

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
MARCH 27, 2000
APPROVED JUNE 28, 2000

CALL TO ORDER

The Chair, Senate President Lawrence, called the Council to order at 12:25 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: Senate 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
Millicent MacFarland, Assistant Clerk of the House
Paul Mayotte, Director, Legislative
Information Services
David Boulter, Director, Office of Policy
and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Sally Tubbesing, Executive Director,
Legislative Council

OLD BUSINESS

Item #1: State House Renovations

Council members received a package of material containing information related to the renovations that had been prepared in response to their questions the previous day. Speaker Rowe asked Stan Fairservice, the Council's Owner's Representative for the Construction, and Bruce Hilfrank, Senior Project Manager for Granger Northern, to explain the difference between two figures included in the material, both labeled "cost

beyond current funding” (\$6,988,315 and \$7,031,950). Mr. Fairservice responded that the difference represented rounding: one figure was based on an estimated cost per square foot and the other one a compilation of pricing estimates for specific components of the work.

Motion: That the Legislative Council recommend to the Appropriations Committee that \$7 million be included in the budget to support completion of State House renovations. (Motion by Speaker Rowe; second by Rep. Saxl; failed 4 – 3).

Motion: That this item be tabled (Motion by Speaker Rowe; second by Rep. Shiah; approved).

Item #2: Migration Project

The Chair, Senate President Lawrence, recognized Paul Mayotte and asked him to respond to the request that had been made at the Council meeting the previous day to compare the approaches to chamber support that have been proposed by the International Roll Call Corporation (IRC) and by Compaq.

Mr. Mayotte distributed a chart that summarized the two approaches and stated that he had reviewed the analysis briefly with the Clerk and Assistant Clerk. He noted that the information describing the Compaq approach had been provided by Compaq and that he and his staff had not had an opportunity to review these materials in detail yet. Compaq’s total proposed cost to implement the chamber support modules is \$655,300, and IRC’s is \$809,500. Senate President Lawrence asked whether these prices included hardware, and Mr. Mayotte responded affirmatively.

Discussion

Senate President Lawrence stated that his charge to gather this information at the previous day’s meeting had been to the Secretary and Clerk and not Mr. Mayotte, and Secretary of the Senate Joy O’Brien responded that she had not understood this. Clerk Mayo stated that IRC had reduced its price based on the fact that it would no longer be working as a subcontractor to KPMG. He went on to say that this is “an apples and oranges comparison”, since the Alabama Legislature is set up very differently from Maine. Assistant Clerk MacFarland distributed materials and offered some specific differences: 1) Maine has a joint committee process; 2) Maine’s rules require concurrence at each step of the process and papers move back and forth between the two chambers many times; 3) Alabama does not have a daily Calendar as Maine does; but simply publishes a list of bills that remain on the list until someone takes them up, whereas Maine’s Calendars have a structure; and 4) Alabama puts out very little on the Internet.

Ms. MacFarland noted that Alabama is very pleased with the system Compaq has provided them, but stated that the cost of the system would have been higher if Compaq had fully understood the scope of work. She concluded by saying that if Maine were to move to a new vendor at this point to design/redesign the chamber support system, it would clearly delay proceeding with improvements to the current system.

Representative Murphy stated that the Council needed to get back to the central issue: that is, that the project had started out as a redesign of the bill drafting system under the oversight of Mr. Mayotte, the Council's Information Services Director, but did not originally include chamber support. He asked Mr. Mayotte if there had ever been side-by-side demonstrations of alternative chamber support systems; and Mr. Mayotte responded that there had not because he had proceeded on the assumption that the Senate and House had already chosen a direction for chamber support. The Chair, Senate President Lawrence, clarified that the Council has no authority to select software for the chambers; and Representative Murphy countered that the Senate and House needed the funds to support the work they hoped to do, yet had not provided information to other Council members. Senate President Lawrence responded that a variety of systems had been assessed over the past 3 years and that the Senate and House had concluded that IRC was the most fiscally prudent choice for chamber support.

Clerk Mayo reiterated that the Compaq and IRC systems are not comparable, noting that Compaq has installed a system in one state at this point and that IRC has installed chamber support systems in 27 states and has been in Maine for 34 years. Representative Murphy again asserted that it is essential to either inform and empower all of the Council members or to structure two separate budgets – one for the presiding officers and one for those items under the Council's jurisdiction.

The Chair, Senate President Lawrence, stressed that Mr. Mayotte had always been very helpful to the Senate and House, but that the Senate and House must be directly involved and that the decision on what vendor to use lies with the Chambers. He continued, stating that the Council is responsible for developing a budget that includes all of the Legislature's expenditures and presenting this to the Appropriations Committee, noting that the Senate and House do participate in this process. Representative Saxl noted that the presiding officers are elected by the entire body and that their responsibilities go beyond partisan activities and include oversight and administration of the entire body. He commended both Senate President Lawrence and Speaker Rowe on carrying out their responsibilities in a very balanced way.

