

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
AGENDA
APRIL 15, 1998**

CALL TO ORDER

ROLL CALL

**SUMMARIES OF MARCH 23 AND APRIL 2, 1998, COUNCIL
MEETINGS**

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Migration RFP: Status and Appointment of Steering Committee

NEW BUSINESS

Item #1: Requests from Committees for Interim Work

- Joint Select Committee to Implement a Program for the Control Care and Treatment of Sexually Violent Predators: Request for Assignment of Staff
- Joint Standing Committee on Inland Fisheries and Wildlife: Request to Provide Policy Direction and Oversight to Department Review of Fish and Wildlife Laws
- Joint Standing Committee on Education: Request for funds and staff to support work of the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf

Item #2: Notifications from Committees of Completion of Reviews under Government Evaluation Act

- Joint Standing Committee on Labor: Review of the Maine State Retirement System
- Joint Standing Committee on Education and Cultural Affairs
 - Review of Department of Education
 - Review of State Board Education
 - Review of Telecommunications Relay Services Advisory Council

Item #3: Request for Financial Information From the Harness Racing Promotion Board (Letter from Senator Daggett and Representative Tuttle: information item)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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 23, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 1:03 p.m. in Room 427, the Banking and Insurance Committee Room.

ROLL CALL

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

SUMMARY OF MARCH 9 AND MARCH 12 COUNCIL MEETINGS

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

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items for the Councils' consideration:

Item #1: State House Repairs: Status

- a) Responses to Ad for Owners Representative
- b) Construction Manager

Ms. Tubbesing reported that, pursuant to the Council's previous action, she had prepared an ad for the position of Owner's Representative. The ad, which had appeared in the State's major weekend newspapers, had generated responses from two individuals. She proposed that members of the Council's Legislative Facilities Committee participate in interviews with the two candidates and in developing a recommendation regarding the selection of a candidate for the full Council.

Ms. Tubbesing reported that she and the architect had also placed an ad for a Construction Manager, recalling the Council's discussion at a previous meeting that the intent in hiring a contractor the capacity of Construction Manager is to incorporate the Contractor's experience into the initial construction schedule and documents, with the goal of breaking the work up into a logical sequence of tasks and carrying out work in a cost effective manner. She stated that three highly-regarded Maine firms had submitted qualifications packages in response to this ad and requested direction from the Council regarding whether members of the Council wished to participate in the interviews of the firms, noting that the Council has final approval of the firm who will act in this capacity.

The Chair, Speaker Mitchell, asked Ms. Tubbesing to provide the review schedule to all Council members so that they could participate if they wished. Rep. Campbell suggested that the interview would be a good time to negotiate the rate the Construction Manager will be paid, and Ms. Tubbesing responded that the 3 firms would be asked to described their basis for charging fees and that these responses would be one of the items scored in the evaluation process.

Motion: That the Executive Director proceed in accordance with her report with the review process. (Motion by Rep. Campbell; second by Rep. Saxl; unanimous).

At this point, the Chair proceeded to take up other items on the Council agenda out of order in deference to legislators who were present for those items.

NEW BUSINESS

Item #3: After Deadline Bill Requests

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

OLD BUSINESS

Item #1: Performance Budgeting: Follow-up Discussion Regarding Proposed Amendments (see enclosed memo from Jim Clair, Office of Fiscal and Program Review)

The Chair, Speaker Mitchell, recognized members of the Appropriations Committee who were present -- the Committee Chairs, Senator Michael Michaud, and Representative George Kerr, and Representatives Randy Berry, Richard Kneeland, Pat Lemaire, David Ott, Jean Ginn Marvin, Cassie Stevens, Liza Townsend, and Thomas Winsor. She also recognized Representative Martha Bagley, who is one of two members of the State and Local Government Committee who sit on the Commission on Performance Budgeting, and Jack Nicholas, the State Budget Officer.

Speaker Mitchell recalled that the upshot of an earlier discussion of proposed amendments to the Performance Budgeting process had been to ask the Appropriations Committee to discuss ways to make the proposed delay in the implementation date meaningful. She asked Jim Clair to lead off with a brief summary of the various amendments that have been proposed. Mr. Clair responded that since the earlier discussion he, David Boulter and Rose Breton had met to review the current proposals and to attempt to draft a new proposal that would address the concerns that had been raised by the Council. He stated that he had also had some discussions with members of the Appropriations Committee, but that the Committee has not had the time to have a full discussion, given its preoccupation with the Supplemental Budget. He then drew Council members' attention to a chart that he had prepared that compared the options that have been under discussion, including the original bill sponsored by Rep. Ott; the amendments that had been proposed by the Administration; and the proposal that had been developed by the staff working group described above. Mr. Clair pointed out that Rep. Kerr had also proposed an amendment which would simply discontinue the performance budgeting process.

The discussion that followed Mr. Clair's overview of the options produced the following questions and concerns:

- Whether anyone had done a cost benefits analysis of the Performance Budgeting process (Speaker Mitchell).

Mr. Clair replied that the fiscal note on the bill that originally established performance budgeting had been "costs absorbed". Speaker Mitchell pursued the question, asking about the cost benefit for the Legislature: what benefit is the Legislature getting from this additional responsibility that this process imposes on committees and staff? Mr. Clair agreed that the performance budgeting process is clearly "time intensive", but that it is up to the Legislature to determine how much time it would devote to this process.

- Why the State Planning Office is involved with the Commission on Performance Budgeting (Senate President Lawrence)

Mr. Clair suggested that the process envisions a blending of strategic planning and performance budgeting, to which Senate President Lawrence responded that he thought that the Bureau of the Budget could provide the necessary support for both elements.

Jack Nicholas, State Budget Officer, affirmed Mr. Clair's statement that the Administration's original concept envisioned a continuum between strategic planning and performance budgeting and that the challenge now is to make the link to the budgeting process.

- The Administration's proposed amendment dilutes the performance budgeting process as it was originally enacted and raises questions of accountability; "if targets, goals and plans don't pan out, who is accountable?" (Rep. Kerr)

Rep. Townsend stated that she currently supports Rep. Kerr's amendment - to discontinue the performance budgeting process - adding that the work to date "has consumed an enormous amount of time and paper, and there is nothing to show for it." She went on to say that she supports strategic planning by departments. Rep. Ott countered that those who agree that strategies, goals and policy decisions are instructive for budget purposes are actually presenting the argument for codifying the process.

- How the Legislature and judicial branches are treated in the new proposed amendment. (Speaker Mitchell)

Mr. Clair responded that the proposed language gives the legislative and judicial branches the choice to participate in any aspect of the process.

- Whether other states are using performance budgeting, and whether they have full time or part time legislatures. (Rep. Kontos)

Mr. Nicholas responded that about half of the states do some form of performance budgeting and specifically mentioned Texas, North Dakota, and Minnesota. The Chair, Speaker Mitchell asked the Appropriations Committee to look into this question more thoroughly.

The Chair, Speaker Mitchell, reminded Council members that the issue before them was to give guidance to the members of the Appropriations Committee regarding how to proceed with the proposed amendments. Senator Amero stated that it would, in her view, be unfortunate if the entire process were dropped after so much hard work had been done by the executive branch. She asserted that the concept that performance should be a factor in budgeting is an excellent one and suggested that the process had not yet been given enough time to work -- policy committees should have been immersed in the review of strategic plans with agencies during the First Regular Session; however, this never happened. Senator Michaud responded that the Appropriations Committee is serious about wanting a better system of budgeting, but that it is important to have the wisdom to know when enough time has been invested

and the will to know when it is time to conclude that the current process is flawed and needs to be rethought. Rep. Donnelly acknowledged that the process seems to have gotten much more complicated than it started out to be and suggested that the goal should be to simplify the process. Rep. Bagley concurred, stating that it is a difficult process to understand. Rep. Donnelly then expressed his view that the proposal developed by staff is an improvement and encouraged the Appropriations Committee to not simply repeal the performance budgeting process. Rep. Donnelly concluded by recalling that during his term on the Appropriations Committee the Committee had asked departments to list their top priorities and include brief justifications and that he had found this very helpful. The Chair, Speaker Mitchell, suggested that this could be done without a performance budgeting process; and, Rep. Donnelly, while agreeing, advocated the need to build in continuity across legislatures, to build a base of information that would permit the tracking of success rates over time.

