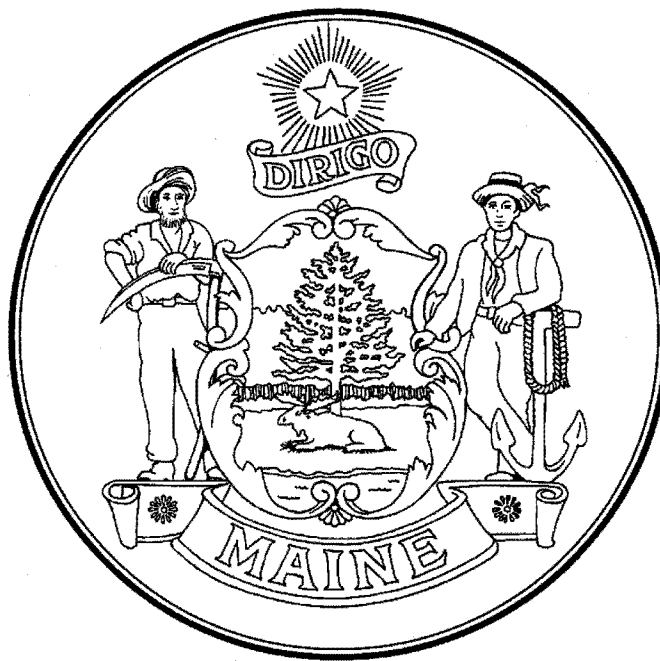


MAINE STATE LEGISLATURE

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REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



118th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
MAY 26, 1998

APPROVED JULY 13, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council meeting to order at 1:22 p.m. in the Council Chambers.

ROLL CALL

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

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

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
John Wakefield, Director, Office of Fiscal
and Program Review
David Elliott, Principal Analyst, Office of Policy
and Legal Analysis
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative
Information Services
Judi Delfranco, Assistant Secretary of the Senate
Millicent MacFarland, Assistant Clerk
of the House

The Chair, Speaker Mitchell, proposed that the Council proceed directly to **New Business** in deference to those who had been invited to make presentations.

NEW BUSINESS

The Chair, Speaker Mitchell noted that the Council and the entire Legislature have embarked on a historic path with the commitment to fund the full restoration of the State House, and stated that the primary focus of today's agenda was on the work that is to be done this summer. To facilitate the discussion of the work, she stated that she had invited the entire State House "Master Plan Team" to the meeting to provide a brief overview of the work and to help the Council focus on those areas where their policy direction, as the "trustees" of the State House, is required. She then acknowledged the presence of Alden Wilson, the Director of the Maine Arts Commission, and his Deputy Director, Peter Simmons, whom she had invited to make a brief presentation on the Percent for Art Program.

Item #1: State House Renovations: Overview of 1998 Work by Architect, Engineers and Construction Manager

At, Speaker Mitchell's invitation, Earle Shettleworth, Chair of both the Maine Historic Preservation Commission and the State House and Capitol Park Commission, led off the discussion of the renovations scheduled for this summer.

Mr. Shettleworth recalled that the work that is to commence this summer has grown out of a long process that began in 1981, when the 110th Legislature asked the Historic Preservation Commission to conduct a study of the State House and its needs. He then read an excerpt from the Introduction of the report which resulted from that study (a copy of which is attached to this Meeting Summary). Mr. Shettleworth then pointed to the Legislature's creation of the State House and Capitol Park Commission in 1988 as a "watershed" in terms of the care of the State House because, until then, the State House had had to compete with all other state buildings for resources. He reviewed with the Council the principles that had originally been developed by the State House Commission, and formally adopted by a previous Legislative Council, to guide future work in the State House, and concluded that if these principles can be adhered to in the work ahead, "we can have a wonderfully successful project."

