

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
NOVEMBER 18, 1999**

CALL TO ORDER

The Chair, Senate President Lawrence, called the Council meeting to order at 2:25 p.m. in the Legislative 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:	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

**SUMMARIES OF THE OCTOBER 25 AND NOVEMBER 15
COUNCIL MEETINGS**

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

REPORTS FROM THE EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

▪ Legislative Options on New Budget Management System

Jim Clair, Director of the Office of Fiscal and Program Review stated that, as the memo that he and Paul Mayotte had sent to Council members previously indicated, the Executive Branch is in the process of developing a new Budget Management System that would offer new features and functions that could benefit the work of the Legislature as well as the Executive Branch. Noting that both Janet Waldron, Commissioner of Administrative and Financial Services, and Jack Nicholas, State Budget Director, were present, Mr. Clair described the current budget system as a largely manual system that is very awkward to use and that supports very little data integration. He stated that the Executive Branch was in the process of evaluating a product developed by Legacy Solutions to support budget management functions and had invited the Office of Fiscal and Program Review to participate in this evaluation. This system must be in place by September, 2000, which marks the beginning of the development process for the next biennial budget cycle.

Mr. Clair stated that Legacy Solutions offers two versions of its budget management product – one that provides a shared system and a second that provides parallel systems for the executive and legislative branches. Both of these systems are in use in other states, and Mr. Clair and Mr. Mayotte have been evaluating these. Mr. Clair drew members' attention to an overview that had been distributed that summarized the objectives for a legislative budget system, as well as an analysis of the two models. He stated that either model would entail an expenditure of \$400,000 - \$500,000.

Speaker Rowe stated that he and Senate President Lawrence had met with both the Chairs and the Republican leads of the Appropriations Committee, Commissioner Waldron, Mr. Nicholas and Robert Mayer, the Chief Information Officer for the executive branch, prior to the Council meeting to discuss the two alternatives. Their discussion confirmed that it is necessary to get additional information about the two models and the associated costs to support a sound decision. Mr. Clair concluded that the primary factors include system integration, security and cost; and Mr. Mayotte added flexibility.

Discussion

▪ Cost

Senator Bennett asked why the cost projections that Mr. Clair and Mr. Mayotte had presented appeared to be the opposite of the two states using the Legacy Solutions products – Montana and Nevada.

Mr. Mayotte responded that he and Mr. Clair needed to do additional research to confirm that they were “comparing apples to apples;” and Mr. Clair added that the two states seem to use their system largely as a “view function” rather than to support actual production of budget bills.

- **Systems Integration**

Sen. Bennett asked if a decision to use one of the Legacy Solutions products would require revisiting the decision to use a Microsoft/SQL platform for legislative systems. Mr. Mayotte responded "no", adding that both systems use an open architecture and that information can flow between the two.

- **Security**

Senate President Lawrence asked if a shared data base would place restrictions on the level of security that would be available. Mr. Mayotte, noting that Montana's legislative staff can look at the Governor's budget information at any time, replied that it would be important to assign security to data elements as well as to employees in order to have an effective security system. Senate President Lawrence then asked if the use of parallel systems would limit access on a real time basis, and Mr. Mayotte responded that business rules could be developed to address this.

Rep. Campbell asked if security could be handled appropriately in a shared system. Mr. Mayotte responded that, ideally, there would be a single data base administrator in a shared system and that this was a policy issue that would have to be explored. Sen. Bennett commented that it might be desirable to develop a different process for appointing an individual who would be accountable to two branches of government.

Commissioner Waldron expressed her appreciation to Senate President Lawrence and Speaker Rowe for facilitating the exploration of using a single product to support the budget functions of both branches of government. She added that the Legacy product is currently used in 8 states and is regarded as a "premier" budget system. In response to a question from Rep. Campbell, she indicated that she would be comfortable with either option, but that the shared option appears to be more economical.

Senate President Lawrence asked if this software would also support the Highway Fund budget, and Mr. Clair responded "yes." Senate President Lawrence then asked Mr. Clair and Mr. Mayotte to get the chairs of the Transportation and Taxation Committees involved in this evaluation, and Sen. Bennett agreed, stressing the importance of getting their input and asking that they summarize their conclusions in a letter.

This item required no formal Council action at this time.

