

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**August 22, 2001**  
**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**SUMMARY OF THE JULY 31, 2001 COUNCIL MEETING**

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

- Executive Director's Report
- Renovations: Status Report
  - West Wing
  - West Wing Exterior
  - Connector
  - North Wing
- Fiscal Update
- Migration Project Status

**REPORTS FROM COUNCIL COMMITTEES**

- Personnel Committee
- Space Committee
  - Subcommittee to Determine the Use of the Interpretive Center
- Technology and Migration Committee

**OLD BUSINESS**

Item #1: Guaranteed Maximum Price <North Wing>

**NEW BUSINESS**

Item #1: Percent for Art Update on the West Wing (Rep. Elizabeth Watson)

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

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

## 120<sup>th</sup> MAINE STATE LEGISLATURE

### LEGISLATIVE COUNCIL

# DRAFT

## MEETING SUMMARY JULY 31, 2001

### CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 1:23 p.m. in the Legislative Council Chamber.

### ROLL CALL

**Senators:**

Sen. Daggett, Sen. Small, Sen. Davis  
Absent: Sen. Bennett, Sen. Treat

**Representatives:**

Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert  
Absent: Rep. Schneider

**Legislative Officers:**

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, Director, Office of Fiscal and Program Review  
David Elliott, Principal Analysts, Office of Policy and  
Legal Analysis  
Suzanne Gresser, Principal Attorney, Revisor of Statutes  
Lynn Randall, State Law Librarian  
Paul Mayotte, Director, Legislative Information Services

## SUMMARIES OF THE JUNE 6, JUNE 12 AND JUNE 27, 2001 COUNCIL MEETINGS

That the Summaries of the June 6, June 12, and June 27, 2001, meetings be accepted and placed on filed. (Motion by Rep. Norbert, second by Rep. Bruno, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Mr. Clair presented the following items to the Council.

First, he received from Earle Shettleworth information regarding road work being done on lower Capitol Street that abuts property under the jurisdiction of the Legislative Council. The Department of Transportation was requesting an authorized signature to sign off on the improvement. It had previously been approved by both the State House and Capitol Park Commission, and the Capitol Planning Commission and Mr. Clair was requesting Council authorization to sign off on the request.

**Motion:** That the Legislative Council authorizes Mr. Clair to sign off on the request from the Department of Transportation regarding road work on lower Capitol Street. (Motion by Rep. Bruno, second by Rep. Colwell, unanimous).

Second, Mr. Clair brought to the Council's attention that, not only had the documentation gone out regarding the authorized studies and the appointments needed, but OPLA and OFPR were working on staffing assignments and there would be a document for their review.

Third, Mr. Clair reported that Margaret Matheson had surgery and would be out for approximately six weeks. Suzanne Gresser would be acting in Ms. Matheson's place.

- **Renovations: Status Report**

Mr. Clair requested Stan Fairservice, Owner's Representative; Bruce Hilfrank, Senior Project Manager for Granger Northern, Inc.; and Rick Burt, Architect, assist in the renovations report.

- **West Wing Piping**

Mr. Clair learned approximately a month ago there had been water leaks from the heating and cooling system in the West Wing. It was related to an approach that was examined and approved, over a year ago, that in the West Wing substitute, in certain key places, a flexible piping instead of copper piping. Copper piping had been used in the South Wing, but in the West Wing a decision was made to use a more flexible piping in places with advantages for doing so. They were attempting to take advantage of the existing chase ways and it was a way to minimize some construction disruption; it was a less costly option as a result of the first item; and the product had great potential. They were not able at that time to give the Council an absolute conclusive statement as to what the next recommended action would be. The design, construction and management teams met to discuss their status with regard to the leaks from the pipes and requested more time on the decision of how to proceed. The issue is not only how are the areas of the leaks repaired, but in fact, whether the pipe needs to be replaced. Mr. Clair turned the presentation to Mr. Fairservice.

Mr. Fairservice said all issues with the piping itself, were discussed and the analysis that had been taken. The consensus was that the problem was arising from the clamping system itself, but that still needs to be completely determined. A subsequent

meeting was held with Mr. Clair, and at that time they presented to him their decision that the mechanic subcontractor will invite the manufacturer and supplier of the piping for a meeting, hopefully on August 3<sup>rd</sup>, so they could discuss specific issues. At the meeting they will have prepared a list of questions for the piping manufacturer in as far as what they had for a system, how much pressure and velocity, the temperature being used and would ask if it met their criteria for their pipe.

Mr. Hilfrank explained to Council members that the first sign of a problem to them was when it was reported that there were leaks outside the Governor's Office. When they opened the ceiling they found fittings and joints, where the pipes come together, were leaking. The manufacturer of the piping was brought in to look at the piping, clamps and the fan coils throughout the building. He stated they started having problems because of a sludge material in the water. Both the manufacture and Granger Northern took a sample of the material and both did an evaluation of it. The piping in the West Wing only appeared to be satisfactory. It also appeared to be able to withstand the different pressures and GPM's, etc. that it was required to work under, but the clamping system may not, and they may need to replace the clamps. They would have to cut a whole in the wall at the floor, where the pipe comes down all the chimney chases, and replace the clamps. However, they had to make sure, since they raised the question, that the piping was okay and had asked the mechanical designer to come up with a specific design criteria they had to meet. Granger Northern knew what it was, but Mr. Hilfrank wanted them to put it in formal form and then would provide that information to the piping manufacturer ahead of time so he could specifically answer questions and take that piece of the potential problem out. If favorable results were received, then that would mean just cutting a hole and just replacing the clamps. If they could not satisfactorily answer, then they would have to remove the pipe, which still involved cutting a hole in the wall, pull one pipe out and put another in. It was substantially more work but if the manufacturer could not convince them that what was in there was adequate, the next decision would have to be made. Granger did not want to rely on the manufacturer's results, so did independent testing. Their results were exactly the same as the manufacturers. They would be meeting onsite with the manufacturers. The mechanical subcontractor was willing to do whatever it took to correct the problem. Granger would like to begin the repair work now.