Senator Michaud then asked why the information Rep. Donnelly described couldn't be gathered through an audit process. Rep. Donnelly replied that the issue is not whether departments are spending funds in accordance with their appropriations, but whether they are spending it well and that this is not in the scope of a financial audit. Senate President Lawrence then asked how performance budgeting differs from the process set forth in the Government Evaluation Act. The Chair, Speaker Mitchell, recognized David Boulter, who responded that the Government Evaluation Act had replaced the audit and program review process. It is generally retrospective in nature, while performance budgeting is intended to shape the future. The Government Evaluation Act was intended to be complementary to performance budgeting, providing a program audit function. Rep. Donnelly offered the example of job training programs in the State, recalling that the Governor's Training Initiative, established in 1996 to look at the 16 different job training programs and to endeavor to evaluate the programs and reallocate the resources to those, that were successful, had been effective. Senate President Lawrence responded that he is concerned that some of the new initiatives will turn the Legislature into a perpetual study commission, Rep. Lemaire stated that the key to all of this is accountability.

The Chair, Speaker Mitchell, closed this discussion by thanking those members of the Appropriations Committee who had participated in the discussion and encouraged them to consider the points raised during the discussion as they conclude their work on the proposed amendment.

Item #2: Proposal to Issue an RFP to Seek Assistance in the Legislative Computer System Migration Project

The Chair, Speaker Mitchell, drew Council members' attention to the fact that all members had received copies of the Draft RFP, following the request at the last meeting. She turned to Paul Mayotte, Director of Legislative Information Services, and asked him to bring Council members up to date on developments since the last meeting. Mr. Mayotte confirmed that the revised draft had been distributed to all offices, as well as to Council members, and that it incorporates the comments he had received through the middle of the previous week. He then drew members' attention to materials that he had distributed, including:

- A preliminary list of policy issues that the Council and/or the proposed Migration Oversight Committee need to address in the design phase of the migration project.

He reported that this list had been circulated to the Secretary of the Senate, the Clerk of the House and the Office Directors for comment.

- Proposed Statement of Intent

Mr. Mayotte stated that this was an attempt to capture some of the key elements of the Council's discussion during its consideration of the proposed migration project. He offered it for the Council's consideration.

Mr. Mayotte recalled that Rep. Campbell had asked about cost savings that could be attributed to completion of the Migration and reported that he is still gathering information to respond to this question, as well as questions that Council members had raised at the previous meeting regarding charges for both telephone and Internet access.

Returning to the RFP, Mr. Mayotte stated that he continues to receive comments. He plans to incorporate additional revisions which more clearly identify the systems that support the Senate and the House. He also noted that the "Terms and Conditions" had been reviewed. He drew members' attention to a revised Proposed Schedule and to a list of interested bidders that his office has compiled. In response to a question from Rep. Campbell regarding how the list had been developed, Mr. Mayotte replied that the list comprises those firms who have expressed an interest in the project, adding that he thought it would be important to advertise in Maine newspapers to cast a broader net for qualified firms in Maine. Rep. Campbell then asked if there are any Maine-based companies that are qualified to do this work, and Mr. Mayotte responded that he didn't know of any. Senate President Lawrence agreed, noting that Keene Associates, a company based in New Hampshire, is probably the only such firm in northern New England.

Rep. Kontos thanked Mr. Mayotte for putting the list of policy issues together, adding that she would like to discuss it at the next Council meeting. Senate President Lawrence stated that he had not had an opportunity to read the RFP, and Senator Kieffer agreed, noting that this isn't the week to do it. The Chair, Speaker Mitchell, asked Mr. Mayotte whether the schedule could absorb an additional delay if the Council were to defer its final action until members had had an opportunity to read the RFP. Mr. Mayotte indicated his full appreciation for the other priorities that presently occupy Council members, but expressed concern that delay of more than another week would begin to impact the vendor's ability to complete the project by the time the 119th Legislature convenes in its Second Regular Session. The Chair, Speaker Mitchell, concluded the discussion, by asking Mr. Mayotte to delay advertising and issuing of the RFP by one week, and stated that the Council would reconvene on Monday, March 30, to take final action on that RFP.

The Chair, Speaker Mitchell, then returned to those items on the agenda that had been set aside.

Item #2: Installation of TTY Telephone

The Chair, Speaker Mitchell, noted that Council members had received a letter from Mary Edgerton at the Maine Center on Deafness regarding the installation of a pay TTY telephone and asked Ms. Tubbesing to report on the status of the installation. Ms. Tubbesing reported that the TTY phone is now installed and has been tested. Installation had originally been scheduled for mid-January, but had been postponed due to the ice storm. Rescheduling of the installation had been slowed by confusion between the Telecommunications Division and Bell Atlantic about who had responsibility for various tasks associated with the installation.

Ms. Tubbesing stated that this project pointed up the need to have a single contact point in the Legislature for questions and concerns from the general public regarding the accessibility of legislative services and facilities. She drew Council members' attention to a list of proposed responsibilities for ADA Coordinator and recommended that the Council appoint Teen Griffin to assume these responsibilities, noting that Ms. Griffin already works extensively with Committees to coordinate and facilitate access to the committee process and that she is held in high regard by various advocacy organizations who represent the disabled community.

Motion: That Teen Griffin be designated as the Legislature's ADA Coordinator and have responsibility for bringing the concerns of advocacy groups to the Council's attention. (Motion by Rep. Donnelly; second by Rep. Kontos; approved unanimously).

REPORTS FROM COUNCIL COMMITTEES**Personnel Committee**

Speaker Mitchell, who Chairs the Committee, reported that the Committee did have some unfinished business but had been unable to achieve a quorum at this point in the session. She reported that one pending item had been the annual salary adjustments for the Constitutional Officers and State Auditor and that a ballot had been circulated to members of the Personnel Committee so that this open issue could be resolved. She turned to Ms. Tubbesing, who reported that four of the five members of the Personnel Committee had returned ballots and that the vote to award step increases to each of the four individuals was 3-1. Pursuant to the Council's rules of procedure, which provide that step increases must be approved by a majority, the increases were approved.

This report required no further action by the Council.

Legislative Facilities Committee

Rep. Saxl, Committee Chair, reported that the Committee had met several times and had reviewed the proposals for work in the State House - both for the approaching interim and for the future, pending the Legislature's approval of funding. He stated that the Committee had issued surveys to members of the Legislature and all legislative staff that were designed to gather some information about priorities related to both the location and the characteristics of assigned space. Slightly more than 50% of all legislators responded; staff response is also strong, but has been slowed due to the pace of the session. The Committee will review the survey results following adjournment of the session. Rep. Saxl expressed his interest in

organizing a more open forum to give legislators an opportunity to ask questions about the work that is proposed in both the State House and the State Office Building.

This report did not require formal action by the Council

NEW BUSINESS

Item #1: Notification of Completion of Reviews Under the Government Evaluation Act

- Joint Standing Committee on Agriculture, Conservation and Forestry (Reviews of the Department of Agriculture, Food and Rural Resources and the Baxter State Park Authority)
- Joint Standing Committee on Marine Resources (Reviews of the Atlantic States Marine Fisheries Commission and the Department of Marine Resources)
- Joint Standing Committee on Natural Resources (Reviews of the Board of Environmental Protection and the Department of Environmental Protection)
- Joint Standing Committee on Utilities and Energy (Review of the Office of the Public Advocate)

Motion: That these Reviews be accepted and placed on file. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

Item #2: Study Reports

- Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People With Disabilities (pursuant to Resolves of 1997, chapter 72)
- Commission to Study the Use of Pharmaceuticals in Long-term Care Settings (pursuant to Resolves of 1997, chapter 71)

Motion: That these Reports be accepted and placed on file. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

OLD BUSINESS

Item #3: Special Committee to Review the Study Commission Process: Status Report

The Chair, Speaker Mitchell, asked David Boulter to give the Council a brief update on developments related to this Study Report since the previous Council meeting. Mr. Boulter reminded Council members that formal legislative action is required to implement the proposed process, and recalled that Senate President Lawrence had indicated that he wanted to review the proposed changes in the Joint Rules. He stated that several new study commissions are proposed in legislation that is coming out of committees and that, absent new policies or guidelines, these proposals reflect many of the elements that precipitated the formation of the Special Committee. Senate President Lawrence expressed his sense that the proposed changes would probably not

be accomplished at this point in the session and recommended that the Council reconvene the Rules Committee that had revamped the Joint Rules in the 117th Legislature. The Chair, Speaker Mitchell, expressed concern that if this Council and Legislature defer action to the 119th Legislature, it will be necessary to start all over again; and she urged Council members not to let the work that the Special Committee has done disappear.

