

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



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

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

JAMES A. CLAIR
EXECUTIVE DIRECTOR

MEETING SUMMARY
August 22, 2001
APPROVED SEPTEMBER 6, 2001

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 1:12 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat Absent: Sen. Bennett,
Representatives:	Speaker Saxl, , Rep. Norbert, Rep. Schneider, Absent: Rep. Colwell, Rep. Bruno
Legislative Officers:	David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Suzanne Gresser, Principal Attorney, Revisor of Statutes Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE JULY 31, 2001 COUNCIL MEETING

The Meeting Summary of July 31, 2001 had not previously been distributed for Council members' review prior to the meeting.

Motion: That the July 31, 2001 Meeting Summary be tabled. (Motion by Sen. Treat, second by Rep. Norbert, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Mr. Clair had two items for his report. First, he was seeking approval from the Legislative Council to enter into the Guaranteed Maximum Price with Granger Northern. The second item was to amend the Contract with Compaq Computer Corporation.

Speaker Saxl asked Mr. Mayotte to describe the Compaq Contract amendment. Mr. Mayotte said Compaq had approached them in early August regarding the resolution and conclusion for the testing process for the bill drafting system. Concurrent with that, the Legislature also had several concerns with items it felt Compaq should be covering. Compaq wanted to begin the 12-month warranty period were, concerned the testing would take an extended period of time, and were looking to resolve a contractual issue with one of their subcontractors regarding the warranty period. Mr. Mayotte wanted protection for the Legislature no matter what happened in the process. Also that the Legislature got final approval of the software package and the appropriate leverage to make sure anything that required fixing was fixed by Compaq and their subcontractor. To that end, Contract Amendment #3, established the criteria for completing the user testing and the final acceptance testing, set dates certain for both parties to complete certain tasks and protected the Legislature should Compaq meet its schedule by extending the warranty. A big concern was the performance of the total application when it was installed, how fast and how quickly the system would perform when it had been complete. They did have Compaq's commitment that they would do a performance analysis and work with them to come up with the exact measures of performance the Legislature expected. Mr. Mayotte said it confirmed Compaq's commitment to the Legislature to correct all the nonconforming items that were found. Sen. Treat asked when the testing started and was told the testing started in April of 2001, continued in May when they became more focused on supporting the Legislative session. They also found numerous problems that required fixes that delayed the test process. Compaq and their subcontractor had been very supportive, were meeting their turn around times on fixes and moving ahead. Sen. Treat asked Mr. Mayotte if the August 24, 2001 date was sufficient. He said it had been in negotiation process since early August. The August 24 date was established by the Revisor's Office, and it did appear that the test would be complete by that date, 99% of the testing would be done.

Motion: The Executive Director of the Legislative Council be authorized to enter into a Contract Amendment with Compaq Computer Corporation concerning the Bill Drafting System scope of work and responsibilities. (Motion by Speaker Saxl, second by Rep. Norbert, unanimous 7-0).

- **Renovations: Status Report**
 - **West Wing**
 - **West Wing Exterior**
 - **Connector**
 - **North Wing**

Mr. Clair had two items on the renovations report. First being the status of four major areas of the construction. Finishing the West Wing Exterior, completing the State House on the First Floor, the removal and replacement of the Dayco (flexible hose) product, and the North Wing work. Second, the Guaranteed Maximum Price (GMP) for the North Wing.

Mr. Fairservice reported they had started the North Wing renovations. The asbestos and lead based paint removals were almost complete on the 4th floor and they had started to install the piping and conduits. Also, a great deal of the asbestos and lead based paint abatement had been done on the 3rd floor and also doing that process on the 1st floor and concurrently on the 2nd floor, taking the lead based paint ceiling down. The exterior part of the building, the granite curbing was being installed. Once completed, they would be laying the base pavement and also the pavement that would be underneath the pavers. One problem was getting the radius pieces of granite that go around the pavers. They are needed before they could start laying them. Calls were in to the manufacturer and hopefully would be received within the next week or two.