- **Recommendation to Adjust the Deadline for Submission of Major Substantive Rules**

David Boulter drew Council members' attention to a memo in their agenda packet that recommends that the Council change the statutory deadline for submission of major substantive rules from March 6, 2000 to February 18, 2000. Mr. Boulter noted that the current statutory deadline would shorten the length of time committees have to review and take action on these rules, given the targeted adjournment date. He emphasized that it is in the Legislature's interest to allow time for review because the law provides that these rules go into effect automatically if there is no legislative action.

Rep. Saxl asked if there was a precedent for this date change, and Mr. Boulter responded that it has been done every year since the law took effect. Rep. Saxl then asked if this would be communicated to executive branch agencies; and Mr. Boulter stated that he would write a letter to each department head if the Council took action

Motion: That the deadline for submission of major substantive rules be set as February 18, 2000. (Motion by Rep. Campbell; second by Rep. Saxl; unanimous).

REPORTS FROM COUNCIL COMMITTEES

- **PERSONNEL COMMITTEE**

Recommendations Pursuant to NCSL Study Regarding Classification and Compensation

- **MIGRATION PROJECT STEERING COMMITTEE**

Report on Legislative Process Review and Recommendations

OLD BUSINESS

Item #1: State House Renovations: Status and Issues

Stan Fairservice briefly viewed the progress on the renovation of the South Wing, noting that the paint color for the Senate Chamber had been approved earlier that day. He reported that the core pieces of the HVAC system that will eventually support the entire building have now been installed.

Bruce Hilfrank, Senior Project Manager for Granger Northern, distributed a budget status summary and an update that included a projected move-back schedule for all 4 floors and a summary of the factors that have impacted the budget. Mr. Hilfrank stated that the Senate Chamber will be completed and ready to use when the Legislature reconvenes on January 5. The highest priority is on getting Senate offices back in. committees and offices on the 1st and 2nd floors will not be back in until mid-to-late February.

At this point, the original Guaranteed Maximum Price (GMP) has increased by 6.5% to reflect both unforeseen conditions and modifications in the scope of work. Mr. Hilfrank reviewed the unforeseen conditions, which include:

- Reinstallation of the marble flooring in the 4th floor corridors that was removed to install piping for the new sprinkler system was not possible. In a previous phase of work, marble tiles in the West Wing corridor had come up easily; thus, this was unanticipated.
- 3rd and 2nd floor structural stabilization requirements due to previous construction.
- 1st floor excavation requirements to install 150 conduits.

- Removal, resupport and reinstallation of 4th floor ceilings due to severe plaster stress from years of construction traffic.
- Removal, resupport and reinstallation of numerous existing 3rd and 2nd floor ceilings that were wood framed and therefore contrary to current fire codes.
- Structural framing at 4th floor bathroom to carry toilet fixtures.
- Structural infill and support at two existing chimney flues.
- Additional asbestos abatement, i.e. ventilation system to Senate Chambers.
- Additional lead base paint removal to support the unforeseen conditions listed above and user design developments.

Senate President Lawrence clarified that the first floor excavation was required to accommodate conduit that had previously been run below the 1st floor ceiling. Mr. Fairservice stated that enough conduit has been laid to support future growth for the next 50 years.

Senate President Lawrence encouraged Council members to tour the South Wing with Mr. Fairservice.

Natural History Dioramas

The Chair, Senate President Lawrence, recognized the members of the Citizens Advisory Committee on State House Renovations who were present and asked them to introduce themselves. They included Senator Beverly Daggett, Rep. Julie O'Brien, Rep. Scot Cowger, Ms. Lila Segal; Mr. Robert Baudo.

The Chair then turned to Senator Rand, Chair of the Council's Space Committee, who opened her presentation by stating that it had never been the Council's intention to simply leave the dioramas in storage. She continued, noting that the size and delicate nature of the dioramas had been a significant issue in identifying the options available to relocating them. She stated that the Committee that she chairs had explored the available options in the State House complex, pursuant to a charge from the Legislative Council, and noted that while there were many places to relocate the dioramas, the options in the State House were very few. The Committee has reviewed preliminary designs for the new Connector and concluded that location in the Connector was very appropriate, noting that the Council needed to make decisions at this meeting so that blasting could proceed. Sen. Rand closed her opening remarks by offering the following motion:

Motion: That the dioramas be relocated in the new Connector under the entrance to the West Wing. (Motion by Sen. Rand; second by Speaker Rowe).

