

# 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**  
**APRIL 5, 1999**  
**Approved May 13, 1999**

**CALL TO ORDER**

The Chair, Senate President Lawrence, called the Council to order at 2:50 p.m. in Room 425, the Legal and Veterans Affairs Committee Room.

**ROLL CALL**

Senators:	President Lawrence, Sen. Pingree, Sen. Amero, Sen. Rand, Sen. Bennett
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 Suzanne Gresser, Principal Attorney, Office of the Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARY OF MARCH 22, 1999, COUNCIL MEETING**

**Motion:** That the Summary be accepted and placed on file. (Motion by Senator Rand; second by Rep. Shiah; unanimous).

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

### **Item #1: Status Report/Drafting and Committee Work: Margaret Matheson and David Boulter**

Suzanne Gresser, Principal Attorney in the Revisor's Office, reporting in Margaret Matheson's absence, drew Council members' attention to a memo in the agenda packet summarized the status of work in her office. More than 770 bills have been either withdrawn or voided due to lack of signature or lack of sufficient information to draft, and Ms. Gresser noted that these bills could be revived at this point only with the approval of the presiding officers. She stated that 40 of the 55 bills that have not yet been released from the Office were in the hands of sponsors for review and signature, and that most of the bills still being drafted were after deadline bills.

Representative Saxl asked whether sponsors were notified that a bill is dead; and Ms. Gresser responded that sponsors receive letters in both cases.

David Boulter, Director of the Office of Policy and Legal Analysis, stated that it appears that Committees have received approximately 97% of the total bills at this point and indicated that Committees have taken final action on 1200 bills to date.

This item did not require Council action

### **Item #2: Y2K Status: Paul Mayotte**

Paul Mayotte, Director of Legislative Information Services, provided Council members with a brief summary of a printed report that was included in the agenda packet, indicating the status of ongoing work on Year 2000 code review and publication of the Legislative Record.

This item required no formal Council action.

### **Item #3: Fiscal Briefing: Jim Clair**

James Clair, Director, Office of Fiscal and Program Review, had also provided Council members with materials, including a Summary of the Governor's Change Package for the "Part 2" budget, which his office has also distributed to all members of the Legislature. He then provided an update on fiscal note preparation, noting that he has been able to focus more of his staff resources on this task in the past two weeks. Finally, he shared a preliminary report of General Fund Revenues for the month of March, which indicate that revenues again exceeded projections.

This item required no formal Council action.

## REPORTS FROM COUNCIL COMMITTEES

### Migration Project Steering Committee

The Committee Chair, Senate President Lawrence, deferred to Paul Mayotte, who stated that KPMG-LLP will begin work on the first phase of the Migration Project on Monday, April 12.

### Personnel Committee

Speaker Rowe, who chairs the Committee, reported briefly that three firms have responded to the Request for Qualifications for a Classification and Compensation Review to date and that the Committee would be scheduling a meeting to review the submissions and develop a recommendation for the Council's consideration.

### Subcommittee on Temporary Relocation of the State House Press

Senator Rand reported that the committee appointed at the March 22 Council meeting had met with members of the State House Press to air their concerns; that the architect, engineers and construction manager had subsequently met with this same group to develop and discuss options that would obviate the need for temporary relocation of the press and/or preserve the current space occupied by the press; and that the Committee had met again before this Council meeting to consider the options. She drew Council members' attention to a schematic drawing that illustrated each of four options developed by the architect and stated that, based on the recommendation of both Granger Northern, Inc. and Stan Fairservice (the Council's Owner's Representative) it was her recommendation to accept Option #3, which would require relocation of the press beginning in July of this year through November, 2000, and demolition of the existing building. She concluded her introductory remarks by stressing that it was essential that the Council make a decision at this meeting if the renovations were to go forward this summer as scheduled.

She then asked those present from Granger Northern to discuss the issues from their perspective. Bruce Hilfrank, Senior Project Manager, stated that his firm had evaluated all of the options and concluded that both of the options that would preserve the building would put the press directly in the middle of a construction site - not just for the coming construction season, but for the work planned for the 2000 interim as well. Costs associated with these options would include the need for additional ledge removal, modifications required to keep the building open, and required renovations to achieve compliance with building and fire codes and ADA standards. Mr. Hilfrank stated that Option #2, which would defer demolition of the building for most of the construction period would still require the removal of a significant amount of ledge and add about a month to the length of the project.

In the ensuing discussion, Council members raised the following questions and issues. Members of the press who were present participated in the discussion as well at the invitation of the Chair.

1. Whether the building currently occupied by the Press Corps has any value that would argue for retaining it. (Rep. Campbell)

Discussion on this point focused on the costs required to stabilize the building and then to renovate it vs. the costs of creating new space in the State Office Building.