Senator Bennett acknowledged the presiding officers' authority to administer their respective bodies, but stated that, from a budgeting point of view, the Council has a responsibility for making responsible budget decisions, distinguishing this responsibility from the administrative decisions required to manage the two chambers. He then returned to the analyses that Mr. Mayotte and the Clerk's Office had distributed, and asked for an explanation of the differences. Mr. Mayotte reviewed the figures, noting that the difference was due to a \$27,500 reduction in IRC's price proposal, which had been offered in a letter dated March 31 (the date of this Council meeting). Senator Bennett stated that the questions are how much work is going to be done that goes beyond migration and what position the Council will take on laptops for members. He expressed support for adopting the Compaq proposal, but added that he wanted to try and reduce Compaq's price by more than the price of the laptops, noting that \$6.3 million was too high in his view.

The Chair, Senate President Lawrence, suggested that the Council authorize Mr. Mayotte to negotiate on behalf of the Council up to a certain amount. Representative Murphy stated that his concern was related to the structure of the Legislature's budgetary process and did not reflect on the presiding officers or on their authority to spend money. He added that every expenditure of taxpayers' dollars should be based

on a professional evaluation of products to ensure the best decision. Representative Campbell followed up on this discussion, asking Mr. Mayotte how much of the proposed \$6.3 million is required for migration and how much is related to improvements. Mr. Mayotte responded that the bill drafting system is the core of the migration effort, that both the budget system and laptops represented improvements, and that the chamber support component involves both. He added that the Compaq solution provides more integration of the pieces and that its price includes all project management.

Motion: That the Council allow Mr. Mayotte to negotiate up to a figure of \$5,280,000, exclusive of laptops, and including \$777,000 for Chamber support and a reserve of \$250,000, for a total of \$5,530,000, to support migration and related application development. (Motion by Senator Bennett).

Discussion of the Motion:

- Representative Saxl asked Secretary O'Brien and Clerk Mayo if the reduction in the IRC proposal amount that this motion includes would preclude a future legislature from adding it back. Ms. O'Brien and Mr. Mayo replied that IRC's fee could change, based on the market, and Mr. Mayotte added that the cost of deferring some work could be subject to inflation.
- Speaker Rowe asked Senator Bennett the source of the figures in his motion (i.e., a ceiling of \$4.2 million for the Compaq component). Senator Bennett responded that it was arbitrary and that his intent was to empower Mr. Mayotte to go out and negotiate with Compaq.
- Representative Shiah stressed the importance of having a quality product that is a good investment to future legislators.
- Representative Murphy asked Senator Bennett if his motion intended that IRC would be in the chambers; and Senator Bennett responded that the intent of his motion was to allocate a total of \$777,000 for chamber support but not to identify a vendor. Speaker Rowe stated that he had scrutinized IRC very closely during the past year and that he had concluded that the IRC system works pretty well and that IRC is the best vendor at this point: "doing anything else would set us way back." Senate President Lawrence clarified that Mr. Mayotte is the Information Systems Officer for the entire Legislature and that his role is to ensure an integrated approach. He pointed out that the Migration Committee represents all legislative offices and that it was designed to assure communication through the process.

The Motion presented earlier by Senator Bennett and seconded by Representative Campbell was approved unanimously by those present 9 – 0.

RECESS

Motion: That the Council recess. (Motion by Senator Bennett; second by Representative Shiah; unanimous).

The Council recessed at 1:40 p.m.

RECONVENE

The Council reconvened at 2:25 p.m. All 10 members of the Council were present.

Motion: That the Legislative Council recommend to the Appropriations Committee that \$7 million be included in the budget to support completion of State House Renovations (Motion by Speaker Rowe; second by Senator Rand; approved 6 – 4).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 27, 2000**

ACTION

SPONSOR: Sen. Cathcart, Mary R.

WITHDRAWN

LR 4143 An Act to Provide Loan Forgiveness to Speech Pathologists
Returning to School

SPONSOR: Rep. Gerry, Belinda A.

WITHDRAWN

LR 3991 Resolve, Directing the Attorney General to Examine the Feasibility of Filing Suit to
Recover the Costs of Groundwater Cleanup Resulting from Reformulated Gas Contamination

SPONSOR: Rep. Joy, Henry L.

FAILED

LR 4146 An Act to Conduct a Referendum to Determine the Feasibility
of Creating a New State in Rural Maine

SPONSOR: Sen. Paradis, Judy

WITHDRAWN

LR 3863 An Act to Amend the Environmental Laws to Change the Name of the Native
Americans' Representative Agency

JOINT RESOLUTION

SPONSOR: Rep. Twomey, Joanne T.

