

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
OCTOBER 25, 2000
APPROVED NOVEMBER 29, 2000**

CALL TO ORDER

The Vice-Chair, Speaker G. Steven Rowe, called the Council meeting to order at 1:20 p.m. in Room 127 of the State House.

ROLL CALL

Senators:	Sen. Pingree, Sen. Bennett Absent: President Lawrence, Sen. Rand, and Sen. Amero
Representatives:	Speaker Rowe, Rep. Saxl, Rep. Murphy, Rep. Shiah Absent: Rep. Campbell
Legislative Officers:	Millicent MacFarland, Assistant Clerk of the House James Clair, Acting Executive Director, Legislative Council 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 Phillip McCarthy, Office of Policy and Legal Analysis Ryan Low, House Democratic Office

OLD BUSINESS

Item #1: Maine State Museum: Emergency FY 01 Budget Request for Hall of Flags and Portraits

Jim Clair, Acting Executive Director reported to the Council that he had received a phone call from Commissioner Waldron regarding a request by the Maine State Museum for emergency funding to repair the Hall of Flags and to maintain some of the portraits. Commissioner Waldron asked what the position of the Council was on this issue. Earlier this year the Council formed a Hall of Flags Committee, which has not yet met. The Maine State Museum is here today to discuss the funding; some recently appointed members of the Hall of Flags Committee are in attendance as well. It is a way for you to understand what the request is, the dollar impact and perhaps to figure out a way to proceed.

Mr. Phillips from the Museum showed examples of how the flags had deteriorated and stated that this is typical of the condition many of the flags were in. He noted that in order to get the subject seriously considered in time to meet the renovation schedule, or catch up to the renovation schedule of this building they need to request money in this year's budget for the flags and portraits.

Handouts described the specific requests. The request is for renovated cases within the Hall of Flags, care and stabilization of the flags, and an exhibit in the museum. This is actually a package of work. Money has been received privately since 1993 through our Save Man's Colors Campaign and doing what we could and clearly this is going to take forever. Mr. Phillips said that in the work we've done flags have turned out to be far more fragile and far more expensive to prepare than what we originally assumed. As we work more with textile conservators, we have found out through very specific work that it would cost \$17,000 to get this flag stabilized and in a frame. He noted that other flags would be more expensive to prepare. The Museum owns 330 flags; only 34 flags have been in the Hall of Flags in recent years. The proposal is to take the advice of the conservators and essentially put a beautiful display of replica flags in the Hall and the originals would remain in the Museum. It would look more as it did in the early years when they were first displayed possibly fanned out in a very attractive display with enough information so that people can easily find the Museum. Another member of the Museum staff noted that to make sure these last more than ten or fifteen years, which is about what their life expectancy is hanging in the Hall of Flags, you need to only expose them to a certain amount of light. By preserving them this way you don't have to do all of the conservation work, we just stabilize them and always leave them flat.

Representative Saxl discussed with Museum staff the possibility of displaying the flags in that manner in the State House.

Mr. Phillips stated that there is no place to display them horizontally in the Hall of Flags.

Speaker Rowe asked for verification about the recommendation for the Hall of Flags displays.

Mr. Phillips explained that the original cases would go back into the Hall of Flags with replicas of the original flags. That is what we are proposing. The original flags would last the longest in the Museum, people would see them more on a rotating basis and there will be something very attractive that can survive the everyday hard use in the Hall of Flags. The Hall of Flags Committee was formed to deal with the more technical aspects of this and report back to you. So they are here to be given there assignment, I think. Mr. Phillips then spoke briefly on the portrait collection, which was assigned to the museum to be responsible for after it had been gathered slowly over a long period of time.

The essential request is to clean the surfaces of the canvases of the 100 portraits that haven't been restored. The frames are in worse shape than the canvases; the canvases have been cleaned occasionally. They will be put back in the grimy condition; with broken frames that they were in before if we don't do this. That is all contained in the package that you have. Again we presented this in the Governor's budget, because that is where we put our budget. It had been earlier discussed at the staff level, that these projects might be funded out of the State House Renovation Fund, but that was never promised, and it obviously it didn't come before you. It's still a reasonable way to handle this, if you wish. We are certainly not locked into the method for handling this project.

Speaker Rowe asked if any contracts had been signed and Mr. Phillips stated they had not. They have gotten estimates over a period of three years and people ready to go if there was money available.

Speaker Rowe asked that Mr. Phillips clarify for the Council if the reason for the presentation was to explain the need for \$723,000 worth of work, and to request that the Council consider using State House renovation funds to pay for it.

