

MAINE STATE LEGISLATURE

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119th LEGISLATIVE COUNCIL
Organizational Meeting
December 3, 1998

Revised Agenda

CALL TO ORDER

ROLL CALL

**ELECTION OF OFFICERS FOR THE 119TH LEGISLATIVE
COUNCIL**

ADOPTION OF RULES OF PROCEDURE

SUMMARY OF NOVEMBER 18, 1998 COUNCIL MEETING

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF
OFFICES**

Item #1: Notification From WMTW (Channel 8) Regarding Leased Space in Press Center

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Submission of Interim Study Report: Commission to Examine Rate Setting and the Financing of Long-term Care Facilities. (Joseph M. Kozak, Esq., Chair)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

**MAINE LEGISLATIVE COUNCIL
118th LEGISLATURE**

RULES OF PROCEDURE

Adopted by the Legislative Council, December 5, 1996

1. **Organizational meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session and preside until the election of the Chair.
2. **Chair:** The Council shall select a Chair, who shall preside at all meetings of the Council when present. The position of Chair must alternate in succeeding biennial sessions between members from the Senate and members from the House.
3. **Vice Chair:** The Council shall select a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair may not be a member of the same branch of the Legislature as the Chair.
4. **Quorum:** The Council may not conduct business in the absence of a quorum, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by vote of the Council or by call of the Chair.
6. **Meeting Location:** The official meeting place of the Legislative Council is the Legislative Council Chambers, and the Chair shall convene all meetings there unless a different place is specified in the call of the meeting.
7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public except for executive sessions, and the Council shall take all final action at a public meeting.

**MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

9. **Council Subcommittees:** The Chair shall name subcommittees of the Council. The subcommittees must consist of at least three members. All subcommittees shall have representation from each of the two major political parties.
10. **Approval of Step Increases:** All step increases subject to a vote of the 118th Council are approved for the term of this Council. A majority of the Personnel Committee shall give final approval to each increase before it will be effective. No other action is required by the Council unless directed by the Personnel Committee.
11. **Council Records:** The Executive Director of the Legislative Council shall maintain an accurate permanent public record of all meetings and proceedings of the Council.
12. **Order of Business:** The regular order of business of the Council is:
 1. Call to Order
 2. Roll Call
 3. Summary of Previous Council Meeting
 4. Executive Director's Report
 5. Reports from Council Committees
 6. Old Business
 7. New Business
 8. Announcements and Remarks
 9. Adjournment
13. **Statements to the Press:** Only the Council Chair or persons authorized by the Chair may make official statements to the press or to the public on behalf of the Legislative Council.
14. **Rules of Order:** The Chair or Vice Chair shall conduct the proceedings of the Council in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.
15. **Revision of Rules:** The Council may amend these rules, with the exception of Rule 4, upon a two-thirds vote of the Council members present and voting, provided that the vote to amend is by at least six affirmative votes.

REP. ELIZABETH H. MITCHELL
CHAIR

SEN. MARK W. LAWRENCE
VICE-CHAIR



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

118th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY NOVEMBER 18, 1998

CALL TO ORDER

The Chair, Speaker Mitchell, called the Council meeting to order at 1:15 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Lawrence, Sen. Pingree, Sen. Rand, Absent: Senators Amero and Kieffer
Representatives:	Speaker Mitchell, Rep. Kontos, Rep. Saxl, Rep. Campbell Absent: Rep. Donnelly
Legislative Officers:	Joy O'Brien, 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, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Paul Mayotte, Director, Legislative Information Services Stephanie Ralph, Principal Law Librarian, State Law Library

SUMMARY OF OCTOBER 13, 1998 COUNCIL MEETING

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

REPORTS

Item #1: State House Renovations: Status Report

The Chair, Speaker Mitchell, noting that House members had enjoyed their first use of the Chamber the previous weekend, recognized Ed O'Brien, President of Granger Northern, Inc. and Stan Fairservice, the Council's Owner's Representative. Mr. Fairservice provided Council members with a brief update on the status of work in the Senate and House Chambers. Mr. O'Brien then drew Council members' attention to his letter, which provided an update on the status of the Guaranteed Maximum Price (GMP), which the Council had approved at its September meeting, and asked Bruce Hilfrank, Senior Project Manager, to walk members through it. Mr. Hilfrank stated that, based on costs that have been committed to date and projected costs to complete the current work, the final project cost will be \$41,125.31 less than the approved GMP. He noted that this calculation includes costs associated with the work that had not originally been anticipated, pointing, as an example, to \$132,000 that had been spent for abatement beyond the original estimate.