Rep. Donnelly, citing the “boiler plate” language that is now used to create and amend Water District charters, suggested that the development of boiler plate language to create studies would be very helpful. The Chair, Speaker Mitchell, responded that the proposals related to studies go far beyond boiler plate language and encouraged Council members not to lose sight of the fact that the current situation truly dilutes the role of the Legislature in policy making. Rep. Kontos suggested that the large number of study commissions that were created during the First Regular Session may be attributable in large part to term limits, and that new members viewed them as a way to develop a better understanding of complex policy issues before their committees. Senate President Lawrence then stated that this had been a staff study and that legislators had not yet had an opportunity to “buy in” to the recommendations.

The Council took no formal action on this item.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

The Council meeting was adjourned at 2:26 p.m.

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
APRIL 2, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 9:20 p.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. Donnelly,
Rep. Saxl, Rep. Campbell

Legislative Officers: Joseph Mayo, 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
Paul Mayotte, Director, Legislative
Information Services

The Chair, Speaker Mitchell, proceeded directly to **New Business**.

NEW BUSINESS

Item #1: Proposed Studies on the Appropriations Table

The Chair, Speaker Mitchell, stated that the purpose of the meeting was to take action on those bills that had been assigned to the Appropriations Table that contain interim studies and noted that the Appropriations Committee had set these aside for Council action. She then asked Sally Tubbesing the total amount that would be required to fund all of the proposed studies, and Ms. Tubbesing responded \$100,940. The Chair, Speaker Mitchell, then asked Jim Clair how much money was left to fund these bills. Mr. Clair drew Council members' attention to a chart that he had distributed that summarized the Appropriations Committees' actions to date on bills assigned to the table. He stated that a balance of \$642,130 remained "unspent". Senator Kieffer, noting that this balance appeared to be in the Tobacco Tax Relief Fund, asked Mr. Clair to confirm that these funds were specifically for tax relief; and Mr. Clair responded affirmatively.

The Chair, Speaker Mitchell, then asked Mr. Clair if the Appropriations Committee had, in fact, funded some "tax relief" bills out of the General Fund. Senator Amero stated that she would not vote for any of the studies, given the lack of General Fund monies; but the Chair, Speaker Mitchell, suggested that the Council look at the studies on their merits and then go back to the Table to identify specific bills that could legitimately be funded with the Tax Relief funds.

Representative Campbell then asked whether the Council wanted to set general guidelines for funding studies as it had in the past. Ms. Tubbesing stated that the Council had tried to impose consistency on study commissions with regard to both compensation of legislative members, and the reporting date. She noted that most of the studies before the Council lacked emergency preambles; thus, they would not take effect until 90 days following adjournment -- and that the earliest most of these could begin work would be in late August or early September. Senator Pingree asked if there was not some way other than the emergency preamble to address the effective date; and Senate President Lawrence suggested that the Council could kill the individual bills and enact the studies by means of a Joint Order.

The Chair, Speaker Mitchell, then proceeded to take up the studies on the list that had been distributed. The Council's action on the studies is summarized on the enclosed list.

EXECUTIVE DIRECTOR'S REPORT

REPORTS FROM COUNCIL COMMITTEES

Legislative Facilities Committee

Rep. Saxl, Committee Chair, reported that interviews with the 3 firms that had submitted Qualifications Packages for Construction Manager had been conducted earlier in the day. The Interview Team had consisted of the architect; the structural, electrical and

mechanical engineers; the Director of the Division of Professional Services, Bureau of General Services; and Sally Tubbesing. Rep. Saxl stated that while the demands of a legislative session had prevented him and Rep. Campbell from fully participating in all of the interviews, Rep. Campbell had attended a segment of each of the interviews, and that both he and Rep. Campbell had participated in the general discussion that followed the interviews.

Rep. Saxl reported that each member of the Review Team had rated each of the three firms relative to several pre-established evaluation criteria. The ratings confirmed that all three firms are extremely well-qualified; and, based on the composite scores, Granger Northern, Inc., of Portland, Maine came out on top. He then presented the following motion to the Council:

Motion: That, pending the satisfactory outcome of the remaining reference checks, the Legislative Council authorize the Executive Director, in consultation with the Facilities Committee, to proceed with the negotiation of a contract with Granger Northern, Inc., to serve as Construction Manager for the renovations to be carried out in the State House during the 1998 interim. (Motion by Rep. Saxl; second by Sen. Rand; unanimous).

Rep. Campbell noted that it is extremely important to expedite contract negotiations so that actual work can begin as soon as possible. He also stressed the need to proceed rapidly with the selection of the Owner's Representative.

OLD BUSINESS

None.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 11:05 p.m., at which point the members of the Council continued their review of the Appropriations Table as Leadership.

LEGISLATIVE COMPUTER SYSTEM

POLICY ISSUES THAT NEED TO BE ADDRESSED IN MIGRATION PROJECT

PRELIMINARY LIST

■ General System Requirements and Design

- a) Need to review the information that current status system captures and determine need for additional items.

■ Process and Document Flow

- a) Need to review current data entry responsibilities and identify opportunities for
 - Eliminating duplicate data entry
e.g. Using data captured by Bill Stamping System and eliminating Info Office data entry of docket information.
 - Capturing data closer to its point of organization
e.g. Committee “status” information.
- b. Need to review the way we currently process documents related to bills and amendments

Examples

- Should Fiscal Notes be integrated into bill/amendment text or appended (separate sheet)?
- At what point in the process should Fiscal Notes be prepared?
Wait until Committee takes an affirmative action?
- Floor amendments
 - Should they be fully drafted before the body adopts in concept?
 - Filing deadlines?

■ **Data Ownership and Access**

- a) Need to define who “owns” data and who has the following rights/access to each set of data
 - Create
 - Read
 - Update
 - Delete
- b) Need to define data that the creating office has sole ownership of (i.e. to use only for internal management purposes)?
- c) Need to ensure that access to the data is “user friendly” and readily supports ad hoc reporting as well as defined standard reports.

■ **Data Security:**

- a) Who establishes, maintains, and is accountable for security levels?
 - Office security
 - Application security
 - Data security
 - System security
- b) What the right balance between the level of security and ease of system use?

■ **Data Validation and Verification**

- a) Need to review current responsibility for this function for each set of data and reaffirm or propose changes.
e.g. If Committee Clerks directly enter data, who is responsible/accountable for verifying completeness and accuracy?

■ **Publication of Data**

- a) Need to define who controls the release/availability of various types of information
 - to the public
 - to the WEB
- b) Need to review current publications

■ **Migration Project Management**

- a) **Roles, authority and membership of Migration Project Oversight Committee need to be defined.**

PROPOSED

Oversight Committee

- a) Reviews proposals and makes provisional selection of vendor, subject to final approval of the Council.
- b) Provides oversight to ensure that final system design
 - Provides robust support for functions related to drafting and capture and reporting of status information so as to meet defined requirements of Senate, House and Legislative Council offices related to these functions.
 - Offers appropriate integration with IRC applications.
 - Supports implementation of the Legislature's Strategic Plan.
- c) Is involved in identification and resolution of policy issues that arise in the course of the contract.
- d) Is apprised of all technical issues and their resolution by the Director of Information Services.
- e) Reviews need for contract amendment, and approves amendments based on recommendation of Director of Information Services.
- f) Approves payment in accordance with contract schedule, based on review and recommendation of Director of Information Services.

PROPOSED

Legislative Council

- a) Approves the Migration Project's goals and objectives.
- b) Approves selection of the vendor and contract amount based on recommendation of the Steering Committee.
- c) Approves contract changes if they require use of the contingency reserve.
- d) Receives monthly reports on project progress, policy issues that arise and their resolution.
- e) Has final approval of all recommendations from Steering Committee that involve changes in organizational responsibility.

