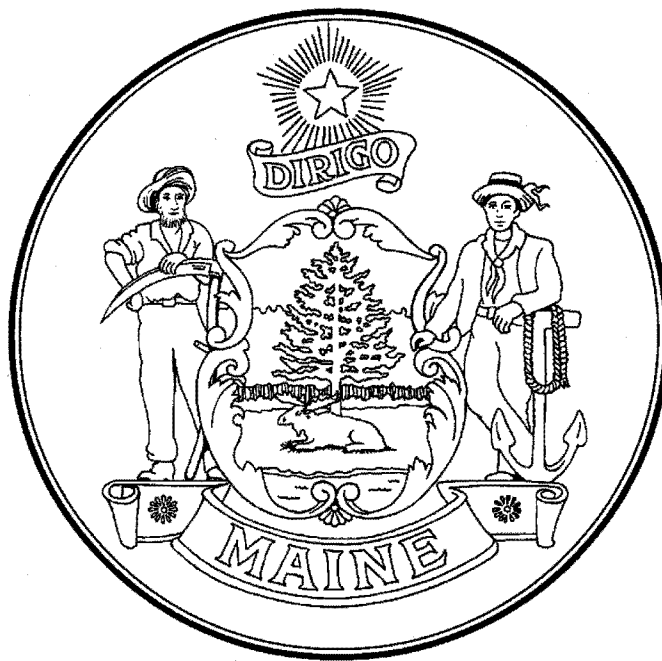


MAINE STATE LEGISLATURE

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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
JULY 13, 1998
Approved August 17, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council to order at 1:40 p.m. in the Council Chamber.

ROLL CALL

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

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

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
Jim Clair, Office of Fiscal and Program Review
Patrick Norton, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Legislative
Information Services
Rose Breton, Office of the Executive Director

SUMMARIES OF MAY 26 AND JUNE 15, 1998 COUNCIL MEETINGS

Motion: That the Meeting Summaries be approved and placed on file. (Motion by Sen. Rand; second by Rep. Kontos; unanimous)

NEW BUSINESS

The Chair, Speaker Mitchell, took up the following item out of order with Council members' agreement:

Item #2: Recent Changes in Collective Bargaining Legislation: Overview and Considerations for the Legislature (Presentation by Marc Ayotte, Executive Director, Maine Labor Relations Board)

The Chair, Speaker Mitchell, recognized Marc Ayotte, Executive Director, Maine Labor Relations Board. Mr. Ayotte proposed that in view of the passage of legislation that permits certain groups of legislative employees to organize for the purpose of collective bargaining, his staff conduct a brief training session for members of the Council, legislative management staff and legislative employees. He noted that the MLRB is a neutral agency whose charge is to enforce the law and suggested that this makes it the best agency to offer objective information about the law and the organizing process.

Motion: That the Council endorse a presentation by the MLRB in early September or October. (Motion by Sen. Rand; second by Sen. Pingree; unanimous).

The Chair, Speaker Mitchell, then returned to the printed agenda.

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items for the Council's consideration.

Item #1: Legislative Budget Status as of June 30 (end of Fiscal Year)

Ms. Tubbesing drew members' attention to materials in their agenda packets and then turned to Rose Breton, who stated that, based on her preliminary analysis, the Legislative account would have approximate balances as follows as of June 30: Personal Services: \$380,000; All Other: \$59,000; Capital: \$3,000. Ms. Breton noted that invoices totaling approximately \$75,000 were in hand as of June 30; thus, the \$59,000 "balance" in All Other needs to be viewed in this context.

Rep. Campbell asked why there was a deficit in Legislative Salaries; and Ms. Tubbesing responded that this reflects the per diems paid to legislators for the Second Special Session, in addition to the salary for the Regular Session.

This item required no action.

Item #2: Interim Studies: Status Report

Patrick Norton, OPLA Principal Analyst, reported in David Boulter's absence that several studies are already underway, although most are awaiting appointments. Sally Tubbesing noted that most of the legislation creating study commissions had effective dates the previous week and that appointments seemed to be well underway. The Chair, Speaker Mitchell, asked that the Council receive a status report at each meeting through the interim.

This item did not require formal Council action.