Bruce Hilfrank gave an update on the Connector. The granite on the outside that he was expecting for the radius was coming from a different supplier than for the Connector. They had been working on the granite, veneer, and plaster and had completed past the dioramas. They had two columns to finish at the dioramas and then had the radius portion. The installer would be on site on the 24th and would continue the getting the granite ready for the stairs. They had a commitment from the supplier that the stair stone would arrive right after Labor Day. Mr. Hilfrank said they were going to have the floor down in that area and painted so at the opening ceremony of the CSOB in the middle of September the doors could be opened. Once the stair stones arrived, that and the wall stone coming through the main entrance would be put up. The plaster work, and with the authorization of the piping changes, they would be putting the piping in and finishing the ceiling in that portion. The final touches were being done on the kiosk, the granite counter tops would be there in the next day or so. The Snack Bar was now in use. They were waiting for the exterior stone from the granite supplier, expected to arrive shortly after Labor Day and then they would add the pieces to the front. They did not have a confirmed delivery date for the flat granite that goes around the radius. Mr. Clair called the supplier and Mr. Hilfrank believed that helped. Speaker Saxl asked what the timeframe was for everyone to be moved back into the State House and for everything to be done. Mr. Fairservice said when Granger was asked to put together the GMP, they were also asked to do it with the completion date December 15, the move in by all the offices and ready for the start of session, but no later than December 31st. He had just received Granger's updated schedule and that schedule was within four days of that date, they were four days beyond. He requested they look at the schedule again to see if at least five of the four days. The Speaker asked if offices could be moved back into the building as they were completed. Mr. Fairservice said he felt comfortable saying by December 15th the 4th floor could move back and would think that the 3rd floor could also be moved in. The 1st floor would be the longest, with a buffer for the Library on the 2nd floor. Mr. Hilfrank explained that architectural it would be finished and would be ready for the furniture. The problem was that the system is piped from the attic to the 1st floor, while the 4th floor may appear done and the fan coil unit may be there, the water may not be able to be turned on because they may just be putting the 1st floor unit in. Mr. Fairservice said the North Wing was substantially smaller, than either the South or West; there was no significant work in the Chambers; and there were not any committee rooms to do. The work scope on the 1st floor was aggressive, there was quite a bit of work under the slabs, but again, it was office space and he did not believe it was that difficult. Also, there was not as much millwork involved. Mr. Hilfrank reported that all the colors and trims issued before worked out, the only thing they had not been able to release for production was the carpet. There were still a few outstanding colors, and if not received shortly, would become critical. It was Speaker Saxl's understanding that there was a huge issue on the quality of the carpet and whether offices should maintain the same carpet.

Mr. Clair had an updated two-page summary of how the GMP would be financed. At the \$5.6 million GMP, plus other costs related to the building that the Legislature was responsible for, in aggregated \$6.1 million financing effort, they had found all the resources, except for \$12,000. He made 2 decisions subsequent to the ending of the session, freeing up another \$75,000, which left a positive balance and with the nature of the project being what it was, thought it a sufficient amount of a balance to keep, given what happens with the project. Sen. Treat questioned the elimination of all nonpartisan staff out-of-state travel and asked for how long. Mr. Clair said it would be through June 30, 2002. He said that decision had not been done lightly, but when they were trying to find \$700,000, this was an item that could be implemented quickly, and was one of the least painful items. The FY 02 was going to be the tightest one in his experience with the Legislative budget, and was entirely related to the renovations project.

Motion: That the Council approve the Guaranteed Maximum Price (GMP) as \$5,589,836 for the 2001 renovations. (Motion by Speaker Saxl, second by Rep. Norbert, unanimous 7-0).

