

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 25, 2000
APPROVED AUGUST 8, 2000

CALL TO ORDER

The Legislative Council meeting was called to order at 1:16 p.m. by the Vice-Chair, Speaker Rowe (who announced that Chair Lawrence had been detained and would be arriving shortly).

ROLL CALL

Senators: President Lawrence, Senator Rand, and Senator Bennett
Absent: Senator Pingree and Senator Amero

Representatives: Speaker Rowe, Representative Saxl, Representative Murphy, Representative Shiah, and Representative 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
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services
Patrick Norton, Principal Analyst, OPLA

MEETING SUMMARIES

Motion: That the Summary for the June 28 meeting be accepted and placed on file. (Motion by Representative Saxl; second by Representative Campbell; unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

Item #1: Renovations Status Report

Stan Fairservice, Owner's Representative, reported that installation of conduit for mechanical and electrical systems was underway on the 4th floor; that lead abatement was in process on the 3rd floor and would soon commence on the 2nd floor and that all of the walls and 50% of the flooring had been removed on the 1st floor. He stated that the work on these floors was progressing at a good rate at this point. He continued that installation of the new water lines should begin within 6 weeks, allowing time for the City of Augusta to do some preliminary work.

Council members' questions focused on the budget and the schedule.

• Budget

Representative Campbell asked Mr. Fairservice for an update on the budget; and Mr. Fairservice responded that he and the project team continue to value engineer and that this process is yielding positive results: for example, subcontractors have recommended use of some substitute products. He stated that he expected to have a full report by the August Council meeting.

Bruce Hilfrank, Senior Project for Granger Northern, reiterated Mr. Fairservice's comments regarding the collaborative effort among the members of the design team and the subcontractors to identify cost efficiencies, and said that, at this point, he hoped that the Guaranteed Maximum Price would be right on budget. Representative Campbell exhorted Mr. Hilfrank to keep the Council fully informed about the budget, adding that if there were concerns about exceeding the budget, Granger needed to be prepared to recommend changes in the scope of work that would keep the project on budget.

• Schedule

Representative Campbell asked Mr. Fairservice if the renovation of the computer room would be completed in time for the session, and Mr. Fairservice responded that it would be, noting that is the highest priority. Representative Saxl followed up with a question about the status of the schedule overall, including the schedule for the State Office Building. Mr. Fairservice responded that he has been watching the progress on the second floor closely, noting that the work is much more straightforward than the work in the State House, and that the work is going along well and should be ready for the Legislature's occupancy in December.

Bruce Hilfrank stated that the entire construction effort was focused on turning the 2nd, 3rd, and 4th floors and the computer room over for final furnishing and occupancy by December 1. He stated that he hoped to have work at the new West Wing entrance to the point that it could be paved by early December, but that the entrance would probably not be available for use until late February. He recalled that Granger had always said that the construction of the new entrance and connector would be a 12-month process.

- **Granite**

The Chair, Senate President Lawrence, asked the architect, Rick Burt, for a status report on the granite to be used on the project. Mr. Burt briefly summarized the three areas where granite is to be used and stated that he and other members of the project team had focused their efforts since the June meeting on using Maine granite wherever possible. He reported that Deer Isle granite will now be used for all site granite (in the area outside of the new West Wing entrance) and in the connector, noting that this is the same granite that has been used for the floor in the South Wing, 1st floor corridor. He stated that the only granite in question is the granite to be used on the exterior of the State House itself and introduced Scott Whitaker, an expert in granite, who has been working with the project team. Mr. Whitaker drew Council members' attention to a report that he had prepared that summarized his work in recent weeks to determine the availability of Maine granite – and the feasibility of using it – for the exterior West Wing face of the building. He stated that he had visited the Hallowell quarries several times to examine the standing stock that remains from quarrying that had been done years ago when these quarries were still open and reported that while there appear to be a few blocks that could be used, it was impossible to evaluate the quality of the stone in these blocks until they are actually cut – thus creating a risk factor. He explained that the granite industry today produces certified stone, and that the Hallowell stone is not certified. Because of the uncertainty regarding the quality of the stone, it is necessary to buy a larger quantity.

Mr. Whitaker proceeded to discuss cost, drawing members' attention to a table that he had prepared to compare costs of granite from different sources. The estimated cost of the Hallowell granite – \$23/cubic foot – is based on a quote from the owner of the Hallowell quarries, compared to the going price of approximately \$9/cubic foot for certified stone industry-wide. Mr. Whitaker explained that if the Hallowell granite were to be used, there would be additional costs associated with lifting, moving and cutting the stone. Mr. Burt interjected that his office had received calls from many people who own quarries and that the price that Mr. Whitaker had presented related to Hallowell granite is probably a reasonable average cost for obtaining granite from any inactive quarry.

