

# MAINE STATE LEGISLATURE

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SEN. KEVIN L. RAYE  
CHAIR

REP. ROBERT W. NUTTING  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. JONATHAN T. E. COURTNEY  
SEN. BARRY J. HOBBS  
SEN. DEBRA D. PLOWMAN  
SEN. JUSTIN L. ALFOND  
REP. PHILIP A. CURTIS  
REP. EMILY ANN CAIN  
REP. ANDRE E. CUSHING III  
REP. TERRY HAYES

125<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

## MEETING OF LEGISLATIVE COUNCIL

October 5, 2012

1:30 PM

### REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE JUNE 28, 2012 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
9	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
11	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
15	▪ Status of Legislative Studies & Commissions (Ms. Hylan Barr)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Personnel Committee	
	• State House Facilities Committee (No report)	
	<b>OLD BUSINESS</b>	
16	Item #1: Policy on Use of Capitol Park (Copy of Approved Policy)	<b>Information</b>
23	Item #2: Request to accept commissioned portrait of former U.S. Senator George Mitchell and place on display in State House (Mr. Boulter)	<b>Status Report</b>

## **NEW BUSINESS**

- |           |          |  |                    |
|-----------|----------|--|--------------------|
| <b>36</b> | Item #1: | Request to Hold an Off-site Meeting of a Legislative Study<br>(Task Force on Franco-Americans, Sen. Martin and Rep. Fredette)              | <b>Decision</b>    |
| <b>37</b> | Item #2: | Proposed Document Service Fee Schedule for 126 <sup>th</sup> Legislature,<br>First Regular Session<br>(Ms. Priest)                         | <b>Decision</b>    |
| <b>39</b> | Item #3: | Notice of Audit of State Budget for FY 2012 (Department of Audit)  | <b>Information</b> |
| <b>42</b> | Item #4: | Request to Authorize Funding for Purchasing Software and<br>Computers to Allow for Senate Chamber Information Automation<br>(Mr. Carleton) | <b>Decision</b>    |
|           | Item #5: | Executive Session (Collective Bargaining)  |                    |
|           | Item #6: | Ratification of Tentative Agreement with Administrative Unit of<br>Legislative Employees   | <b>Decision</b>    |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

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125<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY**  
**June 28, 2012**

**CALL TO ORDER**

Legislative Council Chair, Senate President Raye called the June 28, 2012 Legislative Council meeting to order at 1:45 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Raye, Senator Courtney, Senator Hobbins and Senator Alfond

Absent: Senator Plowman

Representatives: Speaker Nutting, Representative Curtis and Representative Cain

Absent: Representative Cushing and Representative Hayes

Legislative Officers: Heather Priest, Clerk of the House  
Joseph Carleton Jr., Secretary of the Senate  
David E. Boulter, Executive Director  
Rose Breton, Legislative Finance Director  
Debra Olken, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Scott Clark, Director, Legislative Information Technology

Senate President Raye convened the meeting at 1:45 p.m. with a quorum of members present.

**SUMMARY OF APRIL 24, 2012 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of April 24, 2012 be accepted and placed on file. Motion by Senator Alfond. Second by Representative Emily Cain. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

President Raye recognized Rose Marie Breton, Legislative Finance Director, who is retiring after 37 years of State employment, 20 years of which have been with the Legislature, as a dedicated public employee who has been invaluable to the Legislature. On behalf of the entire Legislative Council, President Raye thanked her for her excellent work for the Legislature over many years, expressed that Ms. Breton will be sorely missed and extended the Council's best wishes to her in her retirement.

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

David Boulter, Executive Director, reported on the following:

#### 1. Staff Retirements

Several long-term members of the nonpartisan staff are retiring.

Jill Ippoliti, a Legislative Analyst in the Office of Policy and Legal Analysis, is retiring after more than 22 years with the Legislature. Jill has staffed or co-staffed various joint standing committees and study commissions, including the Joint Standing Committee on Agriculture, Conservation & Forestry Committee which she staffed for more than a decade. She is retiring effective August 1<sup>st</sup>.

Charlene Cunningham, a Senior Secretary, also in the Office of Policy and Legal Analysis, is retiring after almost 24 years with the Legislature, all of which she spent working for OPLA. She served with 5 office directors and contributed greatly to administrative functions in OPLA. She is retiring effective July 1<sup>st</sup>.

As mentioned earlier by Legislative Council Chair President Raye, Rose Marie Breton, Legislative Finance Director in the Office of the Executive Director, is retiring after 37 years of State service, including 20 years with the Legislature. During her tenure, Ms. Breton worked in the Office of Fiscal & Program Review as well as in the Executive Director's office. As Legislative Finance Director, Rose oversaw all functions of the Legislature's budgets and accounts. She is retiring effective August 1<sup>st</sup>.

#### 2. Appointment of Legislative Finance Director

Mr. Boulter reported that he has appointed Dawna J. Lopatosky of Augusta as Legislative Finance Director, effective July 9, 2012, replacing Ms. Breton who is retiring. With her educational background and work experience in the budget office and other departments, Ms. Lopatosky is well suited to the position. Ms. Lopatosky is the current State Budget Officer with the Department of Administrative and Financial Services. She comes highly recommended and should be a strong asset to legislative operations.

#### 3. Legislative Publications

The Office of Policy & Legal Analysis and the Office of Fiscal & Program Review have completed this session's compilation of enacted laws and bill summaries. A copy of the enacted law digest is being distributed to each Legislative Council member this week and the document will be posted on the Legislature's website for convenient access by legislators and the public.

The Revisor's office is preparing the *Laws of Maine* for the Second Regular Session of the 125<sup>th</sup> Legislature. It is under review now and should be available for paper distribution in early August. The *Laws of Maine*, when completed, will also be posted on the Legislature's website on or before the August distribution date.

#### 4. Legislative Employee Recognition Picnic

This year's legislative employee recognition picnic is scheduled for Wednesday, September 5<sup>th</sup> in Capitol Park. Legislative Council members and all legislative employees are invited to the picnic.

### Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

#### Revenue Update

##### Total General Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$238.7	\$254.4	\$15.7	6.6%	\$233.4	9.0%
FYTD	\$2,521.0	\$2,545.8	\$24.9	1.0%	\$2,482.6	2.5%

General Fund revenue was \$15.7 million (6.6%) above budget projections in May and was \$24.9 million above budget projections for FY2012 with just one month remaining in the fiscal year. General Fund revenue growth for FY 2012 through May was 2.5% compared to the same period last fiscal year. Budgeted growth for FY 2012 was forecasted to be 1.7%.

While Individual Income Tax revenues were below budget projections by \$4.6 million in May due to increased tax refund activity, there were few other negative variances. Large positive variances in Corporate Income Tax and Estate Tax revenues, along with a one-time receipt of the General Fund share of the national mortgage foreclosure settlement, more than offset the negative variances. A \$5.4 million positive variance in May from the mortgage settlement was budgeted for June, so May's positive variance is overstated by that amount.

#### Highway Fund Revenue Update

##### Total Highway Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$27.1	\$27.0	(\$0.2)	-0.6%	\$23.4	15.2%
FYTD	\$269.0	\$270.8	\$1.8	0.7%	\$263.3	2.8%

Highway Fund revenue was \$0.2 million under budget in May, but remained \$1.8 million (0.7%) over budget for the fiscal year-to-date with one month remaining in the fiscal year. Fuel Taxes were modestly below the revised projections.

#### Cash Update

The average balance in the State's cash pool was \$68 million less in May than a year ago. However, the cash pool remains sufficiently healthy to support General Fund internal borrowing which was \$42.7 million higher than in May 2011.

## MaineCare Spending Update

MaineCare weekly cycle payments remain volatile. The latest 2 weeks reported, weeks #48 and #49, were below \$40 million, which lowered the average weekly payment for this fiscal year to \$44.6 million. The Department of Health and Human Services notified the Appropriations Committee and service providers that despite its best efforts to identify and transfer resources to fully fund the final cycle payments, it is likely that the final weekly cycles will need to be capped, meaning payments to some providers would be delayed by one week, in order to stay within available resources.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

President Raye, Chair of the Personnel Committee, presented the following report.

The Personnel Committee met on the morning of June 28, 2012 to discuss several provisions of the personnel policies for legislative employees and to consider a few changes that might bring them more in line with current benefit standards and practices elsewhere in the public and private sectors and be cost-effective. No decision or recommendation was made at this time and no action by the Legislative Council is required at this time.

### 2. State House Facilities Committee

Senator Courtney, Chair of the State House Facilities Committee, presented the following report.

The State House Facilities Committee met on the morning of June 28, 2012 to continue its review of proposed standards and guidelines for the use of Capitol Park. Most of the use standards in the proposed policy reflect long-standing practices, with new provisions added as appropriate.

While for many years, the informality of administering the use policies of Capitol Park has worked well, it appears appropriate and necessary now to establish acceptable uses and prohibitions for the park more formally so that users of the park more clearly understand and adhere to the use standards for Capitol Park.

After review, the committee recommended that the proposed policy be adopted by the Legislative Council with several minor changes with respect to allowed uses or prohibitions; these changes related to ball toss and kite flying in the park. The proposed policy with these changes is in the Legislative Council's revised packet of materials.

**Motion:** That upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council adopt the Legislative Council Policy on the Use of Capitol Park as amended by the facilities committee and authorize its Executive Director to administer the policy and to transmit an official copy to the Chief of the Bureau of Capitol Police. Motion by Senator Courtney. Second by Representative Nutting. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

**OLD BUSINESS****Item #1: Policy on Security Screening Protocols for Maine State House**

A copy of the *Policy on Security Screening Protocols for Maine State House* adopted by the Legislative Council was distributed to members of the Legislative Council for informational purposes only. No action by the Legislative Council was required.

Although this matter was not on the council's agenda as an action item or item for public comment, Legislative Council Chair President Raye recognized Mr. Severin Beliveau of Augusta, an area attorney and lobbyist, who asked to address the Legislative Council. Mr. Beliveau requested that the council reconsider its current security screening policy to allow "registered" lobbyists to bypass security screening measures when entering the State House. His rationale was that registered lobbyists are in the building frequently and also are required to file reports to the State's ethics commission. He said that lobbyists who are not registered should be required to undergo security screening measures. Mr. Beliveau commented that some other states make special provisions for lobbyists. President Raye noted that the Legislative Council will be reviewing the security screening policy before the convening of the 126<sup>th</sup> Legislature and he asked Mr. Boulter to research security practices in other states regarding lobbyists for future reference when the council reviews the policy this fall.

**Item #2: Request to Display Fenway Park Banner on State House**

The Legislative Council resumed its discussion that it began at its last meeting on the request by Portland attorney John Delahanty to display a 100<sup>th</sup> anniversary of Fenway Park banner on the State House. The Boston Red Sox is celebrating the 100<sup>th</sup> anniversary of Fenway Park this year. President Raye invited Mr. Delahanty, representing the Red Sox ownership group, to address the council. Mr. Delahanty asked the council to consider hanging the banner on the State House as a way to recognize an historic, nationally recognized venue commemorating its centennial anniversary. He suggested that the Legislative Council could move forward with approval of the request on the basis that it be limited to a commemorative purpose, celebrating a centennial or greater anniversary of a regionally or nationally recognized important and historic structure and that the banner be displayed for a limited period. He noted that the state of Rhode Island is displaying the banner for 2 weeks. He also expressed his appreciation for the joint resolution that was passed by the Legislature earlier this year. Mr. Boulter explained the size of the banner and how it would hang from the 3<sup>rd</sup> floor balcony given its large size (25' x 28').

Representative Cain expressed her concerns regarding setting a precedent for banner placement on the State House. She noted that LL Bean, Inc. is celebrating its 100<sup>th</sup> anniversary as a Maine business and that others may want to display banners for religious or political purposes which could result in unanticipated consequences for the Legislature.

Speaker Nutting restated his earlier objections to the proposal but said he would not stand in the way of approval if other Legislative Council members want to approve the request as long as it is an exception, recognizing an historic landmark, not a person or an organization.

President Raye stated that he felt that this request is unique in terms of what Fenway Park means to the people of Maine. He said that it cuts across every political, socio-economic sector in terms of a beloved past-time, and generations of Mainers have been Red Sox fans. Three other New England states have approved a similar proposal and therefore, he supported approval. President Raye

commented that “Maine Day” at Fenway Park would be an appropriate time for the banner to hang at the State House.

**Motion:** That the Legislative Council recess for five minutes. Motion by Senator Hobbins. Second by Senator Courtney. **Motion passed unanimously.**

After a short recess, President Raye reconvened the meeting. Representative Cain asked for a clarification of the parameters of the motion being discussed and further asked whether this was a one-time exemption or a policy change. Mr. Boulter clarified that this was a one-time exception to the long-standing practice of not hanging banners from the State House and would not constitute a new policy direction.

**Motion:** That the Legislative Council approve the request by the Red Sox Group to display the Fenway Park 100<sup>th</sup> anniversary banner from the 3<sup>rd</sup> floor porch of the State House for a period of up to 3 days in recognition of the historical and cultural significance of Fenway Park in Boston on the occasion of its 100<sup>th</sup> anniversary, representing a facility and national pastime that crosses all socio-economic, geographic and political boundaries in the State of Maine and in light of 3 of the New England states having authorized a display of the banner on their State House; and that this approval is a one-time exception to the general prohibition on banner displays by allowing the banner to be displayed from Friday to Monday of the weekend of Maine Day [August 26, 2012]. Motion by Senator Courtney. Second by Senator Hobbins. **Motion passed (6-0-1-3,** with Representative Curtis opposed, and Senator Plowman, Representatives Cushing and Hayes absent).

