

MAINE STATE LEGISLATURE

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SEN. MARK W. LAWRENCE
CHAIR

REP. G. STEVEN ROWE
VICE-CHAIR



119th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. CHELLIE PINGREE
SEN. JANE A. AMERO
SEN. ANNE M. RAND
SEN. RICHARD A. BENNETT
REP. MICHAEL V. SAXL
REP. THOMAS W. MURPHY, JR.
REP. DAVID C. SHIAH
REP. RICHARD H. CAMPBELL

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY
March 8, 1999
Approved March 22, 1999

CALL TO ORDER

The Chair, Senate President Lawrence, called the Legislative Council to order at 1:30 p.m. in Room 437, the Natural Resources Committee Room.

ROLL CALL

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

Representatives: Speaker Rowe, Rep. Saxl, Rep. Murphy,
Rep. Shiah, Rep. Campbell

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
James Clair, Director, Office of Fiscal
and Program Review
David Boulter, Director, Office of Policy
and Legal Analysis
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative
Information Services
Edward Charbonneau, Office of the Revisor of Statutes

REPORTS FROM COUNCIL STAFF DIRECTORS

▪ Bill Drafting Status Report

Ed Charbonneau, in Margaret Matheson's absence, reported that about 250 bills were out for sponsor review and signature, and less than 250 were still in production, including the After Deadline Bills that have been approved to date. He stated that between 600 and 700 bill requests have been withdrawn or killed at this point, but noted that some of these could still be revived upon the sponsor's request.

In response to a request from the Chair, Senate President Lawrence, Mr. Charbonneau said that he would circulate this information in written form.

▪ Y2K Update

Paul Mayotte, Director of Legislative Information Services, reported that the firm who has been working under contract to the Council -- CST 2000 -- has completed its preliminary review of code and determined that the actual number of lines of code that need to be worked on exceeds the initial estimate by about one-third. He requested Council approval to amend the contract for this work to reflect the increase in lines, noting that it would require an addition of \$37,596.00 to the original contract amount at the unit price agreed to in the original contract.

Senator Bennett asked why the estimate was off by 31%; and Mr. Mayotte responded that his staff had done everything they could to accurately estimate the number of programs involved, but that they had no way to count lines other than to manually go through each program. Senator Bennett asked if the Office had any way to verify the line count, and Mr. Mayotte replied that his staff could do a random sample as a means of validation. Rep. Saxl asked if there would be other expenses related to Y2K, and Mr. Mayotte responded that the upgrade of the Microsoft Office Suite represented such an expense, adding that the funds to complete this upgrade are included in the pending Part 2 request for the Migration Project.

Motion: That the Council approve revising the value of the contract with CST 2000 to reflect the actual number of lines of code. (Motion by Sen. Rand; second by Rep. Shiah; unanimous).

Following the vote, the Chair, Senate President Lawrence asked Mr. Mayotte to have his staff count the lines in a small random sample of the programs involved in this contract as a means of verifying the line count provided by CST2000. Rep. Murphy asked for verification of this sample by March 12.

▪ Legislative Record

Mr. Mayotte reported that a printing contractor would be selected in the next few days and that the copy for the 114th and 115th Legislative Records was ready to give to the printer. He stated that he has authorized overtime to keep work on the 116th and 117th Records going during the session.

In response to a request from Senator Bennett, Mr. Mayotte provided a brief history of this project and, with affirmation from Clerk of the House Joseph Mayo, stated that the Records for the 114th - 117th Legislatures are available in draft form in the Law Library, and that the Library staff is able to search these documents using preliminary indexes developed by staff in the Secretary and Clerk's Offices.