PROPOSED

Director, Legislative Information Services

- a) Primary contract for overall and day to day project management, including
 - Organizes overall project into manageable components.
 - Develops project task and deliverable schedule.
 - Identifies need for contract changes.
 - Tracks issues requiring review by Oversight Committee and tracking resolution.
 - Oversees technical acceptance testing
 - Coordinates user acceptance testing
 - Coordinates training.
 - Status reporting to Oversight Committee and Legislative Council
 - Coordinates progress payments.
- b) Initial contact point for Contractor.
- c) Contract administration (in consultation with Oversight Committee and Executive Director)
- d) Staff support to the Oversight Committee (Agenda coordination; follow-up, etc.)

**WANG Migration Request for Proposal Schedule
As of March 23, 1998**

March 23, 1998	Legislature Council discussion and direction
March 24, 1998	Place formal advertisement
March 24/26, 1998	Final comments / revisions integrated / complete document
March 27, 1998	Print completed document
March 29, 1998	Advertisement appears in Maine newspapers
March 31, 1998	RFP released
April 27, 1998	Bidders conference
May 15, 1998	Bids due
May 19 – June 12	Bid Review and development of recommendations
June 15 – July 2	Legislative Council review and consideration
July 5 – July 10	Contract negotiations
July 13 – July 15	Final Legislative Council review / consideration / approval
July 17, 1998	Contract award

**Bill Drafting / Legislative Status Project
Bidders List
as of March 23, 1998**

Xlink
14 North Peoria Street, #7G
Chicago, IL 60607

Microstar
3775 Richmond Road
Nepean, Ontario, Canada K2H 5B7

International Roll-Call Corp.
8346 Old Richfood Road1500
Mechanicsville, VA 23116

Omicron
Market Street, Suite 2300 West
Philadelphia, PA 19102

Pythia Corporation
101 West Ohio Street
Indianapolis, IN 46204

Coopers & Lybrand L.L.P.
Two Wall Street
P. O. Box 5086
Manchester, NH 03108

Computer Science Corporation
700 Washington Street
Bath, ME 04530

Keane, Inc.
2 Executive Park Drive
Bedford, NH 03110

Public Systems Associates
770 North Street
Baton Rouge, LA 70802

Software Studios, Inc.
1356 South Main St. Suite 200
Orem, UT 84058

Digital Equipment Corporation
4235 South Stream Blvd.
Suite 200
Charlotte, NC 28217

Grant Thornton, L.L.P.
605 3rd Avenue, 30th Floor
New York, NY 10158

**118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

STATEMENT OF INTENT

LEGISLATIVE INFORMATION TECHNOLOGY

March 23, 1998

It is the intent of the Legislative Council that:

The MAINE STATE LEGISLATURE develops and implements a structured Information Technology Plan, which shall provide the House, the Senate, and the Legislative Council with, cost effective, user enabling automated systems. The automated systems provided are to be flexible in nature to make possible prompt system modifications resulting from changes in Legislative policies or processes.

The Legislative Council is the policy setting body for information technologies, which impact the entire Legislature.

Leadership, Legislators, and the Officers of the Legislature are directly involved in defining, planning, and providing oversight in the implementation of information technology in the Legislature and that the Council establishes an Information Technology Steering Committee made up of these people to perform these functions.

In order to effectively manage information technology projects and minimize risk to the Legislature, that each project be implemented in phases. Each project phase being of a size and duration that can be efficiently planned, scheduled, and measured.

The Legislature migrates its automated systems currently supported by the WANG VS mini-computer to a client/server-computing environment using an "open technology architecture".

**Bill Drafting / Legislative Status Project
Bidders List
as of April 8, 1998**

Xlink
14 North Peoria Street, #7G
Chicago, IL 60607

Microstar
3775 Richmond Road
Nepean, Ontario, Canada K2H 5B7

International Roll-Call Corp.
8346 Old Richfood Road1500
Mechanicsville, VA 23116

Omicron
Market Street, Suite 2300 West
Philadelphia, PA 19102

Pythia Corporation
101 West Ohio Street
Indianapolis, IN 46204

Kreative Technical Solutions
222 St. John Street, Suite 207
Portland, ME 04102

Coopers & Lybrand L.L.P.
Two Wall Street
P. O. Box 5086
Manchester, NH 03108

TSR Counsulting Services, Inc.
50 Stanford Drive
Farmington, CT 06032

Computer Science Corporation
700 Washington Street
Bath, ME 04530

Mr. Ralph B. Pears
Maine Gov. Affairs Associates
PO Box 680
Kennebunkport, ME 04046

Keane, Inc.
2 Executive Park Drive
Bedford, NH 03110

Public Systems Associates
770 North Street
Baton Rouge, LA 70802

Software Studios, Inc.
1356 South Main St. Suite 200
Orem, UT 84058

Digital Equipment Corporation
4235 South Stream Blvd.
Suite 200
Charlotte, NC 28217

Grant Thornton, L.L.P.
605 3rd Avenue, 30th Floor
New York, NY 10158

**PROPOSAL FOR FUNDING ESTIMATED COSTS OF THE RFP
TO SUPPORT THE MIGRATION PROJECT**

Projected Funds Needed for Migration RFP **\$750,000**

Proposed Sources of Funding:

- Legislative Account: reduce FY 99 software budget by \$50,000. \$ 50,000

- Funding from L.D. 2012. \$150,000

- Transfer, by Financial Order, up to \$550,000 from the Reserve Fund for State House Preservation and Maintenance to the General Legislative Account. (The Legislative Council, by majority vote, has the authority to approve transfers, pursuant to 3, § 163). \$550,000

**LEGISLATIVE COUNCIL
COMPUTER MIGRATION PROJECT**

Motion #1: That the Legislative Council establish a Migration Oversight Steering Committee to be chaired by a member of the Council appointed by the Council Chair, and to comprise the following members: one or more members of the Council, to be appointed by the Council Chair; The Secretary of the Senate; the Clerk of the House; the Executive Director of the Legislative Council; the Revisor of Statutes; the Director of the Office of Fiscal and Program Review; the Director of the Office of Policy and Legal Analysis; the State Law Librarian; the Director of Legislative Information Services; and the Manager of the Legislative Information Office; and, further, that this Committee be charged with the following:

- Review of proposals submitted in response to the RFP and making a final recommendation to the Council.
- Providing oversight to ensure that the final system design supports appropriate integration with other automated systems, and meets the defined requirements of the Senate, House and Legislative Council staff offices related to drafting, bill and amendment production, and the capture of status information related to these functions;
- Identifying and resolving policy issues that arise in the course of the project;
- General oversight of project progress;
- Approval of both changes in project scope and project deliverable; and
- Providing regular reports to the full Council regarding project status.

**LEGISLATIVE COUNCIL
COMPUTER MIGRATION PROJECT**

Motion #2: That the Legislative Council authorize the release of the Request for Proposals for Software Applications and Conversion Support for the Migration of Legislative Support Systems to a Client/Server Architecture; and that the Migration Oversight Steering Committee be directed to review the responses and present recommendation of the Council for the selection of a contractor no later than June 30, 1998.

Motion #3: That the Legislative Council direct the Executive Director to transfer up to \$550,000 from the FY 99 appropriation to the Reserve Fund for State House Preservation and Maintenance to the general legislative account to be used exclusively to fund activities and services that are required to accomplish the redesign of applications currently supported on the Wang to function in the client-server environment.

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of 8

STATE OF MAINE

In House March 20, 1998

WHEREAS, the Legislature finds there exists an extremely dangerous group of sexually violent predators who have a mental abnormality or personality disorder and who have a significant likelihood to engage in repeat acts of sexual violence unless the State provides an effective intervention mechanism; and

WHEREAS, the Legislature finds that the current criminal justice system inadequately addresses the special needs of sexually violent predators and the risks they present to society; and

WHEREAS, the Legislature finds that there is an urgent need for a program that provides for the control, care and treatment of sexually violent predators; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators is established as follows.

1. Committee established. The Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows.

A. The President of the Senate shall appoint 3 members from the Senate who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent predators. The first Senate member named is the Senate chair.

B. The Speaker of the House of Representatives shall appoint 10 members from the House of Representatives who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent predators. The first House member named is the House chair.

3. **Appointments.** All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 1998.