## NEW BUSINESS

### Item #1: Selection of Dates for New Member Orientation, 126<sup>th</sup> Legislature

Mr. Boulter reminded the Legislative Council members that following the General Election and prior to each Pre-Legislative Conference, an initial legislative orientation session is traditionally held for members who have been newly elected to the legislature. This New Member Orientation acquaints new members with information on legislator salary and benefits, security procedures, legislative resources that are available to them, committee structure and jurisdiction, the procedure for filing legislation and other aspects of the legislative process. Mr. Boulter reviewed the advantages and disadvantages of the potential dates for the New Member Orientation for the 126<sup>th</sup> Legislature in November. He identified 3 feasible dates:

- Thursday or Friday, November 15 or 16
- Monday or Tuesday, November 19 or 20
- Monday or Tuesday, November 26 or 27

Mr. Boulter recommended that New Member Orientation be held on either the November 15<sup>th</sup> or 16<sup>th</sup>. Speaker Nutting asked whether a November 16<sup>th</sup> date would conflict with the YMCA’s Youth in Government Program. Mr. Boulter confirmed that the event is scheduled for November 16<sup>th</sup>; he indicated, however, that both events could be accommodated without room or other conflicts.

**Motion:** That the Legislative Council approve the date for holding a New Member Orientation for the 126<sup>th</sup> Legislature of either Thursday November 15, 2012 or Friday, November 16, 2012 as program scheduling best permits. Motion by Representative Curtis. Second by Representative Cain. **Motion passed (6-0-0-4,** with Senators Courtney and Plowman, Representatives Cushing and Hayes absent).

**Item #2: Legislator Orientation Program: Policy Forum and Economic Bus Tour**

Mr. Boulter and Ms. Cheryl Miller, Senior Program Director for the Maine Development Foundation, presented the Legislative Council with the MDF's request for approval of its participation in the upcoming Legislator orientation program, specifically to conduct an economic development bus tour of Maine in January 2013, a legislator policy forum as part of the Pre-Legislative Conference and selected breakfast policy forums. These orientation sessions, termed "Policy Leaders Academy" by MDF is a long-standing program for Maine Legislators. This year's proposed theme is "Creating and Retaining a Productive Workforce." As with past programs, MDF will work closely with the Executive Director's office to develop the program.

**Motion:** That the Legislative Council authorize the Maine Development Foundation's participation in the Legislator orientation program for the 126<sup>th</sup> Legislature: authorizing a Legislator Policy Forum on December 6, 2012; an economic bus tour of Maine on January 9-11, 2013, and breakfast forums on February 6, 2013, February 20, 2013, March 6, 2013 and March 20, 2013. Motion by Representative Cain. Second by Representative Curtis. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

**Item #3: Request to accept commissioned portrait of former U.S. Senator George Mitchell and place on display in State House**

Senator Hobbins presented a request from the "Friends of Senator George Mitchell" that the Legislative Council accept a yet to be commissioned portrait of former U.S. Senator George J. Mitchell and place it on display in the State House in honor of Senator Mitchell. Senator Hobbins presented a summary of Senator Mitchell's many and historic achievements during his many years of public service. By way of example, he noted that in the history of the United States Senate, Senator Mitchell has been the only person from Maine ever to serve as Majority Leader, and that he and Thomas Brackett Reed are the only Maine elected officials to lead one of the Houses of the U.S. Congress. Other former U.S. Senators from Maine and other public officials have portraits that hang in the State House. The portrait of Senator Mitchell would be paid for and commissioned by "Friends of George Mitchell" with no expense to the State of Maine or to the Legislature. Senator Hobbins acknowledged that there is an established procedure for State House portraits. Mr. Boulter explained the procedures for including a portrait in the State House Portrait Collection which involve assessing the public official's contributions to Maine or the Nation and assessing the artistic suitability of the portrait for inclusion. The Maine State Museum is the official custodian of the State House Portrait Collection and the Maine Arts Commission assists in determining artistic suitability. President Raye stated that Senator Mitchell is an appropriate figure to be honored in this manner. The Legislative Council members felt that the next step is to research the artist and the artwork itself to gain a better understanding of the proposal before the Legislative Council decides the request.

**Motion:** That the Legislative Council authorize the Executive Director to research the portrait that is to be commissioned and its artist to determine the appropriateness of such a portrait to hang in the State House and be included in the State House Portrait Collection, and make a recommendation at the next Legislative Council meeting. Motion by Senator Courtney. Second by Senator Alford. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

**Item #4: Legislative Council Policy on the Use of Capitol Park**

The Legislative Council took action on this item earlier in the meeting under "Reports from Council Committees." No further action was required.

**Item #5: Submission of Annual Report to the Legislature for the Year 2011**

The Maine Bureau of Insurance, Consumer Health Care Division, submitted its *Annual Report to the Legislature for the Year 2011* for review and acceptance by the Legislative Council.

**Motion:** That the Legislative Council accept the *Annual Report to the Legislature for the Year 2011* submitted by the Maine Bureau of Insurance, Consumer Health Care Division, and place it on file. Motion by Senator Courtney. Second by Representative Cain. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

**Item #6: Submission of State of Maine Audit Management Letter for the Year 2011**

The State Department of Audit, submitted its *State of Maine Management Letter for the Year 2011* for review and acceptance by the Legislative Council.

**Motion:** That the Legislative Council accept the *State of Maine Management Letter for the Year 2011* submitted by the State Department of Audit, and place it on file. Motion by Senator Courtney. Second by Representative Curtis. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

**Item #7: Collective Bargaining Matters [Executive Session]**

**Motion:** That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council, and discussing collective bargaining negotiations between the employee representative for the Independent Association of Nonpartisan Legislative Professionals and the Legislative Council. Motion by Representative Nutting. Second by Senator Courtney. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

The council entered into an executive session at approximately 2:41 p.m. At the conclusion of its executive session, on a motion by Representative Cain, seconded by Senator Alford, with Senator Plowman, Representatives Cushing and Hayes absent, the Legislative Council voted unanimously to end its executive session at approximately 3:09 p.m. and reconvene its regular meeting.

**ANNOUNCEMENTS AND REMARKS**

None

The Legislative Council meeting was adjourned at 3:11 p.m. on a motion by Senator Courtney, seconded by Representative Curtis. **Motion passed (7-0-0-3, with Senator Plowman, Representatives Cushing and Hayes absent).**

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125<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**Legislative Council**

**Executive Director's Report  
October 5, 2012**

1. Tentative legislative budget for FY 2014 – 2015

In accordance with law, I am developing and will be submitting a tentative consolidated budget request for FY 2014 – 2015 necessary to the operation of the legislative branch to the State Budget Officer. As in the past, the new Legislative Council will review the tentative budget for the next biennium, revising and increasing or decreasing as it deems necessary at that time.

2. Legislator Orientation preparations

Offices are preparing materials for the New Member Orientation and Pre-Legislative Conference for the 126<sup>th</sup> Legislature. Once the agendas have been tentatively developed, a draft will be distributed to Legislative Council members for their review. New Member Orientation will be held on Thursday, November 15, 2012 and the Pre-Legislative Conference will be held on December 3 – 6, 2012.

3. Capitol Park restoration

This summer's work to restore Capitol Park is completed. Restoration activities included improved and relocated walking paths, a low sitting wall, benches and picnic tables, park entrance piers, tree plantings and trimming, and an ADA-compliance entrance to the Vietnam Veterans memorial. Service entrances catch basins and other infrastructure were also installed. Initial reaction to the improvements by park visitors has been very favorable. The plan is for drainage issues to be addressed next year.

4. Security area layout improvements

A design to improve the State House West entrance to better accommodate security screening, improve flow and decrease wait times, and improve aesthetics is underway. The goal is to have the modifications in place before January 2013.

## 5. House Chamber

A rather extensive water leak and plaster damage appeared on the north and east walls near the ceiling in the House Chamber recently. Investigation and repairs will begin next week. The leak appears related to the roof that is in need of full replacement in the near future.

# Fiscal Briefing

## Legislative Council Meeting

October 5, 2012

Prepared by the Office of Fiscal & Program Review

### 1. General Fund Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$103.3	\$84.3	(\$19.0)	-18.4%	\$98.9	-14.7%
FYTD	\$308.5	\$303.7	(\$4.8)	-1.5%	\$306.1	-0.8%

General Fund revenue was \$19.0 million (18.4%) under budget in August and roughly \$22 million under in September (based on preliminary data). General Fund revenue was under budget roughly \$27 million for the 1<sup>st</sup> quarter of FY 2013.

The three major taxes were all substantially under budget in August and September (based on preliminary results). Individual Income Tax was \$10.7 million under budget for August and roughly \$6 million in September, falling more than \$4 million under budget for the 1<sup>st</sup> quarter of FY 2013. Corporate Income Tax was under budget by \$8.6 million in August and \$5.7 million in September. Sales and Use Tax was under by \$6.7 million in August, but was closer to budget in September, falling less than \$1 million short.

### 2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$9.2	\$8.7	(\$0.5)	-5.7%	\$9.3	-6.0%
FYTD	\$36.1	\$37.2	\$1.0	2.9%	\$36.0	3.2%

Highway Fund revenue was \$0.5 million under budget in August, but was \$0.9 million over budget in September (based on preliminary data). Highway Fund revenue has built up a \$2.0 million positive variance through the 1<sup>st</sup> quarter of FY 2013. Fuel Taxes continue to exhibit significant variability from budget month to month. The positive variance through the 1<sup>st</sup> quarter was due to the strength of collections for motor vehicle registration and fees collected by the Bureau of Motor Vehicles.

### 3. Cash Update

The average balance in the cash pool in August was \$70 million less than a year ago. However, the total cash pool remains sufficiently healthy to support General Fund internal borrowing that was \$71.8 million higher than last August. General Fund appropriations were approved at amounts below budgeted revenue to accommodate repayment of the \$91 million borrowing in FY 2012 from Other Special Revenue Funds. As a result, General Fund cash position should show improvement over FY 2013 absent any significant adverse revenue or spending variances.

### 4. MaineCare Spending Update

MaineCare weekly cycle payments through the first 11 weeks of FY 2013 averaged \$44.7 million. This amount is tracking very closely with weekly cycle payments in the same period last year. The FY 2013 MaineCare budget assumes that overall MaineCare spending will be below the FY 2012 level, which had a weekly cycle average of \$44.9 million.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2013 (FY 2013)**  
**August 2012 Revenue Variance Report**

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	August '12 Budget	August '12 Actual	August '12 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	6,595,654	(115,870)	(6,711,524)	103,048,416	94,435,627	(8,612,789)	-8.4%	-5.0%	1,015,901,512
Service Provider Tax	(1,561,439)	(378,690)	1,182,749	3,024,041	3,856,573	832,532	27.5%	35.6%	53,586,812
Individual Income Tax	88,000,000	77,346,960	(10,653,040)	171,749,714	173,191,001	1,441,287	0.8%	4.6%	1,437,134,214
Corporate Income Tax	3,386,790	(5,183,938)	(8,570,728)	11,864,153	4,376,616	(7,487,537)	-63.1%	-64.4%	204,177,901
Cigarette and Tobacco Tax	11,916,336	13,950,033	2,033,697	25,051,154	26,509,961	1,458,807	5.8%	6.6%	139,555,285
Insurance Companies Tax	62,629	114,769	52,140	1,037,043	3,167,369	2,130,326	205.4%	73.2%	79,215,000
Estate Tax	(3,270,482)	(546,669)	2,723,813	0	4,261,244	4,261,244	N/A	184.7%	42,736,287
Other Taxes and Fees *	8,777,894	9,496,120	718,226	18,216,595	19,021,974	805,379	4.4%	13.1%	156,489,377
Fines, Forfeits and Penalties	2,506,731	2,078,692	(428,039)	4,149,634	4,201,520	51,886	1.3%	-1.2%	25,145,756
Income from Investments	43,340	20,671	(22,669)	43,340	20,671	(22,669)	-52.3%	-52.4%	141,684
Transfer from Lottery Commission	4,042,304	3,932,921	(109,383)	8,084,608	8,476,580	391,972	4.8%	-3.5%	52,550,000
Transfers to Tax Relief Programs *	(11,825,919)	(13,400,101)	(1,574,182)	(12,524,688)	(13,767,287)	(1,242,599)	-9.9%	-7.9%	(110,914,175)
Transfers for Municipal Revenue Sharing	(6,499,511)	(7,045,813)	(546,302)	(19,811,740)	(20,773,524)	(961,784)	-4.9%	-1.0%	(94,592,750)
Other Revenue *	1,143,271	4,035,950	2,892,679	(5,415,737)	(3,231,855)	2,183,882	40.3%	-360.8%	55,107,725
<b>Totals</b>	<b>103,317,598</b>	<b>84,305,036</b>	<b>(19,012,562)</b>	<b>308,516,533</b>	<b>303,746,469</b>	<b>(4,770,064)</b>	<b>-1.5%</b>	<b>-0.8%</b>	<b>3,056,234,628</b>

\* Additional detail by subcategory for these categories is presented on the following page.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2013 (FY 2013)**  
**August 2012 Revenue Variance Report**