Rick Burt believed they had come a great distance since the first letter the Council received regarding they believed the problem to be that the tubing was disintegrating and today knew that was not the case. They did not feel they were putting the tubes currently in place in the building, through any criteria that was an excessive of stated performance specifications.

Rep. Bruno questioned the status of getting the repairs done. Mr.. Hilfrank said they were prepared to do an immediate fix as soon as they had determined whether or not the piping was staying. They knew how to change the clamps, what clamps to change, and where they were. If the final decision were that the piping had to be replaced, they would still have to cut the same holes to do the piping removal and would like to start immediately. They would do one section at a time so the whole system is not shut down. Rep. Bruno asked who was paying for the cost of the repairs and Mr. Hilfrank said that until the cause was determined and, if in fact, the piping was satisfactory, he could not give a definitive answer at that time.

Rep. Colwell felt it was a designed system to work within the pressure required, so felt it was not the Legislature's responsibility to pay the cost of repair. The Legislature bought a system that was to work for the building.

**- North Wing**

Mr. Hilfrank reported that demolition had been completed on all floors and were on the 4<sup>th</sup> floor doing lead base and asbestos removal and that should be completed by August 10<sup>th</sup>. Immediately thereafter the new electrical, and piping systems will be back in. In the North Wing most piping systems are the conventional piping that had been done in South Wing. There was only one section that would have had that type of piping and they had now changed the piping.

The cabinetry in the Snack Bar had just been completed and the Kiosk is approximately 95% complete.

**- Connector**

Mr. Hilfrank also reported that in the Connector they were installing the Percent For Art granite. It was progressing fairly well from the Cross State Office Building. The plaster had also been done around the skylight and they were waiting for the delivery of the granite that goes on the steps. They presently had enough granite to keep going, but did not have one piece of material but expected it shortly.

**- West Wing Exterior**

Mr. Hilfrank said they were getting ready for the radiant slab, the heated slab to control ice on the front entrance. That would be placed August 1<sup>st</sup> and then would be grading for paving.

Rep. Norbert asked when the tunnel would be ready for use. Mr. Hilfrank said their original goal was to have it done by August 15<sup>th</sup>, but the procurement of the granite had been a huge problem. He said their hope was the granite steps will come in by the middle of August and hoping to have it done by Labor Day. With the stone not there, Mr. Hilfrank could not give a definite answer, the rest of the systems are done. Rep. Norbert also asked the status of the dioramas and Mr. Hilfrank said Granger's portion of the dioramas was done. Mr. Fairservice said they had built the steel frames that will be used to support the dioramas and then it had been decided to take those apart. The first few months they were there, they had to make sure the dehumidification was working and it did work very well. Mr. Fairservice believed Ron Harvey, Tuckerbrook, said it would take about a year or so to put the dioramas back together. Mr. Clair said the contract sent to Tuckerbrook, had an earlier completion date, but had not yet received Tuckerbrook's counter proposal. The goal was to get it done by January. Rep. Norbert asked if the Snack Bar area, including the water problem, had been taken care of and Mr. Fairservice said the Snack Bar was complete.

Speaker Saxl asked for clarification. If the rest of the tunnel was complete, were they just waiting for the Percent for Art granite? Mr. Hilfrank said they had the Percent for Art granite and that was currently being installed. The granite they were waiting for was the granite that actually makes the steps, which did not have anything to do with the Percent for Art. Supposedly it was in production but, quit frankly, they had been lied to for six months as to when it would arrive. Speaker Saxl as if legal action had been considered and Mr. Hilfrank said they had contemplated going to an alternate supplier, the problem being this supplier contract also had the radius stones for the outside. There was not another supplier that was reasonable or available to do the radius granite, so had been forced to keep the supplier for that reason. They could have gone to an alternate supplier for the floor and for some of the other granite, but would then be jeopardizing they would not get the radius for the outside. Mr. Hilfrank said

that had contacted to the Company's President, and also offered to go to their shop in Rhode Island. Recently they assigned a new project manager who had been responsive. They were getting answers from him and believed they should have it relatively shortly.