Mr. Phillips stated that when this was presented to be included in the Governor's "Emergency FY 01" budget, it was decided that the Council should have the opportunity to discuss this, before the Administration made a final decision. If it moves the question, yes, I'll say I'm requesting it from here, and we would withdraw this package from the Governor's budget, if it were available.

Speaker Rowe asked if members had further questions and who the Chair(s) of the Hall of Flags Committee were and how it was set up.

Jim Clair reminded members that it was set up by the Council on February 29, 2000, and that the motion was to appoint a committee to work with the museum to explore opportunities to have an appropriate display, and to maintain public access to and observation of the historic flags. Mr. Clair also verified that those appointments had been made.

Speaker Rowe asked why the Committee had not met.

Mr. Clair replied that the appointments were a bit tardy and that the membership is Sen. Carey, Sen. Daggett, Sen. Davis, Sen. Ferguson, Rep. Cowger, Rep. Madore, Rep. Quint and Rep. Usher.

Rep. Murphy asked if the flags stabilized now and what environment or condition they are in.

Mr. Phillips replied that the flags are not stabilized and are currently stored flat in the museum.

Speaker Rowe asked if any members of the Flag Committee wanted to add anything or had questions and suggested that they meet with the Museum staff next door and come back with a recommendation.

A member of the Museum staff asked if a decision would be made today and Speaker Rowe asked what the time frame for making a decision was.

Mr. Phillips informed the Council that Commissioner Waldron would like to know whether these two items should be put into the Governor's emergency request. Which, would than come to the Legislature as part of his budget.

Speaker Rowe noted that the funds requested were for a particular proposal and that should be agree upon before submitting a request either way

Mr. Phillips noted that they have figures for options that they can show the committee and come back before the Council at the next meeting.

Speaker Rowe agreed and confirmed that the next meeting will be on November 29th, but noted that no money had been set aside in the budget and it is unlikely that we are going to be able to find the seven hundred and twenty-three thousand dollars in the State House renovation budget. The Speaker expressed that he would be interested in hearing back from the committee on their recommendation on the price tag associated with that.

Rep. Saxl: I think I may have missed a part of it as I was reading though some of the reports. Was Commissioner Waldron's request for the legislative budget request or was it a general kind of budget request?

Rep. Saxl asked if Commissioner Waldron expressed a willingness to put this into the budget, the general fund budget for the next biennium. Mr. Phillips said it was noncommittal and more of a timing issue.

Rep. Murphy asked for information on the flow of funds for the next meeting. Speaker Rowe noted that the next meeting the Council would make a decision about the appropriate funding source for this.

NEW BUSINESS

Item #3: Submission of Work Plan and Proposed Budget for Approval:

- Round Table to Study Economic and Labor Issues Relating to Forests Products Industry

Speaker Rowe noted that this is a submission of a work plan and proposed budget for and that Senator Nutting and Representative Samson were present.

Sen. Nutting informed the Council that the original study request was for a two-year study and the original budget was over ten thousand. It did get funded at \$3,700. There are nineteen people on the study. There are many different market and logging

issues for this group to look at. The current request is to increase the budget to six thousand dollars. There are six people on the study that are very, very small independent loggers. Some of them are from the Canadian border. The request includes expenses for them as well as the two legislative members who are not running for re-election and will not otherwise be compensated. That is why we are putting in the request for an additional \$2,400. Speaker Rowe asked about the groups report day and if some meetings would be held when the Legislature is in session. Sen. Nutting noted that the report date is December 2001, and that they would try to have two meeting during session, although that is going to be difficult, because of staff. Rep. Murphy commented that part of today's agenda is dealing with a short fall and it is difficult to grant requests for \$2,400 above and beyond what the budget is already.

David Boulter pointed out that the general policy of the council when approving these was to include in the budget of the authorizing legislation to receive expenses if they are not otherwise compensated by the employer. It was by a variety of circumstances that this one did not include this language but virtually all of the studies did. Rep. Samson commented that they were under the assumption that the language was in there. Rep. Saxl asked Mr. Boulter is he had an explanation as to why it was overlooked.

Mr. Boulter explained that this was actually the very first one that the Council took up. It was after that the decision was made to go in this direction. This study was overlooked. Rep. Saxl asked about the Legislative members who will soon be public members and how that would be handled. Mr. Boulter explained that traditionally new Legislative members would be appointed, but that is a policy decision and would not affect this request. This request is for the work plan as amended by \$2400.

Sen. Pingree commented that during legislative sessions members don't take those expenses related to study work. Jim Clair reported that, in isolation, the study account has about \$80,000 left, the awkward thing is that members have before them a recommendation to use those funds to offset some other problems in the FY 01 Legislative budget.