Revenue Category	August '12 Budget	August '12 Actual	August '12 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals	
				Budget	Actual	Variance	Variance %	% Change from Prior Year		
<b>Detail of Other Taxes and Fees:</b>										
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	N/A	13,479,881	
- Real Estate Transfer Tax	306,857	88,656	(218,201)	1,341,704	1,051,369	(290,335)	-21.6%	17.2%	11,153,467	
- Liquor Taxes and Fees	1,716,784	2,124,570	407,786	3,433,568	4,227,553	793,985	23.1%	5.1%	20,770,313	
- Corporation Fees and Licenses	278,477	258,301	(20,177)	527,737	744,891	217,154	41.1%	34.5%	7,847,099	
- Telecommunication Excise Tax	0	0	0	0	0	0	N/A	-100.0%	11,574,108	
- Finance Industry Fees	1,904,581	2,175,800	271,219	3,809,162	3,972,050	162,888	4.3%	13.3%	23,265,980	
- Milk Handling Fee	328,571	477,209	148,638	657,142	1,045,212	388,070	59.1%	471.9%	3,942,852	
- Racino Revenue	1,458,873	1,021,970	(436,903)	2,917,746	1,973,783	(943,963)	-32.4%	9.3%	17,506,617	
- Boat, ATV and Snowmobile Fees	381,585	367,962	(13,623)	945,878	916,288	(29,590)	-3.1%	-7.4%	4,763,561	
- Hunting and Fishing License Fees	1,907,392	2,353,186	445,794	3,603,495	3,992,433	388,938	10.8%	4.8%	16,214,189	
- Other Miscellaneous Taxes and Fees	494,774	628,466	133,692	980,163	1,098,394	118,231	12.1%	11.2%	25,971,310	
<b>Subtotal - Other Taxes and Fees</b>	<b>8,777,894</b>	<b>9,496,120</b>	<b>718,226</b>	<b>18,216,595</b>	<b>19,021,974</b>	<b>805,379</b>	<b>4.4%</b>	<b>13.1%</b>	<b>156,489,377</b>	
<b>Detail of Other Revenue:</b>										
- Liquor Sales and Operations	2,292	3,300	1,008	4,584	6,900	2,316	50.5%	17.9%	28,084,900	
- Targeted Case Management (DHHS)	175,449	202,871	27,422	350,898	400,847	49,949	14.2%	-71.0%	2,105,386	
- State Cost Allocation Program	1,392,590	1,266,564	(126,026)	2,656,806	2,714,039	57,233	2.2%	18.4%	15,000,000	
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,000,000	
- Toursim Transfer	0	0	0	(6,121,789)	(6,121,789)	0	0.0%	-4.2%	(9,786,425)	
- Transfer to Maine Milk Pool	(1,332,530)	(716,007)	616,523	(2,655,621)	(1,492,914)	1,162,707	43.8%	N/A	(6,667,897)	
- Transfer to STAR Transportation Fund	0	0	0	(4,030,254)	(4,030,254)	0	0.0%	-94.5%	(6,157,681)	
- Other Miscellaneous Revenue	905,470	3,279,222	2,373,752	4,379,639	5,291,316	911,677	20.8%	-3.9%	26,529,442	
<b>Subtotal - Other Revenue</b>	<b>1,143,271</b>	<b>4,035,950</b>	<b>2,892,679</b>	<b>(5,415,737)</b>	<b>(3,231,855)</b>	<b>2,183,882</b>	<b>40.3%</b>	<b>-360.8%</b>	<b>55,107,725</b>	
<b>Detail of Transfers to Tax Relief Programs:</b>										
- Me. Resident Prop. Tax Program (Circuitbreaker)	(7,570,799)	(13,331,547)	(5,760,748)	(8,269,568)	(13,698,733)	(5,429,165)	-65.7%	-69.7%	(43,081,877)	
- BETR - Business Equipment Tax Reimb.	(4,255,120)	(68,554)	4,186,566	(4,255,120)	(68,554)	4,186,566	98.4%	98.5%	(47,632,583)	
- BETE - Municipal Bus. Equip. Tax Reimb.	0	0	0	0	0	0	N/A	N/A	(20,199,715)	
<b>Subtotal - Tax Relief Transfers</b>	<b>(11,825,919)</b>	<b>(13,400,101)</b>	<b>(1,574,182)</b>	<b>(12,524,688)</b>	<b>(13,767,287)</b>	<b>(1,242,599)</b>	<b>-9.9%</b>	<b>-7.9%</b>	<b>(110,914,175)</b>	
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>2,377,438</b>	<b>2,825,755</b>	<b>448,317</b>	<b>4,714,234</b>	<b>5,093,752</b>	<b>379,518</b>	<b>8.1%</b>	<b>2.4%</b>	<b>21,899,276</b>	

**Highway Fund Revenue  
Fiscal Year Ending June 30, 2013 (FY 2013)**

**August 2012 Revenue Variance Report**

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	August '12 Budget	August '12 Actual	August '12 Variance	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	3,303,556	2,140,039	(1,163,517)	19,209,096	19,160,327	(48,769)	-0.3%	0.8%	197,590,000
- Special Fuel and Road Use Taxes	(1,381,519)	(831,627)	549,892	2,650,573	3,060,186	409,613	15.5%	7.3%	44,850,000
- Transcap Transfers - Fuel Taxes	(1,699,479)	(1,655,860)	43,619	(3,164,345)	(3,192,346)	(28,001)	-0.9%	-0.7%	(17,804,916)
- Other Fund Gasoline Tax Distributions	(503,979)	(474,884)	29,095	(901,730)	(900,510)	1,220	0.1%	10.0%	(4,941,133)
Subtotal - Fuel Taxes	(281,421)	(822,332)	(540,911)	17,793,594	18,127,657	334,063	1.9%	2.5%	219,693,951
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,816,416	5,796,231	(20,185)	11,280,370	11,657,772	377,402	3.3%	1.6%	64,805,936
- License Plate Fees	375,808	412,942	37,134	673,934	765,120	91,186	13.5%	4.5%	3,351,681
- Long-term Trailer Registration Fees	260,635	568,040	307,405	729,650	919,275	189,625	26.0%	24.4%	9,384,523
- Title Fees	1,211,405	1,090,023	(121,382)	2,092,016	2,199,019	107,003	5.1%	3.8%	11,905,216
- Motor Vehicle Operator License Fees	841,519	788,001	(53,518)	1,494,386	1,548,033	53,647	3.6%	9.5%	8,761,371
- Transcap Transfers - Motor Vehicle Fees	0	0	0	0	0	0	N/A	N/A	(14,966,712)
Subtotal - Motor Vehicle Reg. & Fees	8,505,783	8,655,237	149,454	16,270,356	17,089,219	818,863	5.0%	3.7%	83,242,015
Motor Vehicle Inspection Fees	248,540	226,171	(22,370)	497,080	722,998	225,918	45.4%	70.1%	2,982,500
Other Highway Fund Taxes and Fees	121,704	120,668	(1,036)	221,764	230,420	8,656	3.9%	-7.3%	1,276,365
Fines, Forfeits and Penalties	68,783	91,038	22,255	162,621	184,896	22,275	13.7%	8.0%	993,049
Interest Earnings	9,270	10,634	1,364	18,540	10,634	(7,906)	-42.6%	6.0%	111,259
Other Highway Fund Revenue	554,097	417,553	(136,544)	1,156,165	802,975	(353,190)	-30.5%	-18.7%	8,380,404
<b>Totals</b>	<b>9,226,756</b>	<b>8,698,969</b>	<b>(527,787)</b>	<b>36,120,120</b>	<b>37,168,799</b>	<b>1,048,679</b>	<b>2.9%</b>	<b>3.2%</b>	<b>316,679,543</b>

# LEGISLATIVE COUNCIL REPORT: 2012 Interim Legislative Studies and Committee Meetings

Updated September 26, 2012

Study Name	2012 Meetings Authorized	2012 Meetings Held	Scheduled Next Meeting Date(s)	Report Date	Chairs	Status Notes
<b>AUTHORIZED COMMITTEE MEETINGS</b>						
ACF committee meetings to oversee department implementation of establishment of Dept. of Agriculture, Conservation and Forestry (LD 1746, PL 2011, c. 657, Pt. W)	6	8/20	10/3 postponed (anticipate November meeting)	n/a	Sen. Sherman & Rep. Edgcomb	conducting oversight
VLA committee consideration of establishing a presidential primary (LD 1882, Resolve 2011, c. 164)	1	9/5	no further meetings planned	12/1/12; VLA may also submit bill 126th, R1	Sen. Farnham & Rep. Beaulieu	preparing report (note, 9/5 meeting held on same day as confirmation hearing; separately authorized meeting will not be necessary)
EDU committee oversight of contracting for independent review of and report on EPS funding act (LD 958, Resolve 2011, c. 166)	4	7/11; 9/20	no further meetings anticipated	n/a; EDU may submit bill 126th, R2	Sen. Langley & Rep. Richardson	conducting oversight
<b>NEW STUDIES</b>						
Franco-American Task Force (Resolve 2011, c. 102 as amended by LD 1601, Resolve 2011, c. 119)	4	6/19; 9/26		12/15/2012	Sen. Martin & Rep. Fredette	conducting study
Task Force on Prevention of Sexual Abuse of Children (LD 1705, Resolve 2011, c. 162)	4			11/7/2012	Sen. Mason & Rep. Maker	appointments not complete (6 of 13 appts made)
Commission to Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machines (LD 1897, PL 2011, c. 699)	6 (includes 2013)			2/15/2014		appointments not complete (7 of 19 appts made) (staffed by DAFS; OPLA drafting assistance)
Development of proposed legislation for new retirement benefit plan for state employees and teachers (LD 1746, PL 2011, c. 567, Pt. J)	n/a	n/a	n/a	1/15/2013	n/a	MPERS responsibility; may request drafting assistance from the Legislative Council
<b>ON-GOING LEGISLATIVE STUDIES</b>						
Judicial Compensation Commission (4 MRSA section 1701)	n/a (funded from court system)	9/25	10/22/2012	12/1/2012 (annually even numbered years)	Josh Tardy, Esq.	conducting work
Citizen Trade Policy Commission (10 MRSA section 11)	at least 2 per year	2/10; 3/9; 4/27; 6/15; 7/11; 9/19	October	annually	Sen. Sherman & Rep. Maker	conducting work
Legislative Youth Advisory Council (3 MRSA section 168-B)	may hold 2 per year	none	no meetings to be held	no report due this interim	Sen. Mason & Rep. Willette	
Right to Know Advisory Committee (1 MRSA section 411)	4	5/30	10/11/2012	1/15 annually	Sen. Hastings	conducting work, including through various subcommittees
<b>COUNCIL-APPROVED STAFF STUDIES</b>						
Creation of model sewer district enabling law (requested by chairs of EUT Committee)	n/a	n/a	n/a	no date; for consideration in 126th, R1	Advisor: Rep. Fitts	proceeding on schedule

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125<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**Legislative Council Policy on the  
Use of Capitol Park  
Augusta, Maine**

1. Authority

Pursuant to 3 MRSA §162, Capitol Park is State-owned land that is under the jurisdiction of the Maine Legislative Council, Maine Legislature. The Maine Legislative Council ("Legislative Council") is authorized to establish and enforce standards and guidelines that govern all uses of Capitol Park. Pursuant to this authority and as provided in section 5 below, the Legislative Council designates the Chief of the Bureau of the Capitol Police as the Legislative Council's agent for issuing activity permits, and enforcing the standards and guidelines established for Capitol Park by authority delegated to the Chief of Capitol Police by the Commissioner of Public Safety.

2. Location

Capitol Park is located within the municipality of Augusta, immediately east of the Maine State House Grounds. It is bordered on the west by State Street, on the north by Capitol Street, on the south by Union Street and on the east by the Kennebec River. A State-owned road, so-called Gage Street Extension, and a railroad right-of-way cross a portion of the east end of the park. Several residences are in close proximity to the park.

3. Park purpose

Capitol Park was designed to enhance the State House Grounds, and the City of Augusta as Maine's Capital. Capitol Park ("the park") is established and maintained for the passive use and enjoyment of the natural environment and as an area of reflection by residents of the State and visitors. In keeping with its pastoral setting, Capitol Park is intended for non-intensive, non-commercial and non-exclusive use by individuals and groups.

4. Standards and guidelines established

The Maine Legislative Council establishes these standards and guidelines in order to promote the general purposes and the peaceful use of Capitol Park and to protect the public health, safety and welfare.

5. Administration and enforcement

- a. The Legislative Council authorizes and directs the Chief of the Bureau of Capitol Police to enforce the standards and guidelines contained in this policy, and to adopt such measures as may be necessary to enforce them. The Chief of Capitol Police shall not issue an activity permit or take any action that is inconsistent with these standards and guidelines. The Chief of Capitol Police shall deliver a copy of all activity permits issued or denied immediately upon their issuance or denial to the Executive Director of the Legislative Council.
- b. An Activity Permit is required for activities occurring in the park as provided in this policy. Such permit may establish reasonable conditions and limitations of use, including without limitation, period of use, activities permitted, maximum occupancy, use of sanitation facilities, limitations based on weather or condition of park grounds, and designation of areas where activity is permitted or prohibited.
- c. The Activity Permit holder is liable for any damage to the park that is attributable to the permit holder's use of the park or violation of the terms and conditions of any Activity Permit.
- d. An application for an Activity Permit may be turned down if:
  - i. The proposed use would conflict with other permitted uses or be inconsistent with purposes or authorized uses of the park;
  - ii. The applicant has egregiously or repeatedly violated the standards and guidelines for the park within the prior 24 months, failed to make restoration of any previous damage to the park or fails to meet all applicable permit application requirements; or
  - iii. The application is filed less than three (3) work days prior to the start of the proposed activity even if it would otherwise be in compliance with the standards and guidelines.
- e. The Chief of Capitol Police is authorized to issue and enforce criminal trespass orders to enforce the standards and guidelines established under this policy and activity permits issued pursuant to this policy.

6. Activity permit

- a. A person seeking a use of the park that requires a permit must apply for an Activity Permit by filing an application and supporting information, and applicable park use fee. The application must state with specificity the legal name and address of the person or

organization conducting, sponsoring or affiliated with the activity, contact information, anticipated attendance, the activity for which approval is sought and the date and time of the activity.

- b. The application form must be the form approved for use by the Legislative Council.
- c. An applicant must provide evidence of liability insurance if required under section 8 of this policy.
- d. An Activity Permit is non-transferrable and is valid only for the approved uses, dates and times.

