that the goal for adjournment **sine die** is still March 27.

This was an information item: no formal Council action was required.

### Item #2: Legislative Computer System: Report from Paul Mayotte, Director, Legislative Information Services

The Chair, Speaker Mitchell, recognized Paul Mayotte. Mr. Mayotte drew Council members' attention to the material that was included in the agenda packet and stated that he wished to focus on three areas in his presentation: the progress in technology in the Legislature during the past year; the proposed project for completing the "migration" from the Wang environment to the client server environment; and discussion of the next steps and the estimated cost of the migration effort.

#### Technology Progress

Mr. Mayotte stated that much of the work of the Information Services staff is in the background and designed to make sure that legislative users get the support they need. He pointed to some of the tangible signs of progress that had been accomplished in the past year, including:

- Improving the quality of the "Cyber Room" which is restricted to legislators only.
- Working to change the dynamics of the relationship with the International Roll Call Corporation, to ensure that his staff and IRC are working together to support the software applications that IRC has developed to support Bill Stamping, Calendar and Voting functions in the Senate and House.
- Support to legislative offices to help them take advantage of technology. Mr. Mayotte pointed to the work his office has been involved in with the Law Library to set up ADA-compliant work stations as an example of this kind of support. Information Services staff have also assumed key roles in getting the Maine Statutes on the Internet, as well as bill and amendment text.
- The development of tools to support the Committee process, including the development of WORD templates for use by the Committee Clerks.
- Implementation of new products on the Legislature's WEB Page and support to the Legislature's key WEB Users.

Mr. Mayotte characterized the Legislature's WEB Page as a true team effort, one that is supported by staff in virtually every legislative office. He noted that the primary role of the Information Services staff in this enterprise has been working on some of the more complex WEB products, such as the statutes, as well as general technical support.

Other "fronts" where progress has been made include the development of more structure within the Information Services Office to ensure timely response to requests for help; training of staff to ensure backup support for key areas; and significant work on the technology "infrastructure", including upgrading the electrical power supply.

Questions from Council members about Mr. Mayotte's summary of progress included the following:

1. Do we have someone on our staff trained to support International Roll Call's application? (Senate President Lawrence)

Mr. Mayotte responded that he does have one person trained to provide "front line support", (Casey Begin) but that this will never completely eliminate the need for support from IRC.

2. What is the Legislature's Year 2000 risk? (Sen. Rand).

Mr. Mayotte replied that the key to eliminating the Legislature's risk in this area is moving off the Wang; if the Legislature does not replace the Wang by the year 2000, it will be necessary to develop a plan for addressing this issue.

### **Proposed "Migration" Project**

Mr. Mayotte stated that some of the Legislature's key business applications are still on the Wang VS, including bill drafting and bill status, which be characterized as highly complex, highly integrated systems - and, in his contacts with other states -- very advanced systems in terms of what is available to most other legislatures. The Wang technology that supports these systems, however, is obsolete. The hardware is aging; and trained Wang support people are very difficult to find. The applications and software use old technology: they do not provide "clean" support of Windows or the WEB, and could not support future chamber automation. Maintenance and modification of Wang software is slow, limited and costly; and Wang software and operating systems pose year 2000 problems.

Mr. Mayotte went on to say that migration off the Wang is not a simple project: it not only involves replacing both the hardware environment and supporting software, but the conversion of data from past legislative sessions. The preliminary planning for the migration, which has produced the draft RFP, has involved the entire user community in defining both current systems and software application requirements. Mr. Mayotte stressed that the migration is a necessary first step to allow chamber automation, but that it will not actually accomplish chamber automation, a project that would require action by a future Council.

The preliminary migration planning has included an assessment of the resources represented by the Information Services staff, and Mr. Mayotte has concluded that while his staff has a basic knowledge of the software development tools and process,

they do not have the depth of development experience required to do a "first class job," nor is his office staff at the level that would be required to accomplish this project in a timely manner and continue to support all users. He views contracting as the most cost-effective way to accomplish this project; and, based on a survey of vendors who have worked with other state legislatures, believes that 3 or 4 vendors have products that could be customized to meet the Maine Legislature's requirements.

Mr. Mayotte then reviewed the proposed schedule for the Migration Project and indicated that he had distributed a preliminary draft of the RFP to the Secretary of the Senate, Clerk of the House, the Executive Director, and the Directors of the Revisor's Office and the Offices of Policy and Legal Analysis and Fiscal and Program Review for review and comment.

**Discussion** of this segment of Mr. Mayotte's presentation focused on the following issues:

1. Whether Mr. Mayotte planned to have anyone on his staff involved in the project (Senate President Lawrence)

Mr. Mayotte confirmed that he intends to integrate some of his staff fully into the project. He added that the successful vendor will also be required to turn over all source code that is developed so that Information Services staff will be able to modify it in the long run.