The Chair, Speaker Mitchell, thanked Mr. Shettleworth and then recognized Rick Burt, President of Weinrich + Burt, Architects. Mr. Burt first had each member of the construction and design "team" introduce themselves:

Ed Caswell, Caswell Engineering, Brunswick (Structural Engineer)

Larry Bartlett, Bartlett Design, Bath (Electrical Engineer)

Ed Blaisdell, PE (Mechanical Engineer)

Ed O'Brien, President, Granger Northern, Inc., Portland (Construction Manager)

Mr. Burt thanked the Council for the opportunity to discuss the work and noted that the Legislature's action to provide funding for the complete rehabilitation of the State House was a watershed event. He noted that the \$19 million allows the team to step back to look at the State House as a whole, and to develop a plan and schedule that is designed to take advantage of economies of scale: "the cost savings of not having to

proceed with discrete projects (as we have up to now) is significant.” He stated that the members of the team are constantly reminded not only of the architectural and historic significance of the State House, but of its importance as a place where the citizens of Maine do their business.

Mr. O’Brien, President of Granger Northern, stated that the principle mission of his firm, as Construction Manager, and is to bring to the team elements to assure timely and economic control of the project, to maximize safety and minimize inconvenience for the occupants of the State House, the general public, and the workers. He noted that one sees things in turn of the century buildings, such as the State House, that would not be seen in contemporary construction, and that this has implications for constructability means and methods.

Mr. Burt then resumed, noting that the projects to be carried out this summer are highly interrelated. He and members of the team then briefly described each project including:

Replacement and Enhancement of the Sound System.

Mr. Burt stated that wires will continue to be visible after this summer’s work, but they will be hidden from sight as work throughout the State House proceeds in future years.

Discussion

- Has thought been given about how to make people aware that their conversation is being recorded? (Senate President Lawrence)

Mr. Bartlett: The broadcast function will be controlled in each broadcast area; thus, proceedings will not be broadcast without the knowledge of the occupants.

- What provisions are being made for a CSPAN-type of capability? (Speaker Mitchell)

Mr. Bartlett: The system that is being installed has great flexibility and can integrate television coverage once the Council has made various policy decisions.

- This team’s role in the renovation of the State Office Building (Rep. Saxl)

Mr. Burt: At this point, the team is involved in that in two ways:

- 1) The mechanical systems for the State House will be housed in the State Office Building; and
- 2) The Council’s decisions related to use of space in the State House will have some implications for what gets moved.

- The plans for the proposed new public entrance to the State House (Speaker Mitchell)

Mr. Burt: The development of a new entrance at the West Wing is probably the largest single project.

Discussion returned to the work to be carried out this summer

Front Desks

At the Speaker's request, Mr. Burt elaborated on the scope of this project, stating that this involves a wholesale redesign of the entire front of both chambers to allow full integration of computer and sound technology.

Members' Desks

The replacement of members' desks is to be funded through the Governmental Facilities Authority. Again, the focus of the redesign will be to integrate sound and computer systems and maximize work space.

House Chamber

In addition to the work described previously, Mr. Burt stated that the walls will be patched and painted (lead abatement is assumed); and the ventilation system will be replaced. Ed Caswell showed Council members an enlarged computer-assisted representation of the roof, which indicates that the housing for the new ventilation system will be visible. Mr. Burt indicated that the team had explored many options and worked closely with Earle Shettleworth. He assured the Council that they will continue to work to minimize the visual impact. Mr. Blaisdell stated that the new system can incorporate air conditioning at the point that the chiller system has been installed in the State Office Building.

Windows

Mr. Burt stated that the replacement of the windows is probably one of the most significant projects in terms of visual impact and pointed out that some of the best known wooden window manufacturers in the world are in Maine. He noted that because the ill fitting windows currently provide the only ventilation air in the building, the replacement must be carried out in tandem with the installation of an HVAC system. Mr. Burt continued, stating that the initial assumption had been that the replacement windows would be wood, given the historic nature of the State House; but that he had been asked to explore using aluminum windows in the building and that he needed some direction from the Council regarding how to proceed since the windows represent one of the longest lead items of the entire project.

At the Speaker's request, Mr. O'Brien stated that in Granger Northern's work in other National Register buildings (notably, the Gignoux Federal Court Building in Portland and the Merrill Auditorium in Portland), nothing but wood had been considered. The Gignoux project included full replacement of all wood sash; and the decision was finally to repair and refurbish existing windows in the Merrill Auditorium project given the cost of replacement.