Discussion:

The Chair, Senate President Lawrence recognized Rick Burt, the architect for the State House renovations, Bruce Hilfrank, Granger Northern, and Stan Fairservice, the Council's representative. Mr. Burt, in turn, introduced Ron Harvey, Tuckerbrook Conservation, whom the Council had engaged previously to plan and supervise the removal of the Dioramas from the South Wing. At Senator Lawrence's invitation, Mr. Burt presented a series of plans and CAD renderings that depicted a preliminary plan for relocating the dioramas at the base of the West Wing entrance. Speaker Rowe clarified that location of

the dioramas at the base of the West Wing Entrance would require additional blasting; and Mr. Hilfrank stressed that the bidder's conference for the blasting work was scheduled for the coming Tuesday and that, for maximum economy, the bid package needs to reflect the full scope of work.

Rep. Saxl then asked Senator Daggett if the Community Advisory Committee, upon reviewing the options, had concluded that this is the best option. Senator Daggett responded that the options presented to the Committee had been limited and that the Committee had backed into this as an option. Representative Cowger, who is also a member of the Advisory Committee thanked members of the Council for their attention and commitment to preserving the dioramas, and then emphasized that the motion the Advisory Committee had approved at its last meeting was to approve the location presented by Mr. Burt only if no other suitable location were found in the State House. Mr. Bob Baudo stated that he had no problem with this location; and Ms. Lila Segal concurred, adding that she preferred this option over the others that had been presented to the Committee "because it would give the dioramas more of a place of their own." Rep. Elaine Fuller then spoke, noting that she has a constituent who lives in Klir Beck's house who feels that this location makes the most sense. She went on to say that her main concern, shared by many of her constituents, is that the dioramas be reinstalled and not remain in storage. Rep. Julie O'Brien thanked the Council for all of the time and thought that they have devoted to this issue, adding that they were doing a great service to future generations of Maine's children.

Senator Rand, responding to Rep. Cowger's discussion of the Committee's motion, stated that other locations in the State House had been reviewed by the architect, including the 1st floor West Wing, and the 4th floor. Rep. Murphy then inquired whether the dioramas could return to their original location, and Mr. Burt replied that they could not because they require more space (height) to reinstall than they did to install originally. He elaborated on this, noting that the plaster shell of the dioramas had originally been wired directly to the ceiling and that reinstallation will require approximately an additional foot of headroom to allow the installers to get their own hands, as well as equipment, around the diorama shells.

Rep. Campbell asked Mr. Burt to explain the proposed utilization of the visitors' center at the new West Wing entrance. Mr. Burt described this area as a space where the public can gather, as a space that offers opportunities to help visitors learn more about both the State House and the legislative process. Rep. Campbell reiterated his concern that the dioramas would not be on the same level as the main entrance and asked Mr. Burt about the differences in elevation at the West Wing. Mr. Burt drew members' attention to a diagram that he had shown in his earlier presentation that superimposes the dioramas on the area that has been the Labor Committee Room and the adjourning mechanical room, noting that this location poses several issues: 1) it would require the removal of additional ledge within the footprint of the West Wing; 2) it would be necessary to open up a portion of the south wall of the Labor Committee Room in order to get the dioramas into this space due to their size; and 3) installation of the dioramas in this location would require the removal of bearing walls. Mr. Burt stated that he and the design team, working with Granger Northern to evaluate constructability, have investigated the option of placing the dioramas on the 1st floor thoroughly and have concluded that it is not a viable alternative.

Rep. Campbell, stating that he would like to see the dioramas in a place used by all, then asked about the estimated costs. Mr. Hilfrank responded that Granger Northern has worked with Mr. Burt to evaluate the feasibility of various locations and to provide rough estimates for each. He concurred with Mr. Burt that the 1st floor West Wing location had been explored thoroughly and concluded that it is not a viable alternative: removal of sections of

the bearing walls would require the installation of beams which would significantly affect the headroom in this area. Mr. Burt added that the dioramas would block all of the windows on the south wall and described this as a significant lost opportunity.

Senator Pingree commended Mr. Burt and Granger for doing a "good job" and expressed her support for the proposed location at the base of the West Wing Entrance, noting that they are accessible, appropriately lit, and that people can see them without having to go through the whole tunnel.

Senator Bennett then posed a series of questions to Mr. Harvey:

a) The life expectancy of the specimens

Mr. Harvey responded that some of the specimens are over 100 years old and that with installation in an environment that is climate-controlled and appropriately lit, they could easily last another 100 years.

b) The opportunity for repairing and restoring the dioramas

Mr. Harvey stated that part of the project involves cleaning all of the specimens, replacing some, and reintroducing color.

c) The value of the dioramas

Mr. Harvey stated that he and the Museum staff had looked at this prior to removing them from the South Wing and that the cost of replicating them would be \$170,000, adding that this would merely produce a facsimile. He added that he could not put a dollar value on these as "antiques" or originals with any certainty, but that it would exceed the cost of replicas.