2. What are the most significant comments that Mr. Mayotte has received from those who have had the opportunity to review the RFP? (Speaker Mitchell)

Mr. Mayotte replied that there were two areas: First, that the draft describes the current drafting and status systems too closely and does not reflect the need for changes. He stressed that the focus of the migration is on the redevelopment of a database to support drafting, status reporting and related functions. The second broad area is related to the section on Terms and Conditions; and Mr. Mayotte stated that Sally Tubbesing was working on getting a legal review of this section.

The discussion then turned to how the Council would proceed. In response to Senator Amero's request as to whether the vote needed to be taken at this meeting, the Chair, Speaker Mitchell responded that the Council needs to vote before the RFP is released. Senate President Lawrence asked whether it would be appropriate to vote on the concept of contracting out, at which point the Chair, Speaker Mitchell, turned to Mr. Mayotte, who responded that he was seeking direction from the Council with regard to the RFP itself and to paying for the proposed contract. He stressed the fact that the success of this project requires a team effort. The Chair, Speaker Mitchell, stated that the Council does support the migration and asked Mr. Mayotte to continue to collect comments on the draft RFP and report these to the Council at a meeting to be scheduled. She then invited Mr. Mayotte to continue with the final segment of his presentation.

### Next Steps and Estimated Project Cost

Mr. Mayotte drew Council members' attention to the estimated budget for the migration project, noting that of the total projected cost of \$1,193,250 for hardware, software and related training, he had identified \$141,000 in his FY 1999 budget that could be "contributed" to this effort, leaving an unfunded balance of \$1,051,400. Council members raised the following issues and concerns in the discussion that followed Mr. Mayotte's overview of the budget estimate:

1. Whether there would be a schedule of payments to the contractor (Senate President Lawrence)

Mr. Mayotte responded that in projects of this size payment is generally based on the submission of approved deliverables: a progress payment is made upon approval of the deliverable, with a pre-defined percentage held to be issued as a final payment once the Legislature has formally accepted the newly designed system.

2. Whether bidders know the estimated budget (Rep. Kontos)

Mr. Mayotte replied that this estimate would be a matter of public record once the RFP has been issued.

3. How many vendors might be expected to submit bids (Rep. Kontos)

Mr. Mayotte responded that he had developed a list of 12 vendors and would expect at least 4 or 5 of these firms to submit proposals.

4. How the Legislature purchases computers compared to the Executive Branch, which utilizes lease-purchase financing. (Speaker Mitchell)

Ms. Tubbesing responded that the Legislature has used lease purchase financing for hardware in the past. Senate President Lawrence then stated that this project involves purchase of technical assistance in software development and that a lease purchase arrangement would be inappropriate.

5. The cost of the current bill drafting and bill status system and the projected pay back of the new system (Rep. Campbell)

Mr. Mayotte: The lease purchase agreement for the Wang VS was fully paid off in the summer of 1997; however, the Legislature continues to pay for a maintenance contract, which includes licenses, at a cost of approximately \$5,000/month. Other costs associated with the operation of the Wang include other licenses (est. \$12,000-\$15,000/year); the assignment of Information Services staff -- who could be reassigned to tasks related to support of the client/server network as soon as the migration is complete; and a year 2000 cost, which cannot be estimated at this point.

- Could the cost of the proposed work be spread out over a period of years? (Rep. Campbell)

Mr. Mayotte: Most of the hardware required to support the migration is already in place. The only alternatives to an outright purchase would be to stay on the Wang or to have in-house staff do all of the development work (which carries the risk of being more expensive ultimately)

Rep. Campbell asked for additional information about potential cost savings.

- The time frame for the project, which appears to be tight. (Senate President Lawrence)

Mr. Mayotte: Some time for overruns and delays has been built into the proposed schedule, but it is vital that the Council be comfortable with both the time frame and the entire project.

The Chair, Speaker Mitchell, concluded this discussion with the announcement that she would try to reconvene the Council later in the week, at which time the Council would also discuss the management structure for this project. Representative Kontos also asked that if anyone was opposed to anything in the proposed RFP, they raise their concerns at the next meeting so that Council members could understand the issues and concerns.

No formal action was taken.

## REPORTS FROM COUNCIL COMMITTEES

(None)

## OLD BUSINESS

### **Item #1: Special Committee to Review the Study Commission Process: Submission of Report (Tabled at February 25 Council meeting)**

The Chair, Speaker Mitchell expressed her thanks to all of the people who had worked on this study. She then recognized David Boulter, who proceeded to present an overview of the Special Committee's findings and recommendations. Mr. Boulter first drew members' attention to the Executive Summary in the Report, noting that some of the recommendations would require changes in current procedure, while others involve policy.

He reported that the Commission had convened last November to look at the problems in the current process, and at how study commission had been handled in the past. He stated that the more than 30 new study commissions that had been created by the Legislature during the 1st Regular Session had heightened awareness of the inefficiencies of the current process and convinced legislators and others that a number of changes could be made that would both increase the satisfaction of study commission members and improve the timeliness and thoroughness of study reports.