Mr. Burt stated that wood is naturally insulating; that it can “fight” condensation; and that use of wood replacements would permit matching the existing design exactly. He noted that he had shared the specification for wood windows with one large manufacturer of aluminum windows and determined that aluminum windows would also have to be custom made, thus eliminating the cost advantage of aluminum windows. Mr. Burt stated that he could continue to develop information, but that it was the team’s recommendation that the Council proceed with wood.

Rep. Campbell expressed his concern with wood and stated that aluminum windows would require less exterior maintenance. Mr. Burt responded that aluminum windows are not maintenance free and added that the technology of the paints available today has vastly improved the durability. Rick Bergeron, Granger Northern’s Cost Estimator, noted that aluminum manufacturers are not set up for custom work and that wood, as a product, will address the objective of replicating the existing windows better.

Rep. Campbell restated his interest in exploring all options. Senate President Lawrence asked for clarification about the Council’s authority to make decisions related to repairs and restoration in the State House; and Senator Rand expressed concern that the Council should not be making such decisions, but be guided by the group of highly competent professionals that they have hired to do this work. Speaker Mitchell drew Council members’ attention to the “Framework for State House Renovations,” which had originally been adopted by the Legislative Council in 1994. She affirmed the Council’s commitment to cost consciousness, “but not cheap.” Mr. Burt responded that the entire team understands the importance of the economics and will always work toward the most economic situation.

Rep. Campbell then stated that he thought the Council itself should have the final approval in these cases. Senator Amero supported Senate President Lawrence’s earlier request that the Council needs to review what its statutory role in these decisions should be. Rep. Saxl agreed that it is important for the Council to adopt principles, but that Council members should also remember that they have just hired an Owner’s Representative to advise the Council in this area.

The Chair, Speaker Mitchell, asked if Council members had questions regarding any of the other work to be carried out this summer; and Representative Campbell pointed to the replacement of the north and south elevator cars. Mr. Burt stated that there are several options related to the interior finishes used in the elevator cars. Mr. O’Brien strongly recommended against using a wood finish in the elevators for reasons related to maintenance. Senator Amero suggested that since elevators are not a historical element, they might represent an opportunity to be more economical, and Senate President Lawrence qualified this by reiterating the Council’s responsibility for how the public perceives the building.

Mr. Burt stated that the investigation of the elevator shafts has revealed the existence of ducts that represent code violations and must be moved out into spaces behind the elevators (which are offices in some cases). He indicated that the team was working to minimize the disruptions. Rep. Kontos reiterated a concern, that had been expressed earlier by Sen. Rand, that the Council does not need to be involved at this level.

The Chair, Speaker Mitchell, thanked all of the members of the team.

OLD BUSINESS

The Chair, Speaker Mitchell, proceeded to take up an item under **Old Business**, in deference to those who had been waiting to make a presentation.

Item #1: Joint Standing Committee on Education: Request for Reconsideration of Council's Action on the Review on the Governance Structure of the Governor Baxter School for the Deaf

Motion: That the Council reconsider the request of the Joint Standing Committee on Education which had failed at the previous meeting. (Motion by Sen. Pingree; second by Rep. Campbell; unanimous).

The Chair, Speaker Mitchell stated that members of the deaf community had wanted to be part of the discussion, but had no interpreter and had not requested that the Legislature make such arrangements. She then recognized Rep. Shirley Richard, House Chair of the Joint Standing Committee on Education.

Rep. Richard stated that the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf had been created by a previous legislature at the time the Baxter School had been removed from the Department's jurisdiction, with the idea that the 119th Legislature should conduct a review of the new governance structure. She asserted that it is important for the review to take place -- that many important issues have arisen during the past year that need to be addressed. She stated that Rep. Watson has expressed an interest in chairing this Committee and that the real expense of this effort lies in the need to have interpreters at each meeting.

Discussion

Council members raised the following questions and concerns:

- Why didn't this review happen during the session? (Rep. Campbell)

Phil McCarthy, the OPLA Analyst who staffs the Education Committee, stated that the law establishing the Committee stipulated that it be set up after January, 1998 and complete its work by December. Rep. Richard added that the Education Committee had had a full agenda throughout the session.

