

MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

JAMES A. CLAIR
EXECUTIVE DIRECTOR

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**MEETING SUMMARY
DECEMBER 19, 2000
APPROVED JANUARY 31, 2001**

CALL TO ORDER

The Chair, Speaker Saxl, called the Council meeting to order at 9:42 a.m. in Room 127, State House.

ROLL CALL

Senators:	Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Acting 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 NOVEMBER 29, 2000 AND DECEMBER 6,
2000 COUNCIL MEETINGS**

Motion: That the Summaries for the November 29, 2000 and December 6, 2000 Council meetings be accepted and placed on file. (Motion by Speaker Saxl; second by Sen. Treat; unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

James Clair had three items in the Executive Director's Report regarding the Legislative Budget for FY 01, 02, and 03. A bit about moving back into this building or moving into the Cross State Office Building. Some follow-ups in the Minutes that were just adopted from the November 29th Council meeting. He was seeking a little bit of direction from the Council.

Mr. Clair referred members to the yellow handout in their packets, a financial summary of the legislative budget, all accounts of where the Legislature stood through early December. He said that he would like to provide a financial summary routinely, perhaps at Council meetings, so the members would have some sense of where the Legislature stood financially. He also said he hoped to get the summary into some finer level of detail. Mr. Clair then presented:

- all legislative expenses thru 12/11/00;
- a summary of the 02-03 Part 1 request;
- a summary of 02-03 Part 2 requests; and
- an update on the "move back in" plan and furnishings installations.

Discussion: Sen. Bennett asked exactly how the Legislature needed to deal with the possible \$500,000 problem in Migration costs. Mr. Clair explained that absent any specific direction from the Council, an emergency appropriation in FY 01. Sen. Bennett asked if areas have been identified for further cost savings, and if the Council made decisions to realize savings? Mr. Clair said that he had not presented anything to the 120th Council, but had to your predecessors, and some of those had been deployed. There was a sense that that Council, given that we were in September, October, and November, wanted to make sure that the new 120th Council, was involved in those decisions. He also said that he would like to update possible savings items and report back to the Council.

Rep. Bruno said it was maybe too early to know if you need an emergency appropriations was needed, but asked if it would be clearer in February? Mr. Clair responded that it could be that late. On the savings side, he had attempted, for example, to find buyers for 4 units that were never budgeted to be leased for the modular units. One unit (Press Modular) is going to be sold and the savings from that is relatively minor, but do have a buyer (DOT). That modular will leave by mid-January and will not be making those lease payments. However, we still have 3 that were not originally anticipating to be still leasing. Mr. Clair continued, stating that they were going through the elements of the Migration plan with Compaq trying to find \$300,000 worth of savings to get a \$4.5 million item down to \$4.2 million. Those were some of the big areas where savings were trying to be found.

Rep. Bruno asked how someone signed a \$4.5 million contract that they were only authorized to sign a \$4.2? Mr. Clair answered that that was unclear to him, that the previous Council asked the very same questions, and the resolution was that it would not happen again. The motion had been \$4.2 million and anything over and above that, would have to speak to another Council motion.

Sen. Bennett explained that one of the frustrations that he carried from the previous Council was the lack of decipherability of the Legislative budget. He had the sense that other members of the Council also shared that frustration, not being able to understand. It is two dimensional rather than three dimensional in the sense that it looked across categories, but also had a unique circumstance having the Senate and House and then joint activities. He wondered if Mr. Clair had given any thought to redrafting the budget as an organization structurally so that its more understandable to members of the Legislature, Legislative Council and the public? Mr. Clair said that part of his candidacy was about trying to come up with some framework that made sense to the members, as the board of directors, of the Legislative budget. On the front page he talked about cost center reporting and data, and would be prepared to do that, however they would like. For example, to Sen. Bennett's point about the "silos" of the House, Senate and joint activity, that was certainly an option. Doing it in mid-stream, mid fiscal year, would be tough, but it could be done. We might have to reconstruct a lot of it on a spread sheet as opposed to a system that was available to the executive branch and to us. Going forward doing that kind of reporting system is available. The more direction the Council could give him on how defined they wanted the expenses to be, for example, the better. The final structure he would leave up to the Council. If the Council could give more direction it could be implemented

Speaker Saxl commented that from the interview process, we tried to create more measurable accounts in the Legislature, regardless of whose authority it was, whether it was the Senate's, the Chamber, the Presiding Officers, the Council, that they could monitor. For example, travel expenses, have them stay within the allotment would be appropriate for each Chamber, and how it should be spread out and have a regular way to reflect upon what has been allotted. If you did bring forth some of those ideas you mentioned in your interview process, those would be welcomed to most of us.

Rep. Colwell asked Mr. Clair questions about the Part 2 break down on page 5, the \$250,000. Did he say it did not reflect the Chamber staffing differences, but in the Senate line it is about a quarter of a million dollars additional. What did that reflect? Mr. Clair referred that question to Richard Sawyer. Mr. Sawyer said that it was for three full-time legislative aides, the rationale behind it, they needed three full time aides, a full time secretary and a session secretary. Rep. Colwell asked if it was because of the uniqueness of the power sharing and Mr. Clair said it was before then. They were requests that were done before the election results. It is possible that this is now an obsolete list, it was the last document that was available in the Executive Director's office, so it is possible that maybe that has changed. Rep. Colwell stated that he was trying to get a handle on it, he did not have the history that the Chairs had. Sen. Treat thought the history has changed. She asked what the timetable for the Council was to take a look at this and get it to the Governor? Had the window of opportunity been missed? Looking at the computer stuff, there are some things she thought extremely important, own access to email so that it does not go into the dead letter box, other things that had no idea what they were, some staffing situations needed to be looked at again in light of changed circumstances, exactly why they had hired, in addition to the staff that had been allocated to previously. She asked exactly what the opportunities were. Didn't expect us to be prepared to do it today. Mr. Clair explained that pages 2 and 3, the Part I Budget, the current services, had already been submitted, had been done on September 30, 2000, and may have to be changed to reflect staffing changes that have taken place most recently.

The Part II material, pages 4 and 5, it was Mr. Clair's understanding that the Legislature did not normally submit it to the Governor, but instead worked directly with the Appropriation's Committee to get that idea before the Legislature.

Speaker Saxl explained to the Council that they work together on the Part II Budget document, in this Chamber, and then the Presiding Officers present the budget to the Appropriations Committee. Sen. Bennett said that in the past, the Legislature has not been terrible early in the process, presenting details of the proposal, not necessary desirable. There is no critical deadline, but does think if the work is done over the next couple of months, the Council will be all right.

Speaker Saxl said that the Migration Project and renovation project needs will shift in the next coming months and will need to accommodate those priorities. Will also want to have the opportunity to talk with the Directors to make sure that their priorities reflect those of the Council. Speaker Saxl explained that he did not know what had changed budgetarily, and asked if that information could be provided to them in the Legislative Budget, it would be helpful. Mr. Clair responded that they now had a draft, but believed there to be some changes or costs that were not captured, and once completed, would send it around by memo. Speaker Saxl inquired if there were other specific requests for information and Sen. Bennett asked that, instead of decisions being made in the Senate and the House, and perhaps in other areas, to make sure that any of those decisions had been captured in that document.

Mr. Clair then referred members of the Council to page 6 of their information. Page 6 is an e-mail that went out to the Secretary, Assistant Secretary, Clerk, Assistant Clerk, Chiefs of Staff, Office Directors, about move updates. The check marks reflect activity that has either taken place and may even be happening right now. Halfway down the page, December 18 - 20, there is some activity going on today on the first floor, the Revisor's proofreaders are back to their space. Furnishings are being delivered through this week for different floors. Have been trying to line up office-by-office move, House Majority, House Minority, Senate Democrat, Senate Republican, etc., getting all of that squared away for next week, trying to pin down what day each office will move, meeting with the Mayflower people and Stan Fairservice, so it can be arranged today. Another email or memorandum will go out so every will know the day they are moving.

Sen. Bennett asked where Mr. Clair's authority started and where it stopped as for moving? He understood that he was dealing with the move as it relates to the renovation part of the State House, but if the Senate needs some moving done as well, he had been working through the Secretary's Office for those needs. What is the interface between Mr. Clair's office, the Secretary of the Senate or House in that coordination? Mr. Clair replied that given that when it is a Chamber issue, we are an available resource. As of now, if you knew your specific furnishing needs, we would line up with Mayflower Storage. Peter Carey and Stan Fairservice have been terrific to work with in terms of getting moves done. Speaker's Office on the fourth floor had been done already, and are taking direction from the Chambers, and ready to help as soon as you want a hand.

Mr. Clair referred Council members' to the front page, a list that were with the November 29th Minutes, related to his appointment, and some issues that the 119th Council and he had talked about. He was looking for direction from this Council on how they wanted to proceed on some of the issues. A financial audit? If this Council agrees that this was a good idea, how would they want to proceed? Expenditures, a pattern, this is not about Chamber activity, the joint activity, is there an easier way so that people know what the limits are and how to proceed or not?