7. Park use fee and security deposit

- a. An applicant shall be required to tender a refundable security deposit of \$250 for every 500 participants after the first 200. However, the total amount of the deposit required may not exceed \$2,000. The security deposit shall be released within 3 work days following the permitted activity provided that the deposit is not needed to repair any damage, clean up the park or correct any noncompliance that arises directly or indirectly from the activity.
- b. An applicant shall pay a nonrefundable park use fee as follows. If a use is applicable to more than one category of fee, the larger fee applies. Fees are not cumulative.
  - i. Use that includes placement or use of a tent or other structure: \$50
  - ii. Use that includes placement or use of 2 or more tents or other structures: \$100
  - iii. Use where the anticipated or actual number of participants is between 100 and 200: \$50
  - iv. Use where the anticipated or actual number of participants is between 201 and 1,000: \$100
  - v. Use where the anticipated or actual number of participants is between 1,001 and 2,500: \$200
  - vi. Use where the anticipated or actual number of participants is between 2,501 and 4,000; \$400
  - vii. Use where the anticipated or actual number of participants more than 4,000; \$500
  - viii. For all other activities: \$0.
- c. The fee or security deposit may be reduced or waived only upon written petition and a clear and convincing demonstration of financial hardship by the applicant for a permit such that the applicant is unable to pay all or a portion of the fee or deposit. That an applicant is a nonprofit organization or unit of government does not constitute a "financial hardship." No fee or deposit may be required for park use by the Legislative Council.

8. Liability insurance requirement

An applicant shall be required to file a Certificate of Liability Insurance naming the State of Maine as Insured that provides general liability insurance in an amount commensurate with the proposed activities but not less than \$100,000 general aggregate, when such activities include use of energy such as electricity or propane, sale of food, an animal show or competition, or is otherwise required by the State of Maine's insurance policies.

9. Sanitation Facilities

For any activity involving more than 50 but less than 100 people and having a scheduled duration of more than four (4) hours or for an activity involving 100 or more people and having a scheduled duration of more than two (2) hours, the Activity Permit holder must arrange for, at his or her own expense, portable toilets or similar sanitation stations, in a quantity sufficient to accommodate the number of participants, to be on-site at an authorized location for the duration of the event.

10. Park hours

The customary hours when the park is open to the public are from ½ hour after sunrise to ½ hour after sunset, local time. However, the Legislative Council or its designee may close all or portions of the park at any time without prior notice for reasons of safety, weather, park conditions or maintenance.

11. Allowed activities without a permit

- a. The following activities are allowed without an Activity Permit issued by the Legislative Council or its designee:
  - i. Walking, sitting and noncompetitive running or jogging;
  - ii. Photography, bird watching and nature walking;
  - iii. Reading, talking, singing, individual and family picnicking and sunbathing;
  - iv. Dog walking provided the dog is on a leash and under the direct control of the person possessing the dog at all times;
  - v. Bicycling, if the bicycle is equipped with on-road tires;
  - vi. Holding a picnic or birthday party or providing a meal to a group where the reasonably anticipated attendance is 25 or fewer individuals; and
  - vii. Gathering in the park for lunch or other similar purpose of brief duration that is part of a pre-arranged tour of the Capitol or the Maine State Museum by an organized Maine school group of elementary, middle or high school youth.
- b. The following activities are allowed upon issuance of an Activity Permit:
  - i. Making any public speech or holding any rally or protest;

- ii. Parade or march;
- iii. Concert;
- iv. Distribution of any printed matter as provided herein, or the carrying of signs or bill boards. When permitted, distribution of printed matter may be confined to one or more entrances to Capitol Park;
- v. Holding a picnic or birthday party or providing a meal to a group where the reasonably anticipated attendance is more than 25 individuals;
- vi. operation of a propane grill or other food preparation equipment;
- vii. Performing a wedding ceremony or memorial service, holding a dedication, holding an awards or any other similar service or ceremony, or holding a wedding or similar reception, whether or not catered;
- viii. Holding an animal show involving 25 or fewer animals;
- ix. Erection or placement of tents, canopies or other similar structures, tables, chairs, platforms or podiums;
- x. Operation of a sound amplification system. For the purposes of this policy, a megaphone is not considered sound amplification equipment; and
- xi. Any group gathering of more than 25 individuals for whatever reason.

## 12. Prohibitions

The following are prohibited:

- a. Activities
  - i. Overnight use, or habitation on a temporary or permanent basis;
  - ii. Fires or other open flames, including charcoal grills
  - iii. Organized sporting events, scrimmages, or team training;
  - iv. Ball playing or ball games except that informal, noncompetitive individual or family ball tossing that is not disruptive of others is allowed;
  - v. Golfing or hitting golf balls;
  - vi. Kite-flying except in designated open areas in the park, or balloon release;
  - vii. Operation of gas-powered model aircraft
  - viii. Races, human or animal;
  - ix. Animal shows or competitions involving more than 25 animals;
  - x. Placement of political campaign signs or banners;
  - xi. Commercial activities, including offering or solicitation of goods or services, except that the sale of beverages and food items that is ancillary to and occurs in conjunction with an authorized on-site festival sponsored by the city of Augusta or the Legislative Council may be permitted by special exception.
  - xii. Climbing, standing or laying on or affixing objects to any monument, gate, fence, bench, table or tree
  - xiii. Digging or other disturbance of soil or sod
  - xiv. Skateboarding, roller blading or roller skating

- xv. Construction of monuments or memorials
- b. Behaviors
  - i. Defacing or destroying any natural feature or built structure in the park;
  - ii. Accosting any person or interfering with another person's use or enjoyment of the park;
  - iii. Public indecency;
  - iv. Panhandling or begging;
  - v. Physical or verbal abuse of others;
  - vi. Noise-making, including drumbeating or use of horns that is disruptive to another person's use or enjoyment of the park or to area residents;
  - vii. Urinating or defecating except within authorized sanitation stations;
  - viii. Allowing defecation by animals under a person's control except when the person immediately collects and properly disposes of the animal's feces. Notwithstanding the above, defecation is prohibited on any walking path.
  - ix. Disturbing any bird's nest or eggs or damaging or removing any tree, bush, plant, flower or stone;
  - x. Smoking except in clearly designated areas established by the Legislative Council;
  - xi. Littering or breaking any bottle or other article of glass;
  - xii. Entering or remaining in the park whenever the park is closed;
  - xiii. Possession or consumption of alcoholic beverages;
  - xiv. Possession or use of illegal drugs or substances;
- c. Equipment and animals
  - i. Possession or use of fireworks, firecrackers, sparklers or other explosive or incendiary devices;
  - ii. Possession or use of paint guns, ammunition or weapons, including firearms, knives, swords or Tasers. Notwithstanding this prohibition, a bona fide military or law enforcement honor guard or military personnel in full dress uniform while participating in a formal military ceremony in the park may be permitted to carry weapons provided all firearms have been disabled and are incapable of being discharged. Furthermore an on-duty law enforcement officer is permitted to carry a weapon provided that the officer is in uniform with the officer's badge displayed or an officer who is in plainclothes so discloses possession of the weapon to the Chief of Capitol Police;
  - iii. Possession or use of any combustible or compressed gas, except that bottled propane in an approved 100 pound or less container and used in connection with an outdoor grill may be allowed by permit; if a grill is permitted, the permit holder shall have one or more serviceable fire extinguishers on-site and in close proximity to the grill at all times.
  - iv. Animals, except service dogs and dogs allowed under section 11B above;
  - v. Motor vehicles, except for authorized service vehicles and equipment used for maintenance and improvement of the park, and if permitted, to transport

equipment into or out of the park. In no event, however, may such permitted vehicles travel on or cross any stone-dust path or allee;

- vi. Mechanical amusement rides;
- vii. Animal-driven wagons;
- viii. Electrical or fuel-powered heating or cooling equipment;
- ix. Electrical generators; and
- x. Cleated footwear

d. Other

Any other activities, behaviors, equipment or animals not otherwise specified herein if they may damage the park or pose a threat to public health or safety or enjoyment of the park by others.

13. Special Uses

Upon approval of the director of the Maine Historic Preservation Commission, the Legislative Council authorizes use of the park, subject to appropriate conditions, for historic re-enactments or commemorations of significant historical events related to Capitol Park, the State House, the State of Maine or the United States of America.

14. Modification

The Legislative Council reserves all rights to modify this policy at any time as it deems necessary or appropriate. Furthermore that Legislative Council grants authority to its Executive Director to authorize the Chief of Capitol Police to take an action that may be inconsistent with these standards and guidelines in an emergency or unusual circumstance provided that such action is in keeping with the intent of this policy and such action is limited to the duration of the emergency or unusual circumstance.

15. Effective Date

July 9, 2012

THIS POLICY IS ADOPTED BY THE MAINE LEGISLATIVE COUNCIL ON JUNE 28, 2012 AT AUGUSTA, MAINE.

BY: David E. Boulter

Executive Director of the Legislative Council

Consideration of  
Commissioned Portrait of Senator George J. Mitchell  
for Inclusion in the State House Portrait Collection

## Cost and Schedule

Anticipated cost: \$15,000 plus costs for insurance shipping to the United States.

Private funds will be raised and donated to the Friends of the Maine State Museum (non-profit) for the purchase of the portrait from the artist.

Portrait completion date and delivery schedule: unknown at this time.

Biographical Directory  
of the  
United States Congress



1774 - Present

- ★ Biography
- ★ Research Collections
- ★ Bibliography
- ★ New Search
- ★ House History Page
- ★ Senate History Page
- ★ Copyright Information

## MITCHELL, George John, (1933 - )

**Senate Years of Service:** 1980-1995

**Party:** Democrat



MITCHELL, George John, a Senator from Maine; born in Waterville, Kennebec County, Maine, August 20, 1933; attended the public schools; graduated, Bowdoin College, Brunswick, Maine, 1954; graduated, Georgetown University Law Center, Washington, D.C., 1960; served in the United States Army Counter Intelligence Corps, Berlin, Germany, 1954-1956; admitted to the District of Columbia and Maine bars in 1960 and commenced practice in Portland, Maine, 1965; trial attorney, Antitrust Division, Department of Justice, Washington, D.C., 1960-1962; executive assistant to Senator Edmund S. Muskie 1962-1965; practiced law, Portland, 1965-1977; assistant county attorney for Cumberland County, Maine, 1971; unsuccessful candidate for governor of Maine in 1974; United States Attorney for Maine 1977-1979; United States District Judge for Maine 1979-1980; appointed on May 17, 1980, as a Democrat to the United States Senate to fill the vacancy caused by the resignation of Edmund S. Muskie for the term ending January 3, 1983; sworn in May 19, 1980; elected in 1982 and again in 1988 and served from May 17, 1980 to January 3, 1995; not a candidate for reelection in 1994; chairman, Democratic Senatorial Campaign Committee (Ninety-ninth Congress); co-chairman, Democratic Policy Committee, Democratic Conference (One Hundredth through One Hundred Third Congresses); majority leader (1989-1995); Special Advisor to the President and the Secretary of State for Economic Initiatives in Ireland (1995-2000); chairman, Sharm el-Sheikh International Fact-Finding Committee to examine crisis in Middle East (2000-2001); engaged in the practice of law in Washington, D.C. (1995-); awarded the Presidential Medal of Freedom on March 17, 1999; appointed by President Barack Obama to serve as Special Envoy for Middle East Peace (2009-).

### Bibliography

Mitchell, George J. *Making Peace*. New York: Knopf, 1999; Mitchell, George J. *Not for America Alone: The Triumph of Democracy and the Fall of Communism*. New York : Kodansha International, 1997; Mitchell, George J., with William S. Cohen. *Men of Zeal: A Candid Inside Story of the Iran-Contra Hearings*. New York: Viking, 1988.

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Artist

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# About James Hanley

## Introduction

James Hanley is a Dublin-based painter. An established portrait artist, painting many official and state portraits, he is represented in significant public, corporate and private collections in Ireland and abroad.

Born in 1965, he graduated from University College Dublin in 1987 with a degree in History of Art and English, and from the National College of Art & Design in 1991 with a BA in Fine Art Painting.

He works in a representational style, in both painting and drawing. He has exhibited extensively in group exhibitions in Ireland and abroad, and has had 7 solo exhibitions.

James is a full Member of the [Royal Hibernian Academy \[External Link\]](#), was elected to [Aosdána \[External Link\]](#) in 2008 and recently elected to the Board of Governors of the [National Gallery of Ireland \[External Link\]](#).

View a detailed [Curriculum Vitae for James Hanley](#)

## Solo Exhibitions

- Natural Disasters, Riverrun Gallery, Dublin 1992
- White Lies, Hallward Gallery, Dublin, 1995
- Grand Tourists, Hallward Gallery, Dublin, 1997
- Paper Tigers, Stalking Horses, Hallward Gallery, Dublin, 1999
- Works on Paper, Dunamais Arts Centre, 2000
- Souvenir, Solomon Gallery, Dublin 2004
- Moving Statues, Ashford Gallery, RHA, 2005



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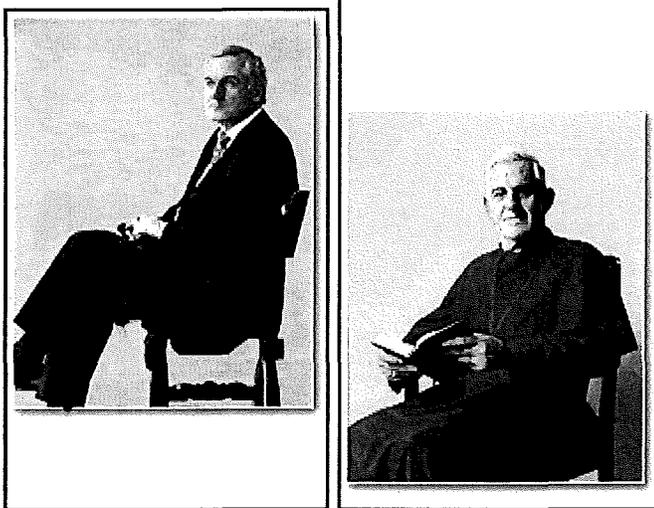
# James Hanley Portraits

## The Portrait Process

James Hanley has been painting portraits since he was in art college, and portraiture has become a more significant element of his practice year on year since then. With over 80 commissioned portraits completed to date, his portraits range from the personal, individual and relaxed, to the official formal portraits required by corporations, institutions, organisations and the State.