Motion: That the request to hold 4 meetings be approved. (Motion by Rep. Campbell; second by Sen. Pingree; unanimous).

Rep. Kontos expressed her concern that this situation was the result of a drafting anomaly that should be prevented in the future.

The Chair, Speaker Mitchell, then returned to **New Business**.

NEW BUSINESS (continued)

Item #2: Per Cent for Art Program: Overview and Discussion

The Chair, Speaker Mitchell, recognized Alden Wilson, Executive Director of the Maine Arts Commission. Mr. Wilson thanked the Council for the opportunity to participate in the historic renovation of the State House. He stated that the Commission's role is to support the Council in selecting art under the program, and then introduced Peter Simmons, the Commission's Deputy Director.

Mr. Simmons stated that the Legislature's first step would be to appoint members to a Per Cent for Art Committee which would then be responsible for identifying the specific site within the State House or its grounds that would be the focus of the art and for selecting the specific art work(s) to be used. He then showed a series of slides of percent for art projects throughout the State. He concluded this presentation by stating that the Commission has never done a building of the stature of the State House and that "it truly presents a once in a lifetime opportunity and a challenge." The Chair, Speaker Mitchell, stated that it was important for the State House Per Cent for Art Committee to get organized as quickly as possible.

Discussion

- Does the Commission have a brochure of all the percent for art projects? (Sen. Rand)

Mr. Wilson: The Commission is putting one together for the first time in commemoration of the 20th anniversary of the program. Cost has been a factor in the past.

- Does the 1% apply to every construction project? (Rep. Campbell)

Mr. Wilson: The legislation, enacted in 1979, requires all public buildings to participate in the program; however, participation is optional for public schools. He added that the project can go in any part of the building and does not necessarily have to be located in the area that has been the focus of construction.

- Who decides what the 1% is? (Speaker Mitchell)

Sally Tubbesing: Since there is not yet a construction contract, there has been discussion of working with an estimate. Mr. Simmons added that projects generally begin with an estimate that equates to 75% of the total project cost.

In related discussion Council members asked Ms. Tubbesing to arrange to have a plaque made that would describe the table in the Legislative Council Chamber. The Chair, Speaker Mitchell, then thanked Mr. Wilson and Mr. Simmons again for their presentation.

REPORTS FROM COUNCIL COMMITTEES

Legislative Facilities Committee

Representative Saxl, Committee Chair, reported that the Committee had finally readvertised for the position of Owner's Representative following the April Council meeting. Two additional resumes had been received, and both candidates interviewed the previous week. He noted that the three members of the Committee who had participated in the interviews had reached a unanimous recommendation.

He then drew Council members' attention to the resume of Stanley H. Fairservice, Jr., Alna, Maine, which had been distributed, and stated that while all four candidates brought different skills and experience to the position, Mr. Fairservice brings experience in the role of Owner's Representative in major public building restoration projects and is available to continue in this role in subsequent phases of State House Renovations. Rep. Saxl concluded his report by noting that Mr. Fairservice's references are excellent.

Motion: That Stanley H. Fairservice, Jr. be hired as Owner's Representative at an annualized cost of \$60,000 per year. (Motion by Senate President Lawrence; second by Rep. Campbell; unanimous).

The Chair, Speaker Mitchell, noted that she had met Mr. Fairservice the previous Friday and believed he would do an outstanding job. She then stated that she and Senate President Lawrence had agreed that they would restructure the Facilities Committee and that they would be co-chairing this committee in the next phase of its work, which will focus on a master plan for the use of space in both the State House and the renovated State Office Building.

Migration Project Steering Committee

Senate President Lawrence, who chairs the Steering Committee, reported that the Request for Proposal (RFP) had been issued on April 22 following the Council's final approval at its April meeting. Twenty-six firms have since requested copies of the RFP; and, pursuant to a request from two firms to extend the original May 22 deadline, the Steering Committee had approved a revised deadline for submission of proposals of June 1. The Committee held a 'Bidders' Conference on May 14, which was attended by 8 firms, and representatives from all legislative offices. Vendors were also offered the opportunity for a tour of the legislative offices. President Lawrence stated that the Steering Committee had developed a schedule for reviewing the proposals and that its next task would be the definition of a process for evaluating the proposals that are submitted. He concluded by saying that it was the Committee's goal to provide a recommendation to the Council in early July for final action at the July 13 Council meeting.

