

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
AUGUST 31, 1999
Approved September 22, 1999

CALL TO ORDER

The Chair, Senate President Lawrence, called the Legislative Council meeting to order at 10:17 a.m. in the Legislative Council Chamber.

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
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative
Information Services

SUMMARY OF THE JULY 14, 1999 COUNCIL MEETING

Motion: That the Meeting Summary be approved. (Motion by Sen. Rand; second by Rep. Campbell; unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF DIRECTORS

▪ **Interim Studies: Status**

David Boulter, OPLA Director, had prepared a memo summarizing the status of appointments to the nearly 50 interim study committees that have been authorized to work during the interim. He reported that appointments are well underway and that about half of the committees have scheduled their first meetings.

No Council action was required.

▪ **Y2K Validation Project: Status**

Paul Mayotte reported that the testing of hardware and software applications on the Wang system has been completed successfully, and that his staff is now working to ensure that data base applications that have been developed on the Legislature's client/server network are also Y2K-compliant. The Information Systems staff is also completing its contingency planning for the December 30 - January 3 period.

▪ **Legislative Record**

Mr. Mayotte reported that the Record for the 114th Legislature will be available for distribution shortly; that the 8-volume 115th Record is currently being printed; and that the 116th Record is ready to print and will be turned over to the printer upon completion of the 115th Record.

▪ **Computer System Upgrades**

Mr. Mayotte informed Council members that about 1/3 of the Legislature's PC's would be replaced by fall, in accordance with the Information Systems plan. He stated that those PC's that are "retired" from active service are used as servers in some cases, while others are used for parts. The Information Services Office is also finalizing plans to upgrade the Microsoft Office Suite to Office 2000 beginning in the late September-early-October period.

Rep. Saxl asked what arrangements are being made to provide a "cyber room" for legislators during the coming session, and, after brief discussion, it was agreed that this item should be referred to the Committee on Allocation of Legislative Space.

▪ **Fiscal Update**

Jim Clair drew Council members' attention to a briefing package. He reported that the final revenue figures for Fiscal Year 1999 have now been released and that they track very closely with the preliminary figures that he had reported in July. He led members through summaries of the July, 1999 General Fund Revenues, the FY 99 Year-end Transfers, General Fund Status, Highway Fund Revenues and the Rainy Day Fund. Copies of these summaries are available from the Office of Fiscal and Program Review.

In the discussion that followed his presentation, Senator Bennett asked why the State Controller does not include comparable figures for the prior year on the monthly revenue report, noting that this information is very helpful. Mr. Clair replied that he would be happy to convey this information to the State Controller. Rep. Shiah then inquired about the current status of the unfunded liability in the State Retirement System. Mr. Clair responded that the unfunded liability as of June 30 was approximately \$2.4 billion. Senate President Lawrence asked Mr. Clair to prepare a graphic that depicts the unfunded liability over time for the September Council meeting; and Rep. Saxl asked that this report include background regarding “how we got there” as well.

This item required no formal Council action.

▪ **State House Renovations: Progress Report**

Sally Tubbesing opened the discussion by stating that she and the State House Renovation Team are working with the Department of Administrative and Financial Services to assure coordination wherever possible, with the objectives of minimizing disruption and identifying areas where cost savings might be realized. Stan Fairservice then updated Council members on the construction progress, reporting that lead and asbestos abatement are underway on the 2nd and 3rd floors. This process has been completed on the 4th floor, and workers have begun “building back” - trenching walls and floors for conduit and pipes and framing in ceilings. The dioramas have now moved out of the State House into storage; and the trenching for the utility pipes between the State House and State Office Building has begun. Mr. Fairservice offered to take Council members on a tour of the construction area following the Council meeting, and Speaker Rowe encouraged members to do this.

Bruce Hilfrank, Senior Project Manager for Granger Northern, Inc. reported that the demolition is about 1 week behind schedule presently, but that he has begun adding people to address this. He stressed that the build-back process cannot proceed until final decisions have been made about space allocation, noting that there are open issues on all floors at this point. President Lawrence assured Mr. Hilfrank that the Council is committed to making the decisions.

Rep. Campbell asked about the budget for this phase of the work. Mr. Hilfrank stated that Granger has not been able to finalize its Guaranteed Maximum Price (GMP) for this phase of the work since the full scope of work is not yet known. He anticipates having a final GMP to present at the September Council meeting. Rep. Campbell asked specifically about the casework involved in this project, adding that he hoped the design team was working to economize in this area. Mr. Hilfrank responded that the unit price for the Senate desks is actually below the unit price for the House desks.

▪ **Appropriations Committee Space**

The plan calls for enlargement of the Appropriations Committee hearing room to better accommodate the public and, the addition of two “caucus offices” for committee members and offices for the 2 Committee Chairs. Mr. Burt had a series of graphics that demonstrated the ramp that will provide handicapped access to the Committee table, as well as the riser on which the Committee table would sit. He stated that he had been asked to study additional risers. Council members’ discussion focused on the location of the handicapped ramp and the issue of putting the

committee table on a riser. Senator Rand stated that the Space Committee had had lengthy discussion about the riser, but had been convinced that it is necessary, since the room is being lengthened, to ensure good sight lines between the public and committee members.