WITHDRAWN

LR 4093 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS
TO REQUIRE LABELING OF GENETICALLY MANIPULATED FOODS

TABLED BY THE LEGISLATIVE COUNCIL

| | | |
|-----------------|---|-----------------|
| SPONSOR: | Sen. Amero, Jane A. | TABLED |
| | | 01/31/00 |
| LR 3961 | An Act to Exempt from Excise Tax the Cost to Make a Vehicle Handicapped Accessible | |
| SPONSOR: | Rep. Bryant, Bruce S. | TABLED |
| | | 01/31/00 |
| LR 3928 | An Act to Eliminate the One Week Waiting Period for Unemployment Insurance Compensation | |
| SPONSOR: | Rep. Hatch, Pamela H. | TABLED |
| | | 02/29/00 |
| LR 3988 | An Act to Provide Tax Amnesty for the Citizens of the State | |
| SPONSOR: | Rep. Jabar, Sr., Joseph M. | TABLED |
| | | 03/27/00 |
| LR 4104 | Resolve, Directing the Department of Transportation to Change the Interstate Exit Numbering System and to Change the Designations of Certain Interstates in Maine | |
| SPONSOR: | Rep. Lemont, Kenneth F. | TABLED |
| | | 03/27/00 |
| LR 4138 | An Act to Amend the Unlawful Sexual Contact Penalties | |
| SPONSOR: | Rep. Matthews, Zachary E. | TABLED |
| | | 01/31/00 |
| LR 3866 | An Act to Enact a Patient's Bill of Rights | |
| SPONSOR: | Rep. McKee, Linda Rogers | TABLED |
| | | 03/27/00 |
| LR 4099 | An Act to Provide Funding for Bomb Threat Training for All Public Schools | |
| SPONSOR: | Rep. Mendros, Stavros J. | TABLED |
| | | 02/29/00 |
| LR 3982 | An Act to Repeal the Requirement that School Personnel Submit to Fingerprinting and Criminal Records Checks | |
| SPONSOR: | Rep. Rowe, G. Steven | TABLED |
| | | 01/31/00 |
| LR 3939 | An Act to Enhance Law Enforcement Compensation | |
| SPONSOR: | Rep. Shorey, Kevin L. | TABLED |
| | | 03/27/00 |
| LR 4122 | An Act to Amend the Snowmobile Franchise Law | |

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| SPONSOR: | Rep. Thompson, Richard H. | TABLED 03/27/00 |
| LR 4148 | An Act to Provide Equal Protection to State Employees Under Federal Employment Law | |
| SPONSOR: | Rep. Trahan, A. David | TABLED 01/31/00 |
| LR 3957 | An Act to Provide an Alternative to the Fingerprinting of School Employees | |
| SPONSOR: | Rep. Tuttle, Jr., John L. | TABLED 01/31/00 |
| LR 3912 | An Act to Require the Secretary of State to Take the Registration Plates of a Person Whose License has been Suspended or Revoked | |
| SPONSOR: | Rep. Twomey, Joanne T. | TABLED 01/31/00 |
| LR 3947 | An Act to Repeal the Laws that Require Fingerprinting of School Personnel | |
| SPONSOR: | Rep. Weston, Carol | TABLED 03/27/00 |
| LR 4133 | An Act to Establish the Boundary Between the Town of Burnham in the County of Waldo and the Towns of Detroit in the County of Somerset and Troy in the County of Waldo | |

JOINT RESOLUTIONS

| | | |
|-----------------|--|---------------------------|
| SPONSOR: | Rep. McKee, Linda Rogers | TABLED 01/31/00 |
| LR 3871 | JOINT RESOLUTION MEMORIALIZING CONGRESS TO SECURE A NUCLEAR WEAPONS ABOLITION TREATY | |
| SPONSOR: | Rep. Mendros, Stavros J. | TABLED 01/31/00 |
| LR 3915 | JOINT RESOLUTION MEMORIALIZING THE POSTMASTER GENERAL OF THE UNITED STATES POSTAL SERVICE TO RESPECT THE RECENT DECISION TO LOCATE THE NEW MAIL PROCESSING CENTER IN THE LEWISTON-AUBURN AREA AND TO RESPECT THE PROCESS BY WHICH THAT DECISION WAS MADE | |
| SPONSOR: | Rep. Mendros, Stavros J. | TABLED 02/29/00 |
| LR 3990 | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE SECRETARY OF ENERGY TO DRAW DOWN THE STRATEGIC PETROLEUM RESERVE TO PROVIDE RELIEF FOR OIL CONSUMERS | |
| SPONSOR: | Rep. Murphy, Jr., Thomas W. | TABLED 02/29/00 |
| LR 4039 | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF STATE, THE SECRETARY OF DEFENSE AND THE UNITED STATES CONGRESS TO CONSIDER WITHHOLDING FOREIGN AID TO THE MEMBERS OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES IN AN EFFORT TO RESTORE STABLE OIL PRICES | |