Sally Tubbesing stated that the letter demonstrated the strong management skills, which had been central to the initial selection of Granger Northern as Construction Manager.

Speaker Mitchell commented on the pride workers have taken in working in the State House; and Senator Rand then thanked Mr. O'Brien for the wonderful work, noting that the House Chamber looks "absolutely beautiful". She proceeded to ask that Granger Northern work as closely as possible with the Secretary of the Senate as the renovations move to the Senate end. Mr. O'Brien expressed his appreciation for the recognition of Granger's work, but asked that the Council include the architect and his team and Stan Fairservice in their recognition.

The Chair, Speaker Mitchell, then proceeded to take up an Item out of order, without Objection:

Item #6: Status Report on Pending Litigation: Attorney General Andrew Ketter

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing pending litigation. (Motion by Rep. Saxl; second by Senate President Lawrence; unanimous).

The Council proceeded to go into Executive Session at 1:27 p.m.

RECONVENE

The Council reconvened its public deliberations at 2:45 p.m.

Council members in attendance: Senate President Lawrence; Senator Rand; Representatives Kontos, Saxl and Campbell.

Item #2: Updates from Legislative Council Staff Offices

■ Bill Drafting: Margaret Matheson

Margaret Matheson, Revisor of Statutes reported that 592 bill requests the same date compared to 252 requests on the same date in 1996. She indicated that about half of the requests had been filed by returning members and half by new members. In response to a question from Rep. Kontos as to whether the office had had any requests for concept drafts, Ms. Matheson replied that there had been 2 requests to date. Rep. Kontos expressed concern that the intent of concept drafts is to reduce the workload, and she asked that staff make sure that members know that it is an option. Sally Tubbesing assured her that this would be addressed specifically during Orientation week.

■ Interim Studies: David Boulter

David Boulter, Director, Office of Policy and Legal Analysis reported that the Interim Study Committees are progressing in their work: two had completed their work that week; and five more are nearing completion. He stated that he was not aware of any pending requests for extension of reporting deadlines.

■ Legislative Record Status: Paul Mayotte

Paul Mayotte, Director of Legislative Information Services, reported that the Record for the entire 114th legislative biennium is ready to print and that his office is working with the Executive Director to make arrangements for printing. He continued that the Records for both the 115th and 116th Legislatures are still on track to be completed by December.

■ Year 2000 Status: Paul Mayotte

Mr. Mayotte stated that he would provide the Council with periodic reports on the status of the Legislature's efforts to identify and correct "bugs" in the Legislature's automated systems. His staff have defined four major components of this effort:

1. Wang applications, operating system and hardware: Y2K work will be completed by the end of December (1998).
2. Application code review and corrections: work will be done under contract with CST 2000 pursuant to the Legislative Council's approval at the September Council meeting.
3. Desktop applications and hardware: IS staff have completed an analysis of all applications and hardware, using a Y2K compliance software, and has identified those machines that require upgrades to replace other software. This work will be completed by October, 1999.
4. Network operating system and software: the servers and network switches; and operating system software is being updated as vendors release Y2K service packages.

Mr. Mayotte concluded by saying that his Office is also working vendors and supplies to obtain certification that all devices using microchips are Y2K compliant.

■ **ADA Improvements: Teen Griffin**

Teen Griffin, the Legislature's ADA Coordinator reported that she had been working on several projects related to accessibility in the Legislature, and described several of them briefly. She stated that she and Sally Tubbesing had toured the entire State House earlier in the fall with Kim Wallace, Alpha I, to identify accessibility issues in both offices and Committee rooms that could be addressed readily.