Mr. Boulter noted that the current method for creating study commissions through legislation had evolved since 1987, and that, prior to that time, study orders were used to direct joint standing committees or specially organized joint select committees to conduct studies.

Mr. Boulter reported that the Committee had identified significant procedural barriers that prohibit study commissions from accomplishing their legislative charge in many cases. He identified four broad problem areas that the Special Committee had identified. These include:

- 1) The lack of legislative control, due to the fact that legislators constitute a minority of the members on most study commission;
- 2) Inconsistent funding and compensation of members;
- 3) Lack of drafting guidelines; and
- 4) Cumbersome appointment process.

These procedural barriers create an environment that is rarely conducive to the careful evaluation of important policy issues and options -- thus defeating the very reason for creating study commissions.

Mr. Boulter then drew Council members' attention to the recommendations that the Special Committee had developed. They focus on returning the control of these studies to the Legislature through the use of joint standing and joint select committees for most studies; the appointment of both members and chairs by the presiding officers; and staffing studies through the Legislative Council. Other recommendations address the compensation of study commission members; the establishment of reporting deadlines before the convening of legislative sessions; and changes in the management of study expenses and the coordination of the convening of study commissions. He noted that some of the recommended changes would require amending both the Joint Rules, and the development of Legislative Council policies to provide clear guidance for studies.

In discussion following Mr. Boulter's presentation, the Chair, Speaker Mitchell, asked Mr. Boulter what issues had been raised in the Senate Caucus to whom he had previously made a presentation. Mr. Boulter responded that those present had raised the following issues and questions:

1. Whether adoption of these recommendations would completely foreclose other types of studies;
2. Whether membership on study commissions should be restricted to legislators; (Mr. Boulter clarified that the Committee's recommendation acknowledges that there should be some exceptions to the "legislator only" rule); and
3. Whether the presiding officers should be the sole appointing authorities.



Rep. Kontos asked Mr. Boulter if the Caucus had raised the issue of timing, and Mr. Boulter responded that if study commissions are convened promptly, they should have adequate time to complete their work. He again pointed to the recommendation that all studies be completed before the next legislative session. Senate President Lawrence stated that there are some issues that need to be resolved and suggested that he meet with Mr. Boulter to go over these issues.

The Chair, Speaker Mitchell, then posed the question as to whether this Legislature should consider the proposed amendment to the Joint Rules so it would be in place when the 119th Legislature convenes.

The Chair, Speaker Mitchell, thanked Mr. Boulter again; and, in the absence of a quorum, asked him to arrange to distribute copies of both the Report Summary and the proposed amendment to the Joint Rules to all members of the Legislature.

## NEW BUSINESS

**Item #1: Reconsideration of Request from Task Force to Study the Feasibility of Creating a Maine Mobility Fund for an Extension (Request denied by unanimous vote of the Council at the January 21, 1998, meeting; reconsideration requested by Senate President Lawrence; copy of original letter from Task Force enclosed).**

The Chair, Speaker Mitchell, recognized Senator William O’Gara, Senate Chair of the Joint Standing Committee on Transportation. Sen. O’Gara stated that the Task Force had not originally convened until December because the Governor had not completed his appointments until late November. The Task Force had met only once; thus, the members could not be faulted for failing to meet their January 1 reporting deadline. Sen. O’Gara noted that members of the Transportation Committee had worked very hard to create this Task Force and requested the extension so the Task Force would have an opportunity to complete its work.

In discussion, Rep. Saxl asked for information about how the Council had acted on other extension requests to date. Senate President Lawrence responded that the Council’s responses had been varied; and Sen. Amero added that she did not think that the Council had authorized any extension beyond the term of the 118th Legislature to date. Sen. Kieffer asked if the next Legislature could act on recommendations from a study created by this Legislature, and Speaker Mitchell responded affirmatively.

**Motion:** That the request to extend the Task Force’s reporting date to October 15, 1998 be approved. (Motion by Sen. Rand; second by Senate President Lawrence; failed 5-3)

**Item #2: Notification of Final Reports Submitted by Study Commissions**

- Commission to Study the Certificate of Need Laws, pursuant to 1997 Resolves, Chapter 82 (submitted to Joint Standing Committee on Health and Human Services and the Legislature).
- Task Force to Review the Applied Technology Centers and Applied Technology Regions, pursuant to 1997 Resolves, Chapter 74 (also submitted to the Joint Standing Committee on Education and Cultural Affairs and the Legislature).
- Commission to Designate Outstanding Maine Citizens Whose Portraits are to be Displayed in the State House, pursuant to 1997 Resolves, Chapter 64 (submitted to the Legislature).

No formal Council was action required on these reports.

**Item #3:** Northern New England Passenger Rail Authority: Submission of 1997 Annual Report pursuant to 23 MRSA, Chapter 621.

**Item #4:** 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****ADJOURNMENT**

The Legislative Council meeting was adjourned at 5:04 p.m.