2. Whether the building could be used for storage, even if the press were to relocate (Rep. Campbell; Rep. Murphy)

The architect, Mr. Burt, stated that this had been explored; but he pointed out that the corridor connecting this building to the State House would be eliminated, thus raising access issues. In addition, the building would still require sprinkler and alarm systems.

3. The issue of constructability (Sen. Rand; Rep. Saxl)

Mr. Fairservice stated that this is one of the key elements in evaluating design options, and referred to the comments Mr. Hilfrank had made previously regarding the cost efficiencies that can be achieved by removing the building and eliminating the need to remove additional ledge.

4. Whether the Press Corps building has historic value (Rep. Shiah; Sen. Amero).

Mr. Burt responded that the heating plant was originally located in the State House and that this building was probably added on in the early 1900's. He commented that he had reviewed this issue with Earle Shettleworth, Director of the Historic Preservation Commission and Chair, State House and Capitol Park Commission, and that Mr. Shettleworth does not feel the building needs to be preserved for historic reasons.

5. Clarification of the cost estimates provided by Granger Northern for each of the options presented. (Speaker Rowe; Rep. Murphy).

Mr. Burt stated that the estimates to renovate the building included only those items required to bring the building into compliance with the fire code and accessibility standards and do not include any funds to reconfigure the existing space. He continued, noting that using the average cost per square foot for renovating the State Office Building, the cost of renovating the existing Press Corps building would actually be greater. Rep. Murphy pointed out that these estimates do not factor in the value of the space that would be freed up in the State Office Building if the press remained in its current location. Senator Rand acknowledged that the 2,100 square feet in the State Office Building has a value, but encouraged Council members to look at the "big picture".

6. The aesthetic issues involved in preserving -- or demolishing -- the building.

Mr. Burt drew members' attention to a series of photographs and CAD drawings that depicted the State House with and without the Press building in its current location. He noted that it is located directly next to the new public entrance that will be constructed during the 2000 interim.

7. Impact of relocation on press coverage of the Legislature.

Mal Leary, Maine Public Radio, stated "The bottom line is that we can do a better job if we're in the building".

**Motion:** That the Council approve Option #3 as presented by the architect and design team, which involves relocating the State House Press Corps to the first floor of the newly-renovated State Office Building in December, 2000; demolition of the structure currently assigned to the Press Corps; and relocation of the State House Press Corps in a portable building from July, 1999 to December, 2000. (Motion by Sen. Rand; second by Rep. Saxl).

**Discussion:** The Chair, Senate President Lawrence, stated that if the Council accepts this option, it must make a commitment to finding space in the State House for a "satellite" office for the press corps, noting that this would not be a full office but provide space for members of the press corps to have access to telephones and a small work area. Senator Bennett stated that, given the demand for space in the State House, he would rather keep the press where they are than give them space in the State House. Speaker Rowe asked how much space would be required in a satellite location, and Mal Leary's reply was "tiny cubicles with a phone and a computer hookup." Glen Adams, Associated Press, stated that he would probably not use such a space.

Rep. Saxl brought the discussion back to the issue of timing, noting that the concept of relocating the press corps has been a part of discussions for the past year. Speaker Rowe then asked Mr. Burt to recap the factors that held the design team to recommend Option #3.

The vote was then taken, and the motion approved 7-3.

## OLD BUSINESS

### **Item #1: State House Renovations: Final Review of Scope of Work for 1999 Construction Season**

The Chair, Senate President Lawrence, asked Sally Tubbesing to review the scope of work proposed for renovations this summer. Ms. Tubbesing drew members' attention to a summary of the proposed scope in their agenda packets, and pointed out the proposal did not address assignments or reassignments of space.

The Chair, Senate President Lawrence, reported that he and Speaker Rowe had met with the Governor that morning, and that the Governor had expressed concerns about proposals to relocate some of his staff who are currently located in the South Wing. He recognized Kay Rand, the Governor's Chief of Staff, who said that she would be happy to participate with members of the Council in discussions about the allocation of space.

Senate President Lawrence, then appointed the following to serve on a "Space Committee" whose initial charge is to develop a plan for the assignment of all space in the State House:

Senator Rand, Chair  
Senator Amero  
Representative Saxl  
Representative Campbell  
Secretary of the Senate O'Brien  
Clerk of the House, Mayo  
Sally Tubbesing, Executive Director of the Legislative Council

The Committee was directed to include the following in all relevant discussions:

Kay Rand, Chief of Staff to the Governor  
Mal Leary, on behalf of the Press  
Others as required

Senator Rand asked Ms. Tubbesing what the process for allocating space in the State Office Building had been and who had been involved. Ms. Tubbesing responded that the amendment to the Governmental Facilities Authority Act specifically assigned 33,000 square feet -- the equivalent of one floor in the State Office Building -- to the Legislature and that this had been negotiated with the leadership of the 118th Legislature. Senate President Lawrence suggested that the Council pursue negotiations with the Governor.