4. **Duties.** The committee shall develop a plan to implement a program to provide for the control, care and custody of sexually violent predators. The plan must include at least the following: a description of proposed facilities; appropriate treatment modalities; personnel requirements; legal and practical procedures for using the program; estimated population of sexually violent predators that would be eligible to participate in the program; and costs and funding estimates. In developing the plan, the committee shall:

A. Request the assistance of the Department of Corrections, the Department of Mental Health, Mental Retardation and Substance Abuse Services and other state agencies;

B. Examine programs for the control, care and treatment of sexually violent predators in other jurisdictions;

C. Review legal parameters applicable to such programs;

D. Examine the financial implications of program options;

E. Review the potential sexually violent predator population estimates; and

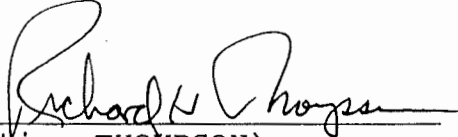
F. Invite the participation of experts and interested parties.

5. **Meetings.** In conducting its duties, the committee may meet as often as necessary with any individuals, departments or institutions it considers appropriate.

6. **Staff assistance.** The committee shall request staffing and clerical assistance from the Legislative Council.

7. **Reimbursement.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. **Report.** The committee shall submit a report on the plan developed along with any accompanying legislation to the Joint Standing Committee on Judiciary by October 15, 1998. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

SPONSORED BY: 
(Representative THOMPSON)

TOWN: Naples

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DATE: *March 30, 1998*

(Filing No. S- *661*)

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

SENATE AMENDMENT "*A*" to H.P. 1653, "Joint Order Creating the Joint Select Committee to Create a Program for the Control, Care and Treatment of Sexually Violent Predators"

Amend the order in section 5 in the 2nd line (page 2) by striking out the following: "as often as necessary with" and inserting in its place the following: 'up to 4 times, as authorized by the presiding officers. During these meetings, the committee may meet with'

SUMMARY

This amendment limits the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators to up to 4 meetings, as authorized by the presiding officers.

SPONSORED BY: 
(Senator PINGREE)

COUNTY: Knox

SENATE AMENDMENT

SENATE

MARGE L. KILKELLY, DISTRICT 16, CHAIR
RICHARD P. RUHLIN, DISTRICT 6
STEPHEN E. HALL, DISTRICT 8

PATRICK T. NORTON, LEGISLATIVE ANALYST
DEBBIE THERIAULT, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

March 23, 1998

HOUSE

NORMAN R. PAUL, SANFORD, CHAIR
RONALD E. USHER, WESTBROOK
JOSEPH E. CLARK, MILLINOCKET
MATTHEW DUNLAP, OLD TOWN
ALBION D. GOODWIN, PEMBROKE
ROYCE W. PERKINS, PENOBSCOT
HOWARD A. CHICK, LEBANON
JOHN H. UNDERWOOD, OXFORD
RUEL P. CROSS, DOVER-FOXCROFT
HARRY G. TRUE, FRYEBURG
DONNA M. LORING, PENOBSCOT NATION

The Honorable Elizabeth H. Mitchell
Chair, Legislative Council
Maine State Legislature
Augusta, ME

Dear Speaker Mitchell,

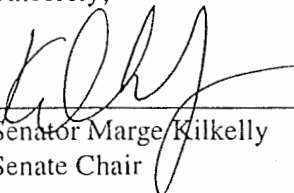
We are requesting approval of per diem and expenses for the Joint Standing Committee on Inland Fisheries and Wildlife to meet four times during the interim to provide policy direction and legislative oversight over a comprehensive review of state fish and wildlife laws. We are also requesting your approval for staff assistance from the Office of Policy and Legal Analysis to assist in coordinating that effort and to provide policy, legal and technical drafting assistance.

Various sporting groups have already begun such a review with the goal of proposing extensive statutory changes to the next Legislature. The Department of Inland Fisheries and Wildlife's participation in that process is minimal, however, and the committee itself has no formal role, although a few members of the committee are participating informally.

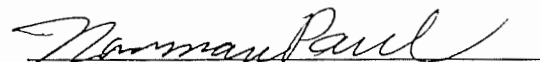
Since that effort is likely to result in significant legislation next session, we feel that a formal role for the Committee in the process is essential to ensure that the department, the public and all interested parties have the opportunity to participate in the process, that the committee has the opportunity to direct the process and educate itself on the issues and that expert assistance is available to draft legislation resulting from the review.

Thank you for your consideration in this matter. We look forward to your response and would be happy to discuss this with you or the Council at your convenience.

Sincerely,



Senator Marge KilKelly
Senate Chair



Representative Norman Paul
House Chair

cc: Members, Legislative Council
Sally Tubbesing, Executive Director
David Boulter, OPLA

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MAR 23 1998

SENATE

PEGGY A. PENDLETON, DISTRICT 31, CHAIR
MARY R. CATHCART, DISTRICT 7
MARY E. SMALL, DISTRICT 19

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
MERLE WORTH, COMMITTEE CLERK



HOUSE

SHIRLEY K. RICHARD, MADISON, CHAIR
MICHAEL F. BRENNAN, PORTLAND
MABEL J. DESMOND, MAPLETON
JAMES G. SKOGLUND, ST. GEORGE
ELIZABETH WATSON, FARMINGDALE
CHRISTINA L. BAKER, BANGOR
ALVIN L. BARTH, JR., BETHEL
RODNEY W. MCELROY, UNITY
VAUGHN A. STEDMAN, HARTLAND
IRVIN G. BELANGER, CARIBOU

STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

MEMORANDUM

April 1, 1998

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Peggy A. Pendleton, Senate Chair; *GB PDM*
Representative Shirley K. Richard, House Chair; *SKR PDM*
Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Committee to Review the Governance Structure of the Governor Baxter School for the Deaf**

Pursuant to Chapter 676, Public Laws of 1995, the Joint Standing Committee on Education and Cultural Affairs is authorized to establish a committee to review the new governance structure of the Governor Baxter School for the Deaf, including the provision of administrative assistance by the Department of Education to the Governor Baxter School for the Deaf. On behalf of the Education Committee, we are pleased to inform you of our actions regarding the establishment of the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf.

The Education Committee held two public meetings with representatives from the Department of Education and the Governor Baxter School for the Deaf during the Second Regular Session to assess the status of the transition process already underway and to review the provisions included in the current Agreement for Administrative Assistance established between the Department and the Baxter School. As you can see from the enclosed Public Law and the Agreement for Administrative Assistance, there is a considerable amount of work to do before the December 15, 1998 reporting deadline. This review will address critical state and education policy issues -- including budget and finance, personnel, legal representation, facilities management and statewide outreach programs and services -- that are involved in the transition to a new governance structure for the Governor Baxter School for the Deaf. A list of the Governance Review Committee membership established by the Education Committee and some additional background information are also enclosed.

APR - 1 1998

You will also note that we will jointly appoint a Member of the Education Committee to chair this Governance Review Committee. We have also indicated that the chair of the review committee may request staffing assistance from the Legislative Council. The Education Committee did discuss the need for interpreter services to be provided, but did not indicate who should pay for these services. For these reasons, we ask that you review and approve the following components of the Governance Review Committee:

1. Funding for the per diem and expenses of the Education Committee Member who will chair this review committee;
2. Providing staffing assistance to support this critical endeavor; and
3. Funding for the expenses of providing interpreter services for the deaf and hearing-impaired members of the review committee, as well as the public.

We trust that the Legislative Council will consider this request at its next scheduled Council meeting. Please contact either one of us should you require any further information. On behalf of the Education Committee, we thank you for your consideration of our request and look forward to receiving notification of the Council's decisions regarding these requests.

Enclosures

cc: Sally Tubbesing, Executive Director, Legislative Council
Members, Joint Standing Committee on Education and Cultural Affairs
David Boulter, Director, Office of Policy & Legal Analysis
Phillip McCarthy, Legislative Analyst, Office of Policy & Legal Analysis

that qualify for reimbursement under the United States Social Security Act, Title XIX. The Department of Education shall have has fiscal responsibility for providing the State's match for federal revenues acquired under this section. An amount equal to the Medicaid reimbursement shall be deposited into the General Fund undedicated revenue from the Governor Baxter School for the Deaf General Fund appropriation. Any funds received as Medicaid reimbursement must be retained by the Governor Baxter School for the Deaf.