- **Fiscal Update**

Jim Clair, Director of the Office of Fiscal and Program Review, distributed a Summary of the Part 1 Budget, as it had been voted out of Committee. He drew Council members' attention to the primary changes that had been made in the Governor's original budget requests. He also reported that the Revenue Forecasting Committee would address the projection of revenues at its next scheduled meeting on March 15.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Rowe, Chair of the Committee, reported that the Committee had had its first meeting the previous week and that three of the five voting members had been in attendance. He proceeded to present the following items for the Council's consideration:

Item #1: Proposed Review of Legislature's Classification and Compensation Plan

Speaker Rowe noted that the 118th Council's Personnel Committee had had preliminary discussions regarding the need for a comprehensive review of the classification and compensation plans. He recalled that the current plans had been developed by the National Conference of State Legislatures under contract to the Legislative Council and stated that good management practice would dictate periodic review of these plans: the responsibilities assigned and qualifications required for some positions have changed significantly, and the impact of technology has also affected the nature and duties of many positions. Speaker Rowe reported that several offices have noted a significant decrease in both the size and quality of their applicant pools. He indicated that Committee members support using a portion of the projected balance in the FY 99 Personal Services line to fund this study, which is estimated to cost \$40,000-\$50,000.

Motion: That the Legislative Council direct the Executive Director to undertake the solicitation of Requests for Proposals for the purpose of conducting a complete review of current Classification and Pay plans; and, further, that the Personnel Committee review those proposals submitted and return to the Council's scheduled meeting in April with a recommendation regarding a firm to conduct this study. (Motion by Speaker Rowe; second by Rep. Murphy; unanimous).

Item #2: Senior Analyst Classification

Speaker Rowe stated that the Classification Plan originally adopted by the Council in 1986 included a Senior Analyst level, which was designed to both recognize and retain legislative analysts and attorneys who take on specialized work assignments beyond the "normal" workload and/or whose legislative experience and expertise is used to "mentor" newer legislative staff. This designation had been specifically designed as a retention tool.

There were several Senior Analysts in the staff offices at one time; however, the designation, which elevates an employee from Range 10 to Range 11, fell prey to budget cuts. In the case of the Council's non-partisan staff, this promotion requires Council approval, based on a recommendation from an Office Director in consultation with the Executive Director.

Rep. Murphy stressed that when this classification was originally established, it had specifically been designed to recognize a very narrow group based on performance and that it was not a "longevity" promotion. Senator Bennett expressed his support of the concept, particularly given the current job market and the retention issues that are emerging.

Speaker Rowe then asked each of the staff office Directors to comment briefly on retention issues. Dave Boulter stated that OPLA loses one Analyst a year on average and that the sixth year seems to be the decision point. Jim Clair reported that turnover in the Office of Fiscal and Program Review has been due to retirement to date. Ed Charbonneau, noting that the Revisor's Office has only four attorneys and two paralegal positions, stated that no one had resigned from these positions in the past five years. Finally, Paul Mayotte stated that the Legislative Information Services Office faces serious recruitment and retention issues due to the highly competitive job market in technology fields.

Motion: That the Legislative Council approve reinstatement of the Senior Analyst/Senior Attorney classification in the Council's non-partisan staff offices and, further, that the Office Directors present their recommendations to the Executive Director and the Personnel Committee for final review and approval. (Motion by Speaker Rowe; second by Rep. Murphy; unanimous).

Item #3: Request to Hire One Analyst in OPLA on a Contractual Basis

Speaker Rowe, recalling that the Council has already approved funding for an additional Analyst position in OPLA in the Legislature's Part 2 request, stated that Mr. Boulter had asked to fill this position for the balance of the session on a contractual basis given the significant increase in the number of bills and the creation of an additional committee this session. The total estimated cost of filling this position for the balance of the session is less than \$13,000.

Motion: That the Legislative Council approve the hiring of one Analyst on a contractual basis for the balance of the First Regular Session; and, further, that Mr. Boulter work with Sally Tubbesing to evaluate the effectiveness of this method of supplementing OPLA staff during the Regular Session. (Motion by Speaker Rowe; second by Sen. Rand; unanimous).

Item #4: Annual Reviews

Speaker Rowe reported that the Committee has asked Sally Tubbesing to develop a schedule for the annual reviews of Office Directors. He also drew Council members' attention to the correspondence that he had sent announcing the Committee's unanimous approval of step increases for the three Constitutional Officers and the State Auditor.

This item required no Council action.

Item #5: Requests for the Award of Income Protection

Following a brief description of the Council's Income Protection Policy, Speaker Rowe reported that the Committee had considered requests from three employees at its recent meeting.