Speaker Saxl asked if he could make some inquiries and recommendations for how they could proceed quickly. Concerning the financial audit, for the members who had not served on the Council before, the Legislature has never had an audit. Mr. Clair had made the absolutely appropriate request that as he starts in his new venture, that he have a base line from which to work. Speaker Saxl personally thought that was more than a reasonable

request. The challenge that we have is that financial audits sometimes costs a good deal of money and we are currently trying to achieve savings. The question is how to do that, whether there is potentially internal auditors, external auditors. He would recommend that the Council asked for two or three different paths on that, whether we can use the State Audit Office, how much it would cost to use a private accredited auditing, or if there is a middle path, what the financial implications to each of those are? He would invite questions or comments from Mr. Clair or from any other members of the Council on that matter. Mr. Clair responded that was a nice option and he would like to proceed. Sen. Daggett concurred that it was a very good idea, that everyone needed to know exactly where we are in terms of starting. Speaker Saxl asked Mr. Clair to find the most efficient way to proceed.

Speaker Saxl then move on the expenditure approval policy. He asked Mr. Clair to highlight what his concerns were. Mr. Clair said that what he had learned, in his time as the Interim, there is no specific policy and believes, certainly among the Council offices, that some of the it should be decentralized. To Senator Bennett's questions earlier, that if the Office of Fiscal and Program Review, had a certain budget that they should be free to make certain decisions within the construct of the way you approve the budget, but what is the threshold where pain is felt, is it \$1,000?, \$10,000?, \$100,000? Mr. Clair is looking for some kind of guidance as to what the Council feels comfortable perhaps, having him sign off on, and that which the Council, or specifically, maybe the Presiding Officers, sign off on. Mr. Clair said he could put together a draft for the Council's review and Speaker Saxl ask if Mr. Clair could work with the Clerk's and Secretary's Office to find out if they have a different budget, and somehow working between the Chambers, a set expenditure that the House could count on or visa-versa. He thought it would be appropriate to work with them because they have approval authority under their own budgets, and should clarify that as part of this process. Speaker Saxl said that those would be his suggestions. Sen. Bennett said that continually dealing with dynamic between the Chambers, between the Chambers and the Council, between the Senate and the House, the important thing, as discussed earlier, is that there is a budget that is understandable and that it recognizes distinctive authority and allows for accountability along those lines, a simple first step, need an expenditure policy that would actually plug into that budget in some meaningful way. If it is a House expenditure or Senate expenditure, whoever is making that approval, will understand where the money is coming from in the budget and what line is being decreased by that expenditure. That would make the expenditure approval, move to some other issues as well. Mr. Clair pointed to number 2 and 3 on the list, expenditure approval policy, it is closely linked with the cost center budget reporting. Mr. Clair has had issues of whether it was in the budget or not, do not have a very well defined budget, so it had been hard to say. That had been Mr. Clair's question back to a manager, whomever it might be. Is it in the budget? If it is not in the budget, how do we proceed? If it is a Chamber issue, thinks it would be effective if the Presiding Officers sign off. If it is not a Chamber issue, if it is a Council issue, example Migration, if it were to come up again, will not proceed unless it is the Council that changes the motion that they already made. The budget that is in place for Council activities, if it is not articulated in that budget somehow, and are some new expenditure, we are not going to proceed unless we get further direction from the Council. It is an accountability model. Speaker Saxl said he agreed with Senator Bennett and believed it takes them back to their earlier discussion. He thought there was one area were you probably stand alone as the Executive Director's Office, and then there are three areas that you will need to work with the Clerk and Secretary Office. It would be good to work with them. I think expenditure approval policies, since there are chamber defined expenditures, everyone is aware of the tension between the chamber offices and try to make sure that we have consistent policy and mind of authority, expenditure approval policy, and a uniform policy for competitive bidding all would seem to be productive if you worked collaborative with the Secretary and the Clerk's Offices so that we could try to bring everything together and then allow them the authority, within their office to make decisions. Sen. Small asked if the Legislature did competitive bidding. Mr. Clair answered not always.

Are we exempt from everything else that other in State government had to do. This would be to put the Legislature under that? Mr. Clair responded maybe not under that law, but a legislative policy that speaks to when things should be bid and when they should not. In just a brief time as the Acting Executive Director, just on the chairs for example, this kind of chair and the audience chairs, we saved \$75,000, or so, by competitively bidding for a comparable product, which will be a very suitable product. Sen. Small also asked about stationery, if Mr. Clair knew if that was bid. He did not know and Speaker Saxl said that is why the Clerk and Secretary's Offices should work with Mr. Clair as to what is the existing policy and try to come up with a uniform policy just as the Senator had suggested.

Speaker Saxl asked if there were any other questions or concerns about those areas? Rep. Bruno asked if there was an organization chart showing the direct lines of authority and who is responsible for what? How do you proceed with personal policies when you do not know whom you are answering to? Mr. Clair said that there is an organization chart, it is probably not refined enough, that would explain the organizational issues about chamber activity and what is properly before the chambers, the joint activity which would fall under the Council. Mr. Clair will provide the organizational chart that he has, and perhaps it might be time to refine it, and that might take care of the last item discuss. Speaker Saxl said he thought Mr. Clair was right, it is one of the great challenges we had, especially the Personnel Committee last year.

Rep. Colwell said he was trying to get a handle on this. Jim, it sounds like what you are saying is that, if the expenditure comes from the Speaker's Office, or the President's Office, then that is clear, they sign off. Are you just talking about the Clerk, or are you talking about OPLA, everybody else? Mr. Clair replied, not the Clerk even, if there are expenses related to, in your example, the Speaker's Office, the Clerk's Office, the Majority, Minority Offices in the House, that is clear to me. What is unclear is if there is an item that is brand new to the budget, making sure that we get some kind of sign off, that it is clear that this is what the House needs to do. Rep. Colwell asked if you get that from the Speaker or from the President, are you all set? Mr. Clair said yes. So where is the problem? That has not always happened. Rep. Saxl said we might want to work on a document that would, for example, say the Senate was in a situation where they decided to create a Senate Pro Tem's office, that there would be a budget line item or if the House changed its organizational structure, not that it would not be the presiding officers in both chambers authority to make those decision, but that there be a defined procedure budget so that you know how you are going against each other, instead we have a single budget and the House and Senate can pull against it

Senator Bennett commented on the huge renovation project, what expenditures in the renovations are actual renovation expenditures and what are not? A lot of gray area - ordering new furniture, new furnishings - what of that is renovations, what is not. It just is not clear, that is the problem, and that is something people do not like to spend a lot of time on, trying to clear up facts, but we need to understand it clearly. Rep. Colwell's personal experience is with trying to staff the Majority Office, saying he was held very accountable by the Speaker. It seems like there was accountability. Mr. Clair said that there is accountability in the lion's share of all these examples.

Speaker Saxl said we need to initiate a review of Council policies, including personnel policies, and would recommend that as soon as the Personnel Committee is constituted, that the Personnel Committee has two important functions immediately. One would be to hire a Director for the Office of Fiscal and Program Review and make a recommendation to the Council. The other is to review the personnel policies that are totally outdated. It is going to be a huge task. The policies need to be updated and the organizational structure needs to be clarified.

Sen. Bennett asked about establishing time lines for decision-making and the Speaker referred that issue to Mr. Clair. He said there have been some situations, some related to the migration effort, where there comes a time where you have to go forward or pull the plug. There was an example for a financial and budgeting system that OFPR was trying to build where it just did not make sense anymore to proceed, so a recommendation was made to the Council that they defer and your predecessors did. What he would ask is that when Council offices bringing projects to you, that we routinely come up with what that schedule is, in those critical decision points so that you know that we are reaching mile stones, or not, and would like to come up with some kind of proposal for you to review. Speaker Saxl said that that was self-evident, when doing the renovations, decision-making was not clear. Senator Bennett wanted to amplify for new Council members, that there are cases during the renovations work where, as members of the Council, were advised and understood, that they could put off a decision, and it would be okay, lots of decisions were put off, and some of them came back and they realized that by deferring the decision, it ended up costing a lot more money and offered limited alternatives.

No Council action required.

- **Renovations: Status Report**

Stan Fairservice was introduced to Council members. He told members crews have been working very diligently to get the West Wing process completed. The furniture is coming in now for the third and fourth floors, the walls were being painted. Next week, people will be moving back into the third and fourth floors. The hearing room tables are all set up on the fourth floors, the Council Chamber will be put back together this week and hopefully by next week it will be able to be used, at least by the first of the year. Have been working with the Governor's staff and they will be moving their furnishings in the South Wing on the 27th of December and moving other furnishings on January 9, and moving the Governor over on January 13. That will occupy the fourth, third and second. First floor concern is the opening of the two bathrooms. The chillers were started in the computer room to keep the equipment cool. That was done Monday, the 18th. The last major blast was last night, which brought them down to the bottom of the elevator shaft. The smaller blasts today, hopefully three more, will get way out. People came in yesterday to start the foundation work, pouring concrete. Again, will start working our way out to the curve beside the wall, hold the wall up so take structure out, all the steel and then do the rest of the connector. Connector will be completed somewhere near the end of April. I would like to say to the Council, that really want them to know the amount of effort the people are putting into this project, from the contractors point of view and the people who have really been manning the project, have been exceptional and he is very proud of them, of the workmanship and the diligence.