Capturing a likeness is obviously a prerequisite, but painting portraits also requires an engagement with the sitter and an understanding of their expectations, environment and requirements. In return, a portrait painter has access to personalities, situations and, indeed, worlds that otherwise might not be the case, something that James with his interest in history, posterity and tradition particularly enjoys.

For large scale portraits James works, after an initial meeting and at least one in-depth photography session, almost entirely from photographs. This allows sitters who would not normally have the time for repeated visits to the studio to have their portrait painted. As his work is in considerable demand, as well as being labour intensive, involving underpainting, painting and glazing, it can take up to two years from commission to delivery of a portrait.



- [Portrait Gallery](#)
- [Gallery Index](#)

## **Selected Portraits Gallery Index**

- State Portrait of An Taoiseach Bertie Ahern TD (OPW)
- Professor Desmond Archer OBE
- Conor Brady, former editor, The Irish Times
- Michael Butler, Past President, Royal College of Surgeons in Ireland
- Carey Clarke PPRHA Past President of the Royal Hibernian Academy
- Tom Burns, Master of the Kilkenny Hunt
- Professor John Clarkson, Dean of School of Dentistry, TCD
- The Prince of Stigliano, Don Prospero Colonna
- Dr. Desmond Connell DD, Archbishop of Dublin
- Dr. Art Cosgrove, President, UCD
- Brian Coyle
- Laurence Crowley
- Ronnie Delany, Olympic Gold Medalist, National Gallery of Ireland
- Girvan Dempsey
- Professor Dervilla Donnelly, Past President Royal Dublin Society
- Dr. Roger Downer, President Emeritus, UL
- Posthumous portrait of Professor James Hamilton Delargy, UCD
- Senator Maurice Hayes, commissioned by Ireland Funds
- David Kingston, MD, Irish Life & Permanent
- Dr. John Kirker, Past President, Royal College of Physicians in Ireland
  
- Professor Donald Leach CBE, Principal, Queen Margaret College, Edinburgh
- Lt. General Colm E. Mangan, Chief of Staff, Defence Forces
- Posthumous portrait of Professor Augustine Martin, UCD
- Posthumous portrait of Mrs. Annie McColgan
- Inauguration of President Mary McAleese (OPW)
- Col. Hugh McNamee
- Hon. Justice John L. Murray, Chief Justice, King's Inns
- Dr. John Neill, Archbishop of Dublin, Church of Ireland
- John O'Connor, President Emeritus, UL
- Professor Niall O'Higgins, President, Royal College of Surgeons in Ireland
- Cathal O'Shannon, broadcaster & journalist
- Professor Gerry O'Sullivan, President, Royal College of Surgeons in Ireland
- Margaret Percival
- Mervyn Percival
- Maureen Potter, Gaiety Theatre, Dublin
- Col. Pat Quinlan
- Cristiana Smith
- Lt. General David Stapleton, Chief of Staff, Defence Forces

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# James Hanley Curriculum Vitae

## Education

- University College Dublin, BA (Hons), History of Art & English, 1984-87
- National College of Art & Design, BA (First Class Hons) Fine Art, 1987-91
- Glasgow School of Art & Design, Erasmus Exchange, 1990

## Solo Exhibitions

- Natural Disasters, Riverrun Gallery, Dublin 1992
- White Lies, Hallward Gallery, Dublin, 1995
- Grand Tourists, Hallward Gallery, Dublin, 1997
- Paper Tigers, Stalking Horses, Hallward Gallery, Dublin, 1999
- Works on Paper, Dunamaise Arts Centre, 2000
- Souvenir, Solomon Gallery, Dublin 2004
- Moving Statues, Ashford Gallery, RHA, 2005

## Awards & Residencies

- Erasmus Exchange Scholarship to Glasgow School of Art, 1990
- Royal Hibernian Academy Keating/McLoughlin Medal & Bursary, 1990
- Royal Dublin Society, Taylor Art Bequest, First Prize, 1991
- Stokes Kennedy Crowley Prize, Oireachtas Art Exhibition, 1991
- Taylor de Vere Award, RHA, 1992
- Irish Representative at Germinations 8, Department of Foreign Affairs Award, 1994
- Open Award, Arnotts National Portrait Exhibition, 1994
- James Kenneth Kennedy Memorial Award, RHA, 1996, 1999
- Artists' Work Programme, Irish Museum of Modern Art, 6 month residency, 1997
- Visual Arts Winner, Kilkenny Cream of Irish Arts Awards, 1998
- Don Niccolo D'Archia Caracciolo RHA Medal & Award, 1999
- Elected Associate Royal Hibernian Academy, 2000
- Elected Full Member, RHA, 2001
- Artist In Residence, Centre Culturel Irlandais, Paris, 2007
- Elected to Aosdána, 2008

## Group Exhibitions

1989

Arnotts National Portrait Awards Exhibition

1990

Royal Scottish Academy Student Show, Edinburgh

RHA Annual Exhibition

New View 1990, Ennis 750, Ennis

Academy Without Walls, Banquet Show RHA

1991

RHA Annual Exhibition

Academy Without Walls, Banquet Show RHA

Íntas, National Small Works Exhibition, Sligo Art Gallery

Claremorris Open

Oireachtas Exhibition

Arnotts National Portrait Awards Exhibition

Counterpoints, Degree Show Exchange, Belfast College of Art

Taylor Art Awards, Royal Dublin Society

Awareness, RIAI, Merrion Square

1992

RHA Annual Exhibition

1993

Arnotts National Portrait Awards Exhibition

Academy Without Walls, Banquet Show RHA

Dublin Contemporary Art Fair, Royal Hospital Kilmainham

Boyle Arts Festival

Signature, Westgate Heritage Centre, Wexford

1994

Arnotts National Portrait Awards Exhibition

Germinations 8, European Biennale of Young Artists, Breda, Warsaw, Athens, Madrid

Siólruú, A Celebration of the National Maternity Hospital's Centenary, RHA

1995

Academy Without Walls, Banquet Show RHA

Boyle Arts Festival

Dublin/Akureyri - Festival of Irish Art, Akureyri, Iceland

Recent Acquisitions, Irish Museum of Modern Art

1996

RHA Annual Exhibition

Academy Without Walls, Banquet Show RHA

NCAD 250 Drawing Exhibition, RHA

International Miniature Art Exhibition, Art Addiction, Stockholm

Junge Kunst International 1996, Young European Contemporaries, Lübeck, Germany

Innovation From Tradition, Recent Irish Art, EU HQ, Brussels

AIB On Tour, Model Arts Centre, Sligo

1997

Figurative Image, West Cork Arts Centre

Academy Without Walls, Banquet Show RHA

1998

RHA Annual Exhibition

When Time Began To Rant & Rage, Figurative Painting from 20th Century Ireland, touring Walker Art Gallery, Liverpool, Berkeley Art Museum, Grey Art Gallery, New York University, Michigan State University

1999

Florence Biennale  
RHA Annual Exhibition  
Somebodies, IMMA & tour

2000

3 Person Show with Abigail McLellan and Alasdair Wallace, Hallward Gallery  
Fusion, Dunamaise Arts Centre  
AIB Art, Contemporary Irish Art from the AIB Collection, Poznan Castle, Poland  
RHA Annual Exhibition  
An Artist's Century, RHA Gallagher Gallery & Ormeau Baths, Belfast

2001

Recent Irish Art from the AIB Collection, Ulster Museum Belfast  
RHA Annual Exhibition

2002

RHA Annual Exhibition  
Holy Show, Chester Beatty Library & tour  
Envisage, IMMA

2003

Print Portraits, Original Print Gallery, Dublin  
RHA Annual Exhibition  
Collectibles, Solomon Gallery

2004

RHA Annual Exhibition  
An Irish Eye, Landscapes of Fact & Imagination, Cape Town  
In The Time of Shaking, Irish Art for Amnesty, IMMA  
Boyle Arts Festival

2005

RHA Annual Exhibition  
After the Thaw, Recent Irish Art from the AIB Collection, Crawford Municipal Gallery, Cork  
Watercolour Society of Ireland Annual Exhibition  
Collectibles, Solomon Gallery  
RHA Members Drawing Exhibition, Ashford Gallery  
SIAR 50, 50 years of Irish Art from Collections of the Contemporary Irish Art Society, IMMA

2006

RHA Annual Exhibition  
Collectibles, Solomon Gallery  
Highlights of the RDS Taylor Art Awards 1878-2005, National Gallery of Ireland  
Watercolour Society of Ireland Annual Exhibition

2007

Drawing Studies: A Celebration, National Gallery of Ireland  
RHA Annual Exhibition  
Hermione Art Week, Alexandra College  
RHA Members Drawing Exhibition, Glór Ennis & tour

2008

RHA Annual Exhibition  
RUA Annual Exhibition

2009

RHA Annual Exhibition  
Watercolour Society of Ireland Annual Exhibition  
Faces, An Exhibition of Portraits, OPW touring exhibition  
Mick O'Dea Selects, Lavitt Gallery, Cork

## Selected Portrait Commissions

- State Portrait of the Taoiseach Bertie Ahern TD (OPW)
- Inauguration of President Mary McAleese (OPW)
- Lt. General Colm E. Mangan, Chief of Staff, Defence Forces
- Lt. General David Stapleton, Chief of Staff, Defence Forces
- Senator Maurice Hayes, commissioned by Ireland Funds
- Hon. Justice John L. Murray, Chief Justice, King's Inns
- Dr. John Neill, Archbishop of Dublin, Church of Ireland
- Dr. Desmond Connell DD, Archbishop of Dublin
- Dr. Art Cosgrove, President, UCD
- Dr. Roger Downer, President Emeritus, UL
- John O'Connor, President Emeritus, UL
- Michael Butler, President, Royal College of Surgeons in Ireland
- Professor Niall O'Higgins, President, Royal College of Surgeons in Ireland
- Professor Gerry O'Sullivan, President, Royal College of Surgeons in Ireland
- Dr. John Kirker, Past President, Royal College of Physicians in Ireland
- Carey Clarke PPRHA Past President of the Royal Hibernian Academy
- Ronnie Delany, Olympic Gold Medalist, National Gallery of Ireland
- Maureen Potter, Gaiety Theatre, Dublin
- Conor Brady, former editor, The Irish Times
- Cathal O'Shannon, broadcaster & journalist
- Professor Dervilla Donnelly, Past President Royal Dublin Society
- Professor John Clarkson, Dean of School of Dentistry, TCD
- Professor Donald Leach CBE, Principal, Queen Margaret College, Edinburgh
- Professor Desmond Archer OBE
- Posthumous portrait of Professor Augustine Martin, UCD
- Posthumous portrait of Professor James Hamilton Delargy, UCD
- Girvan Dempsey
- The Prince of Stigliano, Don Prospero Colonna
- David Kingston, MD, Irish Life & Permanent
- Laurence Crowley
- Brian Coyle

## Selected Commissions

2009

An Post modern Irish playwright stamps

2008

An Post Christmas stamps

2007

An Post commemorative stamp, St. Charles of Mount Argus

2006

An Post commemorative stamp, Celtic scholar Johann Caspar Zeuss

Corporate box set print for the musical The Pirate Queen

Commemorative coin design for 175th Anniversary of OPW

Commemorative print of Ronnie Delany's 50th Anniversary of his Melbourne gold medal, commissioned by Arthritis Ireland

Cover design for Headgear album Flight Cases

2004

Triptych Abbey 100: Authorship, Acting, Audience, commemorating the Abbey Theatre's Centenary, commissioned by John McColgan & Moya Doherty  
Commemorative Print for the National College of Ireland

2000

Presentation pieces for Riverdance Broadway

1999

Suite of drawings of buildings constructed by John Paul Construction, commissioned for presentation to John Paul

1998

Suite of works on paper for the Newman Room, Commons Restaurant

1997

Paintings for Disney TV movie Oliver Twist

1996/97

Research trip to Bosnia and Croatia with Defence Force personnel, for triptych Vukovar, Sarajevo, Mostar commissioned by the Defence Forces to commemorate their Presidency of the European Community Monitoring Mission (ECMM) in the former Yugoslavia

1996

Suite of drawings for the film The Nephew

1994

Painting to commemorate 10 years of Arts Day in UCD

1993

Painting Eternal Optimist for foyer of National Lottery

1992

Painting commission for UCD Engineering block  
Three paintings on Joycean themes for Newman House, UCD  
Mural for Dublinia, Synod Hall, Christchurch

## Collections

- National Gallery of Ireland
- Irish Museum of Modern Art
- Arts Council of Ireland
- Contemporary Irish Arts Society
- National Self-Portrait Collection
- Royal Hibernian Academy
- Royal Dublin Society
- Royal College of Surgeons in Ireland
- Royal College of Physicians in Ireland
- OPW Dáil Éireann
- OPW Dublin Castle
- OPW Department of Enterprise & Employment
- OPW Department of Arts, Sport & Tourism
- OPW The Four Courts, Dublin
- European Parliament Strasbourg
- European Court of Justice
- British Museum
- Municipal Art Museum, Akureyri
- Centre Culturel Irlandais, Paris
- Allied Irish Bank Ltd.
- Irish Life & Permanent Insurance
- AXA Insurance
- The National Lottery