Speaker Rowe noted that members were sensitive to that and the pending request was an oversight on the Councils part. He stressed the importance of this study and suggested they direct the Chairs to try to keep expenses down and try to hold meetings during the session. Speaker Rowe expressed he would support a motion to approve this request.

Senator Bennett commented that given the serious budget problems before them he did not want to deal with these types of requests in isolation.

Rep. Saxl reminded the members that the Council did deal with the study requests as a whole and this particular study was an oversight and the rules Council members adopted should be consistent with all studies and that he would also support a motion to approve the request.

Motion: Approval of the Work Plan and Budget for the Round Table to Study Economic and Labor Issues Relating to Forests Products Industry; second by Rep. Shiah; motion failed 4-2.

David Boulter then referred to a memo and status report he had prepared for the Council. The requests listed are in the following categories: extensions, funds, or additional meetings. Most extensions are not beyond December of this year.

Speaker Rowe asked if the extensions would have any fiscal impact. Mr. Boulter noted it was a timing issue, to prepare final reports. The only exception being the request from the Task Force on the Maine Learning Technology Endowment. The submission of work plans and budgets include the one you just discussed, minus the \$2400 increase, that it would be what we've given to them in the budget for that. The other requests are for budgets as they were appropriated by the Legislature.

Speaker Rowe confirmed that the Council needed to approve the work plans and asked if one motion could be made on all the requests.

Motion: That extension requests for Legislative studies be granted. Motion by: Rep. Saxl; second by Rep. Shiah; unanimous.

Rep. Murphy asked Mr. Clair if this category affected any of the funds he had earmarked for consideration later and he replied that it did not.

David Boulter pointed out that the next requests were to hold additional meetings and suggested that they deal with the requests individually. The first request from the Task Force on Educational Programming at Juvenile Correctional Facilities asks for one additional meeting and can be handled within current budget.

Discussion took place regarding supporting the requests within the current budgets. Sen. Bennett inquired about unexpended funds within these budgets and the impact on cash available for overruns. Mr. Clair noted that if there were a balance from the amount that was appropriated, yes –that could be applied to other issues, then money would not be available to extend this by one additional meeting. Sen. Bennett explained that he did not want to deal with this request in isolation.

Speaker Steve suggested that with the shortfall it might be best to table the requests.

Motion: Table remaining requests. Motion by Rep. Saxl; second by Sen. Bennett.

MEETING SUMMARY

Motion: That the Summary for the September 26, 2000 Council meeting be accepted and placed on file. (Motion by Rep. Murphy; second by Rep. Saxl).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

Jim Clair called attention to various handouts and noted that direction was needed from the Council on several issues.

- **Renovations: Status Report**

Mr. Clair noted that there were no budget issues related to renovations to report on since the last Council meeting. The members were provided with an updated schedule and Mr. Clair reminded members that blasting has been delayed. This delay has impacted moving

back in for several offices. He also noted that the Clerk's Office would ring the House bell when blasting would occur.

Stan Fairservice gave a brief update of the progress in the State House and noted he is working closely with Mr. Clair and the Governor's Office.

Mr. Clair referred to a handout regarding the move into the Cross State Office Building (CSOB). He informed members that DAFS had hired a firm to coordinate the move and they are prepared to coordinate our move as well. Mr. Clair noted that this would be at no cost to the Legislature and would recommend taking advantage of that. Further discussion about the move back and furnishings for some offices took place.

Mr. Clair informed members that he, Stan Fairservice and Bruce Hilfrank had met and he will be signing the GMP for West Wing.

- **Legislative Budget**

Mr. Clair informed members that the system for legislative accounting is ok and an example of the information that can be provided is a comparison of FY01 allotment, that's the total 12 month period; what's been expended or encumbered to date; and therefore what's left. He noted that it represents a lot of figures, and was not provided for the members to attempt to dissect. He pointed out that some of the numbers created a warning sign for him. One indicator is the salary accounts; in aggregate those salaries should be at about 25%, if we are 25% through the fiscal year. We are starting to overreach some of those accounts.

Mr. Clair discussed the Reserve Fund and pointed out that of the \$850,000 about \$14,000 has been expended. Much of this will be used up this FY in paying for CSOB and West Wing expenses related to the renovations. At the next Council meeting Mr. Clair will provide a more detailed report as well as some historical information on how the Fund has been used in the past.

Mr. Clair then referred to Legislative Budget and with some direction from the Council, a new and expanded services request is still in its draft stage. Information will be provided to members at the next meeting, but it is fair to say the requests already exceed \$4 million for the next two-year period. Mr. Clair also confirmed that information he has provided to the executive branch for "Part 1" is summary data only.