Mr. Clair referred Legislative Council members to information in their packet concerning budget data. The form was to tie in both where they stood in terms of the FY 01 concluded budget, the resources needed the FY 02 budget, the way it had been authorized, along with where the data was coming in for the North Wing renovations. Rose Breton, Bruce Hilfrank, Stan Fairservice, Rick Burt and he had worked on it. Mr. Clair reminded members they had what was thought, about a 6 million dollar issue, in terms of both the Guaranteed Maximum Price. They will now be awaiting a final proposal from Granger Northern. The Legislature had some outstanding bills related to the Cross State Office Building, funding the installation of the dioramas, which was not technically a budgeted exercise; were asked to absorb the cost of moving, shelving and leasing space for the Law Library, approximately \$1/4 million. All totaled it was approximately \$6 million. That did include some of the scope reductions or add backs that were discussed at a June Council meeting. The Legislature can get to just slightly over \$6 million in resources and do it from the available balance from the original \$32 million appropriation and Maine Government Facilities Authority financing. The supplement appropriation that was made in the Part II Budget, the reserve fund transfer of \$650,000 and more money left over from the FY 01 than originally thought by a couple hundred thousand dollars. Last time the Council met, it was thought there was a \$700,000 problem unless they could make scope reductions or get additional resources. The Council had made some scope reductions and was getting some additional resources left over from FY 01. Although he did not have the final version, he did detect one flaw, but if they started with the guaranteed maximum price of \$5.3 million that was presented from Granger Northern, Inc. in mid-June, the add backs, (the structural repairs, the wheel chair lift in the Law Library mezzanine, a fan coil unit in Room 300). Mr. Clair was tasked with finding out from the Executive Branch whether there was money in the budget, the BGS Budget, to take care of lightning protection. He had been informed by Commissioner Waldron and General Services' Director Clarke there was no such money, so the repair was the responsibility of the Legislature. The ballasts, arched opening and hard ceilings would be covered by the State House and Capitol Park Commission budget and he believed there was sufficient resources. The fixed walls offices in the Revisor's Office were the add backs and Mr. Clair was waiting for direction from the Council regarding the lighting protection. They had been looking for a third party to finance the lighting protection, but Mr. Clair did not believe there was one. Along with the fee paid to Granger, the Legislature could get to about a \$5.5 million amount. He referred members to the savings items. It was his mistake, as he believed the tel/data drops had already been built into the \$5.3 million amount as a starting point. If they had a \$6 million dollar exercise to get through it, they believed they could finance it, both from the monies left over internally, the authorization that the Council had already given in terms of postponing some of the work, and the internal resources where they ended with a slightly better situation at the end of the fiscal year. That was a green light that they could proceed with the Guaranteed Maximum Price, if it came in at approximately a \$5.5 million. About \$6 million to \$6.1 million worth of commitments overall, the GMP of which would be \$5.5, the Legislature could finance the \$6.1 million effort, architectural fees, commitments to the Cross State Office Building, the dioramas, the Law Library expenses, all tolled, they believed they could finance that.

Mr. Clair said if the financing met Council members' approval, he believed the next step would be to have Mr. Hilfrank prepare the final Guaranteed Maximum Price, if they could get resolution on the lightning protection, and the tel/data issue. What he had learned from offices that reviewed the tel/data outlets was that reducing them worked in some offices and was more problematic in other offices. Mr. Clair did not have a final resolution, but would in the near future. He said to proceed, assume the lightning protection work would be done, would not be able to achieve sufficient savings on tel/data outlet savings, and had Ganger Northern present their proposal for a Guaranteed Maximum Price, may be the way to proceed. If the Legislature can achieve the savings later it helps, and if there are other add backs and money was found to do some of the other work, then they would be in position of doing the add back later.

Rep. Colwell asked for clarification on the lightning protection amount and Mr. Clair said it was \$43,000. Sen. Small asked the purpose for lightning protection and Mr. Hilfrank said lightning rods are placed in specific locations on the building, are connected by ground wire and helps the surge on the ground. Rep. Colwell said to add the lightning protection rods he believed required the approval of the State House and Capitol Park Commission.

**Motion:** That the lightning protection be added back in. (Motion by Sen. Small, second by Rep. Colwell, unanimous)

- **Fiscal Update**

Mr. Pennoyer said the June update for both the General Fund and Highway Fund are preliminary estimates. The Commissioner was not ready to release the revenue numbers because of accounting oversights that happened at the Maine Revenue Services in the accounting for electronic funds transferred. They were in the bank account, but were not recorded within the State accounting system. He had learned they had an additional \$8.1 million in primarily individual income tax that had occurred several times throughout the year that did not get recorded. He now knows there will be an additional minor amount that will be received of \$100,000 or \$200,000. The General Revenue numbers would change, but he had presented the variance summary the Council had seen each month to give them an indication. Sales tax rebounded in June, it was up ahead by \$7.4 million. They were behind by approximately \$5.3 million for the year. Individual Income Tax was significant down for the month, but due to the adjustment it hides a June variance, but for the year they were up \$45.8 million. He believed that would be a one time event. They would be reviewing it as part of Revenue Forecasting, but he did not expect that revenue of positive variance to continue. The real concern in the budgeted numbers was that the Corporate Income Tax was down an additional \$4.5 million for June, which brought it down to about \$18 million dollars year-to-date. Overall the variance was a positive of \$32.6 or 1.4% variance for the General Fund. The Highway Fund had been doing very well up 2.8 for June and their ending variance was 9.3 million. All but \$3 million of the Highway Fund revenue variance will be carried forward and increase their unallocated surplus. The General Fund was different. The last Legislature committed all of the excess revenue and lapsed balances to various purposes. He cautioned the Council again that the numbers were preliminary and would change. It leaves them with lapsed balances, and had already budgeted \$6.5 million of the lapsed balances. After netting those out, the net increase was \$5.3 million of lapsed balances. The unappropriated surplus increase was approximately \$38 million. The uses and authorized transfers of the surplus funds shows the various transfers and the order in which they happened, \$2 million for retiree health, \$1.7 million for the retirement allowance fund, the State Contingent Transfer Reserve for Operating Capital and \$3.8 million of the State Prison.