Motion: That the Legislative Council award Income Protection as recommended by the Personnel Committee in accordance with the Council's policy and its Rules of Procedure. (Motion by Speaker Rowe; second by Rep. Saxl; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Study Report from the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities (pursuant to Resolve of 1997, Chapter 751).

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

Item #2: Annual Report from the Northern New England Passenger Rail Authority, (pursuant to 23 MRSA, Chapter 621).

Motion: That the Report be accepted and placed on file. (Motion by Rep. Murphy; second by Rep. Saxl; unanimous).

Item #3: After Deadline Requests to Introduce Legislation.

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

ANNOUNCEMENTS AND REMARKS

- The Appropriation Committee's Work Session on the Legislature's Part 2 Budget Request has been scheduled for Tuesday, March 9, at 1:00 p.m.

ADJOURNMENT

The meeting was adjourned at 2:50 p.m., on the motion of Rep. Saxl; seconded by Rep. Shiah.

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 8, 1999**

	Action
SPONSOR: Sen. Amero, Jane A.	ACCEPTED
LR 2982 An Act to Establish an Endowment Fund Using Tobacco Settlement Funds	
SPONSOR: Rep. Davidson, Thomas M.	ACCEPTED
LR 3032 An Act to Establish the Long-term Care Resident and Employee Immunization Program	
SPONSOR: Sen. Kontos, Carol A.	ACCEPTED
LR 3027 Resolve, to Establish a Blue Ribbon Commission to Establish a Comprehensive Internet Policy	
SPONSOR: Rep. McGlocklin, Monica	ACCEPTED
LR 3029 An Act to Build a Safety Ramp on Route 16 Between Moscow and Bingham	
SPONSOR: Rep. Thompson, Richard H.	ACCEPTED
LR 3034 An Act to Limit the Hold-over Period for Civil Appointees	

JOINT RESOLUTION

SPONSOR: Rep. Tracy, Richard H.C.	ACCEPTED
LR 3031 JOINT RESOLUTION MEMORIALIZING CONGRESS TO LIMIT USES OF SOCIAL SECURITY IDENTIFICATION NUMBER	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Daigle, Robert A. **TABLED**
01/27/99
LR 2974 Resolve, Directing the Board of Environmental
 Protection to Accept the Low RVP of 7.8 Fuel

SPONSOR: Rep. Etnier, David **TABLED**
02/24/99
LR 3011 Resolution, Proposing an Amendment to the Constitution
 of Maine to Amend the Number of Votes Needed in Each
 House of the Legislature Before the Maine Governmental
 Facilities Authority may Authorize the Issuance of
 Securities to Fund the Construction, Reconstruction,
 Purchase or Acquisition of Facilities

SPONSOR: Sen. Pingree, Chellie **TABLED**
03/08/99
LR 3033 An Act to Authorize Matinicus Isle Plantation to Assess
 a Disposal Fee on Motorized Vehicles

SPONSOR: Rep. True, Harry G. **TABLED**
03/08/99
LR 3035 An Act to Implement Certain Recommendations of the Task
 Force to Review the Applied Technology

SPONSOR: Rep. Tuttle, Jr., John L. **TABLED**
03/08/99
LR 3022 An Act to Allow a Municipality to Designate Roads
 Off-limits to Commercial Vehicles

JOINT RESOLUTIONS

SPONSOR: Sen. Harriman, Philip E. **TABLED**
01/29/99
LR 0250 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
 STATES TO GRANT NATIONAL GAME FISH STATUS TO STRIPED BASS

SPONSOR: Rep. Mack, Adam **TABLED**
02/24/99
LR 3013 JOINT RESOLUTION MEMORIALIZING THE FEDERAL COMMUNICATIONS
 COMMISSION TO CHANGE THE WAY IT RELEASES TELEPHONE
 NUMBERS

SPONSOR: Sen. Pingree, Chellie **TABLED**
01/27/99
LR 2678 JOINT RESOLUTION MEMORIALIZING CONGRESS TO COMMIT TO
 IMMEDIATE REDUCTIONS OF DOMESTIC GREENHOUSE GAS