

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. CAROLA A. KONTOS
REP. JAMES O. DONNELLY
REP. MICHAEL V. SAXL
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
March 12, 1998
Approved March 23, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 2:30 p.m. in Room 124, State House.

ROLL CALL

Senators: President Lawrence, Sen. Rand, Sen. Kieffer
Absent: Senator Pingree; Senator Amero

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

EXECUTIVE DIRECTOR'S REPORT

(None)

REPORTS FROM COUNCIL COMMITTEES

(None)

OLD BUSINESS

Item #1: Proposal to Issue an RFP to Seek Assistance in the Legislative Computer System Migration Project

The Chair, Speaker Mitchell, asked the Secretary of the Senate, Joy O'Brien, and the Clerk of the House, Joe Mayo, to join Mr. Mayotte as presenters in this discussion, which was a continuation of the Council's discussion of the proposed computer migration project and the draft RFP which has been developed to accomplish the project.

At her invitation, Clerk Mayo spoke first. He noted that while he had supported the Information Systems Office throughout his legislative career, he has concerns about the RFP in its current form. His primary concerns are that the RFP seems to perpetuate the current system and that it does not adequately reflect or address the need for support of 3rd floor operations. The reference to a Bill Status system in the RFP appears to ignore the Bill Stamping system that is now used in the Senate and House Chambers, but, instead, reflects the continuation of parallel tracking systems, which he termed unsatisfactory. He further expressed his concern that the RFP recognizes only the Legislative Council as having authority for overseeing the proposed project and approving the deliverables that result from it, thus failing to recognize the separate authorities of the Senate and House. He expressed confidence that the migration can go forward, but only if "we move outside the box" and rethink the way we do business, including the flow of information and documents.

Joy O'Brien, Secretary of the Senate, stated that she shared Clerk Mayo's concerns and that it is important not only to revamp the RFP to reflect these, but to look at other avenues to obtain the funding that the migration project requires.

The Chair, Speaker Mitchell, expressed her hope that the discussion would focus not only on identifying the problems, but on finding ways to address them. She then turned to Mr. Mayotte, who agreed that his discussions with those who had reviewed the Draft RFP had indicated there are several issues that need to be addressed; and he drew Council members' attention to a document that he had prepared following the Council meeting earlier that week. The document summarized the concerns that had been expressed by those who had reviewed the RFP to date, many of which the Clerk had just restated. He noted that many of the concerns dealt with issues of policy and stressed that the technology can support policy but not resolve it, and that these issues need, therefore, to be addressed in conjunction with the design of the new system over the course of the summer.

Mr. Mayotte then proceeded to go through the other items on the handout. He described the **Phased Implementation** that he has proposed, stating that the migration needs to be done in managed steps to insure that key users are involved throughout. Senator Rand asked if the RFP had to be entirely rewritten to address the concerns raised by the Secretary and Clerk, and Secretary O'Brien responded "no" but said that

she and Clerk Mayo had asked for a number of changes. The Chair, Speaker Mitchell, asked if it were possible to proceed with the initial steps in the project “without closing some doors;” and Mr. Mayotte responded that no doors will be locked until the Council and the contractor signoff on the design, which would occur in September or October based on the proposed schedule, adding that the new system architecture will be much more flexible than the Wang architecture. Rep. Saxl asked Mr. Mayotte whether he had worked with the architect and engineers on the infrastructure required for the full migration to a client server system, and Mr. Mayotte responded affirmatively.

Council members’ discussion then returned to issues related to the scope of the RFP and the administration of the proposed project, including:

- The role of the Legislative Council in administration of the contract for the project (Senate President Lawrence)

Mr. Mayotte drew Council members’ attention to a chart depicting a proposed Oversight Team for the project, noting that the Council must be involved in establishing both a process and a defined group that will be accountable to the Council throughout the project and that this group needs to have full communication with the Council. Secretary O’Brien stated that the project would not work in her view unless it was directly driven by the Council. In the ensuing discussion Council members agreed that a Council member should chair the Steering Committee; that Mr. Mayotte should be the person responsible for coordinating the work on the Steering Committee; and that the Steering Committee and Council need to begin review and discussion of the policy issues associated with this project immediately.

- Proposed timetable for issuance of the RFP (Rep. Kontos)

Rep. Kontos asked if the proposed timetable for issuance of the RFP is realistic given the discussion. Council members asked Mr. Mayotte to continue to gather comments from those who had reviewed the initial draft of the RFP and provide them all with revised draft which incorporates the changes.