Motion: That the plan be approved as presented, locating the Committee table on a single riser, and with the following amendments: **1)** that the ramp and staff table be shifted in accordance with the discussion; and **2)** that shelving be installed under the windows for members. (Motion by Rep. Campbell; second by Sen. Amero; unanimous).

▪ **Space for Office of Fiscal and Program Review**

Senator Rand stated that, after extended discussion, the Committee had voted to recommend that the Office of Fiscal and Program Review be assigned to Room 220, 222, 224 and 226, which comprises all of the South Wing Offices that had previously been occupied by some of the Governor's staff. The need to maintain clear egress paths to the fire escape significantly reduces the usable space available in Room 226. Rep. Saxl asked if the Council could separate this decision from the still-pending decisions about the space currently occupied by the Law Library, and Senator Rand responded that while some assignments must be temporary, given that the renovations will span a 3-year period, it is important to make as many "permanent" decisions as possible for economic reasons.

Motion: That the Office of Fiscal and Program Review be assigned to Rooms 220, 222, 224 and both levels of Room 226 and that the Governor's staff be assigned to Rooms 221 and 223.

Discussion continued. Senator Bennett asked if additional space could be found on the mezzanine over Room 225. Rep. Campbell pointed out that this space is accessible only by stairs and does not, therefore, meet ADA requirements: it "works" for the Information Services staff only because they generally go to their customers. Senator Bennett asked if it would be possible to build a mezzanine over the room that was previously assigned to the Taxation Committee; and the architect, Rick Burt responded that the State Fire Marshall has essentially ruled out the construction of additional mezzanines because of emergency egress restrictions. He noted that a mezzanine in this particular space would also compromise one of the architecturally important rooms in the State House.

Rep. Murphy then turned the discussion to space for the Governor's staff, asking how much they had had in the South Wing. Senator Rand responded that the total space was over 1,600 square feet and pointed out that the proposed temporary assignment would assure more than 100 square feet per person.

The discussion resulted in an amended motion:

Amended Motion: That the Office of Fiscal and Program Review be assigned to Rooms 220, 222, 224 and both levels of Room 226; and that the Governor's staff be assigned to Rooms 221 and 223, and that this be considered temporary space with the Council's commitment to continue working with the Governor's staff. (Motion by Sen. Rand; second by Rep. Campbell; approved 7-1)

Discussion related to the renovations continued. Senator Bennett asked who is making decisions about furnishings and finishes. Secretary of the Senate Joy O'Brien replied that she and Senate President Lawrence would make the final decisions for the Senate Chamber and all Senate Offices and that she was close to having a plan to present to all Senate Leadership. Senator Bennett expressed an interest in being involved.

Senator Amero pursued the question of furnishings, and Secretary O'Brien replied that new furniture would be purchased and that she has involved staff in each of the Senate Offices in reviewing furnishings plans. She noted that, with the Senate President's approval, a certified interior designer has been hired to assist in developing functional furnishings plans that are appropriate for the historically-significant spaces.

Third Floor

Mr. Burt briefly reviewed the proposed changes in the 3rd floor offices, all of which are assigned to the Senate and all of which have been approved by Senate leadership. Secretary O'Brien added that no changes in office assignment are contemplated, and that she is awaiting the report from Lisa Whited to finally confirm other changes.

Since these offices are all currently assigned to the Senate, no Council action was required.

Fourth Floor

Mr. Burt summarized the current plans for space:

- Room 427 remains a hearing room
- Room 425 is to be assigned to the Senate Republican Office for use by staff in that office and for caucus activities.
- Room 423 had originally been assigned to the Press as a Satellite Office, but this area is still "on hold" pending completion of furnishings plans for all Senate Offices.
- Rooms 424 and 422 will be assigned to the Senate President's staff. Mr. Burt noted that Room 424 provides access to the fire escape on the west side of the State House and that a fire exit path must be maintained through this space at all times, thus limiting the usable space available.
- Room 420 will remain as a Senate Retiring Room. Secretary O'Brien reported that it is her intention to equip this as a "cyber area", with computers available for use by Senators.

Motion: That the proposed plans for the 4th floor rooms be approved as presented. (Motion by Sen. Amero; second by Sen. Rand; unanimous).

First Floor

Speaker Rowe asked whether the Committee had designated space for both the Engrossing staff and the OPLA staff who are currently located in Room 135. Senator Rand, who was joined by Senator Amero, responded that the Committee is still working on how best to do this, noting that the reassigned space available in the south wing is not sufficient to accommodate both of these offices. Senator Rand stated that she had proposed relocating

one of the two locker rooms to the State Office Building, thus freeing up some additional space on the 1st floor, but that both Secretary O'Brien and Clerk Mayo were opposed to this. Rep. Campbell expressed his agreement with the Secretary and Clerk; and Secretary O'Brien pointed out that Senator Rand's proposal would mean that 85 members would not have lockers during the coming session.

Senate President Lawrence asked about the area on the 1st floor that had been the "Cyber Room" for legislators, and there appeared to be consensus that the cyber functionality could be accommodated in the Senate and House Retiring Rooms during the coming session.

