

# 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**  
**JULY 14, 1999**  
**Approved August 31, 1999**

**CALL TO ORDER**

The Chair, Senate President Lawrence, called the Council to order at 10:12 a.m. in the Council Chamber.

**ROLL CALL**

Senators:	President Lawrence, Sen. Pingree, Sen. Rand, Sen. Bennett Absent: Sen. Amero
Representatives:	Speaker Rowe, Rep. Saxl, Rep. Murphy, Rep. Shiah, Rep. Campbell
Legislative Officers:	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 Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARIES OF JUNE COUNCIL MEETINGS**

**Motion:** That the Summaries of the Council meetings on June 3, 4, 5 & 7 be accepted and placed on file (Motion by Rep. Murphy; second by Sen. Bennett; unanimous).

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

- State House Renovations - Progress Report:

Members had received a written progress report with the agenda packet that had been mailed out prior to the meeting. Sen. Rand noted that it had been helpful and asked that this format be continued in the future.

Stan Fairservice reported that the relocation of all occupants of the South Wing had been completed and that the early stages of work in the South Wing were underway. He noted that the move-out process had gone very smoothly and acknowledged the superb cooperation of all involved, including those whose offices were being relocated, the Information Services staff, who had worked closely with each office to coordinate the relocation of telephone and computer service, and the Executive Director's Office.

Bruce Hilfrank, Senior Project Manager for Granger Northern, drew Council members' attention to a graphic summarizing the schedule for the renovation of the South Wing. He pointed out that the relocation of South Wing offices had been completed approximately 2 weeks later than the original schedule had anticipated -- recognizing that the Legislature's final adjournment date had driven this -- and stated that Granger's goal is to try and get the schedule to "creep back". Demolition and abatement are underway on the 4th floor; the bid for windows has been awarded; and the installation of the air handlers is in process. Shop drawings for both the Front Desk furnishings in the Senate Chamber and Senators' desks are well underway, and Granger will build actual samples of these pieces to assist in final review and sign off as they had done in the House Chamber last summer.

The Chair, Senate President Lawrence, noted that the 3rd floor (Senate Chamber and Senate Offices) are due to be completed by December 1, according to the schedule. He asked Mr. Hilfrank whether it would be possible to reopen the 3rd floor even if work on other floors was not completed by this date. Mr. Hilfrank responded that this would be possible, but that he still felt confident that work on all floors could be completed by late December unless unanticipated problems develop.

### **Sound System**

Mr. Hilfrank reported that the House system had been running for 3 weeks without problems and that the acoustical and electrical engineers were confident that they have isolated the problems. Plans to address these are in progress.

### **Preparations for the Utility Trench**

Sally Tubbesing drew members' attention to a memo that they had received that described the impact of the new utility trench on the grassy area between the State House and the State Office Building. Virtually all of the trees need to be relocated if they are to be preserved. The trees have been evaluated by the State Horticulturist, who has concluded that the condition of two maples justifies cutting them down. All other trees can be relocated either to Capitol Park or some other area in the Capitol Complex. Stan Fairservice and Bruce Hilfrank stated that the area that needs to be dug up for the new utility lines is directly in the path of the two maples, and he assured Council members that Granger had studied options for the path of the trench in an effort to avoid the trees before making this recommendation.

Sen. Bennett asked if the ad hoc Community Liaison Committee had been informed of this proposal ; and Ms. Tubbesing responded that this could readily be done.

**Motion:** That the Legislative Council tentatively approve the removal of the trees with the advice and consent of the ad hoc Community Advisory Committee and that this Committee be convened as soon as possible for this purpose (Motion by Rep. Saxl; second by Rep. Murphy).

**Discussion:** Sen. Rand asked whether it was the intent of the motion that any decision involving the exterior of the State House will now require prior approval by this Committee. Rep. Saxl responded that this was not his intent, but stated his belief that it would be to the Council's benefit to involve the Committee. Senator Rand agreed that it is critical to keep people informed, but expressed concern about the "consent" aspect of the motion. The Chair, Senate President Lawrence, offered a friendly amendment to the original motion, which Rep. Saxl accepted.

Sen. Bennett asked whether the Advisory Committee had had an overview presentation of the renovations, suggesting that it is essential that decisions about individual items be made in the context of the long term view.

**Amended Motion:** That the Executive Director be directed to seek input from the Advisory Committee and then poll Council members regarding the proposed removal of the trees. (Motion by Rep. Saxl; second by Sen. Bennett; unanimous).

- **Interim Studies - Status Report**

David Boulter reported that the Legislature had approved approximately 40 interim studies in the recently-completed session. The appointment process is underway, and he and Jim Clair are in the process of making staff assignments.

- **Fiscal Update**

Jim Clair provided members with preliminary figures regarding the surplus as of June 30, noting that these figures will continue to change until the FY99 books have finally been closed in late July. He reviewed the distribution of the surplus funds, which is controlled by statute, and commented that the strong revenue picture is attributable to the booming stock market and strengthening employment levels in all areas of the State. He noted that the economic slowdown which had been predicted has not yet occurred and stated that the Revenue Forecasting Committee will meet later in the summer to analyze the numbers.