Mr. Pennoyer had provided the Council members with additional detail on the year-end transfers that had been authorized by the Part II Budget, Public Law, c. 39, Part EE. In total those year-end transfers were \$17.9 million and in EE-4 a Revenue Reserve was created so that all of the excess revenue and lapsed balances that were not otherwise committed would then be set aside in the Revenue Reserve. That number will be subject to change depending on the final actual revenue numbers, but at the time, appeared there may be \$15.6 million in the Reserve. It was committed for several purposes, future tax conformity issues, being one of them among others.

Rep. Bruno referred back to Mr. Pennoyer's statement that he did not believe the Individual Income Tax to continue up and said that as long as everyone continued to work and the unemployment rate remained between 3.2 and 3.6, would he not expect the Individual Income Tax to continue meeting expectations. Mr. Pennoyer said what he meant by that was they were not going to have significant variances from the budget, they had fairly good growth, are not expecting much of a variance from that budgeted number, and believed in April, most of the \$45 million occurred in one month. Rep. Bruno asked when the Revenue Forecasting Committee would be meeting next and Mr. Pennoyer said they were meeting with the Consensus Economic Forecasting Group in mid-August. Rep. Bruno asked if they would make their final projection for next year at that meeting and Mr. Pennoyer said that would not be done until late fall, after the Consensus Economic Group had a meeting and reviewed the Economic Forecast. As indicated by the material he had presented to the Council, there was a steady decline in the cash position during FY 01 and expected it to continue to decline. They had not heard whether or when the Executive would be issued a TAN, they still believed they would need one. They had given some higher than expected balances carried that the ending cash position was better than expected, so had likely pushed off the need for a TAN until probably the second quarter of FY 02. At that point, they would need to issue a TAN, would spend down General Fund cash and once the TAN was issued, they would see the cash position increase back up. At the end of July the cash balance was approximately \$40 million in the General Fund, did include \$140 million of Rainy Day Fund and \$10 million of Working Capitol Reserve. There would be a negative if not for those two Reserve Funds. Mr. Pennoyer said he would provide an update when they find out what will be issued in terms of the TAN.

- **Migration Project Status/Technology and Migration Committee**

Mr. Mayotte, in Sen. Treat's absence, gave a report to the Council on the Migration Project. At the present, the status of the project was they were continuing on the user acceptance part, and it was their goal to finish user acceptance testing at the end of August. Compaq was working directly with Mr. Pennoyer and his staff on the fiscal note portion that had been discussed at the previous Council meeting and over the past several weeks, the support from Compaq had been very good. They still had concerns. First, they were continuing to work with Compaq on having a smooth running statutes data base, which in turn leads to the next two concerns, the speed and performance of the system and the look and feel, the user friendliness of the system. They were coming up with an assessment that the system needs to perform faster than what it was doing presently. Tuning is expected in any new large system and they had been working with Compaq and their subcontractors on those areas where they felt needed tuning. The last item would be the change of the cloture date. If the date changes, it could impact their project schedule.

Rep. Bruno asked if Compaq's announcement of getting out of the hardware business and reducing 10,000 people affected the Legislature's project. Mr. Mayotte said they were retaining their professional services and that was the type of work the Legislature needed.

They had build the hardware on Dell equipment not Compaq so that would have no impact on the Legislature.

Mr. Mayotte said they were moving ahead with Internet Access and had a project plan developed. They were currently putting detailed schedules of that project plan for each of the major tasks and at present, based on the plan, were looking to have a targeted conversion of the Legislative Internet Access during the weekend of November 2, 3, and 4, 2001. They will be providing the full Legislative Technology Committee, some draft computer related guidelines, one being in the Personnel Handbook now, so would be interfacing with the Personnel Committee as well. Updating policies on computer uses, drafting a policy on internet usage and building off of the State's guidelines and ADA technology compliance guidelines. An example for ADA compliance was that in addition to having mouse capabilities, systems should be built with redundant keyboard capabilities.

Mr. Mayotte proceeded with the status of the FY 02 PC and laptop replacement process for the Legislature. They were procuring 40 PC's and 5 laptops with their goal being to replace in each office the oldest PC's in front line service and then use those PC's in "light duty". One of their primary goals this year would be to make sure that each Committee Chair's office had a networked PC in it. Also in the process, without getting ahead of the Space Committee report on the usage of the Interpretive Centers, but they would have PC's available for use at those desks.

Mr. Clair explained that part of the way they were financing the renovations, or making internal savings to help the renovations effort, was that Mr. Mayotte and his staff were able to purchase PC's and laptops at a lower per unit cost. Also 5 fewer PC's were purchased and he believed the impact of that would be relatively minor, but would be talking with the managers of the impacted offices. It represented a \$45,000 savings to the amount originally budgeted for the 4 year replacement pattern. The other area of savings, which Mr. Clair had taken on independently, was to eliminate out-of-state for the non-partisan staff for the balance of the FY.

Mr. Mayotte also reported on other items they had been working on. They were supporting International Roll Call, as required, when they worked on the House and Senate Chamber systems. They had also been working on getting the offices that were moving out of the North Wing set up in new locations. Over the past month the Legislature had been attacked by numerous viruses which they had intercepted approximately 500 inbound email messages and had put in all the appropriate patches for the code red.