Sec. 10. P&SL 1897, c. 446, as amended by P&SL 1953, c. 100, is repealed.

Sec. 11. Transition provisions.

1. The Governor Baxter School for the Deaf, established pursuant to the Maine Revised Statutes, Title 20-A, section 7401, is the successor in every way to the functions and duties of the former Governor Baxter School for the Deaf, established pursuant to Private and Special Law 1897, chapter 446.

2. The Governor shall complete appointments to the School Board for the Governor Baxter School for the Deaf by September 1, 1996. Once appointed, the school board may begin to develop policy and hiring plans to take effect on or after January 1, 1997.

3. The Policy Review Board for the Governor Baxter School for the Deaf and the Superintendent of the Governor Baxter School for the Deaf shall submit to the Department of Education the school's proposed budget for the 1997-98 fiscal year no later than August 15, 1996.

4. Employees of the Governor Baxter School for the Deaf remain state employees in the bargaining units established by the Maine Labor Relations Board and continue to receive all applicable rights and benefits.

5. Unless limited by prior agreement, all existing contracts, agreements and compacts currently in effect at the Governor Baxter School for the Deaf continue in effect after January 1, 1997.

6. All records, property and equipment previously belonging to or allocated for the use of the former Governor Baxter School for the Deaf become, on January 1, 1997, part of the property of the new Governor Baxter School for the Deaf.

7. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the former Governor Baxter School for the Deaf may be utilized by the new Governor Baxter School for the Deaf until existing supplies of these items are exhausted.

8. Any positions authorized and allocated subject to the personnel laws of the former Governor Baxter School for the Deaf are transferred to the new Governor Baxter School for the Deaf and continue to be authorized on or after January 1, 1997.

9. The Policy Review Board of the Governor Baxter School for the Deaf may continue to meet until January 1, 1997.

10. The Department of Education shall provide any necessary administrative assistance to the Governor Baxter School for the Deaf from January 1, 1997 until July 1, 1999 through a written agreement to be established between the department and the School Board of the Governor Baxter School for the Deaf.

* (11.) The joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters shall establish a review committee to review the new governance structure of the school. The review committee must include representatives from the Department of Education, the School Board of the Governor Baxter School for the Deaf, the Governor Baxter School for the Deaf staff, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters and other persons designated by the joint standing committee. The review committee shall begin its review by January 1, 1998 and present its findings to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters by December 15, 1998.

* (12.) The review committee established in subsection 11 shall review the provision of administrative assistance by the Department of Education to the Governor Baxter School for the Deaf and make recommendations for the period beginning July 1, 1999.

Sec. 12. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**EDUCATION, DEPARTMENT OF
Governor Baxter School for the Deaf**

Personal Services	\$7,150
All Other	3,250
Provides funds for the per diem and expenses of the members of the School Board	

AGREEMENT FOR ADMINISTRATIVE ASSISTANCE

The Department of Education and the School Board of the Governor Baxter School for the Deaf agree that the administrative assistance provided by the Department of Education to the Governor Baxter School for the Deaf will be as follows:

PERSONNEL

- The Department of Education will process personnel forms (review; forward for Commissioner's signature; forward to the Bureau of Human Resources) until June 30, 1999.
- The Department of Education will enter personnel data, per the personnel forms, on the Department's MFASIS Budget Management System until June 30, 1999.

BUDGET/FINANCE

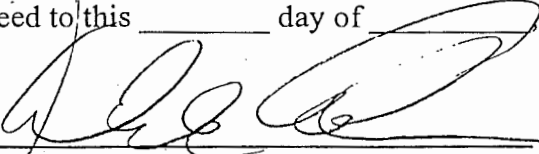
- The Department of Education will review payroll changes resulting from upgrades, reclassifications, evaluations, and other personnel actions taken by the School Board of the Governor Baxter School for the Deaf and will forward them to the Bureau of the Budget.
- The Department of Education will review the Governor Baxter School for the Deaf's annual budget, to be submitted to the Department before September 1 of each year, for review and inclusion in the Department's budget for the following fiscal year. The budget for operation of the school is subject to review and revision by the Governor or Governor-elect.
- The Department of Education will review all work programs, budget orders, and financial order requests and forward them to the Bureau of the Budget.

The Department of Education's responsibility is limited to the ministerial, pass through functions outlined in the Personnel and Budget/Finance sections above. During this period, the Department of Education will also provide technical assistance and guidance, in the areas of personnel and budget/finance described above, as well as in the area of instruction and curriculum, to the School Board and the Superintendent of the Governor Baxter School for the Deaf, upon the written request of the Governor Baxter School for the Deaf School Board or Superintendent.

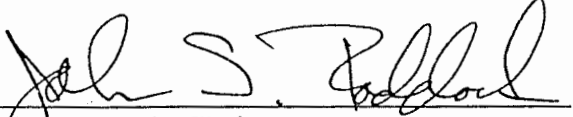
The School Board of the Governor Baxter School for the Deaf, as the policy-making and governing body of the school, is responsible for oversight of the operation and administration of the school and school facilities, including the hiring of the Superintendent and staff, budget development, educational programming, and the safety and welfare of all students. The School Board recognizes its obligation to comply with all federal and state laws and regulations, and all civil service rules and collective bargaining agreements, where applicable.

The Department of Education and the School Board of the Governor Baxter School for the Deaf acknowledge that the provision of administrative assistance by the Department during the period of this agreement, ending June 30, 1999, will be reviewed by the Review Committee established by the Joint Standing Committee sharing jurisdiction over education and cultural affairs, in accordance with P.L. 676. The parties agree that any assistance provided by the Department after June 30, 1999 will be the subject of a separate agreement, the terms of which must be consistent with the recommendations of the Review Committee.

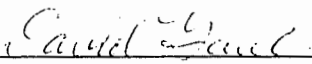
Agreed to this _____ day of _____ 1998 by the undersigned.



J. Duke Albanese, Commissioner
Department of Education



John Paddock, Chair
The School Board of the
Governor Baxter School for the Deaf



David Gaul, Superintendent
Governor Baxter School for the Deaf

**Committee to Review the Governance Structure
of the Governor Baxter School for the Deaf**

Pursuant to P.L. 1995, c. 676, § 11, sub-§ § 11 and 12, the Joint Standing Committee on Education and Cultural Affairs establishes the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf. The Education Committee voted unanimously to establish the Governance Review Committee subject to the following provisions:

1. The Committee to Review the Governance Structure of the Governor Baxter School for the Deaf shall consist of 20 members appointed as follows:

A. One Legislator, who must be member of the Joint Standing Committee on Education and Cultural Affairs and who will chair the Committee; to be appointed jointly by the Chairs of the Joint Standing Committee on Education and Cultural Affairs;

B. The Commissioner of Education, or a designee;

C. The Commissioner of Administrative and Financial Services, or a designee;

D. The Commissioner of Conservation, or a designee;

E. The Director of the Office of Employee Relations, or a designee;

F. The Attorney General, or a designee;

G. Four members representing the School Board of the Governor Baxter School for the Deaf, appointed by the School Board of the Baxter School;

H. One member who is a staff member at the Governor Baxter School for the Deaf, appointed jointly by the Superintendent and the School Board of the Baxter School;

I. One member who is a parent whose child attends the Governor Baxter School for the Deaf, appointed by of the Governor Baxter School for the Deaf Parents Association;

J. One member who is a student representing students attending the Governor Baxter School for the Deaf, appointed by the Governor Baxter School for the Deaf Student Council;

K. One member representing the deaf community in the state, appointed jointly by the Superintendent and the School Board of the Baxter School;

L. One member representing school administrators and school boards in the state, appointed by the Maine School Management Association;

M. One member representing teachers who are public school teachers in the State, appointed by the Maine Education Association;

N. One member representing directors of special education services in the State, appointed by the Maine Association of Directors of Services of Children with Exceptionalities;

O. One member representing state employees at the Governor Baxter School for the Deaf, appointed by the Maine State Employees Association;

P. One member representing state employees at the Governor Baxter School for the Deaf, appointed by the American Federation for State and County Municipal Employees; and