**Questions and Discussion**

1. Would the trigger (to reduce the Sales Tax by 1/2 cent) have been activated had it not been repealed? (Sen. Bennett)

Jim Clair: Yes

2. Is the Office of Fiscal & Program Review networked with other regions of the country to facilitate early detection of an economic slow down (Rep. Campbell).

Mr. Clair: Yes

3. Are these largely paper gains? (Rep. Campbell)

Mr. Clair: These figures reflect both increased earnings per capita and increased employment levels.

4. Impact on the TANF caseload? (Sen. Bennett)

Mr. Clair: Although there is a 3 month lag in the data, the caseload continues to drop : it is now below 15,000 compared to more than 23,000 in 1993.

5. Does the State Budget now have the buffers to cushion a downturn? (President Lawrence)

Mr. Clair: Yes. The Rainy Day Fund is now poised to grow well beyond \$100 million. In addition, some of the decisions made in the early 1990's regarding receivables and payments have now been corrected.

- **Legislative Record**

Paul Mayotte, referring to a summary that had been distributed, reported that things are on track to completely clean up the backlog by the end of the year.

- **Y2K Status**

Mr. Mayotte, referring again to a report that had been distributed, noted that testing of those programs that have been modified has now been completed and that the Y2K compliance project is on schedule.

## REPORTS FROM COUNCIL COMMITTEES

### ▪ Migration Project Steering Committee

The Chair, Senate President Lawrence, turned to Paul Mayotte, who reported that the Committee has resumed activity following adjournment. The current focus is on how to best support Chamber activities and to integrate systems designed to support Chamber work with systems required to support the work in the Council Staff offices. At this point, the Committee has asked KPMG and the International Roll Call Corporation (IRC) to work together to develop a plan that would assure that all work would conform to an overall systems architecture.

Rep. Saxl stated that he is trying to get an overall grasp on the Migration project and asked whether there is a mission statement, goals, budget and schedule for this project. Mr. Mayotte responded that these do exist, having been developed under the auspices of the 118th Council, and that he would provide them to this Council.

### ▪ Personnel Committee

Speaker Rowe, Committee Chair, reported that the Committee had begun the annual review of the staff office directors and that it is continuing to oversee the Classification and Compensation Study, which NCSL is doing. As his invitation, Rich Jones, the Project Manager for this Study, reported that his project team is nearly finished with the revision of the Job Class Specifications and that they are now engaged in collecting salary data. The NCSL Team has made a preliminary presentation to the senior management group and gotten valuable feedback.

## OLD BUSINESS

### Item #1: Proposal to Create a Council Subcommittee to Study Improvement of the Legislature's Structure and Process

Senator Bennett stated that his motion emerged from trends that he had identified during the recently-completed session:

1. The Legislative Branch is not as effective as it could be vis à vis the Executive Branch and needs to develop resources and ways to assert itself more as a coequal branch;
2. The increasing level of frustration that citizens have as they attempt to participate in the process; and
3. The Legislature needs to evaluate its session schedule in the context of Maine society as we approach the 21st century.

He stated that these trends raise significant issues that go beyond the Legislature's rules of procedure.

Speaker Rowe noted that this Council should review work that has been done by its predecessors before it embarks on rediscovering the wheel - - pointing to both the work of the TQM Committee in the 115th and 116th Legislatures and the Strategic Plan that had been developed by the 117th Legislature. He also advocated developing a process as the Council embarks on this review to involve other legislators.

After further discussions, Council members agreed that a Subcommittee should be established with the following charges:

1. Identification and clarification of the issues;
2. Development of objectives for the Review;
3. Gathering information (from prior reports and other states); and
4. Proposing a process for involving other legislators.

Members of this subcommittee are:

Speaker Rowe, Chair  
Senator Rand  
Senator Bennett  
Representative Saxl  
Representative Murphy  
Representative Campbell

## NEW BUSINESS

### **Item #1: Proposal from the Muskie School of Public Service to Conduct a Seminar for Legislators**

The Chair, Senate President Lawrence, recognized the Honorable Elizabeth Mitchell, former Speaker and currently the Muskie Public Policy Fellow, and Bart Wechsler, Dean of the Muskie School, who presented a proposal to organize a Legislative Summit, designed to leverage the faculty resources of the University to empower the Legislature. Ms. Mitchell solicited Council members' suggestion of topics, and the ensuing discussion focused on whether there should be a single theme or many.

**Motion:** That the Council form a Subcommittee to work with Ms. Mitchell to define the format and focus for the Summit and report to the Council at its August meeting. (Motion by Rep. Saxl; second by Rep. Shiah; unanimous).

The Subcommittee was then appointed:

Rep. Saxl, Chair  
Sen. Amero  
Sen. Rand  
Rep. Murphy

**Item #2: Requests from Committees to Meet During the Interim**

These items were referred to the presiding officers for review and action.

**Item #3: Cloture Deadline for the Second Regular Session**

Margaret Matheson drew members' attention to a proposed schedule for cloture for the Second Regular Session and the Council's subsequent screening of bills. The schedule was approved with one amendment.

**Item #4: 1998 Report on Charitable Solicitation Activity**

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

**ANNOUNCEMENTS AND REMARKS**

Council members agreed to set the August meeting for Wednesday, August 18.  
(Note: This date was later changed).

**ADJOURNMENT**

The Council adjourned at 12:20 p.m., on the motion of Rep. Murphy (second by Rep. Shiah).