- Chester Beatty Library
- Newman House Dublin
- University College Dublin
- University of Limerick
- Society of the King's Inns
- Michael Smurfit Graduate School of Business
- Queen Margaret College Edinburgh
- The Abbey Theatre
- The Gaiety Theatre
- Mater Hospital
- McKee Barracks
- Military College Curragh Camp
- UN School Curragh Camp
- Portmarnock Golf Club
- Church of Ireland, Christchurch Cathedral
- Diocese of Dublin, Pro-Cathedral House
- Wesley College Dublin
- School of Dentistry, Trinity College Dublin
- The Irish Times
- Watercolour Society of Ireland
- John Paul Construction
- Athlone RTC
- Carlow RTC
- Olympic Council of Ireland
- Athletics Association of Ireland

## Other Information

- Elected to Board of Governors of National Gallery of Ireland, 2009
- Elected to Aosdána, 2008
- Secretary of RHA 2001 to 2008
- Member of Cultural Relations Committee, 1999-2004
- Contributed articles to Irish Arts Review & National Gallery of Ireland publications
- Catalogue introduction to solo exhibitions by Isobel Henihan & Eugene Conway
- Curated Inaugural RHA Members Drawing Show, 2005
- Curated Fusion, group show of contemporary Irish art, Dunamais Arts Centre, 2000
- Trustee of RHA Thomas Dammann Junior Memorial Trust Award
- Editor RHA Annual Exhibition Catalogue 2002 to 2008
- Judge on Taylor Art Award, 2003, 2004
- Part-time Tutor/Lecturer NCAD, 1995-1998
- Visiting Lecturer Dun Laoghaire, 1998
- Part-time Tutor/Lecturer National Gallery of Art, 1990 to date
- Judge of Arnotts Portrait Award, 1999

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Fr: Sen. Hobbins

**From:** Pachios, Harold C.  
**Sent:** Wednesday, June 20, 2012 4:43 PM  
**To:** [bhobbins@hobbinslaw.com](mailto:bhobbins@hobbinslaw.com)  
**Subject:** George Mitchell

There is a compelling historical context to the public career of Waterville native George Mitchell. In the history of the United States Senate, he is the only person from Maine to ever lead that body as Majority Leader. He and Thomas Brackett Reed are the only Maine people to lead one or the other Houses of the United States Congress.

In 1994 President Bill Clinton asked Mitchell to replace the retiring Henry Blackmun on the Supreme Court of the United States. Mitchell declined the nomination, almost certainly the only Maine political leader ever to decline a seat on the Supreme Court, and the only American politician to do so.

With the possible exception of Joshua Chamberlain, it is difficult to identify any other Maine native that matches the breadth, depth, and dimensions of George Mitchell's career. When Time Magazine named him one of the 100 Most Influential People in the World, it noted his international leadership roles in American politics, international peacekeeping and dispute resolution, and global business.

He is the author of the Belfast Peace Agreement which brought peace to Northern Ireland; the 2001 Mitchell Report, providing a roadmap for peace in the Middle East; the Mitchell Report commissioned by the American Red Cross which provided the framework and methodology for distributing congressionally-mandated funds to families of 9/11 victims; and the Mitchell Report on Steroids in Baseball. He has served as Chairman of many other American and international dispute resolution panels.

In his third dimension, the world of business, Mitchell has served for many corporate boards including Xerox, Staples, FedEx, Unilever, Starwood, the Boston Red Sox, and for many years he was the Chairman of the Walt Disney Corporation.

George Mitchell is a founder, along with former Majority Leaders Bob Dole and Howard Baker of the Bi-Partisan Policy Center, a think tank in Washington.

President Obama appointed him as Special Envoy for Middle East Peace, a post he held until May 2011.

In 1999 he was awarded our nation's highest civilian award, the Presidential Medal of Freedom. He is also the recipient of the Liberty Medal from the National Constitution Center recognizing his leadership in pursuit of freedom joining previous recipients Tony Blair, George H.W. Bush, Bill Clinton, Kofi Annan, Mikhail Gorbachev, Bono, Sandra Day O'Connor, and Robert Gates. He was nominated for the Nobel Peace Prize, and in 1999 at a ceremony in Buckingham Palace, Queen Elizabeth made him an Honorary Knight Grand Cross of the Order of the British Empire (GBE).

George Mitchell is a true man of Maine. Born in Waterville and raised there in modest circumstances in the Head of Falls neighborhood on the banks of the Kennebec River, he graduated from Waterville High School and Bowdoin College. He now lives part of the year in Seal Harbor, Maine, and devotes much time to the George Mitchell Scholarship Institute which awards college scholarships to a graduating senior from each and every high school in the State of Maine.

Harold C. Pachios | Attorney  
**PretiFlaherty**

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In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this E-mail or any attachment hereto contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

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**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333

**TASK FORCE ON FRANCO-AMERICANS**

**MEMORANDUM**

**TO:** Senate Chair, Kevin L. Raye, Legislative Council  
Representative Vice Chair, Robert W. Nutting, Legislative Council

**FROM:** Thomas H. Martin, Jr., Senate Chair *THM KN-0*  
Kenneth W. Fredette, House Chair *KWF KN-0*  
Task Force on Franco-Americans

**DATE:** October 1, 2012

**RE:** Request for approval of an off-site meeting

---

We respectfully request approval of an off-site meeting of the legislatively-authorized study group, the Task Force on Franco-Americans, in accordance with the Legislative Council's policies. We would like to hold the third of four authorized task force meetings at the Franco-American Center at the University of Maine campus in Orono on Wednesday, October 24, 2012. The Center has been working closely with the task force in fulfilling the duties of the task force and is viewed as the cultural and academic center for Franco-Americans in Maine.

Thank you for your consideration of this matter.

**CC:** David Boulter, Executive Director  
Marion Hylan Barr, OPLA Director



**STATE OF MAINE**  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 State House Station  
Augusta, Maine 04333-0002

EXECUTIVE DIRECTOR'S  
OFFICE

2012 OCT -2 P 3:51

**Heather J.R. Priest**  
*Clerk of the House*

October 5, 2012

The Honorable Kevin L. Raye, Chair  
Legislative Council  
115 State House Station  
Augusta, ME 04333-0115

Dear Chairman Raye:

The enclosed proposal regarding the Clerk's Office Legislative Document Service is hereby submitted for consideration by the Legislative Council for the First Regular Session of the 126<sup>th</sup> Legislature.

All items offered through this Service are available on the Legislature's website. We are encouraging clients to use the online service and as a result have had a steady decline in the demand for paper copies of several documents. We will continue to offer certain documents via e-mail at no cost. I have attached the order form for the upcoming session. Our prices remain the same as they were for the First Regular Session of the 125<sup>th</sup> Legislature.

Thank you for taking the time to consider this proposal. Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather J.R. Priest'.

Heather J.R. Priest  
Clerk of the House

CC: Members of the Legislative Council  
Enclosure

ORDER FORM FOR LEGISLATIVE DOCUMENT SERVICE  
 126<sup>TH</sup> MAINE LEGISLATURE – FIRST REGULAR SESSION  
 ALL OF THE DOCUMENTS LISTED BELOW ARE AVAILABLE ONLINE AT  
<http://www.maine.gov/legis/>  
 CONVENING DATE – WEDNESDAY, DECEMBER 5, 2012

**LEGISLATIVE DOCUMENT (L.D.)  
(Bills & Resolves)**

1. FIRST CLASS-mailed daily \$580.00

2. THIRD CLASS- mailed weekly \$370.00

3. PICKED UP AT DOCUMENT ROOM.....\$210.00

**WEEKLY LEGISLATIVE REPORT**  
Lists titles of bills printed and enacted

8. FIRST CLASS MAIL.....\$21.00

**JOINT RESOLUTIONS**

9. FIRST CLASS MAIL.....\$84.00

**AMENDMENTS**

4. Mailed Weekly.....\$140.00

5. PICKED UP AT DOCUMENT ROOM .....\$ 84.00

**WEEKLY LEGISLATIVE CALENDAR**

10. FIRST CLASS MAIL (12 months).....\$31.00

**ROLL CALL VOTES**

11. PICKED UP AT DOCUMENT ROOM.....\$30.00

**LEGISLATIVE RECORD**

6. MAILED WHEN TRANSCRIBED.....\$150.00

**PUBLIC LAWS, PRIVATE & SPECIAL LAWS,  
RESOLVES AND CONSTITUTIONAL RESOLUTIONS**

7. FIRST CLASS –Mailed Weekly.....\$315.00

BELOW IS A LIST OF DOCUMENTS WE PROVIDE  
 VIA E-MAIL AT NO CHARGE  
 Please check the boxes of the items you would like to receive.

12. LEGISLATIVE RECORD (debate)  
 E-mailed as soon as debate is transcribed and proofread.
13. STATUS OF BILLS  
 PDF reports that give status of bills by LD and subject. Reports will be e-mailed weekly on Mondays while the Legislature is in session.
14. WEEKLY LEGISLATIVE REPORT  
 Listing of bills that have been printed and/or enacted.
15. JOINT RESOLUTIONS
16. WEEKLY LEGISLATIVE CALENDAR

Mail this order form along with full payment to:  
 Clerk of the House, 2 State House Station, Augusta, Maine 04333-0002, ATTENTION: Chris Wormell  
**Checks should be made payable to Treasurer, State of Maine**

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(CITY) (STATE) (ZIP CODE) (TEL. NO.)

E-MAIL ADDRESS: \_\_\_\_\_



STATE OF MAINE

DEPARTMENT OF AUDIT  
EXECUTIVE DIRECTOR'S  
OFFICE

66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066

TEL: (207) 624-6250  
FAX: (207) 624-6273

RICHARD H. FOOTE, CPA  
DEPUTY STATE AUDITOR

MARY GINGROW-SHAW, CPA  
SINGLE AUDIT COORDINATOR

MICHAEL J. POULIN, CIA  
DIRECTOR OF AUDIT AND ADMINISTRATION

NERIA R. DOUGLASS, JD, CIA  
STATE AUDITOR

2012 SEP 21 A 11:01

September 20, 2012

To the Legislative Council members for the 125th Legislature and  
Paul R. LePage, Governor, State of Maine

In accordance with 5 M.R.S.A. § 243 (9) *Single Audit* and federal regulations we are performing the Single Audit of the State of Maine for the year ending June 30, 2012. The Single Audit is an audit of the State's financial statements and applicable federal programs. Professional standards require that we provide "those who are charged with governance" with the following information related to our audit. We would be pleased to meet with you to discuss this information further.

**Our Responsibilities under U.S. Generally Accepted Auditing Standards; *Government Auditing Standards*; and OMB Circular A-133.**

Our responsibility, as described by professional auditing standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles.

In planning and performing our audit, we will consider the State of Maine's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

As part of obtaining reasonable assurance about whether the State of Maine's financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants, where noncompliance could have a direct and material effect on the determination of financial statement amounts. However, providing our opinion on compliance with those provisions is not an objective of our audit. Also in accordance the OMB Circular A-133, we will examine, on a test basis, evidence about the State of Maine's compliance with the types of compliance requirements described in the "U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement" applicable to each of its major federal programs for the purpose of expressing an opinion on the State of Maine's compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on the State of Maine's compliance with those requirements.

## **Other Information Contained in the Single Audit**

We will apply certain limited procedures, consisting principally of inquiries of management regarding the methods of measurement and presentation of required supplementary information related to the financial statements. However, this information will not be audited and we will express no opinion on it.

An accompanying schedule of expenditures of federal awards will be presented for the purposes of additional analysis as required by OMB Circular A-133. This schedule will be subjected to the auditing procedures applied to the basic financial statements. An opinion will be rendered as to whether the information is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

## **Planned Scope and Timing of the Single Audit**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgments about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatements of the financial statements and to design the nature, timing and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will communicate significant audit findings at the conclusion of the audit. We will also communicate any internal control related matters that are required to be communicated in accordance with professional standards.

The audit of the federal program compliance section of the Single Audit will include examining, on a test basis, evidence supporting compliance with applicable program requirements that could have a direct and material effect on the programs we will audit. Approximately 25 federal programs representing approximately \$3.5 billion of federal funds that the State received in fiscal year 2012 will be audited. The audit will also be designed to test internal controls over compliance.

We started our audit in June 2012 and will issue our report in March 2013.

## **Reporting**

At the conclusion of our audit we will issue the Single Audit report and communicate significant audit findings and other required information in accordance with professional auditing standards, and OMB Circular A-133.

The reports on internal control and compliance contained in the Single Audit report are intended solely for the use of the Governor, management, others within the State, the Legislature, and federal awarding agencies and pass-through entities and are not intended to be and should not be used by anyone other than

these specified parties. However, the report on the State's financial statements is not a restricted use report.

Very truly yours,

A handwritten signature in cursive script that reads "Neria R. Douglass".

Neria R. Douglass, JD, CIA  
State Auditor

cc: H. Sawin Millett, Jr., Commissioner, Department of Administrative and Financial Services

## Senate Chamber Automation Proposal

### Summary

The Secretary of the Senate proposes that the Maine Senate adapt for its use a software information system developed by International Roll Call Corporation for use by House members, and installing computers at each Senator's desk for its use. Funding would come from the Senate portion of the legislative budget. The Legislative Council must approve the transfer of unspent funds from the Legislative account for this purpose, and the Senate President must approve actual purchase and installation in the Senate chamber.

### Software-the existing House Chamber information system

The Maine House has used and refined its information software system for the past four years. Use has been somewhat limited. That system relies on House members must supplying their own laptop computers and setting them up each day. As proposed below, the Senate proposal does not rely on personal laptops. IRC has presented a proposal to develop and provide a similar system to the Maine Senate for a favorable price. (see Exhibit 1, the proposal by IRC) The features of the software are listed in Exhibit 2.