Q. The Town Manager of Falmouth, who shall serve as an ex-officio and non-voting member;

2. Appointments: The appointing authorities shall notify the Chairs of the Education Committee upon making their appointments. When the appointment of all members is complete, the Chairs of the Education Committee shall call and convene the first meeting of the Governance Review Committee no later than May 15, 1998;

3. Duties: Pursuant to Public Laws of 1995, Chapter 676, § 11, sub-§§ 11 and 12, the Governance Review Committee shall review the new governance structure of the Governor Baxter School for the Deaf, including the current agreement defining the provision of administrative assistance by the Department of Education to the Governor Baxter School for the Deaf. The Governance Review Committee shall present its findings and make recommendations for the provision of administrative assistance for the period beginning July 1, 1999;

4. Committee Meetings: In examining these governance issues, the Governance Review Committee shall make every reasonable effort to provide public access to the committee meetings, including providing interpreter services and utilizing the ATM Project Network;

5 Staffing Assistance: The chair of the Governance Review Committee may request staffing assistance from the Legislative Council of the Maine State Legislature; and

6. Report: The Governance Review Committee shall submit its report with findings and recommendations regarding the governance structure of the Governor Baxter School for the Deaf and the provision of administrative assistance for the period beginning July 1, 1999, to the joint standing committee having jurisdiction over educational and cultural affairs matters of the 119th Legislature by December 15, 1998.

SENATE

MARY R. CATHCART, DISTRICT 7, CHAIR
SHARON ANGLIN TREAT, DISTRICT 18
S. PETER MILLS, DISTRICT 13

DAVID ELLIOTT, LEGISLATIVE ANALYST
HEATHER HENDERSON, LEGISLATIVE ANALYST
ROBERT R. O'BRIEN, COMMITTEE CLERK



STATE OF MAINE

HOUSE

PAMELA H. HATCH, SKOWHEGAN, CHAIR
ROLAND B. SAMSON, JAY
BRIAN BOLDUC, AUBURN
JOSEPH E. CLARK, MILLINOCKET
BENJAMIN L. RINES, JR., WISCASSET
STEPHEN S. STANLEY, MEDWAY
ROBERT E. PENDLETON, JR., SCARBOROUGH
STEVEN M. JOYCE, BIDDEFORD
RUSSELL P. TREADWELL, CARMEL
JAMES D. LAYTON, CHERRYFIELD

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON LABOR

March 25, 1998

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Mary R. Cathcart, Representative Pamela H. Hatch
Labor Committee

RE: Government Evaluation Act Review of the Maine State Retirement System

This memorandum is to inform you that the Committee on Labor has submitted its findings and recommendations from the review and evaluation of the Maine State Retirement System under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
Executive Director, Legislative Council

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SENATE

PEGGY A. PENDLETON, DISTRICT 31, CHAIR
MARY R. CATHCART, DISTRICT 7
MARY E. SMALL, DISTRICT 19

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
MERLE WORTH, COMMITTEE CLERK



HOUSE

SHIRLEY K. RICHARD, MADISON, CHAIR
MICHAEL F. BRENNAN, PORTLAND
MABEL J. DESMOND, MAPLETON
JAMES G. SKOGLUND, ST. GEORGE
ELIZABETH WATSON, FARMINGDALE
CHRISTINA L. BAKER, BANGOR
ALVIN L. BARTH, JR., BETHEL
RODNEY W. MCELROY, UNITY
VAUGHN A. STEDMAN, HARTLAND
IRVIN G. BELANGER, CARIBOU

STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

MEMORANDUM

April 2, 1998

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Peggy A. Pendleton, Representative Shirley K. Richard
Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Government Evaluation Act Review of the Department of Education**

This memorandum is to inform you that the Joint Standing Committee on Education and Cultural Affairs has submitted its findings and recommendations from the review and evaluation of the Department of Education under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
Executive Director, Legislative Council

APR - 3 1998

SENATE

PEGGY A. PENDLETON, DISTRICT 31, CHAIR
MARY R. CATHCART, DISTRICT 7
MARY E. SMALL, DISTRICT 19

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
MERLE WORTH, COMMITTEE CLERK



HOUSE

SHIRLEY K. RICHARD, MADISON, CHAIR
MICHAEL F. BRENNAN, PORTLAND
MABEL J. DESMOND, MAPLETON
JAMES G. SKOGLUND, ST. GEORGE
ELIZABETH WATSON, FARMINGDALE
CHRISTINA L. BAKER, BANGOR
ALVIN L. BARTH, JR., BETHEL
RODNEY W. MCELROY, UNITY
VAUGHN A. STEDMAN, HARTLAND
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STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

MEMORANDUM

April 2, 1998

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Peggy A. Pendleton, Representative Shirley K. Richard
Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Government Evaluation Act Review of the State Board of Education**

This memorandum is to inform you that the Joint Standing Committee on Education and Cultural Affairs has submitted its findings and recommendations from the review and evaluation of the State Board of Education under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
Executive Director, Legislative Council

APR -3 1998

SENATE

PEGGY A. PENDLETON, DISTRICT 31, CHAIR
MARY R. CATHCART, DISTRICT 7
MARY E. SMALL, DISTRICT 19

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
MERLE WORTH, COMMITTEE CLERK



STATE OF MAINE

HOUSE

SHIRLEY K. RICHARD, MADISON, CHAIR
MICHAEL F. BRENNAN, PORTLAND
MABEL J. DESMOND, MAPLETON
JAMES G. SKOGLUND, ST. GEORGE
ELIZABETH WATSON, FARMINGDALE
CHRISTINA L. BAKER, BANGOR
ALVIN L. BARTH, JR., BETHEL
RODNEY W. MCELROY, UNITY
VAUGHN A. STEDMAN, HARTLAND
IRVIN G. BELANGER, CARIBOU

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

MEMORANDUM

April 2, 1998

TO: The Honorable Elizabeth H. Mitchell, Chair, Legislative Council

FROM: Senator Peggy A. Pendleton, Representative Shirley K. Richard
Joint Standing Committee on Education and Cultural Affairs

SUBJ: **Government Evaluation Act Review of the Telecommunications
Relay Services Advisory Council**

This memorandum is to inform you that the Joint Standing Committee on Education and Cultural Affairs has submitted its findings and recommendations from the review and evaluation of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
Executive Director, Legislative Council

APR - 3 1998

SENATE

BEVERLY C. DAGGETT, DISTRICT 15, CHAIR
RICHARD J. CAREY, DISTRICT 14
NORMAN K. FERGUSON, JR., DISTRICT 24

DEBORAH C. FRIEDMAN, LEGISLATIVE ANALYST
DANIELLE TETREAU, LEGISLATIVE ANALYST
ELAINE DOAK, COMMITTEE CLERK



STATE OF MAINE

HOUSE

JOHN L. TUTTLE, JR., SANFORD, CHAIR
ALBERT P. GAMACHE, LEWISTON
NANCY L. CHIZMAR, LISBON
CHARLES D. FISHER, BREWER
ROSITA GAGNE, BUCKFIELD
PAUL L. TESSIER, FAIRFIELD
HARRY G. TRUE, FRYEBURG
JANICE E. LABRECQUE, GORHAM
JOSEPH H. BIGL, BUCKSPORT
DUANE J. BELANGER, WALLAGRASS

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

April 6, 1998

Michael Michaud, Senate Chair
George Kerr, House Chair
Joint Standing Committee on Appropriations and Financial Affairs
State House- Second Floor, Room 228

Dear Senator Michaud and Representative Kerr:

Upon consideration of LD 2169, now titled, An Act Regarding the Employment of Race Track Officials, the Joint Standing Committee on Legal and Veteran's Affairs heard testimony which raised questions about the financial stability of the Harness Racing Promotion Board. Through legislation passed last session, the Harness Racing Promotion Board became an independent board, no longer acting under the Department of Agriculture and the State Harness Racing Commission. Since this transition, the Board is approximately \$40,000 in debt.

The committee has requested financial statements in the form of a balance sheet from the Harness Racing Promotion Board in order to examine a detailed account of the funds received by the Board and those that were spent. Despite repeated requests and efforts on behalf of the Board, the committee has received no statements which would allow for such examination. As a result, we are requesting that an official audit be conducted of the Harness Racing Promotion Board pursuant to 5 MRSA § 244-B.

Thank you for your time and consideration and we look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly C. Daggett".