Discussion

Representative Campbell, expressing concern about the color match, asked why the Hallowell stone would have to be sent out of state to be cut. Mr. Whitaker replied that there is currently no large-scale fabricating company in Maine that cuts dimensional stone for buildings and that those companies who cut stones for monuments do not have the specialized machinery that is required to cut dimensional stone. He noted that even Deer Isle granite is sent out of state to be cut. In response to a question from Representative Campbell, he stated that no shop in Maine today can offer the equipment and the expertise required to meet the standards that the industry has developed for certified dimensional stone. Based on this discussion, Representative Campbell recommended to the Council that the discussion of the granite required for the exterior building face be separated from the rest of the granite that is to be used in the project.

Mr. Whitaker shared several samples of granite, and Mr. Burt noted that a match is complicated by the effect of weathering: some granite is more porous than others.

Motion: That Barre (Vermont) granite be used for the exterior of the building. (Motion by Representative Campbell; second by Speaker Rowe).

Discussion

The Chair, Senate President Lawrence, recognized Senator Goldthwait, who stated that she had read the newspaper accounts with concern and wanted to make sure that Council members understood that the Maine granite industry was still very active. She expressed her appreciation for the Council's diligence in pursuing this issue and shared granite samples from one of the quarries in her district. Mr. Whitaker discussed the qualities of these samples noting the differences in their color and their crystalline structure. Senator Rand asked if there were any differences between the Georgia granite that had originally been chosen and the Barre granite, and both Mr. Burt and Mr. Whitaker replied that the Barre granite is a little denser and would, thus, not absorb water as much as the Georgia granite. Mr. Burt continued that it is impossible to achieve a perfect match with the existing exterior granite and that the design recognizes this: the new granite will be offset with a bevel. He reiterated that Deer Isle granite will now be used in all other areas of the plan. Representative Murphy asked for clarification of the price, and Mr. Whitaker reviewed the factors that he had included in developing the price comparisons.

The vote on the motion was taken, and the motion approved (7-1).

Discussion then shifted to the granite to be used on the site. Representative Campbell asked Mr. Whitaker if the Deer Isle granite had to be sent to Rhode Island to be cut, and Mr. Whitaker responded that the company that owns the quarry – New England Stone – sends the stone to its own fabrication company. Representative Campbell expressed concern that we are not seizing the opportunity to display Maine stone. Mr. Burt suggested that if the Council wished to pursue this, he could present this idea specifically to artists who had been invited to an overview of the renovation project in conjunction with the Percent for Art Program. Representative Campbell supported this and offered the following motion:

Motion: That Deer Isle granite be used for the rest of the project, but that other vendors be researched for the purpose of getting granite that is quarried and processed in Maine. (Motion by Representative Campbell; **the motion failed for lack of a second**).

Motion: That the Council approve the recommendation of using Deer Isle granite as presented by the architect today. (Motion by Senator Rand; second by Representative Shiah).

Discussion

Representative Murphy asked for clarification that all of the granite covered by this motion would be Maine granite. Mr. Burt stated that the site granite has not yet gone out to bid, and Mr. Hilfrank added that some of the site granite may be eliminated in the value engineering process and stressed that all changes would be presented to the Council for review and approval.

Senator Rand withdrew her motion and offered a new one.

Motion: That Deer Isle granite be used for the connector floor and for all other veneer granite within the State House. (Motion by Senator Rand; second by Representative Campbell; unanimous).

Item #2: Fiscal Update

Jim Clair, Director, Office of Fiscal and Program Review, drew Council members' attention to the information included in the agenda packet and stated that Fiscal Year 2000 ended with a balance of approximately \$33.5 million above projected revenues. He noted that some of this surplus is earmarked, referring to a sheet in his packet that summarized this. These figures do not include lapsed balances for FY 2000, which will not be known until mid-August; and he estimated that the total surplus from all sources could be in the range of \$ 7 – 10 million. He pointed out that the Highway Fund, which is currently showing a surplus, is in significantly better shape than it has been.

Speaker Rowe asked Mr. Clair for an update on the Corrections issue. Mr. Clair stated that the original proposal had been amended to provide a temporary increase for the positions of concern, and that this approach reduced the cost of the original proposal by about half. This approach will also provide the 120th Legislature an opportunity to review the situation and take final action.