Interpreters: The contract with Pine Tree Interpreting Services to provide interpreters one day a week during the legislative session has been renewed.

Equipment: Ms. Griffin stated that she has been working to make the public bill status terminal that is located in the 3rd floor West Wing accessible. In addition, she is working on installing a TTY phone in the 3rd floor corridor and has done research on evacu-chairs, which are designed to get wheelchair-bound persons out of the building in the event of emergencies.

She concluded by stating that she was working on completing the installation of ADA-compliant signage throughout the State House by the end of the year and on preparing a brochure that outlines services and accommodations available in the State House.

■ **Revenue Update: Jim Clair**

Jim Clair, Director, Office of Fiscal and Program Review, first introduced several members of his staff, who have recently assumed new roles and responsibilities in the Office. Grant Pennoyer, Principal Analyst, will lead the Office's effort to strengthen its economic and revenue research and analysis. Rose Breton, newly-appointed Principal Analyst, will coordinate the fiscal note process, as well as appropriation/allocation/expenditure research and analysis; and Tim Leet, newly-named to the position of Senior Analyst, will coordinate the staffing of the Appropriations Committee.

Mr. Clair then proceeded to present a brief overview of General Fund Revenues for the current year. He reported that a revenue reprojection for Fiscal Year 1999 is in the works based on the continued strong revenue picture. He then turned to the Structural Gap, noting that it is continuing to narrow. He concluded by saying that he and Grant Pennoyer would be putting together a letter to the Council that offers a series of recommendations for strengthening the revenue forecasting process. Copies of the materials that be provided to the Council are available from the Office of Fiscal and Program Review.

The Chair, Speaker Mitchell, thanked Mr. Clair for his efforts to put the Legislature in a stronger position with regard to revenue forecasting.

REPORTS FROM COUNCIL COMMITTEES

Migration Oversight Steering Committee

Senate President Lawrence, who chairs the Committee, reported that KPMG has initiated a review of the Legislature's business processes and is scheduled to report its preliminary findings to the Committee next week. He stated that the analysis of functional requirements to support Senate and House chamber operations is poised to take place over the next few weeks and concluded his report by suggesting that the new Council have a comprehensive review of the Committee's work to date.

This item required no Council action.

Personnel Committee

Speaker Mitchell, who chairs the Committee, reported that the Committee had met prior to the meeting and unanimously approved the following:

- A step increase for Clerk of the House Joe Mayo, retroactive to his anniversary date in September.
- An upgrade of the Assistant for Administrative Services Position in the Executive Director's Office from Range 10 to Range 11 in an effort to ensure that the Executive Director can attract and retain qualified people in this position.

This report required no action by the full Council.

OLD BUSINESS

Item #1: Orientation Programming for the 119th Legislature

Sally Tubbesing drew Council members' attention to the Draft Program for the Pre-Legislative Conference. Noting that the draft has been reviewed by the Secretary of the Senate, Clerk of the House and the Staff Office Directors, she asked Council members to review it and let her know if they have any questions or suggestions.

Item #2: Legislative Document Service: Fee Schedule for 119th Legislature

Ms. Tubbesing drew Council members' attention to the fee schedule prepared by the Clerk of the House. This item had originally been on the October Council agenda. Noting that the schedule has no changes from the one used in the First Regular Session of the 118th Legislature, she stated that the Clerk had begun accepting Subscriptions to the Document Service at these rates.

The Council took no action on this item, based on the fact that it contains no changes.

Item #3: Census 2000: Phase 2 Maps

Ms. Tubbesing drew members' attention to a memo in their packets that she had been asked to assemble regarding the costs involved in the preparation of the Census 2000/Phase 2 maps - maps that super impose voting districts (congressional, state legislative, and county commissioners) on the Census blocks. Ms. Tubbesing had compared the costs associated with hiring 2 persons to mark up paper maps (est: \$15,000) with the cost of contracting with the State's Geographic Information System to do this electronically (est: \$4,870).

