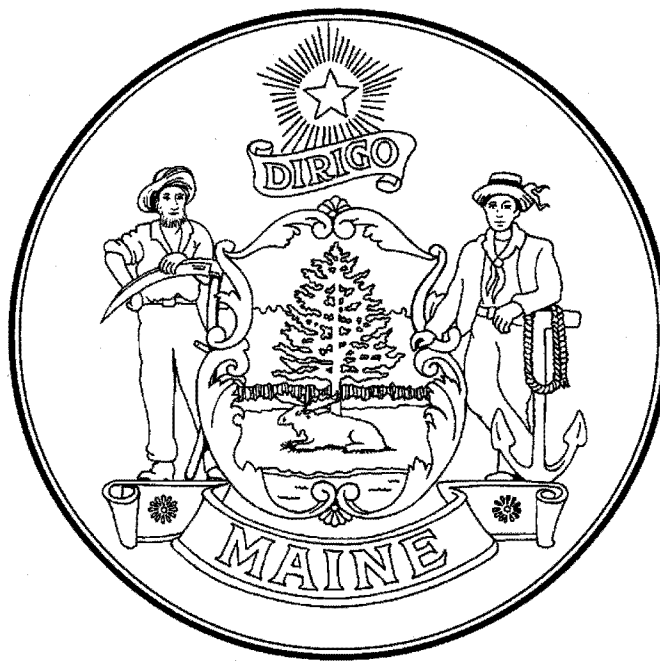


# MAINE STATE LEGISLATURE

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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**  
**AUGUST 17, 1998**  
**Approved As Amended September 14, 1998**

**CALL TO ORDER**

The Chair, Speaker Mitchell, called the Council to order at 1:31 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	President Lawrence, Sen. Pingree, Sen. Rand, Absent: Sen. Amero; Sen. Kieffer
Representatives:	Speaker Mitchell, Rep. Saxl, Rep. Campbell Absent: Rep. Kontos; Rep. Donnelly
Legislative Officers:	Joy O'Brien, Secretary of the Senate Judi Delfranco, Assistant Secretary of the Senate Millicent MacFarland, Assistant Clerk of the House Sally Tubbesing, Executive Director, Legislative Council Jim Clair, Deputy 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 July 13, 1998, COUNCIL MEETING**

**Motion:** That the Summary be accepted and placed on file. (Motion by Sen. President Lawrence; second by Sen. Rand; unanimous).

## REPORT FROM THE EXECUTIVE DIRECTOR

### Item #1: Renovations: Status Report (Stan Fairservice, Sally Tubbesing)

The Chair, Speaker Mitchell, stated that Stan Fairservice had brought not only a wealth of experience to the renovations underway this summer, but that his willingness to respond to questions regarding the work had been unfailing. She noted that the work going on this summer is very complex, requiring close collaboration among the architect, various engineers, the Construction Manager and many subcontractors. It is also work that involves disruptions, including noise and work in occupied office areas, and thus requires the cooperation of all the occupants of the State House.

Speaker Mitchell then commented specifically about the work in the House Chamber. She reported that the windows that had been removed from the House Chamber would be made available at a Public Sale conducted by the Division of Surplus Property, and that members' desks and chairs were being offered to current and former members of the House for sale. She closed her introductory remarks by thanking Stan Fairservice and Sally Tubbesing again for their efforts.

Stan Fairservice then provided Council members with a brief update on the work. He stated that all bid packages had been awarded with the exception of the contracts for painting and sprinkler systems, both of which would be awarded within the week. Demolition in the elevator shafts is nearly complete; and demolition and abatement in the House Chamber are also nearly complete.

Rep. Campbell asked if the project was on schedule, and Mr. Fairservice responded that progress was good, and the momentum has picked up. Rep. Campbell then asked if a firm budget had yet been established. Mr. Fairservice responded that Granger Northern and he had both developed preliminary information and that a formal Guaranteed Maximum Price would be available as soon as the painting and sprinkler contracts were awarded. He noted that, to this point, bids had come in "right on target."

Rep. Campbell stated that the original budget was based on estimates that had been developed from "theory". He reflected the concern of his constituents about the cost of the rostrum area, which is estimated to be \$110,000, and asked that his concern be a matter of record and that the Council work to decrease that figure somehow. Senate President Lawrence asked Mr. Fairservice to describe the scope of the rostrum project; and Mr. Fairservice and Sally Tubbesing replied that the estimate includes reconstruction of the entire dais area; replacement of electrical wiring; installation of new wiring and cabling to support the electronic voting, sound, and computer systems; installation of ventilation required by the electronic components and replacement of the furnishings. Senate President Lawrence thanked them for this information and stressed that the front dais in both chambers is a functional unit that is integral to the operation of each Chamber. Rep. Campbell again asked that his concerns be noted in the record; and Speaker Mitchell asked for his assistance in clarifying that the costs associated with the dais area are not simply the furnishings.