Mr. Clair concluded his presentation by reporting that he and members of his staff had attended a meeting hosted by the Budget Office to discuss the estimated structural gap. The Budget Office is currently projecting a structural gap of \$200 - \$250 million in the General Fund and an additional \$40 million in the Highway Fund.

Item #3: Interim Studies

Patrick Norton, Principal Analyst in OPLA, reported in David Boulter's absence. He noted that the appointments to many of the newly-created study commissions have now been completed and that staff in OPLA and OFPR are now working to schedule the initial meetings. Mr. Norton also reported that eight of the Joint Standing Committees have met at least once since adjournment sine die.

Item #4: Personnel Activity

Sally Tubbesing reported that Paul Mayotte has concluded his search to fill the newly-created position of Deputy Director, Office of Legislative Information Services. Scott Clark who has held a comparable position in the judicial branch, will begin his new role in late August or early September. Ms. Tubbesing stated that Mr. Clark's background demonstrates both his managerial and technical expertise and that his long experience in State government is an asset.

This item required no formal Council action.

REPORTS FROM COUNCIL COMMITTEES**Committee on Allocation of Space**

Senator Rand, recalling the earlier discussion, stated that the Committee had no other items to bring to the Council's attention.

Personnel Committee

Speaker Rowe, who chairs the Committee, reported that the Committee had met that morning to continue its discussion of several items and noted that 4 of the 5 members had been present.

Committee Clerks' Compensation

Speaker Rowe reported that after extensive discussion the Committee had voted unanimously to recommend no change in the methodology that had been employed last January to reclassify the Committee Clerks. Recalling that some of the veteran clerks had been upset because they felt they had been undervalued, he stressed that the same methodology had been employed across the board for all employees who had been reclassified and noted that the Committee concluded that consistency in the methodology is essential. He also stressed that the Committee deeply appreciates the work that the Clerks do.

This item required no Council action, since Committee Clerks' compensation is set by the presiding officers.

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session pursuant to Title I, section 405 of the Maine Revised Statutes to discuss matters related to the annual evaluations of non-partisan Directors. (Motion by Speaker Rowe; second by Senator Rand; unanimous).

The Council proceeded to go into Executive Session at 3:50 p.m.

RECONVENE

The Council reconvened at 3:50 p.m. on the motion of Speaker Rowe (second by Representative Shiah; unanimous).

Motion: That the Legislative Council appoint Paul E. Mayotte to a new 3-year term as Director of Legislative Information Services and that this reappointment be retroactive to March 16, 2000, his anniversary date. (Motion by Speaker Rowe; second by Representative Shiah; unanimous).

Motion: That the Legislative Council accept Sally Tubbesing's decision to step down from the position of Executive Director with regret, and further, that the Council proceed immediately to appoint an interim Executive Director and that Ms. Tubbesing's final date of resignation from the Legislature be December 31, 2000, during which period she will be retained as an Advisor for the purpose of assuring a smooth transition. (Motion by Speaker Rowe; second by Representative Campbell; unanimous).

The Chair, Senate President Lawrence, and other members of the Council pointed to Ms. Tubbesing's contributions to the legislative institution during her tenure, noting her leadership and strong advocacy on behalf of the non-partisan staff, her efforts to recruit and retain the highest quality of staff, her work to improve the support services to members of the Legislature, and her role in the renovation of the State House.

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session for the purpose of discussion matters related to the resignation of Ms. Tubbesing. (Motion by Speaker Rowe; second by Representative Campbell; unanimous).

The Council proceeded to go into Executive Session at 3:58 p.m.

RECONVENE

The Council reconvened at 4:42 p.m.

The Chair, Senate President Lawrence, announced that an emergency meeting would be scheduled the week of August 7 to discuss the process both for naming an Interim Director and for selecting a permanent Director.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine: Request for Extension and Additional Funding

A memo from the Chairs of the Commission requested an extension of the final reporting deadline from September 29, 2000 to September 29, 2002, as well as funding for three additional meetings. The Chair, Senate President Lawrence, expressed concern about approving an extension for two years, stating that an extension for this period should really be the prerogative of the 120th Legislative Council.

Motion: That one additional meeting be approved to allow the Commission to complete an interim report. (Motion by Rep. Campbell; second by Sen. Bennett; unanimous).

ADJOURNMENT

The Council meeting was adjourned at 4:44 p.m.