Motion: That the Council accept the GIS proposal and authorize the Executive Director to proceed with making the necessary arrangements. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

NEW BUSINESS**Item #1: Submission of Legislative Study Reports**

- Joint Select Committee to Implement a Program for the Control Care and Treatment of Sexually Violent Predators (pursuant to Joint Order, H.P. 1653)

Motion: That the Report be accepted and placed on file. (Motion by Senate President Lawrence; second by Rep. Kontos; unanimous).

- Special Committee on Legislative Rules (pursuant to Presiding Officers' Order)

David Boulter stated that this report does not require action by the Council since the Committee was created by the presiding officers. He then drew members' attention to the Summary, which listed the proposed changes in the Joint Rules, noting that the Council had discussed these previously.

Item #2: Submission of Annual Report from the Loring Development Authority (pursuant to statute)

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

Item #3: Legislative Video: Formal Transmittal to Legislative Council

The Chair, Speaker Mitchell, recognized Rep. Kontos who, in turn, recognized Barbara Merrill, noting that Ms. Merrill had been instrumental in raising the funds required to support the production of a new video on the legislative process. Ms. Merrill stated that it was the intent to have the Legislature own the video, but that there were some copyright issues that needed to be clarified to ensure that the video can be copied for educational purposes, but not for resale.

Rep. Kontos reported that the premier showing of the video had been on October 28 and that more than 100 people had attended. She continued that the next step is to seek additional funding to develop support materials to accompany the video to schools and to underwrite the production of duplicate copies so that they are readily available for distribution and sale. Rep. Kontos closed by thanking Ms. Merrill for all of her work on this project.

Motion: That the Council accept the transfer of ownership of the video pending resolution of final language related to the copyright. (Motion by Senate President Lawrence; second by Sen. Rand; unanimous).

Item #4: Stained Glass Windows from Senate Chamber (c. 1890)

Ms. Tubbesing drew members' attention to a letter from Douglas Hawes, Curator of Historical Collection for the Maine State Museum, who proposed to donate two of four stained glass windows that had recently been donated to the Museum. The windows had been installed in the Senate Chamber in 1890 and removed in 1909 when the State House underwent major renovations. Senator Rand suggested that the windows could be incorporated in the reception area in the new West Wing Entrance that has been proposed.

Motion: That the Legislative Council accept the two windows. (Motion by Rep. Campbell; second by Sen. Rand; unanimous).

Item #5: Request from Maine Public Broadcasting to Upgrade State House TV Capabilities

The Chair, Speaker Mitchell, drew members' attention to a letter from Don Carrigan, Maine Public Television, who requested permission to make improvements to a room in the State House Press Center that is not currently assigned so that the room would be suitable for feeding live interviews from the State House. He further asked that the Council consider waiving the rent for this room on the rationale that it is not generating revenue currently and that MPB would be willing to let other television stations use the room when MPB was not using it.

Motion: That the Council approve the request, including waiver of the rent for one year. (Motion by Rep. Campbell; second by Rep. Kontos).

Discussion: Rep. Saxl expressed some concern that if the Council was going to waive the rent, it should retain control of the scheduling of the space and that, if MPBN wished to retain control of the space, it should pay rent. His suggestion was incorporated in the original motion by consensus.

Amended Motion: That the Council approve the request to improve the space, including waiver of the rent for one year, provided that the control of use of the space remain with the Legislative Council.

The amended motion was approved unanimously.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 3:35 p.m.

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MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMISSION TO EXAMINE RATE SETTING
AND THE FINANCING OF
LONG-TERM CARE FACILITIES**

November 20, 1998

The Honorable Elizabeth H. Mitchell, Chair
Legislative Council
118th Maine Legislature
State House
Augusta, ME 04333

Dear Chair Mitchell:

This letter is to inform you that the Commission To Examine Rate Setting and the Financing of Long-Term Care Facilities has submitted the attached report, including recommended legislation, to the Maine State Legislature, pursuant to Resolves 1997, chapters 81 and 129. Copies of the report have also been distributed to the Joint Standing Committee on Health and Human Services, and placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script that reads "Joseph M. Kozak".

Joseph M. Kozak, Esq., Chair
Commission To Examine Rate Setting and the
Financing of Long-Term Care Facilities

Enclosure

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