This software must be seen to be appreciated. **A working system is installed the Senate Secretary's office. Members of the Legislative Council are urged to take a look before the Legislative Council meets. Our staff will demonstrate it for you.**

### Computer hardware.

Most state legislatures provide computers for their legislators' use in chambers. The National Conference of State Legislatures has provided a list of states that already provide computers for that purpose. See Exhibit 3. We propose to supply a computer on each Senator's desk in the Senate chamber as a specialized tool for Senators to review Senate papers and other information electronically. See Exhibit 4 for details. The computers are not laptops; they are fully functioning computers designed to remain in the Chamber. Since this is the case, it is not likely that Senators will be criticized for providing "perks" for themselves in the same way that a similar purchase of portable laptops might evoke.

Two different computers are under consideration. Both are "off the shelf" models by Lenovo, requiring no costly modifications. One system is a large screen, "all-in-one" computer (all components of the computer are located behind the 20 inch monitor). The second system consists of a small box containing computer components, and a 14 inch, lightweight, adjustable monitor. Each has a wireless keyboard and mouse. Each system has advantages and disadvantages, but I prefer the all-in-one because of its larger screen, which still allows Senators to view over the monitor and see the podium when seated.

See photographs (*Exhibit 5*) showing how each computer would fit on Senators desks.

### **Benefits**

The primary benefit of the proposed system to Senators is quick and easy view and review of bills, amendments, voting results and bill history for each item on the Senate Calendar that day, optionally allowing the calendar items to automatically scroll in sync with the display board in the Chamber. The system alerts Senators to items on the Calendar for which they are a sponsor, or which originate in their committee.

Legislators can also access the software system from their personal laptops during committee meetings, entering notes on bills, which can then be accessed in the chamber during consideration of that bill. The software can be accessed from any computer in the State House or the Cross Building using a Senator's personal id and password. Because of network security considerations and other technical issues, it cannot be accessed from elsewhere at this time.

Senators can use the computer as a work station when the Senate is not in session, using pre-installed Microsoft Office 2010 software for drafting documents and letters and for other Senate business. Since the computer is state property, it cannot be used for campaign purposes or other purposes unrelated to legislative work.

The computer will have wireless access to the Internet, in the same way as most computers in the State House, and can be used for work requiring Internet access.

Finally, Senators may send messages to each other while in session, and to other persons (such as staff, as authorized by the Senate President), using the dedicated email system which is part of the software.

### **Security**

Each Senator will have an account name and a private password. Any notes or other documents created on the chamber computer are stored centrally, accessible only to that Senator.

### **Paper**

This is not a proposal for a completely "paperless chamber". The Senate Secretary's office still intends to distribute paper copies of the Daily Calendar, Supplements and Senate Floor amendments, as before, and will experiment with paper distribution of other papers to meet Senators needs. However, we expect that with use of the proposed system, Senate demand for paper documents will decrease over time.

Among the possibilities for additional distribution of paper are the following:

- Distributing paper copies of all Divided Reports and items of Unfinished business to the Senator's desk or in a rack in or near the chamber each day, for pickup by Senators or pages.

-maintaining a few copies of all bills and resolves in or near the Senate chamber, available to pages at a Senators request.

-a high speed printer in or near the chamber, so a Senator can obtain paper copies of any document quickly by asking a page to supply it.

-providing a single three ring binder for each Senator to store paper copies of bills and amendments of particular interest to them.

If a Senator does not like the computer system, we will supply paper copies of all legislative documents to the Senator's desk, inserting them into the traditional three ring binders each day, removing the computer to make room for them.

**Training.**

Once installation is complete, our staff and Information Technology staff will provide training sessions for Senators, probably at the end of several of the short daily sessions typical of January and February.

**Funding**

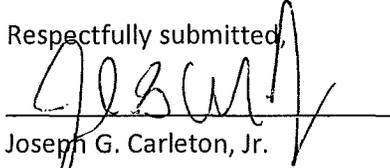
This proposal does not require an increase in the Legislative budget. It asks the Legislative Council only for permission to authorize the use of unspent funds for this purpose. Upon Council approval, the Executive Director's office will handle all necessary fund transfers. The Senate President determines whether the software and hardware will actually be purchased and installed in the chamber.

According to the Executive Director's office, sufficient surplus funds are available in fiscal year 2013 to pay for the system proposed here.

**Cost.**

Software: adapting software used by the House for Senate use, per proposal of International Roll Call ( <u>Exhibit 1</u> )	\$35,000.00
Hardware: 37 computers and accessories (two spares in case of malfunction) equipped with Microsoft Office 2010, network server and accessories; installation, training, contingency and miscellaneous	\$45,000.00
TOTAL	\$80,000.00

Respectfully submitted,

  
\_\_\_\_\_  
Joseph G. Carleton, Jr.  
Secretary of the Senate

8346 Old Richfood Road, Mechanicsville, Virginia 23116 Telephone: (804) 730-9600 Website: [www.roll-call.com](http://www.roll-call.com)

# Maine Senate



## *Chamber Automation Project*

Proposal By International Roll-Call

September 12, 2012

The Maine Senate  
Legislative Council  
3 State House Station Augusta ME 04333-0115

To the Maine Legislative Council:

Please accept the proposal contained herein as International Roll-Call's (IRC) proposal to install "Paperless Chamber Process" software in the Maine Senate.

When we started the Paperless Chamber Automation for the House and Senate in 2007 we set a budget of \$300,000.00 but lowered the price to \$210,000.00 if the Senate and House moved forward at the same time. When the Senate decided not to move ahead at that time we set up a contract with the House to develop and install the Paperless Chamber Automation system for \$150,000.00. This software has been in use by the Maine House now for number of years and works very well.

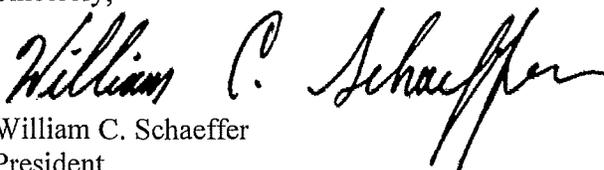
Not long ago we offered to install the Paperless Chamber Automation system in the Senate somewhere in the range of \$75,000.00 to \$95,000.00. This price included onsite setup, testing and customization and covered all travel expenses. The range also covered the additional development required to allow the Paperless Chamber Automation system to support the use of iPad and Tablet devices.

Knowing that budgets are tight we indicated that we were willing to work with the Senate to make this product available to the Senators. If we remove the need for any site visits, further customization and any additional development time, we were willing to drop the installation price to \$35,000.00. This formal proposal reflects that commitment.

We cannot offer full ownership of the source code because portions of our code are used in other locations. We can, however, offer a no-fee, perpetual license for the software and an annual copy of the source code placed with an escrow agent such as Guard It. This will fully protect the state should IRC be unable to provide support and service to the state of Maine. We will also include the LMS source code in this package.

We appreciate your time and consideration of our proposal and look forward to working with you in the future.

Sincerely,



William C. Schaeffer  
President  
International Roll-Call Corporation

**SECTION I: Overview**

IRC's proposal for Senate chamber automation is based on the existing system IRC developed for the Maine House of Representatives four years ago, as modified and improved since then, and will contain the same feature set as in the current House software, without further changes or enhancements. It does not include any hardware. This will be a single viewing application common to both chambers where each will view their own data extracted from their own data base. The system also integrates with the current voting and display board hardware and software.

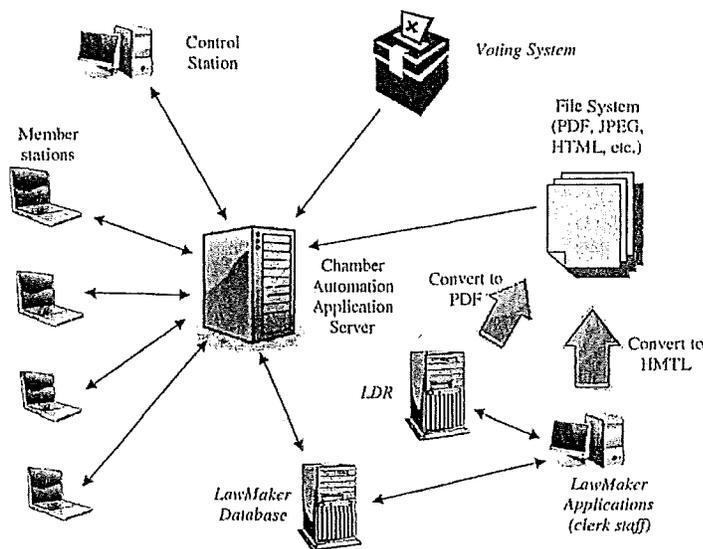
Senators will access this system using computers in place, using Internet Explorer or Firefox browsers supplied by the Senate, as determined by the Legislature.

The application server is a web server that runs under Windows 2008 Server or later using the .NET 4.0 framework and coded in "C sharp." It must be compatible with a standard web browser such as Internet Explorer, version 8.0 or newer or Firefox, version 12.0 or newer. It requires access to the current LawMaker SQL Server database and a file system containing the bill-related documents. It also must interact with the chamber voting system through a simple file-based protocol.

A control application allows an operator in each chamber to "push" documents to the members' laptops. This application controls which calendar item is to be displayed to the members and which documents should be immediately viewed. The members can also view other parts of the calendar and other documents by clicking on links and/or scrolling the viewing windows.

**Architectural Overview:**

The following diagram illustrates the major components of the Paperless Chamber System and how they interface with the existing legislative software and data sources.



**Description of Components:**

The following sections provide descriptions of each component in the architecture.

**1. Chamber Automation Application Server:**

This application runs on a dedicated server and responds to requests that are received from the member stations and the control station. A single application server can serve both chambers, or the server can be duplicated, one for each chamber.

**2. Control Station:**

There is one control station for each chamber at a position in the front of the chamber. A clerk or secretary uses the control station to send "push" commands to the member stations via the Chamber Automation Application. The control station hardware could be a desktop computer, a notebook computer, or could run as a separate application on an existing computer. The communication protocol is HTTP.

**3. Voting System:**

The voting system controls the display board and tallies votes from the members. Whenever the display board changes, it notifies the Chamber Automation Application so that the member stations can be updated.

**4. File System:**

The file system contains static documents that are pushed to or pulled from the member stations through the Chamber Automation Application. These documents include: calendars, supplements, bill and amendment text, title and section documents, committee information, and other legislative documents. The file system is populated from two sources: 1) the bill drafting system; and, 2) the clerks'/secretary's existing back office LawMaker applications. Documents from the bill drafting system must be converted to PDF files so that they are viewable in their original form to the users. Documents from the LawMaker applications will be converted to HTML files so that they are directly usable by the new application.

**5. LawMaker Database**

The LawMaker database is an existing component that contains all of the legislative management data that is used to record information about the legislative items as they pass through the legislative process. This information includes: calendar items, stamps, amendment information, roll-call data, sponsors, index entries, session information, and design configurations. This database does not contain the actual text of the legislative documents, but will access this information from the LDR.

Under the proposal, IRC will extend the LawMaker database, as required, to accommodate additional information needed by the Chamber Automation Application.

6. *LawMaker Applications:*

The existing suite of LawMaker applications is used by the clerk staff to create calendars, perform stamping, populate bill information from the LDR, and generate various kinds of reports. It updates the LawMaker database regularly. It also produces Microsoft Word documents, such as calendars.

7. *Legislative Data Repository (LDR):*

This database is populated by the bill drafting system and contains the initial information about bills and amendments that are drafted. The bill drafting system will convert various documents to PDF format so that they can be displayed on member stations in their original form.

***User Scenarios:***

The following sections provide several scenarios of how the new system will be used by various users.

1. *Senator or Representative:*

The member first must log into the application. He/she clicks on an icon on the notebook computer's screen. This invokes the chamber application and takes the member to a login screen where the user name and password are entered. The layout of the main screen will be substantially the same as the layout in the existing House system.

2. *Operator Control of Application in the Chamber:*

In each chamber, an operator will control the member displays through a control application. This application will be extremely simple and efficient to use. The application will allow the clerk to "push" the following or provide the option of an automatic "push":

- The current calendar/supplement
- The current item under consideration
- Documents related to the current item (e.g., the bill text)
- Other arbitrary documents not related to the current calendar or item

"Push" means that the selected item or document is immediately shown on each member's screen and scrolled to the appropriate section. For example, when the clerk pushes a calendar item, the calendar outline on each

member's screen will scroll to that item and be highlighted, and the full calendar text will also scroll to that item. If the window is not currently in the foreground, it will either be brought to the foreground or a blinking icon will indicate that a new item needs to be viewed.

This application requires login. It will use the login credentials that are in the LawMaker database. The layout for the control application's main window will function in the same manner as the current system in the Maine House.

3. *Calendar Clerk:*

The calendar clerk will continue to enter calendar information into the LawMaker calendar application, as is done currently. An additional step must be performed, provided by the calendar application, to prepare the calendar so that it can be used by the paperless chamber automation system. This step converts the Word calendar document to HTML and also produced an XML index of the calendar. IRC will work with the clerk staff to make any required modifications to the current calendar generation scripts.

***Minimum Hardware Requirements:***

The software must run a server with the minimum configuration: quad core Xeon processors, 2.0 GHz, 1333MHz running Windows Server 2008. The legislature may need to increase the system resources to accommodate the additional load.

## **SECTION II: Project Plan**

The completed software will be tested and certified by IRC and following acceptance will be delivered to Scott Clark, Information Technology Director, for installation within eight weeks of approval of this proposal by the Legislative Council. This proposal contemplates a reasonable amount of time communicating by email and telephone with the Legislature's Information Technology staff to set up the software and to address any installation issues. The Legislature will have four weeks to perform acceptance testing of the software.