**Item #2: Personnel Activity**

Sally Tubbesing reported that Jon Kelley, Analyst in the Office of Policy and Legal Analysis, has submitted his resignation to pursue other interests. She asked for Council approval to proceed immediately to advertise the position; and all members present indicated same.

**Item #3: Updates from Staff Offices****a. Interim Studies : David Boulter**

Dave Boulter, drew Council members' attention to a chart in their agenda packets that summarized the current status of legislative study commissions. He noted that while most are legislative studies, a few are departmental studies that involve some oversight by a legislative committee. He reported that some of the interim study committees are still awaiting appointments, but that those that are underway appear to be on schedule and on budget. Speaker Mitchell asked Mr. Boulter to expand the list to include study groups that the Governor has established.

**b. Legislative Record : Paul Mayotte, Director, Office of Legislative Information Services**

Paul Mayotte provided Council members with an updated report on the status of the production of back "issues" of the Legislative Record. He stated that the work was on track in terms of the target dates that he had proposed in July and again acknowledged the assistance that Margaret Matheson had provided by assigning several technicians and proofreaders to various aspects of the work.

These items required no formal Council action.

**Item #4: Presentation by Maine Labor Relations Board**

Sally Tubbesing reported that she had been working with Marc Ayotte to schedule an informational seminar for both those in management positions and covered employees. The proposed date is Tuesday, September 15. Council members agreed that this was appropriate.

**EXECUTIVE SESSION**

**Motion:** That the Council go into Executive Session to discuss matters related to personnel. (Motion by Speaker Mitchell; second by Sen. Rand; unanimous).

The Council proceeded to go into Executive Session at 1:48 p.m.

**RECONVENE**

The Council reconvened its public session at 2:14 p.m.

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

Speaker Mitchell, who chairs the Committee, stated that the Committee had met in July. She reported that the Committee is proceeding with the final selection of a new Director of the Office of Fiscal and Program Review to succeed John Wakefield. Although Jim Clair is the only applicant for the position, the Committee has asked Sally Tubbesing to set up a formal interview schedule for Jim. The Committee expects to have a recommendation for the Council at its September meeting.

Speaker Mitchell then offered the following motions for Council action:

**Motion:** That the Council reappoint Sally Tubbesing as its Executive Director to a 3-year term, retroactive to August, 1997. (Motion by Senate President Lawrence; second by Rep. Saxl; unanimous).

**Motion:** That the Legislative Council award coverage under its income Protection Policy in accordance with the recommendation of the Personnel Committee. (Motion by Senate President Lawrence; second by Rep. Campbell; unanimous).

### Migration Oversight Steering Committee

Senate President Lawrence reported that the Committee had continued its work in two areas: Year 2000 and the proposed Migration Contract.

#### Year 2000

Because all of the vendors under consideration for the Migration contract have indicated that the schedule for this project needs to be extended, the Council must proceed to take the necessary steps to ensure that the WANG computer system and application software will function properly after December 31, 1999. Senate President Lawrence stated that Paul Mayotte has initiated required work on the WANG hardware and operating system software. Mr. Mayotte and his staff are meeting with vendors who specialize in Year 2000 problems in application software and will present a recommendation to the Oversight Committee. In response to a question from Rep. Saxl, he stated that the Council should authorize use of a portion of the funds that it had set aside for the Migration Project in FY 1999 to pay for this essential work.

#### Migration Project

Senate President Lawrence reported that he had appointed a subcommittee of the full committee to meet with each of the 3 vendors still under consideration for the project to address concerns about each, as discussed at the July Council meeting. He briefly summarized those concerns and stated that the Oversight Committee has concluded that the best approach is to designate KPMG Peat Marwick as the prime contractor, with both Xlink and Data Retrieval International as subcontractors. The Committee believes that this approach will provide the strong project management that this project demands and leverage the legislative knowledge and experience of the two smaller firms -- Xlink and Data Retrieval International. He then presented the following motion:

**Motion:** That the Legislative Council authorize the Migration Oversight Team to enter into final contract negotiations with KPMG Peat Marwick LLP for the design, development, and installation of automated systems for bill drafting, bill status reporting, and Chamber Programs.

That the Migration Oversight Team be authorized to negotiate the contract price to a level of \$2,000,000 to \$2,200,000, and to report back to the Council for approval for anything above the \$2,200,000.

That the Negotiation Team include a representative from the Office of the Attorney General. (Motion by Senate President Lawrence; second by Sen. Pingree).