Beverly C. Daggett
Senate Chair,
Legal and Veteran's Affairs

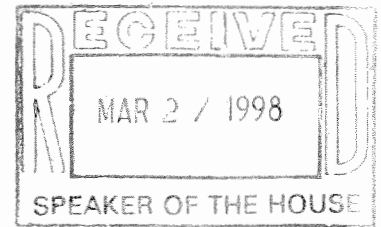
Sincerely,

A handwritten signature in black ink, appearing to read "John L. Tuttle, Jr.".

John L. Tuttle, Jr.
House Chair,
Legal and Veteran's Affairs

cc: President of the Senate
Speaker of the House
Legislative Council
Department of Audit
David E. Boulter, Director OPLA

Sally



MAINE STATE LEGISLATURE
Augusta, Maine 04333

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable Elizabeth H. Mitchell, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Received by:

Carrie _____
David _____
Jane _____
Chuck _____
Pat: _____
Patrick _____
Peggy _____

Dear President Lawrence and Speaker Mitchell:

Council

The Joint Select Committee on Substance Abuse has met three times since its formation earlier this month. It has become clear to the committee that it can and should play an integral part in a comprehensive review of the substance abuse problem that is now facing Maine citizens.

Consequently, we are requesting:

1. the Committee be authorized to meet six times between April and November, and that
2. the traditional legislative compensation for travel and meals be approved.

This request will allow the Legislature to be directly involved in addressing this important issue. As you know, it is estimated that problems related to alcoholism cost the state over \$1 billion each year. Of that amount, \$42 million is related to crime, \$52 million to motor vehicle accidents; \$166 million to health care, \$175 million to social services; \$2 million to fires and an astonishing \$587 million to a loss of productivity. Moreover, Maine ranks above the national average in the number of people who said they drank 5 or more alcoholic drinks at one time (6.8% Maine, 5.7% nationally). These statistics demonstrate that Maine is experiencing an on-going epidemic of substance abuse that has caused a tremendous amount of suffering throughout the state.

In order to effectively address this significant problem, the Committee intends to establish an active partnership with the Substance Abuse Services Commission (SASC) beginning in April. Members of SASC, the Joint Select Committee and other key leaders will participate on subcommittees related to substance abuse prevention, education and treatment. The sub-committees will gather data and develop recommendations for consideration by SASC and the Select Committee. Both groups will hold joint public hearings across the state to solicit citizen input and perspectives. Based on the public hearings and documented research, a series of recommendations will be developed. These recommendations will be utilized by the Department when developing its budget. They will also provide the basis for appropriate legislative initiatives.

Because the Joint Select Committee is comprised of members representing Joint Standing Committees on Criminal Justice, Education, Legal and Veterans Affairs, Judiciary, Banking and Insurance, and Health and Human Services, we believe it is uniquely qualified to propose recommendations that will result in effective public policy on this important issue.

The SASC will provide staffing and support services for this effort.

We view this as an extraordinary opportunity to bring this problem forward for public discussion and debate. Thank you for your leadership on this issue and your consideration of our request.

Sincerely,



Beverly Daggett
State Senator



Michael Brennan
State Representative

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
April 7, 1998

Action

JOINT RESOLUTION

SPONSOR: Sen. Libby, James D.

LR 3546 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REPEAL THE
FEDERAL REQUIREMENT THAT GASOLINE CONTAIN OXYGENATES
AND ENACT LEGISLATION THAT WOULD PERMIT MAINE TO ADOPT AND
IMPLEMENT REFORMULATED GASOLINE RULES

TABLED BY THE LEGISLATIVE COUNCIL

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

Legislative Technology Migration Estimated Cost

<u>Migration</u>	<u>Total Estimated Cost</u>	<u>Unfunded</u>
Application Server Install	\$25,000	\$0
BD/BS User Training	\$25,000	\$25,000
Bill Drafting/Bill Status	\$793,750	\$793,750
Migration Development Tools	\$12,500	\$0
Office Suite Upgrade (Office 97)	\$67,500	\$67,500
Replace Misc. WANG Applications	\$106,250	\$93,750
Windows NT/SQL Server Prep.	\$6,250	\$0
Migration Off WANG VS Computer	\$1,036,250	\$980,000
PCs (networked) in Committee Rooms	\$157,000	\$71,400
Total Unfunded Costs		\$1,051,400

**YMCA MODEL STATE LEGISLATURE
MAY 1 - 3, 1998**

Friday, May 1

10 a.m. - 12 noon	Organization Meetings	
	Committee Chairs & Lobbyists	Room 228
	Governor & Cabinet	Room 228
	Speaker & President	House Chamber
	Newspaper Staff	Room 430
12 noon - 2 p.m.	Registration	
	Old Museum Area	Students will put luggage in Room 228. Room will be locked when a staff person is not there.
	Newspaper Staff	Room 430
2:00 - 2:15 p.m.	Opening Sessions: Senate and House	Senate and House Chambers
2:15 - 3:30 p.m.	Senate and House convene in Joint Session	House Chambers
3:30 - 5:30 p.m.	Committee Hearings	(Room assignments on attached list)
5:30 - 6:30 p.m.	Dinner: SOB Cafeteria Students will go over to Cafeteria on a staggered schedule between 5:30 and 5:45 p.m.	Note: Exterior doors will be locked at regular time (between 5 & 6 p.m.). No one should be going out of the building after 5 p.m.
6:15 - 6:30 p.m.	Committee Hearings Reconvene on a staggered schedule	Custodian on duty will lock all committee rooms when committees adjourn for the night.
7:00 p.m.	Governor's Press Conference	Senate President's Office Unlock Tunnel at 8:15, so students can get luggage/relock at 8:45.
8:30 p.m.	Adjourn	Students will meet Host Families in Hall of Flags . Security will unlock South (Old Museum) Entrance at 8 p.m. to let host families in. Doors will be finally locked at 9 p.m. , or when Model Legislature staff confirm that all participants are out.

Saturday, May 2

8:15 a.m.		Old Museum Entrance and "Handicapped Entrance" will be unlocked to let students in. Door will be relocked between 9:00 and 9:30 am; students who arrive after that will have to call Building Control to request entry. All other exterior doors will remain locked.
8:30 a.m.	Delegation Meetings	South Museum Area/3rd Floor Rotunda
8:45 a.m. - 9:30 a.m.	Committee Meetings	Custodian will unlock assigned committee rooms (see attached list) at 8:30 am and relock them at 9:30 am (except Room assigned to the Press on the 4th floor & Room 334 for Adult Advisors).
9:30 a.m. - 12 noon	Senate and House Sessions	Senate and House Chambers
12:00 noon - 1:00 p.m.	Lunch/SOB Cafeteria 12:00 - 12:45: House of Representatives 12:15 - 1:00: Senate, Governor, Cabinet & Newspaper Staff	Security will unlock tunnel at 11:45 am and close it off again at 1:00 p.m.
12:45 p.m.	House Convenes	House Chambers.
1:00 p.m.	Senate Convenes	Senate Chambers
1:00 p.m.	Candidates' Press Conference	Room 334
3:00 p.m.	Group Photo	East Steps (Brian Lessard will be here and will make sure the East door is relocked)
4:30 p.m.	Delegation Meetings	South Museum Area/3rd Floor Rotunda
4:45 p.m.	Recess (Students board buses for CMP)	Custodian will be on duty until 6 p.m. and will check both interior and exterior doors to make sure they are locked. (Should be able to lock doors by 5 p.m.).

Sunday, May 3

8:00 a.m.		“Handicapped Entrance” and Old Museum Entrance will be unlocked at 8:00 a.m. and relocked at 9:00 a.m.
8:30 a.m.	Delegation Meetings	South Museum Area/3rd Floor Rotunda
8:30 a.m.	Polls open (Press Office is open)	3rd Floor Rotunda Room 430 (House Retiring Room)
9:00 a.m.	Senate and House reconvene	Senate and House Chambers
9:30 a.m.	Polls close	
12:00 noon	Joint Session (Closing)	House Chamber
12:30 p.m.	Adjournment Students Depart	Old Museum Entrance only will be unlocked at 11:30. Door will remain unlocked until students have left (est. 12:30- 1 p.m.). Custodian will check both interior and exterior doors again to insure that all are locked.