Senator Bennett wanted to know if Mr. Fairservice could amplify on what the next year is going to look like. What are the major pieces that need to be completed until the project is done? Furthermore, how he is interfacing with those who are focusing on the State Office Building and what the general time line is. Mr. Fairservice said that as far as the State Office Building was concerned, had been working on the 2nd floor, OPLA had been moved in. He had been working with Alliance Construction, Granger Northern, and the Bureau of General Services on getting things that we need to do in the State Office Building to make the Legislature work, the sound systems, tables, certain furnishings that certain legislators wanted, that varies a little bit, from what the project and process was over there. Putting the finishing touches on that, he said that almost everything is complete now, working on the hearing room tables, and will continue to work on those until complete, which will be done, hopefully, within the next two to three weeks. The first one was brought in yesterday. As far as next year is concerned, talked earlier about leaving that north parking lot there and not utilizing it this year because by the time the tunnel work is complete, it would be so far into

session, then the north wing work would begin, it was a decision to keep the north parking lot for construction activities and would start the north wing as soon as this session was out. Know that the House Chamber is completed, so it leaves the fourth floor, part of the third, and the second and first floors. Those activities will be completed along with, what is anticipated, starting right out here at the end of that construction season and coming right around as far as any landscaping, fixing of the front stairs, that needs be done because they do not meet ADA standards or any standards actually whatsoever. They are an insurance liability, that is why the other stairs are out there. Mr. Fairservice's thoughts, would like to start there, come right around, complete the north wing and I would like to walk right out of the driveway on December 31st next year, and say that it is all done. As far as working on the north wing, this year have made it a strong effort and we have really pushed the architectural firm to work with the people in the north wing to get the plans developed. The sooner the plans are developed the sooner there is signoff, the least expense the process is. Once the decision making is made, can get that information to the contractor, and myself, can make our recommendations back to them, go out to bid, start, we will save money, there is no questions. And you are moving very well with that actually.

Rep. Saxl said that the Space Committee will have an opportunity to work very closely with Stan. Stan and Granger Northern have been very willing to work with us in a collaborate, obviously the work they have done so far as you can see by this committee room, and the work in the south wing, is wonderful, not only for the Legislature but for the people of the State of Maine, it is their building and it is a great project.

Mr. Clair commented that just as a reminder he and Mr. Fairservice had been trying to iron out the moves. If anyone has specific needs to move sometime next week, need to know about it soon, as the crews need to be lined up.

No Council action required.

- **Fiscal Update**

Mr. Clair referred members to information in their "fiscal update" packet. The yellow pages are a draft of the general fund revenue report, it is something that can be printed off from the budget system and it is an early peak at revenues. Asked that they turn to the very last page, revenues were seemingly up \$900,000 for the month of November, down \$4.7 million year to date.

Speaker Saxl asked Mr. Clair if he had any speculation, guides about income tax and other areas where revenue has been lost. Grant Pennoyer was asked to speak to that question. He said that the \$4.7 million dollar variance that is negative on year to date, reflects primarily a variance of the corporate income tax line. If the distribution had been done later in the process, it would have been distributed differently, paying out refunds much sooner than they had anticipated. This situation had been done prior to that knowledge, when the refunds were being paid out. Not much to be concerned about right now within the projections, pretty much right on budget. There is concern that the sales tax line where it is \$2.6 million down, certainly will be watched, with the holiday season pays out, will be revisiting that in February.

Sen. Bennett referred back to what Mr. Clair had said. He asked if the numbers Mr. Clair talked about, were reflective of the recent revenue leased reforecasting or are they reflective of the budgeted numbers. Mr. Clair said they were reflective of the reforecasting amount. The budget plus the incremental \$13 million or so, reprojected upward for FY 01, is all inclusive. Sen. Bennett said was not as helpful to those us who are concerned that the budget

balances at the end of the year. Reforecasting this changed the expected amount upwards, what is the impact that that might have on the budget? Come in with a negative variance, at the end of the year and still have surplus revenues. Mr. Clair said if there was a negative variance on June 30th with this data, with the reprojection, you could still have a negative variance and still have a balanced budget because the balance forward, but the degree to which the budget would remain balanced under that under performance scenario would really depend on how negative the variance was. The hope is that the 4.7 million does not increase, that you get back to numbers in the black and that month by month, pretty much on track at least.

Speaker Saxl asked if there were any other questions on the overall fiscal updates? None.

No Council action was required.

- **Migration Project Status**

Speaker Saxl ask Paul Mayotte to introduce himself to everyone. Paul Mayotte, Director of Information Services for the Legislature. There is a one page summary of the Migration project in your packet, but for the new members of the Council, the Migration project is a multi year task to replace the WANG 1980's vintage computer that is used by the nonpartisan staff and some House and Senate work as well. Currently in the processing of replacing the bill drafting system used by the Revisor's Office. We have a contract with Compaq for a system similar to the State of Alabama. We are in the process of processing of implementing a cost reduction of \$300,000. At the present time, we are using the existing WANG computer for drafting in the first session of the 120th. The plan will be to use the new system and convert data created for the first 120th and develop a new draft in the second 120th using the new system. Mr. Mayotte is hopeful the transition goes smoothly. The new bill drafting system, all the hardware to support it, the servers, and data storage units, are in and installed and running. The data base software, the document management software, document tracking software, report running software, are all installed and running. Today, Compaq is in installing a working prototype for the Legislative drafting system. It represents approximately fifty per cent of the functionality that was received as a prototype. Compaq subcontracted to LGS and are well underway at this point. Examples of what kind of scope reductions to the Compaq contract cuts: identified \$60,000 worth of cuts that related to reports-reports that the Information Services' staff will take responsibility for developing over the next year. At this point, we are on schedule for an April, 2001 installation of the system and then, will sit tight until the end of the session, and then work with the Revisor's Office in inserting data and getting ready for the next session.

Mr. Mayotte asked if there were questions on migration bill drafting itself. Speaker Saxl asked Mr. Mayotte to talk a bit about the time line that Compaq was originally on and their failure to meet the original contract. It is important to hear that in reference to the renegotiations and also need to know, in more detail the signing of the contract that created the shortfall.

Mr. Mayotte addressed the time line first. Had been negotiating with Compaq for bill drafting system since March of 2000. As a result of technology day, the Appropriation's Committee got the Compaq process going. Through negotiations, the Legislature had a goal of having a systems installed and working no later than October of 2000 to support the Revisor's Office through drafting. Compaq, through discussions, although will take a different view at this point, agreed and said that they could meet those schedules. Went so far with the Presiding Officers at the time, to sign a letter of engagement in June, anticipating that there would be a contract at the end of June, allowing them to get a head start on the

project itself, to support the October, 2000 schedule. At the end of June, the contract was signed with Compaq, a series of events took place that, within the end of July, became quite clear that Compaq would not be able to meet that October deadline. At that point, started developing plans to support this session with the WANG based software. Now Compaq was proceeding ahead to working with an April, 2001 schedule. The system will not be totally activated until after the session in preparation of drafting for the next session. The 119th Council had a subcommittee, lead by Senator Bennett, to review the cost of the Migration project. Went through a series with the previous Council, on reducing the overall cost for the effort, and ended up with the recommendation of that subcommittee on a certain price for International Roll Call, at the time, certain price for a budgeting system, which Senator Bennett referred, and a price for the bill drafting system, which was \$4.2 million. Through that entire process, went back to Compaq a total four times for price reductions and succeeded three out of the four. Then went through a process that the contract was prepared at a level of \$4.5 million, even though the authorized level was \$4.2. Went through several sessions with the previous Council on that in Executive Session, so do not want to speak to much in detail on that. The contract was signed for \$4.5 million.

Another component of this is being development by the Office of Information Services, our own resources, is called the Legislative Data Repository, now shortened to LDR. It is simply a gateway that allows information to flow back and forth between the different legislative systems. The primary use of it, this year, will involve bill drafting information to go to the new legislative management system. Legislative activities in LMS would go back into the drafting system. Typical example of that, is Chamber's LD numbers that goes back into the bill drafting system. That process has been building, it is now activated and in testing stages, and working with the contractor for the House and Senate, International Roll Call, making sure that the data flows between the two systems.

Speaker Saxl ask if there are questions or concerns? None.

No Council action was required.