Mr. Clair referred to the handout on the migration funding effort. This information goes back to a number of motions, including an effort last spring led by Senator Bennett. We attempted to go back 3 fiscal years, at how we have funded some of the migration efforts and related expenses. Some of those items are the process review (KPMG), Y2K issues, and IRC chamber work. Those were perhaps about 5.8 million. It leaves the migration effort, at a \$4.2 million Compaq drafting system, \$777,000 chamber system, and \$250,000 reserve, threatened because some of the expenses that otherwise would have been charged as authorized by the council were used to pay the KPMG contract. Mr. Clair also reminded members that the contract that was signed with Compaq was for \$300,000 more than was authorized. With that and the prospect for expenses for Compaq, IRC and the LBMS, we are short some \$850,000. That includes about \$50,000 that has been sitting in a dedicated fund for migration purposes. On a cost center basis looking at the migration effort, what was authorized, what we have spent, and what remains to be spent, it appears to be an \$850,000 problem.

Speaker Rowe asked if the \$364,000 that has been set-aside for the Legislative Budget Management System (LBMS) would reduce this projected short fall. Mr. Clair noted that those funds had been set aside reserved for the LBMS in the future. If we are to satisfy FY 01 expenses, that is a resource that is available. That would mean the LBMS is unfunded. Speaker Rowe then asked about a possible solution with Compaq to reduce those costs. Mr. Clair referred the question to Paul Mayotte, Director of Information Services. Mr. Mayotte informed members that because of a potential legal suit and that he might not be able to give a complete report on the Attorney General's recommendations. Mr. Mayotte reminded members that what was pursued with the Attorney General's Office was a review of the Compaq contract and their commitments and the Legislatures right to recourse at this point. The Attorney General's Office has asked us to prepare a financial impact assessment of damages that the Legislature could face because of Compaq's schedule slip.

Senator Bennett asked about the signing of the contract with Compaq and requested that the Council go into Executive Session.

Motion: The Council goes into Executive Session to discuss personnel issues related to signing of the Compaq contract and the work of the former Executive Director and other staff. Motion by Senator Bennett; second Representative Saxl; unanimous.

Executive Session

The Council went into Executive Session at 2:35 pm.

Reconvened

The Council meeting was reconvened at 3:35 pm without a quorum present.

Speaker Rowe noted that no official actions were taken during executive session. Personnel issues were discussed.

The following matters were discussed without a quorum:

Speaker Rowe directed Mr. Mayotte to continue to work with Mr. Clair, the Attorney General and Compaq to try to get that budget reduced with respect to the delays and still keep it operational. He asked for a report at the next Council meeting.

Mr. Clair continued with the fiscal briefing and informed members that the FY 01 problems in general speak to a number of issues. The \$850,000 previously identified, some issues around modular unit leases, the cost for connector, and projected salary expenses are some of those issues that bring us to a FY01 problem that exceeds one million dollars. That is based on the best available data.

Mr. Clair also briefed members about a request from the Department of Administrative and Financial Services to enter into a lease with them for the 2nd floor and maybe part of the 1st, referred to as "Legislative space". They want to assign the ongoing maintenance and operational costs through an internal services fund to recover that on annual basis. Mr. Clair expressed some concern about some possible restrictive lease provisions. He also noted that if this were the case

then the Legislature might enter into a lease agreement with the Governor for space in the State House, that is, a one for one relationship. Mr. Clair noted that he was looking for direction from the Council on this unbudgeted expense in FY 02 and FY 03..

Representative Saxl noted that he did not agree with internal service contracts and should be operating as government as a whole and would not support entering into a lease contract. Speaker Rowe inquired about other tenants in the State Office Building and Mr. Clair confirmed that other tenants would be signing leases. Mr. Clair was asked to send a memo to Commissioner Waldron informing her that there was no support for signing a lease.

Mr. Clair pointed out that there was a draft copy of the CSOB Policy Manual in their packets and noted that the Legislature does not fall under DAFS rules and asked for direction and feedback on this as well. Further discussion took place regarding showers and security issues.

Mr. Clair asked for direction from the Council regarding policy on food and beverages in committee rooms. Several comments were made about the condition of carpets from spills and trash left in the rooms. Speaker Rowe noted that during legislative sessions chairs should be responsible for assuring the rooms are properly used. Mr. Clair was asked to prepare a memo regarding the policy.

Mr. Clair noted that the first seven extension requests were approved and all other study requests were tabled.

Adjournment

The Council meeting was adjourned at 4:00 pm on the motion of Rep. Saxl; second Speaker Rowe.