Rep. Norbert asked for clarification of Mr. Mayotte's office regarding interception of viruses before they get to individual system. Mr. Mayotte said they had multiple layers of virus protection for the Legislature. At a PC, there was a server network based software that automatically updates itself each morning and then scans the system and incoming messages within that. They also had a series of servers on the email called antigen, and had it set to filter out the attachments that a virus would be trying to send. Rep. Norbert asked if there was more the Legislature should be doing and Mr. Mayotte said there was always something more, for example, the code red virus, the fix was to make sure you have the latest Microsoft patch on the server. He found they did not have that patch in as fast as it should had been and need to be more aware of what was going on.

## REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl reported that the Personnel Committee had agreed on an expedited search schedule for the Executive Director's position, which will be vacated on September 15<sup>th</sup>. They would be taking the finalists from the last search and in addition, posting an internal job offering within the Legislative Branch and at that time, August 15, have a stakeholders group of partisan and non-partisan offices make recommendations to the personnel Committee. Within the following week, will review those and begin the interview process on August 23<sup>rd</sup> and hope to have a special Council meeting following the Labor Day Holiday, in which there will be a recommendation from the Personnel Committee on the new Executive Director. In addition he said they had asked Mr. Clair to go forward on a possible interim director suggestion and he will make a recommendation at the next Council meeting.

The Speaker also reported to the Council that the Committee had begun the process of reviewing the Personnel Policies, which have not been reviewed for a number of years and were also working on was the annual review of Lynn Randall.

Sen. Small asked if they were not doing an external search because of the time? Speaker Saxl said they decided they had done a very thorough nationwide search with vast national advertising and trade journal advertising so recently that it was fresh enough, but that they wanted to allow for additional people within the system to express an interest. If anyone knew of other people that were interested, they might evaluate them. Sen. Small asked if there was anything that would preclude someone from applying and the Speaker said they would not preclude anyone from the outside. The challenge the Committee was facing was to get someone into the position in a timely manner so there can be some overlap. The Speaker said if members had anyone in mind, the Personnel Committee would be happy to consider them.

- **Space Committee**

Rep. Colwell reported that the Space Committee would be meeting on August 8th.

## OLD BUSINESS

## NEW BUSINESS

### Item #1: Update on CSOB Percent for Art - New East Entrance

Mr. Clair received a phone call from Gerry Nault, regarding Percent for Art Work done in the CSOB and thought it might interest the Council to receive an update on art work that will be outside the 2<sup>nd</sup> floor, the East Entrance, the connector between the 1<sup>st</sup> and 2<sup>nd</sup> floors. Mr. Nault said the Art was a rather large piece of clay sculpture that are up presently, which extends across the doors. The piece faces out, runs approximately 20 feet across the doorways and was basically a sculpture of the "people of Maine", (adults, kids, various pursuits, recreation, etc.) Jeannie Bruce is the artist working on it, and will be completed within the next month.

Speaker Saxl asked if Mr. Nault had been consulting with the Legislature's Percent for Art Committee and Mr. Nault said Commissioner Waldron had been involved in the preparatory work. Mr. Clair stated there is a State House/Cross Office Building coordination team that meets once a month. At a recent meeting, especially prompted by the decision of the Council on the granite art work that would be in the Connector, they talked specifically about the need to make sure the art work pieces would be complimentary. The Speaker asked that the Percent for Art Committees work together.

**Item #2: Proposed Cloture Schedule for the 120<sup>th</sup>/2<sup>nd</sup> Regular Session**

Mr. Clair said there had been previous discussions regarding cloture and how the Council handled cloture for the 2<sup>nd</sup> Regular Session. The proposal in members' packets had been worked out between representatives from the Revisor's Office, OPLA and OFPR. Mr. Elliott said they primarily worked on the schedule within the non-partisan offices, so had not talked with the Clerk or Secretary's Offices, or Mr. Mayotte, who mentioned several impacts on the migration with Compaq. His understanding from Mr. Boulter was that Leadership had sought some input from the non-partisan offices about ways to get started quicker in the 2<sup>nd</sup> Session and were charged with trying to get a schedule or proposed actions for the Council to review that would allow for more bills to be ready earlier in the Session, for the Committees to have a better sense of what the bills were so they could establish priorities. Therefore, they were trying to get more bills ready so they could be drafted, printed, referred to Committee and scheduled for public hearing immediately beginning in January. Speaker Saxl said it was his understanding they wanted to have the complete drafting done by the beginning of the next session so referrals were the only outstanding issue. Ms. Gresser said the issue in the 2<sup>nd</sup> Regular Session was not so much getting the bills drafted, generally with an October cloture deadline and membership returning in January, there was sufficient time to get the bills initially drafted. With members home, the issue in the 2<sup>nd</sup> Regular Session was time for the membership to make the revisions, review themselves, with colleagues, and leadership, and obtain cosponsor signatures. She believed the problem was getting them to a posture where they could be printed, referred and scheduled for hearing. The schedule they came up with provides 4 items. First, it provided a cloture deadline that was 3 weeks in advance of the usual one. In addition there were 3 departures from past Council policy that could be assessed independently of each other, and of the advanced cloture deadline. One item proposes a signing day in mid-December sufficiently after cloture so the bulk of bills could be drafted and out for review. Second, in the 1<sup>st</sup> Regular Session the Joint Rules require that bill requests be accompanied by sufficient information to draft, but in the 2<sup>nd</sup> Regular Session it was not required because the bills are not necessarily in. The revised schedule provides the option for the Council to require that members provide sufficient information to draft at cloture. It also established that bills that came in without sufficient information to draft authorized the Revisor's Office to draft the bills as a concept draft. Third, in the past, if a bill had gone out for signature, review, or revision and the member had not gotten back to them, the Council had requested that the Revisor's Office view it as a withdrawal of the bill. An option might be to view it as a pass and approval and send it up without signature for printing. That would only be an efficient option if it did not result in massive increases in requests to the Clerk and Secretary's Office for corrected copies. To the extent that members may be operating under past policy, assuming if they did not get back to the Revisor's Office, the bill would be voided, and the proposed change would be printed without their signature.