OLD BUSINESS

Item #1: Cross State Office Building Plaque

Charles Jacobs, Deputy Commissioner, Department of Administration and Financial Service, made the presentation to the Council regarding the information on the draft plaque, which Council members have a copy of in their packets. It was done before the current organization decisions were made, so he was proposing that in addition to adding, the name of the current Speaker, Speaker Saxl, and adding President Pro Tempore Bennett to that list. The plaque would now include the Speaker, the President, plus the current President Pro Tempore on the plaque. It would be located in the West Lobby of the State Office Building opposite the current plaque that was put up when the building was constructed. Speaker Saxl said that during the last Council meeting, the Council directed the moving of the State Seal to the top and Mr. Jacobs said that was fine. Mr. Clair said that an email had been sent to Mr. Jacobs but he did not have the ability to make the changes prior to the meeting. Speaker Saxl asked if there were other questions for Mr. Jacobs about the design of the plaque

No Council action was required.

Mr. Clair requested that the Speaker take up Item #5 concerning security issues, which are issues that Mr. Jacobs is involved in and would like him to be at the meeting for Scott Clark's presentation. Speaker Saxl moved on to Item 5 under New Business.

NEW BUSINESS

Item #5: Security Card Access and Administration

Paul Mayotte spoke on the Security Card Access and Administration. Referring members to a document in their packet with the title State House and Cross State Office Building Security System Administration. The Information Services Office has been supporting Mr. Clair in the project. As part of the renovation projects in both the State House and the Cross State Office Building, a card access magnetic lock security system is being installed. The card is simply a white card, no bigger than a credit card. Mr. Clair is working on having pictures or logos for employee member identification on the card. To unlock a door, you will swipe the card in front of card readings that are in front of the doors, a green light flashes and the door unlocks. It is a computerized system. The Legislature had worked with the Executive Branch in coming up with a standardized system within this building and the Executive buildings, and it was Mr. Mayotte's understanding that the Executive branch is going to use this campus wide in Augusta. While the Legislative system parallels the Executive Branch system and actually shares components, it is an independently administrated system. The Legislature will have their own server and software here in the Legislature and will control who will have access and who has authorized access. We will work with the Executive Branch in the process of actually issuing the cards, as a cost savings because they will have the ability of making the cards in the State Office Building. Delta Security monitors this system on a seven day, twenty-four hour basis, it is always up and always being monitored. The cards are now in place and being used in the State Office Building, the south wing, west wing when turned over to us in a couple days, will be active and the north wing will be completed at the end of next session. The entire building and the second floor of the Cross State Office Building will have this system in place. The access is for both the building and the offices. Each entrance will have a reader in it and most of the primary doors to an office will have one on the exterior hallway. Within the offices will be a traditional key. There may be exception to that, but that is generally how it will work. For after hours access, a person would just swipe the door and if that person is authorized entrance, the door will unlock. The Executive Director's Office had started proceeding with issuing badges when OPLA moved into the Office Building. Also the Office of Information Services had been issued badges, and we are working way through the building. The goal is that all the users of the State Office Building get their badges first, then as needed in this building, will issue further badges. At this point, Mr. Mayotte had not worked it through with Mr. Clair on how the actual system administration will take place. The system administration consists of adding personnel to the data base, entering the specific doors that those people to have access to, making changes through time, and as appropriate, deleting people when they leave Legislative employment. Also need to coordinate with Delta Security the actual issuing of badges. There is a process also that if you forget your badge at home, a temporary badge can be arranged, it is an extensive administrative process. Do have some initial recommendations for the Council to consider. We need to take the security process very importantly, want to keep the building as open as possible, but at the same time want to make sure the security of this building improves. Some initial recommendations that the Information Services Office had been working on with Mr. Clair, the State House and second floor Cross State Office Building security systems administration and operation are Legislative Council

responsibilities. The Executive Director of the Legislative Council is singly accountable to the Legislative Council for the administration and operation of the security system, and insuring compliance with the security access policies of the Council. Authorization for building and door access or changes, require written or electronic approval from the appropriate Presiding Officer or Office head and the Executive Director. The Executive Director in coordination with the Secretary, Clerk and Office Directors will develop security administration policies and procedures for Legislative Council consideration.

Speaker Saxl ask if there were questions? Mr. Clair asked if he could add? There are a lot of details to this system. He thanked Paul and Scott for the amount of work they have done on it so far. They had been trying to do this: a) as orderly as possible; and b) come up with a system so that the security of the system is not breached in the future for whatever reason. Trying to get a card in every legislators' hands, every staff persons' hands, that will say you have access to the building in this way, you have access to these offices in this way, etc. Every office ultimately will have this, the Clerk's Office, the Law Library, Mr. Jacobs' Office. This is a stab to having this work and what we are looking for is some sense that we are on the right track, not on the right track. One of the key features that Mr. Jacobs has employed, is having a single check to make changes to this, and this speaks to, lets say to the Speaker or the President, that whomever gets access to, however that is finally decided, that the Executive Director is now involved in implementing that change.

Speaker Saxl thought it would be helpful to give a brief explanation of why the security system needs to be implemented. Mr. Clair read the report that was done approximately two years ago, commissioned by Capitol Security and Public Safety. He had a chance to meet with Deputy Commissioner Jacobs and some of the security staff, including individuals from the State Police and Capitol Security. There are a number of security issues that they have great concerns about, not only about this building, but the Cross State Office Building and they have a series of recommendations. As new systems were being built in the State House and State Office Building, electrical, data, phone lines, etc., it was decided that some type of access like this was needed. Some of the advantages are that you will not need all the keys, one card would let you into someone's authorized area. It was a way to beef up security in the building, especially off hours. During the hours, the concept that has been discussed, is that this will still be a relatively open building, although we would attempt to direct people to the West Wing, once it was open. There are many details and this is just the first cut at trying to put some structure to all the details that have to be worked out. Speaker Saxl said that you will notice in the State Office Building all the gate keepers, one in the West Wing by the new Information Office. There are certain precautions, one thing did not do is move the Governor to the North Wing, which was the recommendation. This is a plan to increase the safety of the members to the public and to those who work here. Clerk MacFarland said that under the current key issuing, the Chambers issue keys to their respective offices, the Clerk's Office or the Senate handle keys for the Partisan offices. She said the Clerk's Office and the Chamber is very interested in working closely with the Executive Director on this, but think it may be one of those line authority questions, and might want to look at a little closer before a recommendation is made. Speaker Saxl asked that the Executive Director work with the Clerk and Secretary. The Clerk had concern about the authorization having to be signed off by the appropriate presiding officer, office head, she was not sure who the office head is and would like that more clearly defined. She was interested in the coordination, how it would be administered. Mr. Mayotte replied that the intent in item 4 is to work between, what he had referred to in 3, to come up with a uniform policy, but in today's world in this building, there was no real accountability of keys in one place. You may know what

had been issued for that side of the building, the Senate probably knows what had been issued for their side, Mr. Clair, knows everything else. Mr. Clair said, to the Clerk's point, we tried to address that, maybe not successfully, but what was trying to be done was have a system whereby, however it is divested in the House, for example, that there is some signoff from either the Speaker, the Clerk, however you want to do that. I am interested in signing off on it also, if that is permissible. One thing we wanted to make sure did not happen, without House or Senate approval, or whatever it is, that there was not somebody going in and making changes to access. Access decisions were going to be a deliberative thing. Sen. Treat thought making sure that one person knows who has access is different from saying that that person has the decision-making authority over every single decision about who has access. Is the understanding that Mr. Clair will be coming back to the Council with a much more thoroughly written out proposed access policy? She did believe that access information has to be kept all in the same place for it to work. Speaker Saxl asked that the Executive Director work with the Clerk and Secretary and with Capitol Security and have a consistent policy for the Council. Rep. Colwell asked if there was a time line for when this system is to be operational? Mr. Clair believed rolling it out starting in mid-January at the latest. Actually had started to deploy cards to Paul's point, will not take any access unless he has signed off. Not because he wanted that responsibility, but one of the principles that they had requested, was that one person signed off. That was being done temporarily. Speaker Saxl recognized Mr. Jacobs who wanted to make a comment that based on recommendations from Chief Suttler, it is the Administration's intent to open the State Office Building later than what has tradition. The building usually was unlocked at 6:00 a.m. and it is the intent to keep it locked to the public until 7:30 to 7:45. Anyone with a card will have 24 hour access to the building, so will not restrict legislators or legislative employees in anyway, but did not want anyone to be surprised that the building will be closed to the public until much later than had been the case previously. Sen. Small asked if the phone in the back to call and identify yourself will still be there. if for some reason, you have forgotten your card? A phone will be there. Margaret Matheson asked if there would be a Capitol Security presence, not just to let people in, but also at other times, when it is late and something odd or disturbing is going on, and you have answered that question in the affirmative. Other questions?

Speaker Saxl asked Mr. Clair to work with the Clerk and Secretary's offices, have a temporary solution to the concerns here today and at the next Council meeting will review the system in more detail, a policy on how fast the system will work out, unless there is objection from the Council members.

No Council action required on this item.