- **Fiscal Update**

Mr. Pennoyer had three items for his fiscal update. First, the preliminary July numbers had not been officially released, but the Commissioner did release them to the Appropriations Committee the past week and to the Revenue Forecasting Committee the week prior. For the month of July, the General Fund Revenue was ahead of budget approximately \$5.2 million, the Highway Fund ahead by \$1.2 million. He did caution members of drawing any conclusions about the trend continuing for the General Fund. The Sales and Use Tax appeared to be under budget, a lot of the \$3.9 million negative variance related to a refund that would be returned in August, so was a timing issue and the number would be closer to budget. The Individual Income Tax amount would also be reduced by the August numbers. There was still a \$2 million variance in the Corporate Income Tax and is an area of concern.

Second, was a follow up to what Mr. Pennoyer had presented at the previous Council Meeting, the FY 01 Year End transfers. The information was provided by the Bureau of the Budget, was still preliminary, and was trying to reconcile some of the numbers. The Excess Revenue of \$32.6 million and the Lapsed Balances of \$11.3 million, with some of the Lapsed Balances already being budgeted, so had to back them out. \$20,029,808 had been set aside in Revenue Reserve and the current estimate of tax conformity, one of the items that had been designated as a potential use of the reserve, and the estimate for the 2002-2003 biennium was approximately \$18.5 million, so was the cost for conforming to the most recent federal tax changes. The estimate for the 2004-2005 biennium of conforming to the tax changes, were currently approximately \$65 million over that biennium, and believed that would be a topic of discussion for the upcoming Legislative Session.

The last item was the Office of Fiscal and Program Review's Fiscal Note Production Report and a comparison of how they did last session compared to prior 1st Regular Session of the last 4 Legislatures.

- **Migration Project Status**

Mr. Mayotte said, as discussed previously, Compaq and the users would complete user testing on Friday, August 24th, and based on the completion of that test, Compaq had until Labor Day to make fixes and reinstall the software database. A final acceptance test would begin on September 4th and go through the 14th. At that point the users would validate that the Compaq system either meets or does not meet the requirements that were specified in the Contract, and they have several weeks to make any final fixes. On September 15th, the Legislature would either accept or not accept the software product. Once the software was accepted and Compaq made final fixes, they would begin a performance analysis of how well the system performs and bring it up to standards as required. They were coming to the end of the bill drafting software project. Concurrently, they were working with the Revisor's Office to finalize and do a statutes database update to reflect the activity of the First 120th Legislature, the Wang statutes database and then would do a conversion of that into the new system and at that point, would turn it over to the Revisor's Office.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl reported that the Personnel Committee had met earlier that day. Three applicants would be interviewed for the Executive Director position on August 23rd.

The first three chapters of the Personnel Policies, compared and contrast, were distributed to the members. Copies may be obtained from the Executive Director's Office. They would be discussing the Policies at the next Personnel Committee meeting.

- **Space Committee**

- **Subcommittee to Determine the Use of the Interpretive Center**

Rose Breton reported to the Council that the Subcommittee had met for the first time on August 8, with the next meeting being scheduled for September 6th. They were looking into many follow-up items and hoped to have a design plan on what could conceivable be in that Room. Speaker Saxl asked if local agencies, UMA for example, had been contacted to work collaboratively with their studies or the government. Ms. Breton said she did not believe the Subcommittee was at that point yet. There was discussion on how to proceed and who may be available for the Center, but had not gotten to that point. The Speaker thought it would be good for them to contact UMA, Bowdoin, Bates and Colby. Sen. Daggett said the first meeting was mainly for brainstorming and ideas about what might and might not happen and believed that Rep. McKee was doing follow-up on contracting colleges because that item they had discussed. There were not any decisions made, it would develop over time.

OLD BUSINESS

Item #1: Guaranteed Maximum Price <North Wing>

See above motion under Renovations: Status Report.

NEW BUSINESS

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

Speaker Saxl reported that at the last Council meeting they had asked the Percent for Art Committee from the State House to meet with the Percent for Art Committee from the Cross State Office Building to ensure there was discussion regarding what art work would be used for both the first and second floors. Mr. Clair did have a conversation with Earle Shettleworth, who serves on both of the Committees, and that was being done.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:52 p.m. (Motion by Sen. Small, second by Sen. Daggett, unanimous).