Item #3: Recommendation Regarding Disposition of Obsolete Computer Equipment

Paul Mayotte, Director of Legislative Information Services, recalled that Council members had requested last year that they formally approve the decision to declare computer equipment surplus based on a recommendation from Mr. Mayotte. He drew members' attention to a list of equipment that he considered to be surplus and explained that most of the PC's on the list were not upgradable. He added that his staff does keep some PC's that is otherwise obsolete to "cannibalize" for parts.

Motion: That the recommendation to declare computer equipment surplus be approved as presented. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

Item #4: Proposal to Construct Pathways In Capitol Park

Sally Tubbesing reported that a group had been working to develop detailed plans for construction of the pathways in Capitol Park, noting that this is one of the projects that had been included on the Renovations "agenda" for the current construction season. She stated that the State House and Capitol Park Commission had been approached a year ago by the Maine Conservation Corps about participating in this project. The MCC is the contemporary successor of the Civilian Conservation Corps that had done work in the Park during the 1930's. Ms. Tubbesing stated that the MCC's participation would significantly reduce the cost of the project.

In discussion that followed, Council members raised the following questions and concerns:

1. Whether the plans specified who would be responsible for what (Sen. Kieffer)

Sen. Kieffer stated that, based on his knowledge of MCC work in his district, supervision is very important.

2. Whether there is a site plan for this work (Rep. Campbell)

Rep. Campbell noted that detailed specifications are particularly important if donated labor is to be used.

Ms. Tubbesing responded that the landscape architect who has worked with the Commission on developing the Master Plan for the Park had developed both a grading plan and a layout plan.

3. Total cost of the project (Sen. Kieffer)

Ms. Tubbesing responded that revised cost information would be available within the next couple of weeks.

Motion: That this item be tabled pending the availability of additional information and that the Executive Director poll Council members by phone if this information is available prior to the August Council meeting. (Motion by Sen. Rand; second by Rep. Kontos; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Speaker Mitchell, who chairs the Committee reported that the Committee had met and addressed the following items:

- Voted to authorize the vacancy created by John Kelly's resignation to be filled as of September 1.
- Discussed a process for filling the position of Director, Office of Fiscal and Program Review.

Speaker Mitchell reported that a memo would go out to all legislative offices describing the process and stated that the Committee hoped to have a final recommendation to present to the full Council at its September meeting.

- Authorized Sally to proceed to place an ad in Maine newspapers inviting firms to request a copy of a Request for Proposals to conduct a classification and compensation review of all legislative positions. Speaker Mitchell noted that the RFP would also be sent to both NCSL and the State Legislative Leaders Foundation.

This report did not require formal Council action.

Migration Project Steering Committee

Senate President Lawrence, who chairs the Committee, offered the following update on the process for selecting a firm to guide the migration project. He reported that the Committee had now narrowed its search to 3 firms: Onicron; DRI (which is partly owned by the International Roll Call Corporation); and X-Link. All 3 of these firms have legislative experience; however, based on its thorough review of proposals, references, each firm's financial status, and follow up meeting with each of the firms, the Committee has questions about each of the three. These questions and concerns relate to price; schedule; the risks associated with contracting with a small company; the experiences these firms have had in other states; and some technical risks. None of the vendors appears to be able to guarantee completing the Migration Project by the year 2000.

Senate President Lawrence stated that the Committee has concluded that it needs to continue to work with each of the firms to determine whether it is possible to come up with a solution, with the goal of coming back to the Council with a final recommendation at its August meeting. He noted that this decision means that the Council must deal separately with the Year 2000 problem and recommended that the Council authorize the Migration Committee to initiate a Year 2000 program immediately.

The discussion that followed included the following points:

- We need more information regarding the practicality of adapting the Wang to Year 2K (Speaker Mitchell).

Paul Mayotte responded that the Migration Team needs to develop a plan so the issues can be fully addressed by December 31, 1999. He stated that he and his staff have a good fix on those aspects of the operating system, but that we still need a review of the code that supports the Legislature's applications to see what other fixes are required.

- Whether each of the 3 firms is capable of providing a performance and payment bond (Sen. Kieffer)

Senate President Lawrence stated that the Committee had discussed this and that such a bond would be a financial burden to the smaller firms so that the Legislature would probably cover the cost of the bond. Sen. Kieffer observed that this would be a good investment.

Motion: That the Committee proceed with developing a plan for Year 2000 compliance, as well as the associated costs for this work. (Motion by Rep. Kontos; second by Sen. Rand; unanimous).