- **Interim Studies: Status Report**

David Boulter, Director, Office of Policy and Legal Analysis reported that six legislative studies were underway, most nearing completion, Committees had met for the last time and final reports were being drafted. The reports would be issued shortly. For those who are new on the Council, most members will get an executive summary, for cost savings purposes, although whole copies are available, if any legislator wishes them.

ESTABLISHMENT OF COUNCIL COMMITTEES

State House Space Committee
Computer Migration Committee
Personnel Committee

Speaker Saxl said that the above items would be deferred at this time. He was going to act on some recommendations that have been given to him by the end the day.

Because some members had to leave the meeting shortly Speaker Saxl went on to Item #1, New Business.

NEW BUSINESS

Item #1: Setting the Salary of the Clerk of the House of Representatives (see 3 MRSA , 162-A)

Speaker Saxl reported it was the tradition of the Legislature that when someone is given a promotion within the Legislature, they receive a 5% pay increase or to the closest salary step that would be a 5% pay increase or more. He had been meeting with Clerk MacFarland about her salary and she had agreed that instead of going to the full 5% increase, to go to the one which is closest, which is just under 5%, about a 4% pay increase so move the Clerk from salary grade 13, step 8 to salary grade 14, step 7. That would move Clerk MacFarland from a salary from \$80,350.40 to \$84,177.60.

Motion: That Millicent MacFarland be assigned to salary grade 14, step 7, retroactive to her election to the position of Clerk of the House of Representatives. (Second by Rep. Colwell, unanimous).

Item #2: Appointing an Interim Office Director, OFPR; Establishing an OFPR Director Search Committee

Speaker Saxl reported that James Clair was formally appointed as Executive Director of the Legislative Council, resulting in an opening in the Office of Fiscal and Program Review. The Personnel Committee will be assembling soon to begin interviews to hire a permanent person for that position. Grant Pennoyer is currently the ranking member of the Office of Fiscal and Program Review, and it was Speaker Saxl's understanding that Rose Breton was considering moving to the Office of the Executive Director. Speaker Saxl moved to go into Executive Session.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session to discuss the appointment of an interim Office Director for the Office of Fiscal and Program Review. (Motion by Speaker Saxl, second by Sen. Small, unanimous).

The Council proceeded to go into Executive Session at 11:13 a.m.

RECONVENE

The Council reconvened at 11:35 a.m. on the motion of Speaker Saxl (second by

Motion: That Grant T. Pennoyer, Principal Analyst, of the Office of Fiscal and Program Review be appointed as the Interim Office Director until such time as a permanent office director is appointed and that he be temporarily assigned to salary range 14, step 6 during his interim status. (Motion by Sen. Bennett, second by Sen. Small, unanimous).

Motion: That the Personnel Committee be charged with conducting a nation wide search for a permanent office director for the Office of Fiscal and Program Review, to be assisted by the Executive Director and other Legislative staff and to report back to the Legislative Council with recommendations no later than April 30, 2001. (Motion by Sen. Bennett, second by Sen. Davis, unanimous).

OLD BUSINESS

Item #2: Time and Attendance Systems

Presentation by Scott Clark, Deputy Director, Legislative Information Services. Introduced the Time and Attendance Systems to the previous Legislative Council, who showed interest, at least in terms of having him proceed with discussion with the Executive Branch to make sure if the Legislature ultimately joined the time and attendance system that our needs are in fact included in the system. There is a four page item in your packet. The system is a way to manage employees' time, keep track of their accumulative time and to make sure that the information for the time that they have worked is in the payroll system so ultimately they are compensated appropriately. The Executive Branch is currently in the middle of a project, closing in on the end of their design for their system, and the idea of the system is that the project links the employee's time sheets and leave records to the MFASIS accounting system which ultimately ties into payroll and into the new budget financial management system so that it is made sure that the rules and positions that are appropriately budgeted for positions is being spent as originally intended. The Information Services Office, in particular Scott Clark, was asked by the Executive Director, to attend some of the time and attendance design meetings to gather information on functionality and its usefulness to the Legislature. As stated earlier, the last Council said they were interested in having him continue, until this Council had a chance to decide if they wanted to ultimately participate. The Legislature uses for leave records and time and attendance is part of the Wang System, which will eventually be terminated, so something needs to be done for a time and attendance system and this is one option. The entry of information is also currently not standard through all of the offices, there are a number of ways that it is being done throughout the Legislature. The benefits of the time and attendance system is that it does standardize the time and attendance information, not only for the Legislature, but on a statewide basis. It replaces the paper base systems that are currently in use in most offices with something that has an internet browser, everything is done electronically. It also provides screens and reports so that supervisors and others can track the allocation of costs and new balance information more quickly than they have in the past. Finally, it does tie to the MFASIS accounting system, particularly the Human Resources component, which ultimately cuts the checks. All of that is paperless from the time the employee enters information through the supervisor's approval, through the check being cut. To date, the design

has taken into account the time and attendance needs that are unique to the Legislature, those have been identified to them. Further work is needed on the Legislative side, made a commitment at the last Council meeting to work with the offices and obtain information about any unique situations that they had. The Executive Branch put off their design for three weeks and rather than put pressure on Legislative Offices, asked is the Council would like Mr. Clark to continue. Had also reviewed the Wang system, and there seems to be a number of issues, the biggest of which is, eventually the Wang will go away. Next month detailed design meetings will pick up again and he would participate in that, if that was the desire of the Council, to make sure that our needs are included into the system and at the same time will be meeting with the various offices to make sure that he had not missed anything. There is a cost associated with this, approximately \$15. per employee per year. There are roughly 250 staff members in the Legislature, that would be about \$3,750. per year that would have to be paid to participate. The money would be used for the development of future design or changes that are global or enterprise wide, also maintenance equipment that is used to support this. That was a brief summary, there are a lot more details in the report that was provided last time, and Mr. Clark was looking to the this Council on whether there was still interest and if there was, guidance from the Council.

Rep. Bruno, having implemented one of these systems, had some experience with this. What happens when employees logs in and forgets to log out? How is the system going to handle that? Mr. Clark asked in terms of someone else being able to log out? No, someone goes home and just forgets to log out. The security on this would be somewhat like the security we have on everything else, if someone did leave a machine logged on, others would be able to get into it. Rep. Bruno said he assumed this was to replace time cards. Paul Mayotte said that this is not a time clock type system. Traditionally, we expect employees to enter their time once a week and account for the hours sick, etc. At that point, there is an approval process where the supervisor must approve the time. before it goes to the next hire level. Sen. Treat asked about the shift, off the Wang. Wang would not be kept on to do payroll? Mr. Clair explained that some offices use the Wang system, some do not. The Office of Fiscal and Program Review left the Wang system a long time ago because it was old and unreliable. The Office does theirs in spreadsheet format. Sen. Treat asked if there is another alternative to this particular system that is already working? Mr. Clair answered in the affirmative. Mr. Clark stated that each office may or may not be using the Wang, but each office has selected its own best method of something that works for them, but it is not standard, organization wide. Speaker Saxl said he understood there was a fee associated with this. Is there any savings to the efficiencies? None have been identified. Rep. Bruno asked about the \$15 fee. Was that amount set in stone or was that a projection? Mr. Clark responded that was the current fee, have not come up with a precise figure at this time, it will be for 13 - 14 thousand state employees, will be getting a pretty good amount of money for it. One of the other reasons it may appear low is that the base of the system is from the Department of Transportation. They had been using a system to track their time and that will be upgraded to include the needs of the rest of the State. The program will also be done in house by the Bureau of Information Services, are not contracting out for anything other than design services and auditing their system. The fee is paid to the Department of Administrative and Financial Services. Speaker Saxl said that there is an internal billing system between the Administration and us, want us to be billed for our space in the State Office Building, so it may be something that you want to be aware of, I don't know if you will share my concerns or not by the accounting mechanisms that the Administration uses.