Representative Campbell asked whether vendors were being given an opportunity to make suggestions about the technical approach proposed in the RFP; and Senate President Lawrence assured him that they have been.

This item required no formal Council action.

Personnel Committee

Speaker Mitchell, Committee Chair, reported that the Committee had met twice since the April Council meeting. The Committee has completed Paul Mayotte's performance review and approved a step increase. Speaker Mitchell recalled that pursuant to the Council's Rules of Procedure, the Committee's action is final; and she congratulated Paul on a challenging first year, observing that the challenges that lie ahead are at least as great.

Speaker Mitchell stated that, in conjunction with Paul's review, the Committee had discussed ways of strengthening the process for setting priorities for technology support, development and budget. The Steering Committee that has been established to over see the Migration Project offers a model and the Committee proposes to continue the Steering Committee as a permanent vehicle, to be chaired by a member of the Council. This is a proposal and does not require formal action by the full Council at this time.

Finally, Speaker Mitchell reported that the Committee had considered a request for award of income protection to a legislative employee. She reminded Council members that the details of such requests are shielded by law from discussion in a public meeting, and, pursuant to Council rules, she offered the following motion:

Motion: That the Legislative Council award Income Protection as recommended by the Personnel Committee for a period of up to 8 weeks, subject to review by the Personnel Committee at that time in accordance with the Council's Rules of Procedure. (Motion by Speaker Mitchell; second by Sen. Rand; unanimous).

Item #3: Custodial Support in the State House

The Chair, Speaker Mitchell, drew members' attention to a memo that Sally Tubbesing had prepared at her request and stated that "if we repair the State House and then don't maintain it, we are as guilty of negligence as anyone." She noted that the custodians are currently supervised by the Bureau of General Services and suggested that Council members review the memo and the recommendations it contains for discussion at a later date.

EXECUTIVE SESSION

Motion: That the Council go into executive session for the purpose of discussing matters related to personnel. (Motion by Speaker Mitchell; second by Sen. Rand; unanimous).

The Council then went into Executive Session at 3:27 p.m.

RECONVENE

The Council reconvened its regular meeting on the motion of Senator Pingree at 3:42 p.m.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Legislative Budget: Current Year Status and Projections through June 30

Sally Tubbesing reported that earlier projections regarding year end balances are holding up. With a month remaining in the fiscal year, it appears that there will be a balance of more than \$300,000 in the Personal Services category and zero balances in the All Other and Capital lines.

Item #2: Inquiry from NCSL regarding Portland as the site for a joint meeting of the Assembly on Federal Issues and the Assembly on State Issues meeting in September, 1999

Ms. Tubbesing reported that she had received a telephone call from NCSL, whose purpose was to explore the Legislature's interest in having Portland be the site of a joint meeting of NCSL's Assembly on Federal Issues and its Assembly on State Issues in the fall of 1999. NCSL estimates that the meeting registration would be 800 - 850; and NCSL staff are in the process of determining the availability of hotel rooms. Although a quorum was no longer present, Council members asked Ms. Tubbesing to convey to NCSL a very favorable response to the proposal.

Representative Kontos expressed her hope that the Council would take up the issue of how the Legislature budgets and pays the annual dues to both NCSL and the Council of State Governments.

Item #3: Personnel Activity

Ms. Tubbesing reported that Julie Jones had been hired to fill the Analyst position in the Office of Fiscal and Program Review to which she had initially been appointed on a temporary basis.

She also reported that Janice Durham, a long time session Proofreader in the Revisor's Office, and Megan Dennen, a Researcher in the Office of Policy and Legal Analysis, had submitted their resignations. Ms. Durham is retiring, and Ms. Dennen is moving to Rhode Island, where her husband has accepted a position.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:50 p.m., on the motion of Senate President Lawrence.