Rep. Bruno asked if the recommendations were what they would like the Council to approve. Ms. Gresser said they were presenting them as options to the Council and the Council could decide which options they would like. The decision was up to the Council, they could decide to keep the cloture, but just recommend a signing day, each separate element accelerated the ability of bills to be printed, they were ideas that may help to accelerate.

Sen. Daggett asked what the impact would be on the Information Service's work. Mr. Mayotte said the schedule would basically remove 3 weeks out of their window of implementing the new bill drafting system. It was their assumption the Revisor's Office would like to start drafting as soon possible after cloture and originally he was planning and using the month of September as a training month and to work out any last minute kinks in the system. The other alternative would be that the Wang was still a functioning drafting system and, there if needed. Sen. Daggett said it was not so much the cloture date as some of the other factors, not having the information at the date of cloture and getting legislators to actually act on the bills once they had been drafted. Ms. Gresser said having an earlier cloture date would aid in the ability of the office to get everything out for initial drafting. Sen. Daggett understood the need to move things forward but believed September 14<sup>th</sup> was early, but was not unreasonable to expect the information sufficient to draft and believed that to be a change they should try to make at all times when bills were submitted. Rep. Bruno said it was up to the Council to limit the number of bills, if they did their job there would not be a need to move the time up 3 weeks and that would allow Mr. Mayotte to get the system running. The Second Regular Session was for emergency bills only and that was the way the Legislative Council should treat it. The Speaker asked Mr. Mayotte the plan of the new computer system and he said the goal was to have the new system running to support the traditional cloture date and was planning on using the month of September as a training period of the Revisor's Office.

The Speaker asked Ms. Gresser if she had information for the last four cycles regarding the number of bills filed and the number accepted. She said she would get that information.

Rep. Colwell said because of the conflict with the drafting system, he would not recommend moving the date up the three weeks and would prefer to stay with the traditional October 5<sup>th</sup> date. He did agree with Sen. Daggett that sufficiency of information was a good idea, the failure to sign issues was very consistent with the opting out. Sen. Daggett asked Rep. Colwell for clarification regarding allowing the bills to be printed without signature and he said, if his understanding was correct, if the person who put the title in did not respond within the required time frame, then that bill would be printed with no cosponsors. Ms. Gresser said with no sponsor, and Rep. Colwell said he did have a problem with that.

Speaker Saxl said he did have concern about Mr. Mayotte having time to get the computerization working properly. He would defer changing the cloture date this year. After further discussion on changes Rep. Colwell offered the following motion:

**Motion:** That they retain the original date, October 5<sup>th</sup> for Cloture, but require that the Legislator have sufficient information when filing a bill request, and have an early warning system from the Presiding Officers to the membership that strongly encouraged legislators to get their bills in by mid-September, but Cloture would remain October 5. (Motion by Rep. Colwell, second by Rep. Bruno, unanimous).

Speaker Saxl asked to add a friendly amendment of a signing day and asked Mr. Clair if it required a motion. Mr. Clair said that was being done by the presiding officers and therefore did not need Council approval. Mr. Elliott asked for clarification on the motion. Was the sufficiency issue, if the information was determined to be insufficient was the remedy to seek more information or to draft the bill as a concept draft as the proposal was written. Speaker Saxl said it would be as last session, the first warning will be given, 7 day response time, if no response, it would be considered withdrawn and they would have to bring it back to the Legislative Council as an after deadline bill.

**Item #3: NCSL Leadership Staff Session**

Sen. Daggett distributed information on NCSL Leadership staff. It was the Executive Committee's desire to hold a seminar in Maine in the fall of 2002. Diane Steward was at the Council meeting to answer any members' questions. Speaker Saxl asked if they were seeking a formal vote from the Council. Ms. Steward said a vote would be good and when she goes to San Antonio to meet with the Executive Committee, they would take it from there.

**Motion:** That a formal letter of communication be sent to NCSL from the Council. (Motion by Sen. Daggett, second by Rep. Colwell, unanimous)

**Item #4: Maine Parkinson Society**

Sen. Daggett referred to the letter and brochure she had received from the Maine Parkinson Society. They hoped that the Legislature would purchase bulbs to plant around the State House and she indicated to Mr. Jones that if he got the bulbs, she would try to find a location to plant them. Speaker Saxl asked the proper process and Mr. Clair replied it should be referred to the State House and Capitol Park Commission and he would refer the letter to the Commission for their next meeting.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:11 p.m. (Motion by Rep. Bruno, second by Rep. Colwell, unanimous).