Mr. Clair said that the Legislature was receiving a fair amount of inquiries from the Executive Branch. They were on a critical path and needed a decision on whether or

not the Legislature was going to be involved. The Legislature had it under evaluation, may not need to make a decision today, don't think need a corporate decision on how to go forward, but if there were advantages to the system, and believed that Mr. Clark laid out some of them, wanted to make sure what the advantages were. If there were disadvantage, not the least of which is the cost, then want to make sure that that was being evaluating as well. Mr. Clark had been assigned to attend all the meetings to learn more about it. This was more as a heads up category to the Council. Mr. Clair asked Mr. Clark when they intended to bring the system on line fully and Mr. Clark said that if they incorporate the needs of the Legislature they would actually commit resources in the month of January. Clerk MacFarland asked if this was a time and attendance system, but not a human resources system, they have a separate human resources system? The reason she asked was because we do not have a human resources system within the Legislature, some are still using Wang, even though it is extremely limited, than we use paper. Do they also have a human resource system, if that is available to the Legislature, and if it is, the projected cost for that as well? Mr. Clark said that the Department of Administrative and Financial Services does have a human resources component to the MFASIS system and he was not sure how much the Legislature is invested in that in terms of information. In order for the paychecks to be cut, there must be a limited amount of information, but as far as he knew, it is not used to manage the Legislature's personnel in any way, so probably the only use would be to generate paychecks. The only concern would be whether or not the Legislature wanted to continue to commit any resources to doing this, a statement of interest not action. It will not impact our ability to pay Legislative employees, even though it ties into the MFASIS system, they had committed to the Legislature and the Judicial Branch that they would still be able to get their paychecks cut using the same systems that are used now. There is nothing that requires the Legislature to do this immediately. Sen. Treat asked questions about the handout. Talked about payroll clerks entering information into MFASIS, would it save money by getting this? Do we actually have a payroll clerk to enter MFASIS? Mr. Clair said that Jackie Calcagni, in the his Office, does it for the entire Legislature. Sen. Treat said that she was not clear on the benefits verses the down side of it based on what had been presented so far. It seems that it would be useful, for both employees and anyone to move to a system where it would be computer based, what was not clear was whether we already had the capacity in house to develop some of it, if the Executive Office was already do that, would like to have a clearer sense about whether there was an advantage to developing something in house for doing that ultimately? It sounds like something needs to be in place when the Wang migration eventually happens. Setting aside the Executive Branch's timetable, the Legislature had a time table which might involve shifting off the Wang. Speaker Saxl said that his recommendation would be for the Council to have a subcommittee briefly formed for the purpose of reviewing the system and reporting back to the Council. On a voluntary basis, appoint a committee to represent the Council and come back with a recommendation. Asked for volunteers, and for Sen. Treat to chair that subcommittee? She agreed to chair the subcommittee and said needed at a minimum, another Senator. Sen. Davis, Rep. Norbert and Rep. Schneider were appointed. A final decision will be made by the full Council.

Sen. Treat asked if Mr. Clair could check in with different offices around the Legislature to find out what they use now and their opinions on the system. Mr. Clair said that all the offices would be invited to the meeting and would do some research beforehand. He also said that the human resources systems in the Legislature are very weak, had to construct basic things, vacation balances, sick leave balances, if someone is getting ready to leave or retire, there had to be an easier way to do it and was not sure this would be it, but would also try to get the principles involved in it from the Executive Branch here to explain it as concisely as possible.

Sen. Treat said she had no idea, but there may be other systems out there besides this that we do not have to construct. Realize that it may make sense to do something in the system with the Executive Branch.

Speaker Saxl said gave Sen. Treat the charge of looking at the system's pros and cons, if the operating system could meet existing needs, payroll capacity to meet those needs without using executive system billing practices, and what the real number was for the projection, billed existing function within the Legislature and other items as she may see fit. He thanked those who volunteered.

Item #3: Changing Our Web Server Administration (from BIS to InforME)

Mr. Mayotte said that at the November, 2000 Council meeting you talked about World Wide Web page for the Legislature. They asked that it be brought back for the 120th Council's consideration. Currently the Legislature has a very good World Wide Web page. Each of the individual offices, the Secretary, the Clerk, nonpartisan offices contribute to what is called sub pages, the Legislature's overall page. Physically, that page is hosted by the Executive Branch, the Bureau of Information Services, when logging on will see an address that says ww./janus, and it is that server that is being talked about. It does provide hosting services for the Legislature, at this point looking to transfer responsibility for hosting the Web page, the physical hosting to InforME. InforME was enacted by the Legislature in 1998. The Secretary of State's Office played a lead role in defining that, in channeling it through the process. InforME contracts with New England Interactive as a service provide for InforME services. The Executive Branch, at this point, among many other things is transferring all Web hosting services to InforME under InforME's contract with the State of Maine. The Judicial Branch has transferred their Web page to InforME, and at this point, we have asked that nothing happen to the Legislature's Web page until the Legislative Council can discuss this. At this point, we would like to put before the Legislative Council the option of moving the Web hosting services to InforME. Referring members to the handout, there are discussion points and it is Mr. Mayotte's understanding that BIS plans to stop hosting web pages sometime next year. They want to get out of that business, and to his knowledge, there are no significant issues with transferring hosting responsibilities from BIS to InforME. They have done this many times and are very good at it. Initially, there was some concerns about internet performance fees and it is his impression that InforME had addressed those concerns and performance was acceptable at this time. InforME assumes this responsibility at no cost to the Legislature as part of the overall contract to the State. Under InforME they are just providing a technical service to us. The Legislature controls the look, feel and the information that is on our Web page. They are just a gateway to get the public and the Legislature together. Separate from the hosting discussion, under its contract with the State of Maine, InforME may seek a separate arrangement with the Legislature potentially repackaged legislative data. I think Assistant Secretary Wyke or Secretary of State Gwadosky, could address that further. It is my recommendation, if the Legislature were to proceed with InforME, the service level agreement between the Legislature and InforME be arranged to define service levels performance and other contractual type issues. Our recommendation is that the Legislative Council authorize the Executive Director to work with InforME to develop a service level agreement for InforME to provide Web hosting services. Again, this is just a physical hosting of the Web page, will proceed from there based on the Council's desires.

Speaker Saxl asked if the Secretary of State Gwadosky had anything he wanted to add. He said that the Information Resource of Maine was created by a Legislative Act in 1998. It is governed by a 15 person governing board, which he chairs. Have multitude of responsibilities, many of which are setting up a strategic plan and developing internet based applications, and working with agencies. Service level agreements for the Legislative Branch and Judicial Branch do not come before the Board because they are separate branches of government. InforME can negotiate directly with the Legislature and Judicial branch if there is a potential service level agreement that might be desired. InforME had been asked to take over the hosting of the State's home page in the last year, had done that successfully, had done that as a free service. Part of our goal was to develop a single portal so that when people began to look to the State of Maine, they became accustomed to a single place to get information and services. That was the next stage, integrating services and providing more information on line. In addition to hosting the State's web page, InforME redesigned it, added features that it never had before, made it more functional so that the burden was not on the user, or the citizens of the State of Maine to try to figure out where things were, that was the key piece. They had done that quite easily. Did have some adjustments, the connections would be as fast as humanly possible, and they had done that with great success. The site had won a national award in just the last three months, in terms of its recognition as being a very good site and user friendly site. As Mr. Mayotte indicated BIS wants to get out of the hosting business, they are currently hosting the look of the Legislative page, the Legislature is responsible for content, all they do is host it. What this does is simply have InforME transfer that responsibility from BIS and then InforME would then host the page. It would continue to look the same, from the public's perspective they would see no change, unless the Legislature changes the design of its page and the content, there will be no technical change. One concern was under discussion point 5 that deals with the scope of its contract, InforME would seek prior approval to repackage or change legislative data. InforME does not have any intention or desire at this time, to repackage or sell data. The perspective is that information is currently free and should be free prospectively. He wanted to have that out. There are in some other states where they have value, a program in Georgia, and in some other states where they actually charge for a service. For \$300 a year, they will track legislation for lobbyist or special interest groups or citizens' groups. Give them an email notification any time there was a change in the profile or status of a particular bill had been effected, so if tracking all the bills on Workers' Comp or all the bills on a certain area of tax, create a profile, any time there was a change in the status of a bill in the House or Senate, reference change, the consumer would be notified by email, and then would take appropriate action. That is a service that is in other states, it is probably \$250. to \$300. a year, no one makes any money off that particular service, but it is available. We have not offered that service, we are not sure as to where the Legislature's public information is right now, but did not want the impression to be that InforME was willing to take this service over but then look for something in return, because that is not the case at all. The Legislature would have to come to InforME and say, we would like to consider offering this service to Maine people and Maine citizens and to the Legislature. In the states that it is offered it is provided free, the bill watch is provided free to legislators as well as to state government agencies for tracking legislation. I would like to make a distinction, it is such a sensitive issue in other states, that there will be a repackaging of Legislative information that most always thought was going to be free, just wanted to reclarify that particular issue.

Rep. Bruno asked if a motion would be needed and Mr. Mayotte agreed that a motion was needed to proceed and to authorize the transfer from BIS to InforME. Secretary Gwadosky said there would be a service level agreement between InforME and the Legislature, which he assumed would have come back to the Council for approval.

Motion: That Legislative Information Services proceed with negotiations with InformE for a service level agreement and return back to the Council for approval. (Motion by Rep. Bruno, second by Sen. Small, unanimous).