Discussion continued:

- Whether NCSL and CSG should not be used as resources for finding qualified vendors to support the Migration Project (Rep. Kontos)

Paul Mayotte responded that we have used these organizations extensively in the identification of vendors. Senate President Lawrence observed that legislatures present a unique application environment and that each of the 50 states has significant differences in its organization and process so that it is not possible to simply install an application that has been developed for another state.

- Where Maine is relative to other states in terms of automation (Rep. Campbell)

Senate President Lawrence responded that we have a very sophisticated system, but that the Wang is on its last legs. Mr. Mayotte concurred, adding that Maine's system is highly integrated and that it reflects the uniqueness of the Maine Legislature and process. Sen. President Lawrence pointed out that the RFP has been highly commended by all vendors - for the level of detail and planning that it includes. He concluded that other states have counseled him and other members of the committee to make sure that the contract language is very tight. He acknowledged the hard work that all of the Committee members expended to date.

OLD BUSINESS

Item #1: Progress Report on Renovations from Stan Fairservice, Owner's Representative

The Chair, Speaker Mitchell, recognized Stan Fairservice, the Council's Owner's Representative; and Mr. Fairservice offered a brief report of the status of the work, noting that Granger Northern is focused on evaluating bids and awarding subcontracts for various aspects of the work. The subcontracts that have been awarded include: sound system equipment; long lead mechanical items (ventilation system); House Chamber windows; scaffolding (interior and exterior); demolition; elevators; general electrical. Work that is currently out for bid includes data/networking and masonry and steel.

Rep. Campbell asked Mr. Fairservice how he felt about the progress and expressed his concern that progress is slow. Mr. Fairservice responded that everyone is focused on meeting the November 15 deadline. He acknowledged that resolution of a couple of issues is lagging, but that all parties were working to gain momentum. Rep. Campbell again expressed concern about the progress, but noted that he sees great talent in the team that has been assembled to do the work. The Chair, Speaker Mitchell, asked Mr. Fairservice to stay on top of the work and to keep Sally and the Council informed.

NEW BUSINESS

Item #1: Joint Select Committee on Substance Abuse: Progress Report (letter from Senator Daggett and Representative Brennan, Chairs)

Motion: That the Chair be informed that the Committee has been authorized to have 4 meetings and that the payment of per diem has been approved. (Motion by Rep. Campbell; second by Rep. Kontos; unanimous).

Item #3: Legislative Record: Status

The Chair, Speaker Mitchell, recognized Paul Mayotte, who reported that since he assumed his position in March, 1997, he had worked to eliminate the significant backlog for indexing the Legislative Record. He drew members' attention to a chart which listed the current status of the final production of the Record each session and stated that, with Meg Matheson's help, he has more than doubled the number of people working on the project.

The Chair, Speaker Mitchell, observed that the schedule for completing the record is a policy decision; and that staff should not presume that the Record can be set aside despite other priorities. She asked Mr. Mayotte to provide the Council with a status report at subsequent meetings.

Item #4: Developing a Protocol for Informing Legislators of High Profile Incidents (Request of Representative Kontos)

The Chair, Speaker Mitchell, recognized Rep. Kontos, who introduced Alan Ball, Director of the Bureau of Remediation & Waste Management, DEP, and a representative from the Maine Municipal Association.

She stated that the discovery of MTBE in Windham had raised a number of concerns related to notification of both legislators and local officials and that she and her staff had since met with DEP to discuss the development of a protocol regarding contacts and work with towns and with legislators. Rep. Kontos proposed that DEP determine whether the nature of any incident warranted notification of legislators and that a single point of contact be established within the Legislature to facilitate timely notification.

In the ensuing discussion, Council members concluded that the appropriate points of contact should be the presiding officers, who are in the position to determine which committees and which local legislators need to be notified. Mr. Ball stated that employees at the technical level in an agency don't often think politically; and Senate President Lawrence suggested that if an incident was going to end up on the front page of the newspapers, the Legislature should be notified.

The Chair, Speaker Mitchell, thanked Mr. Ball for participating in the discussion.

ANNOUNCEMENTS AND REMARKS

August Council Meeting: Monday, August 17

ADJOURNMENT

The Council meeting was adjourned at 3:03 p.m.