# **Fiscal Briefing for the Legislative Council**

August 22, 2001

*Prepared by the  
Office of Fiscal & Program Review*

- 1. Preliminary July 2001 Revenue**
- 2. Update of General Fund Year-end Information**
- 3. Fiscal Note Production Comparison**

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## Revenue Update - Fiscal Year 2001-02

General Fund Revenue Variance Summary		
For the Month of July 2001		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	June 2001	Fiscal Year-to-Date June 2001
Sales and Use Tax	(\$3.9)	(\$3.9)
Individual Income Tax	\$10.4	\$10.4
Corporate Income Tax	(\$1.9)	(\$1.9)
Cigarette and Tobacco Tax	\$1.2	\$1.2
Public Utilities Tax	(\$0.0)	(\$0.0)
Insurance Companies Tax	\$0.1	\$0.1
Inheritance and Estate Tax	(\$1.4)	(\$1.4)
Property Tax - Unorganized Territories	\$0.0	\$0.0
Income from Investments	\$0.0	\$0.0
Transfer to Municipal Revenue Sharing	(\$0.2)	(\$0.2)
Transfer from Liquor	\$0.1	\$0.1
Transfer from Lottery	\$0.0	\$0.0
Other Revenues	\$0.8	\$0.8
<b>Total General Fund - Variances</b>	<b>\$5.2</b>	<b>\$5.2</b>

Highway Fund Revenue Variance Summary		
For the Month of July 2001		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	June 2001	Fiscal Year-to-Date June 2001
Fuel Taxes	\$1.2	\$1.2
Motor Vehicle Registration and Fees	\$0.2	\$0.2
Inspection Fees	\$0.1	\$0.1
Other Revenues	(\$0.3)	(\$0.3)
<b>Total Highway Fund - Variances</b>	<b>\$1.2</b>	<b>\$1.2</b>

*Prepared by the Office of Fiscal and Program Review*

*Based on Preliminary Data; Subject to Change*



STATE OF MAINE  
Undedicated Revenues - General Fund  
For the First Month Ended July 31, 2001

PRELIMINARY AND TENTATIVE

Jul-01

FOR VERIFICATION PURPOSES & INTERNAL USE ONLY

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2002
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Sales and Use Tax	72,280,489	76,149,638	(3,869,149)	(5.1%)	72,280,489	76,149,638	(3,869,149)	(5.1%)	850,600,000
Individual Income Tax	70,270,171	59,846,932	10,423,239	17.4%	70,270,171	59,846,932	10,423,239	17.4%	1,211,268,510
Corporate Income Tax	2,132,217	4,024,313	(1,892,096)	(47.0%)	2,132,217	4,024,313	(1,892,096)	(47.0%)	117,754,012
Cigarette and Tobacco Tax	6,991,438	5,823,240	1,168,198	20.1%	6,991,438	5,823,240	1,168,198	20.1%	76,947,655
Public Utilities Tax	(24,761)	-	(24,761)	-	(24,761)	-	(24,761)	-	30,100,000
Insurance Companies Tax	1,480,500	1,419,018	61,482	4.3%	1,480,500	1,419,018	61,482	4.3%	43,381,856
Estate Tax	809,481	2,257,007	(1,447,526)	(64.1%)	809,481	2,257,007	(1,447,526)	(64.1%)	32,561,478
Property Tax - Unorg Territory	-	-	-	-	-	-	-	-	9,212,540
Income from Investments	-	-	-	-	-	-	-	-	22,000,000
Transfer to Municipal Revenue Sharing	(7,378,827)	(7,141,066)	(237,761)	3.3%	(7,378,827)	(7,141,066)	(237,761)	3.3%	(111,160,749)
Transfer from Liquor Commission	2,390,550	2,270,669	119,881	5.3%	2,390,550	2,270,669	119,881	5.3%	22,290,548
Transfer from Lottery Commission	3,160,812	3,140,975	19,837	0.6%	3,160,812	3,140,975	19,837	0.6%	36,762,402
Other Revenues	11,417,614	10,571,960	845,654	8.0%	11,417,614	10,571,960	845,654	8.0%	135,400,078
Total Collected	163,529,684	158,362,686	5,166,998	3.3%	163,529,684	158,362,686	5,166,998	3.3%	2,477,118,330

NOTES: (1) Included in the above is \$7,378,827 for the month and \$7,378,827 year to date, that was set aside for Revenue Sharing with cities and towns.

(2) Figures reflect estimates of the Maine State Revenue Forecasting Committee approved in July 2001.

(3) This report has been prepared from preliminary month end figures and is subject to change.

STATE OF MAINE  
Undedicated Revenues - Highway Fund  
For First Month Ending July 31, 2001

PRELIMINARY AND TENTATIVE

Exhibit V

FOR VERIFICATION PURPOSES & INTERNAL USE ONLY

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2002
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Fuel Taxes	16,122,573	14,924,889	1,197,684	8.0%	16,122,573	14,924,889	1,197,684	8.0%	179,876,344
Motor Vehicle Registration & Fees	4,730,133	4,501,117	229,016	5.1%	4,730,133	4,501,117	229,016	5.1%	76,418,092
Inspection Fees	214,866	127,729	87,137	68.2%	214,866	127,729	87,137	68.2%	3,338,354
All Other	528,608	821,363	(292,755)	(35.6%)	528,608	821,363	(292,755)	(35.6%)	11,771,077
Total Revenue	21,596,180	20,375,098	1,221,082	6.0%	21,596,180	20,375,098	1,221,082	6.0%	271,403,867

NOTE: This report has been prepared from preliminary month end figures and is subject to change.