Item #4: Producing a "Performance Budget" Bill(s) in a WANG Environment

Mr. Clair said we have a synopsis of an issue that addressed how a budget bill was going to come from the Executive Branch. Just to remind you, on January 5, 2001 the Governor is responsible for submitting both his budget document and his budget bills, Emergency Budget, Part I Budget, Part II Budget. Previous Legislatures had said that starting with the 2002 - 2003 biennium, the one that starts July 1, 2001, the budget would have to be a performance budget. Further, the previous Legislature ratified in effect, an approach. Rose Breton passed out documents that try to discern the difference between the budget as it is known now and some of the formatting that might be seen in the future. Because the Legislature is still going to be using the Wang for bill drafting, but know this presents a in the future. The Wang is not robust enough to produce a budget bill in the format that would accommodate all of the information, absent copying what comes in from the Governor's Office, or whether, Ms. Matheson, may have to speak on this, to actually producing a budget bill in an excel spread sheet. The Executive Branch had been producing, what they will be calling the Budget and Financial Management System, the BFMS, but is not up and running yet. The Budget Bill will look multi columned. The ability to produce this in Wang is very limited, going forward, whether the Legislature and how you interact with that performance budget, will have to remain to be seen. About to face some real production problems in about three weeks in getting this produced for the 120th in a timely way. There has been discussion on different levels about whether this is information that should be in the budget document only and is the bill a streamline version of some sort, need to be able to accommodate three weeks from now, and it is an open questions as to how we will be able to do that. Speaker Saxl said he knew that they were not operating under the Wang System any more. Are they able to convert their own system? Mr. Clair said the closest thing they come up with is the "mother of all excel spread sheets", 75 or so linked together. Mr. Clair said that had met with a working group, include OFPR and Revisor and the Budget Office and the Information Office, to get this in a certain format, how is the bill production actually done. Think it was the sense of the State Budget Officer, that he was in no position but to submit it the way both the Legislature enacted the "prototype". Rep. Saxl asked if these were directions that you received from the Executive or because his computer would compute it? Mr. Clair said because it is the law. The language in place says the Legislature agreed that this is the way to do it. Rep. Saxl said that if it is to be a collaborative model with us, and we don't have a computer system that can manage the performance budgeting, do you think they can present in a formal presentation but then offer it to us in a format that is user friendly, that we could use over the Wang problem are having. Mr. Clair said that we do think there is a way that they can present it and then the 120th Legislature can make its own decision as to how it is actually going to produce the bill. Speaker Saxl asked if Mr. Clair thought they could transfer that document in a format electronically so that you could use it. Mr. Clair responded that he hoped so.

Sen. Treat said what is really important is that the Appropriation Committee is working, is able to get worksheets back right away when they make a tentative decision, question is whether that sort of thing could be done with some of the performance budgeting information on it, what ever the bill looks like when it is printed, that you immediately go to the notebook and everything else. Speaker Saxl said we are only required by law to accept it in that format, we are not required by law to utilize that format as we make

our own budget deliberation. This is not about the merits of performance budgeting, it is about being able to deal with the budget document and being able to put it in a bill format so that we can act upon it on the floor. Rep. Bruno asked Mr. Clair what kind of time frame he would be looking at, they will be coming over with a printed copy that people will get, for all the legislators, so what you are talking about is later on manipulating the numbers, not only for Appropriations but for other people who want to have document changes. Mr. Clair said that was only part of it. The other part is that Ms. Matheson, in the Revisor's Office, has a responsibility to produce the bill. The way we normally proceed in the production office is to produce something that looks like what was submitted by the Governor, go through the process of sending it back, and have the Governor agree that this is what he submitted. Rep. Bruno asked if knew this was going to happen two years ago, was it just a problem migrating the Wang and realizing fell behind? Mr. Mayotte said the Budget Office fell behind. There are two issues here. One is the ability of the Wang to support what was traditionally two columns of data, the Executive Branch provides four plus columns of data, history plus budget and it is difficult to fit that in Wang. The other issue is that originally the information was suppose to come from the new budgeting system that is being installed. Instead we are getting 70 spreadsheets in a lotus form. To the Speaker's comment, we can in fact modify the data, how it looks on excel spread sheets and then covert that into Wang in smaller scale. That technology is there and one of the questions is what does the Legislative Council, presiding officers want this to look like. Rep. Bruno again asked if it is because Legislature fell behind in the Wang or is it because everybody fell behind and just can't do it? Mr. Clair said it is more the latter. Fell behind in the BFMS, that is not up and running yet. Recall that they were going to have BFMS up and running, we would have had the new legislative budget system in client-server technology that would have allowed, that kind of data transfer. All of the systems are a bit far behind. Now if our only real option is to produce in Wang for legislative documents, this is not an option. Rep. Bruno asked whether the recommendation from the Executive Director's Office, Ms. Matheson's Office and Mr. Mayotte's Office, to proceed and what direction would you recommend to this Council to move forward with. Mr. Clair said that the Legislature should produce the bill the old fashion way, and confirm that the Governor complied with the law. He will have submitted a budget and a performance budgeting format. We know that we can produce a bill the old fashion way provided that we get the data files transferred electronically, transferred by tape, and there have been some data conversions that have done before. Sen. Treat said she would agree with that approach and what is needed is something that is functional to the Legislature. Trying to come up with some version of this is not functional for us, but complies with the law.

Motion: That we produce the budget bill in the regular format and accept additional information from the Executive Branch in compliance with their requirements under the law. (Motion by Sen. Treat, second by Rep. Bruno).

Discussion continued. Rep. Norbert asked what the game plan would be then, if a traditional budget was done now. Speaker Saxl said that the most important thing for them to do was to do their work, which was to reflect upon, debate and pass a budget. This coming summer was a great opportunity to work more on the Wang migration committee to do work on that and to reflect on any changes or any concerns that people have as a matter of public policy. Sen. Treat wanted to make sure that the performance budgeting information would be publicly available, and whatever way can manage to do that. Speaker Saxl said that everyone was concerned about the document being available to everybody as required by law.

Mr. Clair asked if the Motion included an amendment to direct the State Budget Officer to send the data over in a format that can be produced in the Wang.

Motion: That the Legislative staff is directed to produce the current services budget in the traditional format and to receive whatever other performance budgeting data that the Governor may wish to transmit and that the State Budget Officer be directed to submit budget data in a format that can be produced in the Wang format. (Motion by Sen. Treat, second by Bruno, unanimous).

Speaker Saxl then recognized Jack Nicholas, and asked if there was anything he wanted to add. He confirmed discussions he has had with Mr. Clair, everyone knows the Governor is required to submit the budget in a performance budget format under law, not sure how it affects that. Speaker Saxl said the Council's decision was to accept fully the Governor's submission of a budget to the reality that technologically, because of the change in our migration off the Wang and other technical problems on your side. It will be available in performance budgeting for everybody, public and members to use, but will have to proceed with the traditional budgeting method for drafting. Mr. Nicholas said that in earlier discussions it was interpretation that we provided them in electronic format that it would be considered the Governor's official submission. Had to do all budget in excel templates and was a challenge. Speaker Saxl thanked him for his patience with the Legislature as it tries to accelerate the technology.

NEW BUSINESS

Item #3: Duplicate Bill Request Filings (See 12/14/00 memorandum.)

Margaret Matheson, Revisor of Statutes introduced herself. Mr. Clair had reproduced a memo that was sent out to the members. One, it highlights that any duplicate resolution that goes on in the Revisor's Office, where bill filings that are very similar, we resolve them, is done at your direction. By joint rule you are given the authority to tell us to do that or to set the procedure you want for duplicate resolutions. Years and years ago we used to print everything and with the advent of more and more bill filings, had been encouraged every year to try to refine a little bit more on how it is done. What was bulleted was the process that had been developed over the past several years. Had offered it as a model that you may wish to accept today. The first thing that is done is try to review once have been indexed and the titles have been entered into the system, and corrected and proof read, then run a report and try to identify by bill title those things that might look like they might be duplicate bills. Once it has been determined that two bills are so closely related that they can be combined into the same bill, there is a rule, that this Council again, as prior Councils' have used, that is that the first sponsor who filed a complete bill, and completeness is the standard for which is set in the joint rule, that the first complete filed bill, that person is the primary sponsor of that bill. Then have what is called, mandatory cosponsors, and that is anybody else who has filed after that point has to be offered the opportunity. So when a cosponsor sheet is printed out, if you are the primary sponsor there may already appear three or four names and those three or four names are the people who have filed very similar requests, but after you did. You are under some duty to try and get signatures from those people and if a bill jacket is received back where one of those have been left blank. We actually hold the bill until that person can be contacted to see whether in fact they have been offered the opportunity to sign. The rule also lets the primary sponsor complete the full compliment of cosponsor and lead sponsor from the other chambers that are already authorized by a different joint rule. Always have an escape valve, and that is if a later

filer says no my bill really is different, can understand how at first appears to be the same bill, but here are the differences, have always gone ahead and produced a bill for that person. That is how the process works, there may be questions or comments and if the Chair wishes, I will answer them. Rep. Norbert asked how long this process has been used. Ms. Matheson replied probably eight years - eight to ten years, it is every other session. Asked if it worked pretty well and she said it works fairly well, if they refine too many things as being closely related, end up doing several of them after the fact, we often see a separate bill to articulate a different way to get there and have always felt it was our duty to do that. From our perspective it has worked fairly well and fairly smoothly, but you can speak from the other end of that. Rep. Saxl said the more efficiency that can be found in the process, whether with concept drafting or mandatory cosponsorship, the better off we are all going to be and think committees are most often are favorable to have one bill. Ms. Matheson also had distributed information on the raw LR numbers after cloture. Legislators said that they were taking a much closer look at what they were putting in this year because they knew two years ago was kind of crazy, too many bills for committee to handle comfortably in some instances, so people were policing themselves this year.