**Discussion:** Senator Rand asked whether the system could be supported by legislative staff once the project has been completed; and Senate President Lawrence responded that the Migration Committee had already requested that Mr. Mayotte assign one member of the Information Services staff to the project on a full-time basis to ensure that this would be possible. Speaker Mitchell then asked if Mr. Mayotte had plans to cross-train his staff as an additional protection; and Mr. Mayotte responded that while all of his staff would be heavily involved in the Migration Project and be able to provide primary support, he anticipated that he would recommend that the Council negotiate maintenance contracts with both Xlink and Data Retrieval International after the warranty period has expired.

Rep. Campbell asked for clarification regarding the role of the International Roll Call Corporation in this project. Senate President Lawrence explained that IRC, which has traditionally been focused on hardware to support chamber operations, had purchased Data Retrieval International -- a small company that develops application software. He stated that the Migration Project Oversight Committee had considered IRC as a prime contractor for the project, but has now rejected that approach and is recommending that KPMG Peat Marwick be the sole prime contractor and contract directly with Data Retrieval International, a subsidiary of International Roll Call Corporation, in the interest of assuring that the software developed by both Data Retrieval International and Xlink is fully integrated.

The vote was then taken and the motion unanimously approved.

The Chair, Speaker Mitchell, thanked Senate President Lawrence and the members of the Committee for their creativity and all their work.

Senate President Lawrence then proceeded to present a series of motions related to funding the Migration Project.

**Motion:** That the Legislative Council authorize the transfer of \$370,000.00 from the FY 1998 year end unencumbered balance in Personal Services to the All Other line in FY 1999 to be used exclusively to fund approved costs related to the Computer Migration Project. (Motion by Sen. Pingree; second by Sen. Rand; unanimous)

**Motion:** That the Legislative Council authorize the Executive Director to expend \$45,000.00 in the Dedicated Revenue Account as of June 30, 1998, for approved activities related to the Computer Migration Project. (Motion by Senate President Lawrence; second by Rep. Saxl; unanimous)

**Motion:** That the Executive Director be directed to include the required funding to complete the Computer Migration Project in the FY 2000 - 2001 biennial budget request, and that these funds be clearly identified in the request. (Motion by Senate President Lawrence; second by Rep. Saxl; unanimous)

## OLD BUSINESS

### Item #1: Proposed Construction of Paths in Capitol Park

Sally Tubbesing drew Council members' attention to the memo in their agenda packets, which she had prepared in response to the questions that had been raised at the July Council meeting. She had copies of the Layout and Grading Plans available; and, in response to a question from Rep. Campbell, explained that the extent of the path system that would be completed this fall was dependent, in part, upon weather.

**Motion:** That the plan and revised budget for constructing the first phase of the path system in Capitol Park be approved. (Motion by Sen. Rand; second by Sen. Pingree; unanimous)

## NEW BUSINESS

### Item #1: Maine Development Foundation/Policy Leaders Academy: Overview (Presentation by Henry Bourgeois, President)

The Chair, Speaker Mitchell, recognized Henry Bourgeois, President of the Maine Development Foundation. Mr. Bourgeois had prepared an outline proposing a series of orientation activities for the 119th Legislature and stated that the proposal had been developed from ideas collect from meetings with each member of the Council. He briefly reviewed the proposed activities.

In the discussion that followed his presentation, Senator Pingree asked for clarification regarding the funding for the proposal. Mr. Bourgeois responded that he has proposed that the Legislature pay for members' meals, lodging and travel, as well as the MDF staff time required to plan and design the various programs. MDF would raise private money to augment the Legislature's contributions. Senate President Lawrence asked Mr. Bourgeois to provide more detailed cost information for the first two items on his list.

The Chair, Speaker Mitchell, observed that the fundamental issue for the Council is how you bring legislators in the era of term limits up to speed more quickly; and Senator Pingree agreed, stating that the Council and departing members must think about this. Rep. Saxl expressed particular interest in the proposal to facilitate committees as they organize. Mr. Bourgeois stated that MDF is very good at strategic planning and the economic tours, but that they have no expertise in chairing legislative committees.

The Chair, Speaker Mitchell, thanked Mr. Bourgeois for his presentation and asked Sally Tubbesing to work with staff to summarize what has traditionally been done for orientation in past years.

This items required no formal Council action.

**Item #2: 2000 Census: Participation in Phase 2, Voting District Project**

Sally Tubbesing drew members' attention to her memo that briefly described the scope of the Bureau of the Census' Phase 2 Voting District Project. Council members asked Ms. Tubbesing to prepare the necessary letter for their signature. Ms. Tubbesing stated that she would work with Richard Sherwood to explore the most cost-effective option to proceed with the Phase 2 work and present this information to the Council as soon as it is available.

**ADJOURNMENT**

The Council meeting was adjourned at 3:15 p.m.