Senator Bennett, pursuing the cost of reinstallation and the marginal costs of the various options, asked for an estimate of the total cost of reinstallation. Mr. Fairservice, recalling figures that had been presented to the Council previously, responded that the estimated cost of ledge removal to place them at the base of the West Wing is \$335,000 and the cost of leveling the floor of the connector is \$115,000. Sen. Bennett asked if the additional blasting would jeopardize the newly-installed concrete walls at the State Office Building, and Mr. Fairservice responded "no." Speaker Rowe asked how these costs would compare to the costs associated with locating the dioramas at the 1st floor entrance (if this could be done) and Mr. Fairservice replied that, based on the significant structural issues, the costs would be comparable or even greater.

Rep. Campbell expressed concern that the Council had been presented with only one option and turned to members of the Community Advisory Committee to ask them what their preference was. Senator Daggett responded that the option presented is acceptable and seems to address many of the concerns originally expressed by her constituents. Rep. Cowger expressed his appreciation for the detailed explanation of the structural issues and stated that he is now more comfortable with the proposal. Ms. Segal stated again that she felt the Committee had been actively included in the review of options and added that, while the decision to locate the dioramas at the base of the West Wing entrance may be difficult for some, it allows the West Wing entrance itself to draw people in the State House.

Mr. Baudo complimented Mr. Burt for "doing his homework" and expressed his satisfaction with the proposal, adding that people are concerned that the dioramas be protected and shown in an appropriate way. Rep. Murphy, noting that he has been a critic of doing work piecemeal, stated that he had recently visited two State Houses (Texas and New Mexico) and that a visitors' circulation area is critical. Senator Bennett returned to the issue of cost. Mr. Fairservice repeated the estimated costs of building the enclosure for the dioramas (\$450,000) and added that estimates associated with restoration and reinstallation, including a climate control system, lighting, glass, etc. were \$230,000 - \$270,000. Mr. Burt added that the 1st floor option is the more expensive option if opportunity costs are considered - the opportunity cost of losing space for visitor orientation, etc. Rep. Murphy asked if the dioramas could have been kept in their original location and protected during the renovation, and Mr. Fairservice responded "no." Rep. Campbell stated that he would not support the proposed location but did not want this to be construed as opposition to reinstalling the dioramas or the associated costs. Rep. Murphy commended Mr. Burt for finding a good location in the Complex, but stated that he could not support it.

The motion was restated.

Motion: That the dioramas be relocated in the Connector at the base of the entrance to the West Wing. (Motion by Sen. Rand; second by Speaker Rowe; approved 6-3).

The Chair, Senate President Lawrence, thanked the members of the Community Liaison Committee for their work and their interest.

Mr. Fairservice reported that blasting for the new Connector would be on a "fast track" as soon as the bids were opened. He pointed out that the blasting would impact trees from remaining on the grassy area between the State House and State Office Building - 2 firs, a spruce and a crabapple. The bid for relocating these trees to Capitol Park exceeded \$15,000 due to the size of the two fir trees. Mr. Fairservice indicated that the crabapple could be replanted at minimal cost, and Senate President Lawrence asked that Mr. Fairservice and Ms. Tubbesing explore donation of the other trees.

Motion: That the crabapple on the grassy know be relocated and that the spruce and fir trees be made available for donation. (Motion by Sen. Rand; second by Speaker Rowe; approved 7-1).

NEW BUSINESS

Item #1: Commission to Study Single-Sales Factor Apportionment: Work Plan and Proposed Budget. (Tabled)

Item #2: Requests from Study Commissions for Extensions of Reporting Deadlines

- Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students to January 14, 2000.
- Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf to January 14, 2000.

- Blue Ribbon Commission to Establish a Comprehensive Internet Policy, to December 17, 1999.
- Committee to Address the Recognition of the Tribal Government Representatives of Maine's Sovereign Nations in the Legislature, to January 1, 2000.

(Tabled)

Item #3: Notification of Intent to File Legislation to Obtain Legislative Approval of the Sale of Tax-acquired Property (Memo from Bob Doiron, Supervisor, Unorganized Territory). (Tabled)

Item #4: Attorney General's Proposed Modifications to Blue Cross and Blue Shield of Maine's Charitable Trust Plan

Due to the length of the meeting this item was not taken up.

Item #5: After Deadline Bill Requests

(Tabled)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT