

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

REVISED AGENDA

MARCH 22, 1999

CALL TO ORDER

✓ **ROLL CALL**

✓ **SUMMARY OF March 8, 1999, COUNCIL MEETING**

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

REPORTS FROM COUNCIL COMMITTEES

Migration Project Steering Committee

Speaker Rowe added; expand membership

OLD BUSINESS

NEW BUSINESS

Item #1: After Deadline Requests

Item #2: Request from CSG/ERC for Payment of Dues to Support ERC's Eastern Trade
Council (Memo enclosed)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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

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; less than 250 were still in production, including the After Deadline Bills that have been approved to date. He also noted that between 600 and 700 bill requests have been withdrawn or killed at this point, but noted that some of these could still be revived upon the sponsor's request.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 had been working under contract to the Council -- CST 2000 -- had 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 reprojection 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 employees 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 technology.

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 David Boulter to hire 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.

▪ **REPORTS FROM STAFF OFFICES**



**MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES**

Phone: (207) 287-1650

FAX: (207) 287-6468

MEMO

TO: Members of the Legislative Council

FROM: Margaret E. Matheson *mem*

DATE: March 22, 1999

RE: Bill Production Figures

cc: Sally Tubbesing; Joe Mayo; Joy O'Brien; Directors of the Nonpartisan
Legislative Offices

The following represents the approximate number of bills for each category as of today:

Bills in Production: 80: Of those, about half are after deadline or Governor's bills and more than 20 have been sent to the sponsor at least once and come back with revisions.

Bills Awaiting Signature: 120: Of those, about 85 are eligible for revision by the sponsor without approval.

Sent to Be Printed as L.D.s: About 2,100

Probably Dead: Over 760 have been voided due to sponsor action (e.g. withdrawal) or inaction (e.g., lack of signature or no information) or because identified as a duplicate request. Please note that this number is subject to change, as bill requests may be revived with approval.

If you have any questions about this memo, please do not hesitate to call me.

REPORTS FROM COUNCIL COMMITTEES

- **Migration Project Steering Committee**

MAINE STATE LEGISLATURE
Legislative Council - Migration Oversight Team
Migration Project – Recommendation to Proceed
March 22, 1999

It is the unanimous recommendation of the Migration Oversight Team to the Legislative Council to proceed with the Wang Systems Migration Project in the following manner:

1. Proceed with a multiple phase project approach. This will break a very large project into more manageable parts and provide the Council with review and decision points throughout the migration process.
2. That the Migration Team has the responsibility to bring forward to the Legislative Council, or the Presiding Officers, as appropriate, all policy matters requiring resolution, clarification, or action resulting from this project.
3. Proceed with the first phase of the Migration Project, the Legislative Process Review, by approving a fixed price contract with KPMG LLP for a specific scope of work defined by the Migration Oversight Team.

The Legislative Process Review is a 4 month long phase to be completed as a joint effort between the Legislature and KPMG at a cost of \$386,000. The project will start shortly after Council approval, and complete at the end of July 1999.

The Legislative Process Review will: (a copy of the full scope is attached)

- validate or recommend modifications to the assumptions, processes, and technologies used in developing the Bill Drafting and Bill Status System design and specifications used in the request for proposal;
- integrate the Senate, House, and Committee processes/systems into the overall migration plan;
- assess the adequacy of the Information Technology environment;
- identify and implement any "quick wins" identified;
- position the Legislature to move forward into the next project phase.

At this time it is expected the following Migration Project phases will be:

1. System Design
2. System Development and Testing
3. Data Conversion
4. Integration Testing
5. Training
6. Customer Acceptance and Implementation

RIDER B SCOPE OF WORK

Objectives:

1. Identify and recommend process enhancements for the Maine Legislature which would improve the levels of process integration, process control, exchange and sharing of data, and process cost efficiency.
2. Propose a high-level IS conceptual design for the Maine Legislature.
3. Propose a migration plan by which the Maine Legislature may implement the conceptual design.

SCOPE OF WORK:

1. The areas for review are:

- 1-1. Legislative Activities includes the processes used for:

- * Bill and amendment drafting
- * Bill tracking, status and stamping
- * Fiscal note production
- * Publication production
- * Indexing
- * Budget and appropriations process
- * Committee activities
- * Statute maintenance

- 1-2. Information Support Systems includes systems in the following categories1:

- * Document drafting, tracking and preparation (Wang; desktop-Word)
- * Bill tracking and status system (Wang)
- * Chamber support applications (IRC; Wang; desktop-Access)
- * Committee support applications (Wang; desktop-Word, Excel)
- * Fiscal analysis (Wang desktop-Word, Excel, Access)
- * Publications (Wang; desktop-Word; IRC; Internet)
- * Reference and research (Wang, Commercial, Executive Branch systems)

2. Project deliverables:

2-1. Leveled process diagrams covering all of the legislative activities listed, with data stores and data flows. Process diagrams will be produced using software agreed upon by the Legislative Council and Contractor in order to facilitate future use of diagrams by the Legislative Council.

- 2-2. Strategic process improvement recommendation, including for each one:

- * Suggested priority ranking, including a "quick-win" category for recommendations with demonstrable minimal cost and risk.
- * Description of current process and proposed improved process
- * Description of the anticipated benefit to the legislative process and the basis used to determine the anticipated benefit
- * Impact Identification
- * Affected processes

- 2 -

- * Affected organizational units
 - * Revised process maps
 - * Timing factors
 - * Risk factors and the basis used to develop the risk factor
 - * References, as known to Contractor Project Team Members, to the use of similar processes in other legislative bodies, if applicable
- 2-3.

Information support systems assessment

- * Inventory of in-place systems in listed categories
- * Identify at a high level risks to existing WANG systems

2-4. Process alignment Gap Analysis

- * The Gap Analysis will identify the discontinuity between the existing systems and that which will be required to support the future proposed processes and system functionality
- * Recommendations for enhancements to be implemented as part of the migration (to be incorporated into the migration plan below)

2-5. High-level information system conceptual design

- * Conceptual design which identifies and describes the major data repositories, systems and interfaces that are required to support the future proposed processes and system functionality. The conceptual design will describe systems required to capture, store, manage and track the legislative information of the Maine Legislature.

2-6. High-level migration framework and plan

- * Objectives for the migration of the Legislature's information systems off of the Wang VS and associated software
- * Discussion of alternative approaches to meeting objectives, if alternatives are presented
- * For each alternative:
 - * Proposed system description
 - * Timeline on at least a bimonthly level of granularity
 - * Cost of hardware, software and contracted resources - range
 - * In-house continuing staff requirements - position count, skill sets
 - * Budgetary cost estimates
- * Mapping of current system functionality and identified gaps to new framework
- * Risk analysis
- * References to similar installed systems, if applicable

2-7. Contractor shall provide to the Legislative Council weekly status reports in a format to be agreed upon by the parties. Such reports shall include, at a minimum, a description of tasks performed, the number of hours expended on each task and a description of any deliverables completed during time period covered.

**Maine Legislative Process Review
Estimated Hours and Hourly Rates By Labor Category**

Estimated Hours By Labor Category

Projects

	Project Manager	Team Member	Total
<i>Project Initiation</i>	44	27	71
<i>Establish and Provide Project Management</i>	340	89	429
<i>Legislative Activities Business Process Review</i>	8	547	555
<i>Information Systems Review</i>	32	246	278
<i>Develop High-Level Conceptual Design</i>	72	176	248
<i>Develop High Level Migration Strategy</i>	80	225	305
Total	576	1311	1887

Estimated Hourly Rates By Labor Category

	Estimated Hourly Rate
Project Lead	\$250.53
Team Member	<u>\$183.89</u>
Blended Rate	\$204.23

Note: Expenses have been estimated at 20% of the Estimated Hourly Rate

NEW BUSINESS

- **After Deadline Requests**
- **Request From CSG/ERC for
Payment of Dues to Support
ERC's Eastern Trade Council**

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 22, 1999**

Action

SPONSOR: Sen. Harriman, Philip E.

LR 3049 An Act to Designate Spouse as Named Beneficiary for Benefits Under the Maine State Retirement System

*Tabled
In ?*

SPONSOR: Sen. Kieffer, R. Leo

LR 3050 An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours

*In
7-0*

SPONSOR: Rep. Richardson, John G.

LR 3039 An Act to Prohibit the State From Using Juveniles in a Tobacco Enforcement Action

**ACCEPTED
BY BALLOT
03/10/99**

SPONSOR: Rep. Waterhouse, G. Paul

LR 3038 An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action

**ACCEPTED
BY BALLOT
03/17/99**

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Daigle, Robert A.	TABLED
LR 2974	Resolve, Directing the Board of Environmental Protection to Accept the Low RVP of 7.8 Fuel	01/27/99
SPONSOR:	Rep. Etnier, David	TABLED
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	02/24/99
SPONSOR:	Sen. Pingree, Chellie	TABLED
LR 3033	An Act to Authorize Matinicus Isle Plantation to Assess a Disposal Fee on Motorized Vehicles	03/08/99
SPONSOR:	Rep. True, Harry G.	TABLED
LR 3035	An Act to Implement Certain Recommendations of the Task Force to Review the Applied Technology	03/08/99
SPONSOR:	Rep. Tuttle, Jr., John L.	TABLED
LR 3022	An Act to Allow a Municipality to Designate Roads Off-limits to Commercial Vehicles	03/08/99

JOINT RESOLUTIONS

SPONSOR:	Sen. Harriman, Philip E.	TABLED
LR 0250	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO GRANT NATIONAL GAME FISH STATUS TO STRIPED BASS	01/29/99 w/d
SPONSOR:	Rep. Mack, Adam	TABLED
LR 3013	JOINT RESOLUTION MEMORIALIZING THE FEDERAL COMMUNICATIONS COMMISSION TO CHANGE THE WAY IT RELEASES TELEPHONE NUMBERS	02/24/99
SPONSOR:	Sen. Pingree, Chellie	TABLED
LR 2678	JOINT RESOLUTION MEMORIALIZING CONGRESS TO COMMIT TO IMMEDIATE REDUCTIONS OF DOMESTIC GREENHOUSE GAS	01/27/99

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 22, 1999

		Action
SPONSOR:	Rep. Davidson, Thomas M.	
LR 3052	An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service	<i>In</i> <i>7-0</i>
SPONSOR:	Rep. Sirois, Rosaire J.	
LR 3051	Resolve, Directing the Commissioner of Agriculture to Promote the Cultivation of Blueberries in the St. John Valley	<i>Tabled</i>

JOINT RESOLUTION

SPONSOR:	Sen. Kilkelly, Marge L.	
LR 3054	JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT TO FULFILL ITS COMMITMENT TO SPECIAL EDUCATION FUNDING	<i>possibly join to another similar</i> <i>Reconsidered</i> <i>Tabled</i>



MAR -- 8 1999

February 19, 1999

Co-Chairs
Senator William T. Doyle
Chairman
Senate Government Operations Ctte.
VERMONT

Representative Sally G. Fox
Chairwoman
House Appropriations Ctte.
VERMONT

Co-Vice Chairs
Senator Maryellen Goodwin
Chairwoman
Senate Special Legislation Ctte.
RHODE ISLAND

Representative Paul W. Crowley
Vice Chairman
House Finance Ctte.
RHODE ISLAND

Director
Alan V. Sokolow

TO: Senate President Mark Lawrence
Speaker G. Steven Rowe

FROM: Alan V. Sokolow, Director, Eastern Office

RE: CSG/ERC Eastern Trade Council FY 2000/2001 Budget Requests

Enclosed is a request for dues to be budgeted for Maine's proportionate share of the funding of the Council of State Governments' Eastern Regional Conference Eastern Trade Council (ETC). The amount for FY '00 and '01 is \$5,500 each year and I would respectfully request that it could be included in the Legislative Council budgets.

ETC serves as a catalyst for public/private sector regional cooperation in export trade promotion through the electronic sharing of trade leads, the planning of multi-state trade missions and trade shows, the shared use of video conferencing equipment and technologies, and the publication of export studies as well as the provision of secretariat service for the region's state trade directors and the convening of regional export conferences.

Should you have any questions, please contact me at your earliest convenience. In advance, many thanks for your assistance in the budgeting of our request for the next fiscal year.

cc: Senator Michael Michaud
Representative Elizabeth Townsend
Senator Carol Kontos
Sally Tubbesing, Executive Director, Legislative Council
Perry Newman, Director of International Trade

LEGISLATIVE COUNCIL

SUMMARY OF ACTIONS

March 22, 1999

▪ **Computer Migration Project**

Motion: That the recommendations presented by the Migration Oversight Team be approved. (Motion by Sen. Rand; second by Rep. Shiah; unanimous).

Note: Recommendations include:

1. Proceed with multiple-phase Migration Project.
2. Approved a fixed price contract with KPMG LLP for the first phase of the Migration Project -- a Legislative Process Review -- whose specific scope of work will be defined by the Migration Oversight Team.
3. The Migration Team will bring forward to the Legislative Council, or the Presiding Officers, as appropriate, all policy matters requiring resolution, clarification, or action resulting from the Migration Project.

▪ **Request from CSG/ERC for Payment of Dues to Support ERC's Eastern Trade Council**

Motion: That the Council approve the allocation of the balances in two accounts -- the Commission on Uniform State Laws and the Interstate Cooperation Commission -- totaling \$4,397 for payment of Maine's dues to support the Eastern Trade Council in FY 2000 and FY 2001; and that the Council present an amendment to the Part 2 request that has been submitted for the balance; and, further, that the Executive Director be directed to include these dues in future biennial budget requests. (Motion by Rep. Saxl; second by Speaker Rowe; unanimous).

▪ **After Deadline Bill Requests (list attached)**