Motion: That the plans and allocation of space of 1st floor offices in the South Wing be approved and that the Space Committee return to the Council with recommendations for the Engrossing and OPLA staff groups. (Motion by Sen. Rand; second by Sen. Amero; approved 6-1).

Discussion of the renovations then turned to the West Wing, which is currently scheduled to begin as soon as the 119th Legislature adjourns next spring. Bruce Hilfrank, Granger Northern, stressed that it is not economically practical to do part of a wing, which would add another year and additional cost to the project and that the Council needs to develop a complete plan for use of space in the West Wing before final design can proceed.

Rep. Campbell asked for an update on design of the new tunnel; and, after brief discussion, the Chair, Senate President Lawrence, asked that plans for the Tunnel, including proposals for reinstalling the dioramas, be presented to the Space Committee and then to the Council at its September meeting.

REPORTS FROM COUNCIL COMMITTEES

▪ Planning Committee for the Legislative Summit

Rep. Saxl, who chairs the Council's Planning Committee for the Summit reported that the Planning Committee had met with representatives from both the Muskie School and the Margaret Chase Smith Center to develop preliminary agendas for both the Leaders Forum on Sunday, September 26 and the Legislative Summit on Monday, the 29th. The Planning group is proposing 4 concurrent policy sessions in the morning which would be repeated in the afternoon, thus giving legislators an opportunity to attend two sessions. He turned to former Speaker Libby Mitchell and Bart Wechsler, the Dean of the Muskie School, who were present to answer questions. Rep. Campbell asked if the group had selected keynote speakers, and Dean Wechsler responded that the Committee is currently negotiating with a senior official at the Federal Reserve Bank in Boston, who has been recommended as a dynamic speaker. He added that the Committee was in the process of assembling panels for each of the four sessions. Senator Bennett expressed his regrets that he would be unable to attend the Summit due to a previous business commitment, and Speaker Rowe stated that he would work to schedule the first meeting of the Council's Subcommittee to Develop Framework for Review of the Legislative Process prior to the Summit.

This item required no further Council action.

▪ **Migration Project Steering Committee**

Senate President Lawrence, who chairs this Committee reported that the Committee would be meeting prior to the September Council meeting to present recommendations related to how to proceed.

▪ **Personnel Committee**

Speaker Rowe, Committee Chair, reported that he had two items to present to the Council on behalf of the Committee.

- 1) A briefing on the Classification and Compensation Study; and
- 2) A recommendation related to Collective Bargaining

NCSL Classification and Compensation Study

Speaker Rowe noted that the Committee had been overseeing the review of the Legislature's classification and compensation plans and related policies. He stated that NCSL staff have been working closely with senior management staff in the Senate, House and Legislative Council offices throughout the study and had presented preliminary conclusions and recommendations to both the Committee and the senior management group last week. The final report was issued last Friday, and a copy had been sent to each member of the Council. He then introduced the members of the NCSL team -- Rich Jones, Project Manager; Tim Storey; and Jo Donlin -- and asked Mr. Jones to provide Council members with an overview of the study and recommendations.

Discussion of the Report following the presentation included the following questions and comments.

- That the Report includes a recommendation to explore the use of 9-month positions to increase the resources available during peak times. (Rep. Campbell).

Mr. Jones responded that this is a recommendation.

- Whether NCSL had looked at buying down comp time in the course of its review of overtime.

Mr. Jones responded that NCSL's recommendations include paying employees in the lower salary classifications cash for all overtime accrued. He stressed that the Council needs to view overtime as a management issue that may require changing current work schedules, practices and staffing levels and encouraged the Council to undertake an assessment of these issues

As the discussion closed, Speaker Rowe stated that while the Report contains some technical errors that need to be addressed, the NCSL staff have done exactly what the Council had asked and thanked them once again for their work. Mr. Jones noted that both Council members and staff have been very generous with their time and helped his staff significantly. Noting that "it is now up to us", Speaker Rowe offered the following motion.

Motion: That the Council refer the Classification and Compensation Report to the Personnel Committee for the purpose of developing a proposed implementation plan for the Council's consideration and final vote at the September or October Council meeting. (Motion by Speaker Rowe; second by Rep. Shiah; unanimous).

Collective Bargaining

Speaker Rowe stated that the Committee has discussed how best to undertake our management responsibilities as it enters a new era -- where most of the employees in the staff offices that work under the Council's direction will have the option of organizing for the purposes of collective bargaining.

The Committee concluded that it is in the Council's interest to retain an attorney to help guide the Council through this very specialized area of law and had reviewed resumes of several individuals with experience on this area. Speaker Rowe then presented the following motion on behalf of the Committee:

Motion: That the Council approve the Committee's recommendation to contract with Julie Armstrong, Esq. for the purpose of providing preliminary training and technical assistance to the Council and the Staff Office Directors related to its new responsibilities as a public employer; and that the services provided under this contract not exceed \$7,500.00 without further Council approval.

ADJOURNMENT

The Council meeting was adjourned at 1:55 p.m. (Motion by Rep. Shiah; second by Rep. Murphy).