- Process for resolving outstanding policy issues (Rep. Kontos)

Rep. Kontos turned to the question of how to resolve the policy questions that had been raised in the course of the discussion. Mr. Mayotte stated that it was his job to implement policy, and to ensure that policy decisions drive the technology. The Chair, Speaker Mitchell, asked Ms. Tubbesing to work with the Secretary, Clerk and the Office Directors to develop a list of the policy issues known at this point. Discussion concluded with consensus that the Oversight Committee is key to the success of the project and that Lynn Randall and Teen Griffin should be added to the membership of the Steering Committee.

- Project Funding

Clerk Mayo proposed that the Council should pay a rate lower than \$33/month for each device that is hooked to the Wide Area Network (this is the current charge levied by the Bureau of Information Services). Council members asked Mr. Mayotte to get more information about this charge.

NEW BUSINESS

Item #1: Letter from Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine Regarding Regulatory Agendas Submitted by State Departments and Agencies (enclosed)

The Council took no formal action on this item in the absence of a quorum.

Item #2: Government Evaluation Act: Process for Dealing with Reports and Legislation (at request of Rep. Kontos)

Rep. Kontos reported that the Utilities Committee had been working that week on its review of the Public Advocate pursuant to the Government Evaluation Act. She expressed concerns about the very compressed period available for the Committee's consideration of complex, and sometimes controversial issues and programs, as well as concern that there are unanswered questions surrounding the development of legislation in conjunction with GEA reviews.

The Chair, Speaker Mitchell, asked David Boulter to address the issues raised by Rep. Kontos. Mr. Boulter recalled that the Government Evaluation Act was set up as the successor to the audit and program review function to provide legislative oversight of departments' organization and operations. The statute lays out a 2-tiered process, which is intended to dovetail with the strategic planning process. In the first stage, legislative committees determine which departments they want to review, using the schedule that appears in the law, and departments prepare a self-assessment during the interim. The second stage involves review of these self assessment reports by legislative committees and the preparation of legislation if the committee deems this necessary to address issues identified in the course of the review.

Following this overview, Mr. Boulter stated that the difficulty with the GEA is that the heaviest workload -- review of departments' submissions -- comes at the busiest time of the session. He further noted that, in most cases, the legislation that committees have developed as a result of their reviews has not had a public hearing. He identified some measures that the Legislature could take to address some of the concerns expressed, including authorizing committees to meet during the interim to conduct the reviews of departments. The Chair, Speaker Mitchell, expressed concern that these

reviews should occur during the interim following the 1st Regular Session so that the reviews aren't left to "lame duck legislators." Rep. Kontos added that it is important to clarify the current language in the Government Evaluation Act with regard to how to deal with department reports and with legislation that emerges from a review.

No formal action was taken in the absence of a quorum, but Council members suggested that the questions raised during the discussion might be appropriate for an interim Staff Study.

Item #3: After Deadline Bill Requests

In the absence of a quorum, this item was not taken up.

ANNOUNCEMENTS AND REMARKS

The Chair, Speaker Mitchell, announced that the Council would meet again on Monday, March 23, to take final action on the Migration Project proposal.

ADJOURNMENT

The Council meeting was adjourned at 3:20 p.m.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 12, 1998

Action

SPONSOR: Sen. Goldthwait, Jill M.

NO ACTION
TAKEN

LR 3502 An Act Authorizing Certain Debt of Hancock County for
Construction of a New Jail and Courthouse Renovations and
Ratifying Certain Action Taken by Hancock County in
Connection with the Authorization of this Debt

JOINT RESOLUTION

SPONSOR: Rep. Farnsworth, Richard R.

NO ACTION
TAKEN

LR 3504 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO PRESERVE THE CURRENT FAIR HOUSING ACT

SPONSOR: Sen. Pingree, Chellie

NO ACTION
TAKEN

LR 3499 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENSURE THE
VIABILITY OF THE UNITED STATES SOCIAL SECURITY SYSTEM

TABLED BY THE LEGISLATIVE COUNCIL

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

SPONSOR: Rep. Mitchell, Elizabeth H. TABLED
11/20/97
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

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

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

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. Saxl, Michael V. TABLED
02/26/98
LR 2965 An Act to Ensure the Participation in Court Proceedings of
Victims of Violent Crimes