FY 01 Year End General Fund Balance (Preliminary as of August 9, 2001)		
Resources		Reference
Excess General Fund Revenue	\$32,618,333	
Lapsed General Fund Balances	<u>11,327,191</u>	
Sub Total	\$43,945,524	
<u>Budgeted for FY 01</u>		
Less: Lapsed General Fund Balances Counted in FY 01 Budget Balance	(7,191,523)	
<u>Year End Reserves</u>		
> Reserve for General Fund Operating Capital	(\$1,000,000)	5 MRSA, section 1511
> Contingent Account - Restoration to \$350,000 Cap	(338,795)	5 MRSA, section 1507
> Retiree Health Insurance Internal Service Fund	(2,000,000)	5 MRSA, section 1519 (limited by PL 2001, c. 439, section EE-1
> Service Retirement Benefit Reserve (Funds the full actuarial cost, as of July 1, 2001, for the change in retirement plan options for Marine Patrol Officers and Game Wardens)	<u>(1,700,000)</u>	PL 2001, c. 439, sections GGGG 17 & 18
Sub Total	(5,038,795)	
<u>Priority Transfers</u>		
> Tourism	(\$2,193,844)	PL 2001, c. 439, section EE-2
> Alternative Lobster Stock Assessment	(139,418)	PL 2001, c. 439, section EE-2
> Disaster Assistance	(424,396)	PL 2001, c. 439, section EE-2
> Low-flow Study in Aroostook County	(5,000)	PL 2001, c. 439, section EE-2
> DMHMRSAS Information System	(26,490)	PL 2001, c. 439, section EE-2
> Contract Nurses at AMHI	(133,894)	PL 2001, c. 439, section EE-2
> Contract Nurses at BMHI	(132,530)	PL 2001, c. 439, section EE-2
> HETL Building Renovation	(400,000)	PL 2001, c. 439, section EE-2
> Downeast Correctional Facility Capital Plan	(350,000)	PL 2001, c. 439, section EE-2
> Hangar Repair in Greenville	(125,000)	PL 2001, c. 439, section EE-2
> Harlow Building Assessment	(350,000)	PL 2001, c. 439, section EE-2
> Governor Baxter School for the Deaf	(100,000)	PL 2001, c. 439, section EE-2
> Corrections Technology	(1,800,000)	PL 2001, c. 439, section EE-2
> Downeast Heritage Center	(1,000,000)	PL 2001, c. 439, section EE-2
> Study of Mercury Levels in the Town of Orrington	(25,000)	PL 2001, c. 439, section EE-2
> Military Educational Benefits	(300,000)	PL 2001, c. 439, section EE-2
> Renovations at BMHI Campus	(1,000,000)	PL 2001, c. 439, section EE-2
> Essential Programs	(150,000)	PL 2001, c. 439, section EE-2
> Repair of State House Portraits and Flags	<u>(445,000)</u>	PL 2001, c. 439, section EE-2
Sub Total	(9,100,572)	
> Maine State Prison Demolition	(3,800,000)	PL 2001, c. 358, section X-2
> Revenue Reserve	(20,029,808)	PL 2001, c. 439, section EE-4
Accounting Adjustments - Net	<u>1,215,174</u>	
Addition to Budgeted Unappropriated Surplus of \$38,816,534	0	
Note: The Maine Rainy Day Fund remains at its statutory limit of \$143,713,008.		

**# of Working Days to Respond to Fiscal Requests**  
**All Logged Fiscal Requests**  
**120th Legislature**  
**1st Regular Session**

Response Time			
# Workdays to Complete	Total	% of Total	Cumulative %
0	7	0.54%	0.54%
1	411	31.91%	32.45%
2	205	15.92%	48.37%
3	124	9.63%	58.00%
4	90	6.99%	64.98%
5	67	5.20%	70.19%
6	51	3.96%	74.15%
7	56	4.35%	78.49%
8	43	3.34%	81.83%
9	31	2.41%	84.24%
10	28	2.17%	86.41%
11	30	2.33%	88.74%
12	23	1.79%	90.53%
13	21	1.63%	92.16%
14	13	1.01%	93.17%
15	9	0.70%	93.87%
16	19	1.48%	95.34%
17	9	0.70%	96.04%
18	6	0.47%	96.51%
19	6	0.47%	96.97%
20	5	0.39%	97.36%
21	5	0.39%	97.75%
22	1	0.08%	97.83%
24	3	0.23%	98.06%
25	1	0.08%	98.14%
26	5	0.39%	98.52%
27	2	0.16%	98.68%
28	4	0.31%	98.99%
30	4	0.31%	99.30%
33	1	0.08%	99.38%
34	1	0.08%	99.46%
36	1	0.08%	99.53%
37	1	0.08%	99.61%
39	3	0.23%	99.84%
55	1	0.08%	99.92%
59	1	0.08%	100.00%
Grand Total	1288		

The numbers above correspond to the number of working days between the date requested and the date completed. For example:

- a value of "0" equals a response on the same non-work day as the request;
- a value of "1" equals a response on the same work day as the request;
- a value of "2" equals a response on the next work day after the request;
- a value of "3" equals a response on the second work day after the request; etc.

Source: Legislature's Fiscal Tracking System

## History of Response Rate for Fiscal Reviews

117th Legislature 118th Legislature 119th Legislature 120th Legislature

Total # of Requests - 1st Regular Session	1,082	1,253	1,254	1,288
% Completed within 1 Week	84.4%	93.8%	87.2%	74.2%
% Completed within 2 Weeks	93.6%	98.8%	95.1%	88.7%