No Council action required.

Item #4: Report from the State House and Capitol Park Commission

Mr. Clair explained that this is a Commission that has not been terribly active recently. They were convened by Earle Shettleworth, he and J.R. Phillips are at the meeting. Mr. Shettleworth is from the Historic Preservation Commission and Mr. Phillips from the Maine State Museum. Mr. Clair learned that he was an ex officio nonvoting member. Earle Shettleworth introduced himself, Director of the Maine Historic Preservation Commission, but also statutorily permanent chairman of the State House and Capitol Park Commission. As Mr. Clair has referenced, when he came on board a short time ago, they met to talk about the work of the State House and Capitol Park Commission, in particular, the fact that statutorily the Commission is required to review work that is being done with the Reserve Fund. One of the chief reasons for meeting last week was to get a briefing from Rick Burt of Weinrich and Burt, the architects for the renovation project, to be able to get an overview of what has been accomplished in the last year and also what is planned over the next phase of work as well. Then took a two part vote, one was to affirm the work that has been previous done and also to support the work that will be going on in the future. This included the uses of the Reserve Fund. The Commission also had an excellent tour of the building, of course, as I know you are well aware, a great transformation is taking place in the building right now, and think when the work is completed in 2002, it is going to have a building that everyone can be very proud of. In that regard, talked about other issues, in particular, one of the roles that they can play is coming up with a fine arts policy. The outgoing Council dealt very well with the issue of both the flags and the preservation of the portraits. When the portraits come back into the building in 2002, there is going to be need for a plan for exactly where they are going to be placed, what priority is going to be given to which portrait, but more over also, a concern for their long term care. A lot of times in the past there has been ad hoc moving of portraits around in the building, for various reasons. We need to come up with a policy that can be brought to you as Legislative Council as the stewards of the building, to be able to affirm that policy, so that once have made the investment in the portraits, going to be able to have a long term care and location plan for them as well. Also got a report on the per cent for art process. This is something I believe that Mr. Clair will be bringing more directly in detail to the Council once it is more carefully developed in the next couple months. That is in general, the

idea that one per cent of the project funds go toward the purchase of or commissioning of contemporary art by Maine artists and there is a committee working on this to try and locate some key works that will go into the new entry area on the west end.

Mr. Clair asked to add an addendum. Mr. Shettleworth talked of the Per Cent for Art Committee. There is a possibility that the Per Cent for Art might be focused on the connector and there is some kind of granite work that might take place. Mr. Shettleworth said that was correct. Mr. Clair just wanted to give the Council a heads up that it might delay the opening of the connector, or rather than delay the connector, the connector would open as soon as it could, even if that is in April, which has always has been the delay date, and doing the granite work for the Per Cent for Art could take place in perhaps July or August.

No Council action required.

Item #6: Sound Broadcast over the Legislative Local Area Network

Mr. Mayotte said that what he is looking for is direction from Council on assigning broadcast points to rebroadcast over the Legislative Local Area Network. You use the Local Area Network to supplement the hard wired sound system in the building which comes up through the speakers by providing rebroadcast of certain broadcast points to the desktops and this supplements off campus locations, example this is how sound gets to the villa and any other locations within the campus that does not have the hard wire system. It is a delayed broadcast, it can be anywhere from 15 second to several minutes of more behind the actual proceedings, but for most users that is adequate. With the completion of the south wing, west wing and now the State Office Building, there will be the ability over the hard wire system to broadcast from over twenty separate broadcast points. Every Committee, Council Chambers, House and Senate, quite a number of positions. The Local Area Network have the ability to broadcast 9 channels of sound, what looking for is direction from the Council on what you would like to have broadcast over those 9 available channels. From an historical point of view, offered services before from the Legislative Council, the old 118th Committee Rooms, but primarily are on the House, Senate and Appropriations. There is no cost, it is all sunk, the system exists, from a time frame it would just take a couple of days for his office to hookup to the sound system when it becomes available. Need to hardwire into the 9 channels that will be broadcast. Joy O'Brien ask if the Committee rooms themselves have not been selected yet? That may have some determination as to what and where you want to hear from. Assuming that Appropriations stays in 228, isn't there a way that you can pipe that out into the Hall of Flags so that more people can hear? Mr. Mayotte said that when have had overflow crowds, have used the hardwire sound system to pipe that out into the other locations. Sen. Treat asked if the Office Building would be included and Mr. Mayotte answered in the affirmative. She said she did not know what rooms were over there, but is part of what is going to be over there a large hearing room? Speaker Saxl said there will be two large hearing rooms. Mr. Clair said that they will hold about 65 people per room. Sen. Treat said that at a minimum, what people want to hear is often the very controversial issues, which are going to be in the largest hearing room have, so one recommendation would be to at least ensure that those rooms, all committees may be using, be wired. Mr. Mayotte said that direction was not needed today, it can come anytime through the process. Speaker Saxl wanted to clarify who should have jurisdiction within the subcommittees and reflect on it a little. Sen. Treat said another committee was not necessary, but a thought that the Council make sure there is that broadcast capacity both in the other building and here in a couple of locations, whatever room is chosen, if people really want to

make sure that that is broadcast, that the opportunity is there. For that reason, should go with recommendations, not sure how to proceed, asked if Mr. Clair had recommendations? Mr. Clair said that once you have committee rooms, might be a little clearer and to Sen. Treat's point, you should make sure there are LAN broadcast points in the State Office Building, here it is four, House, Senate, Appropriations or Council, right out of the gates, a couple for over there, there is only one or two left. It might be clearer in a day or two. We will bring it to the Space Committee if you wish.

No Council action required.

Item #7: Assigning/Revising Room Numbers

- State House
- Cross State Office Building

Mr. Clair apologized for not having something before the Council, but has floor plans. He said that there were issues, on some floors, there is no consistency in terms of the rooms having been numbered. Have been told, as a public safety point, it is good to have all the rooms numbered, so in an emergency situation, they are checking off all the rooms. In Office of Fiscal and Program Review, Room 226, there is an A, B, C, D, so you have numbers and there is way of checking that. Not all rooms are numbered now, not even the rest rooms and that was a recommendation that was made. Secondly, odd situation where west side may be all the even numbers, and then have some odd numbers, it is tough to get a flow. Hoping it would be done by today, but unfortunately it is not. Rep. Saxl made recommendation for disposal is that Mr. Clair work with either the Space Committee or the Presiding Officer, that the Council defer our authority to those groups to meet the safety requirements in order to renumbering. Mr. Clair asked if that included the State Office Building, want to deploy something right off. Rep. Bruno asked if the Council had authority at the State Office Building on only the second floor of the State Office Building. Mr. Clair said only the second floor and said that they had been asked to change their numbering system there because they had a room 228 and some thought there would be too much confusion between State House and State Office Building, so they did agree to do that. Now they have a room numbering system, that makes as much sense as anything, and is ready to be deployed right now. Speaker Saxl said that it could be done either by the Space Committee or the Presiding Officers, what ever is your pleasure. It was decided that it would be done by the Presiding Officers.

Item #8: Work Cancellation Policy

Speaker Saxl said the Council needs to adopt a procedure. In the past we had a practice where the partisan offices would be released from work cancellation by the Presiding Officers and that the nonpartisan staff would be released by the Council Chair with consultation with the Executive Director. Unless there is objection to that, I recommend that a motion be presented.

Motion: Move to adopt the draft policy (see attached) in the Personnel Policy Handbook. (Motion by Rep. Norbert, second by Schneider, unanimous).

Item #9: Submission of Study Reports

- Blue Ribbon Commission to Establish a Comprehensive Internet Policy (pursuant to Resolves 1999, chapter 89)
- Committee on Gasoline and Fuel Prices (pursuant to H.P. 1774)

Motion: Move for acceptance of the Committee Reports. (Motion by Rep. Colwell, second by Rep. Scheider; unanimous).

Speaker Saxl asked if there were any after deadline bills. He said that after deadline bills last session may have gotten out of control, in his personal opinion; he had his own standards to review after deadline bills, including if there was nothing to which it could be attached; and was a legitimate emergency. His recommendation is that the Council work together to develop a policy that all Council members can feel comfortable with and try best to adhere to strict emergency standard or have a standard. Also would recommend that twenty-four hours after cloture there were after deadline bill request because people could not get through, the fax was down in majority office and in the Revisor's Office, so would recommend that for that twenty-four hour period, we might be more lenient in our interpretation. Beside that, the Council's policy should be strict in letting in after deadline bills. Working with the Revisor, Executive Director, Secretary and Clerk, he will try to come up a policy, does not have to be a written policy, but one that is a starting point for discussion on how to deal with after deadline bills. Anyone who would like to be involved in that policy, welcome and the Speaker will try to come up with some guidelines.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Speaker Saxl moved that the Council adjourn at 1:24 p.m, second by Rep. Colwell.