**Motion:** That the Legislative Council approve the proposed scope of work for renovations in the south wing of the State House and authorize the architect and construction manager to proceed with the development of construction documents for the following:

- General Upgrade of Systems and Finishes Throughout the South Wing.
  - a) Replacement of all exterior windows and reconditioning of wood frames;
  - b) Installation of mechanical and electrical systems including sprinkler system, upgrade of electrical systems, heating, ventilation and air conditioning in a manner that both achieves compliance with all relevant codes and preserves the historical and architectural character of the building;
  - c) Renovation of all bathrooms in this wing and relocation of women's bathroom on the first floor;
  - d) Installation of security devices in accordance with a plan to be finally approved by the Council by April 30;
- Renovation of the Senate Chamber, in a manner consistent with the scope of work comparable to that completed in the House Chamber last summer, including:
  - a) Renovation of the front dais area to accommodate technology and to support enhanced work flow in a manner that is consistent with accessibility requirements;
  - b) Replacement of members' desks, chairs, and carpet;
  - c) A comprehensive treatment of all finishes (plaster, paint, and wood surfaces);
  - d) Integration of the sound system and the electronic voting/request to speak system.
- Construction of two hearing rooms and a new locker area for legislators at the south end of the first floor, in accordance with schematic designs dated March, 1999, and removal of the Klir Beck cases from this area;

- Complete refurbishing of all other rooms in the south wing in a manner that is consistent with their assigned use, with assignments to be confirmed by April 30, 1999;
- Relocation of all legislators, legislative employees, and the State House Press Corps, who currently occupy space in the south wing, to portable classrooms for the period of construction.

Before the vote was taken Speaker Rowe clarified that the motion would include the renovation of rooms currently occupied by the Governor, but that it defers all decisions about where people will go. Joy O' Brien, Secretary of the Senate, inquired whether the renovation of the Senate Chamber should be included in the motion, and Ms. Tubbesing replied that because these renovations would be funded through the Governmental Facilities Authority, it did require Council approval in accordance with the law. (Motion by Senator Bennett; second by Senator Rand; unanimous).

## NEW BUSINESS

### **Item #1: Request to Review Smoking Policy (Letter from Rep. Watson)**

The Chair, Senate President Lawrence, drew members' attention to a letter from Representative Watson requesting that the Council revise the current smoking policy to ban all smoking on the second floor portico. He recognized Rep. Watson, who was present and invited her to present her request. Rep. Watson stated that the current policy essentially puts the second floor portico off limits for non-smokers who are concerned about second hand smoke, and she noted that smoke comes into the State House when the doors are open. She added that she thought the current policy is inconsistent with the law the Legislature had recently passed that bans smoking in restaurants and that it sends a negative message to the many school children who visit the State House.

The Chair, Senate President Lawrence, then recognized Representative Rines, who described himself as a smoker who uses the portico. Rep. Rines said that it is difficult to hear the bells out on the porch and further stated that if the policy is going to be changed, it should be done between legislative bienniums so that smokers would know the policy before they decided to run.

In response to a question from Senator Pingree, Sally Tubbesing summarized the current smoking policy, which prohibits smoking in all areas in the State House, within 20 feet of any entrance to the building, and on the third floor balcony.

**Discussion:** Speaker Rowe stated that he does not like smoke, but that he does have concerns that as the session advances, the number of roll calls will increase, and that it takes time to get members back into the chamber. Senator Bennett, noting that the Council has to come to some sort of workable solution, stated that he cannot open the window in his office without being overtaken by the odor of smoke that rises from the second floor portico. He pointed out that the current policy, which prohibits smoking within 20 feet of an entrance, may still put the smoker under an open window. Secretary of the Senate O'Brien suggested that the definition of entrance be modified



to include stairs leading to the entrance, consistent with the policy for the State Office Building. Representative Saxl and Senator Amero both expressed their dislike for second hand smoke, but agreed that they are concerned about facilitating legislators' participation in the process.

**Motion:** That the Council's policy be amended to prohibit smoking on the East Portico/second floor. (Motion by Senator Rand; second by Senator Bennett).

**Motion:** That the item be tabled, pending a report and recommendations from a Subcommittee appointed by the Council Chair. (Motion by Representative Saxl; second by Representative Shiah; approved 6-2).

The Chair, Senate President Lawrence, then proceeded to appoint a Committee with the following members: Senator Pingree, **Chair**; Senator Bennett; Representative Murphy; and Representative Shiah.

He asked that the Committee solicit opinions of both smokers and non-smokers.

#### **Item #2: After Deadline Requests**

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**

None.

### **ADJOURNMENT**

The Council meeting was adjourned at 5:17 p.m., on the motion of Senator Rand; second by Rep. Shiah.