The project plan shall be mutually agreed upon by the parties within 10 days of approval of this proposal. Anticipated approval date and commencement of the project is the week of October 7, 2012.

## **SECTION III: Project Management Plan**

***Point of Contact & Management:***

From the beginning to the end of the development and implementation of the Paperless Chamber System, Daniel Sanderson will be the main point of contact for IRC. Scott Clark will be the main point of contact for the Maine Senate.

***Testing Plan:***

The Legislative Information Technology staff will conduct testing of individual components, system testing, and integration testing with existing software and hardware, conferring by email and telephone with IRC, as required to make the system operational and secure.

The following functions, as a minimum, will be tested:

1. Generation of calendars in correct HTML formats (back-office LawMaker programs).
2. Login/logout from member stations
3. Pushing of calendars, supplements, and calendar items to member stations from control station.
4. Pushing of other documents, such as bill text, to member stations from control station.
5. Pushing of non-standard documents, such as graphics, to member stations from control station Recall of pushed items.
6. Pulling of documents by clicking on links in the calendar and other screens on the member station.
7. Display of voting system information on the member station
8. Automatic tracking of the control application with the voting system
9. Sending and receiving messages between members Generation of scripts for members
10. Navigation through calendar items at member station
11. Printing of documents from member station
12. Searching for bills from member station Entering and retrieval of personal notes from member station
13. Generation of usage reports
14. Secure communications (encryption).

***Test Deliverables:***

A test plan, including a list of all tests performed by the vendor, will be provided to the customer, along with expected and actual results. Any recommendations or anomalies will be noted and a plan for changes and modifications will be provided.

***Testing Responsibilities:***

It is expected that the Legislature will provide testers for the final system testing. These testers should play various roles, including: calendar clerk, control application

clerk, voting system clerk, and members. The legislature IT staff should be available to provide system support as needed.

***Training:***

The Legislature's Information Technology staff, and the staff of the Secretary of the Senate, will provide training for users.

***Documentation:***

3 sets of comprehensive system documentation and instructions will be provided to the staff. This will include system flowcharts, connectivity diagrams, equipment manuals and software documentation. IRC will also provide software documentation and users operating manual.

**SECTION VII: Cost Summary**

The cost for the Paperless Chamber project, as described herein, is Thirty-Five Thousand (\$35,000.00), payable as follows:

- ✓ \$5,000.00 upon approval of the proposal and the start of work.
- ✓ \$15,000.00 upon completion of software development, IRC testing and delivery of the software to the Legislature.
- ✓ \$15,000.00 upon Senate testing and acceptance of all deliverables within schedule.

The Senate may deduct from the amounts due under this proposal the sum of \$500 for each Legislative Day after January 1, 2013 (that is, a day when the Senate is in session) that IRC fails to complete and submit any deliverables within the schedule, and in accordance with all deliverable requirements.

**SECTION VIII: Warranty**

IRC shall warrant all deliverables under this proposal for a period of twelve (12) months from delivery and acceptance of the final required deliverable by the Legislature. After expiration of the warranty period, IRC agrees to perform support and maintenance for a cost of 6% of the completed contract amount for the next four years.

## **Exhibit 2-Features of the Software**

- bill text. One click access to the printed bill and all amendments, much faster and easier to find than digging through loose leaf binders.
- bill sponsors; committees. Colored icons listing which bills are sponsored by the Legislator, which bills come out of the Legislator's committee, and those bills for which the Legislator has saved personal notes.
- bill history. Previous actions taken by the House and Senate on the bill
- roll calls. Roll calls in House and Senate on that bill, including individual votes
- notepad. Allows private notes on each matter to be typed, stored and easily retrieved. Senators with laptops may make note on bills as they are considered in committee, retrieving them when in the Senate chamber.
- optional synchronization with the display board. As items are posted on the illuminated board in the chamber, the computer screen automatically scrolls to that item. Synchronization can be turned on or off by checking a box on the screen. When turned off, the user can manually scroll down the page using the scroll wheel on the mouse.
- scripts. Common scripts used for making particular motions
- bill search. Search facility for bills, by LD, HP or SP, or by bills in a particular committee or sponsored by that Legislator
- email messaging. Ability to send electronic messages to another member

Exhibit 3 - States Using Computers in Legislative Chamber



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

**States that Purchase Laptops or Personal Computers for Legislators' Use in the Chamber\*  
2012 Legislative Sessions**

State	Approx. Startup Date	Internet Access Provided While in Session?	External E-Mail Access Provided While in Session?
Alabama	1999	Yes	Yes
Alaska (iPads)	2012	Yes	Yes
Arizona	1998	Yes	Yes
Arkansas House	1996	Yes	Yes
Arkansas Senate	1997	Yes	Yes
California	1995	Yes	No
Colorado	1999	Yes	Yes, but not during third readings <sup>1</sup>
Connecticut	1998	Yes	Yes
Delaware	2007	Yes	Yes
Florida House	1991	Yes	Yes
Florida Senate	1997	Yes	Yes
Georgia	2000	Yes	Yes
Hawaii House	2003	Yes	Yes
Hawaii Senate	2008	Yes	Yes
Idaho	2001	Yes	Yes
Illinois	1996	Yes	Yes
Indiana	1994	Yes	Yes
Iowa House	1997	Yes	Yes
Iowa Senate	1996	Yes	Yes
Kansas	2006	Yes	Yes
Kentucky	1998	No	No
Louisiana	1998	Yes	Yes
Maryland House	2000	Yes	Yes
Maryland Senate	1999	Yes	Yes
Michigan House	2000	Yes	Yes
Michigan Senate	1990	No	Yes
Minnesota House	1997	Yes	Yes
Minnesota Senate	1998	Yes	Yes
Mississippi	1997	Yes	Yes
Missouri House	1997	No	Yes
Montana <sup>2</sup>	2007	Yes	Yes
Nebraska	1997	Yes	Yes
Nevada	1997	Yes	Yes
New Mexico	1998	Yes	Yes
North Carolina House	2000	Yes	Yes
North Carolina Senate	2009	No	No
North Dakota	1997	Yes	Yes
Ohio	2001	No	No
Oklahoma House	1998	Yes	Yes
Oklahoma Senate	2007		
Oregon House	2007	Yes	Yes

State	Approx. Startup Date	Internet Access Provided While in Session?	External E-Mail Access Provided While in Session?
Pennsylvania House	1999	Yes	Yes
Rhode Island	2003	No	No
South Carolina	1999	Yes <sup>3</sup>	Yes
South Dakota	1999	Yes	Yes
Tennessee	1999	Yes	Yes
Texas House	1996	Yes	Yes
Texas Senate	1997	Yes	Yes
Utah	1997	Yes	Yes
Virginia	1999	Yes	Yes
Washington House	1998	Yes	Yes
Washington Senate	1999	Yes	Yes
West Virginia House (iPads in 2012)	2001	No	No
Wisconsin Assembly	1999	Yes	Yes
Wyoming	2002	Yes	Yes

Total: 44 states: States not listed: Maine, Massachusetts, New Hampshire, New Jersey, New York, Vermont.

\* Does not imply that laptops may be used only in the chamber—most states provide laptops for use anywhere; in a few states, computers or laptops are attached to or locked down to the chamber desk. Additional states may allow legislators to bring personally-owned laptops into the chamber.

<sup>1</sup> The use of technology in the Chambers has varied and is controlled by Rule: "During the third reading of bills, members shall not use any electronic devices for the purpose of transmitting or receiving voice or data communications, including but not limited to electronic mail and text messaging."

<sup>2</sup> Laptops are not purchased for legislators, but in 2007, an appropriation allowed for legislators to purchase their own laptops to be used for legislative business.

<sup>3</sup> The chamber equipment is limited to the legislature's web site and a few other select sites during session.

*We encourage you to help us keep this information accurate and current. Please contact Pam Greenberg at 303-364-7700 ext. 1413 or at [pam.greenberg@ncsl.org](mailto:pam.greenberg@ncsl.org) with any updates or corrections to this list.*

## **Exhibit 4 – Vendor Proposals for Computer Purchase**

(to be attached)



Remit PO Box 4250, Portsmouth, NH 03802  
 REP Sue Macquade  
 PH# 866-852-4150  
 FAX# 855-682-3970  
 Email smacquade@axisbusiness.com

**QUOTE**

**AXSQ43419**

Date Sep 20, 2012

**Quoted To:**

Maine State Legislature  
 Scott Clark  
 100 State House Station Room 262  
 Augusta, ME 04333  
 United States  
  
 Phone 2072871625

**Ship To:**

Maine State Legislature  
 Scott Clark  
 100 State House Station Room 262  
 Augusta, ME 04333  
 United States  
  
 Phone 2072871625

Terms	Ship Via	BEST GROUND	P.O. Number			
Line #	Part#	Description	Unit Price	Qty	Ext. Price	
1	3554CTO	Lenovo M72z (frame style) Core i3 -3240 3.4 3M cache, win 7 All in one NON Touch screen , 4 gig ram, 250 gig 7200 RPM SATA, wireless Keyboard and Mouse, integrated Audio & speakers & Nic. Wireless combo N2230, 3 year warranty	\$1,029.00	37	\$38,073.00	
2	45J7915	Lenovo 45J7915 DisplayPort to Single-Link DVI Monitor Cable - DVI-D (Single-Link) - 7.87"	\$19.50	37	\$721.50	
3	57Y4303	Lenovo 57Y4303 Security Cable Lock - Keyed Lock - Zinc Alloy, Galvanized Steel - 4.99 ft	\$21.00	37	\$777.00	
<b>SubTotal</b>						<b>\$39,571.50</b>

**Here is the i5 processor model**

7	3554CTO	Lenovo M72z (frame style) Core i5 -3550s 3.0 6m cache, win 7 All in one NON Touch screen , 4 gig ram, 250 gig 7200 RPM SATA, wireless Keyboard and Mouse, integrated Audio & speakers & Nic. Wireless combo N2230, 3 year warranty	\$1,099.00	0	\$0.00	
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Thank you for the opportunity to earn your business!

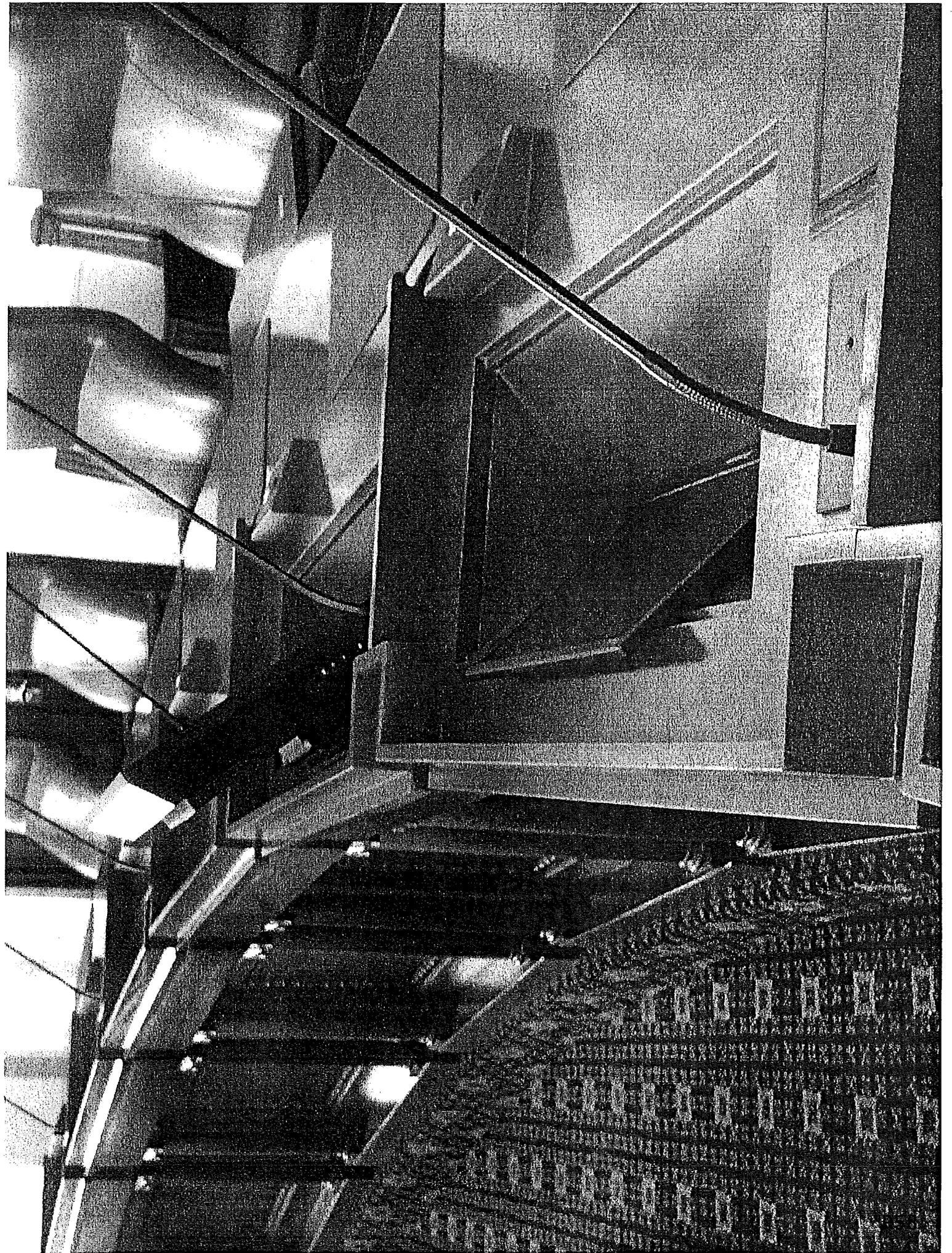
Ask your Sales Rep about Leasing Options!

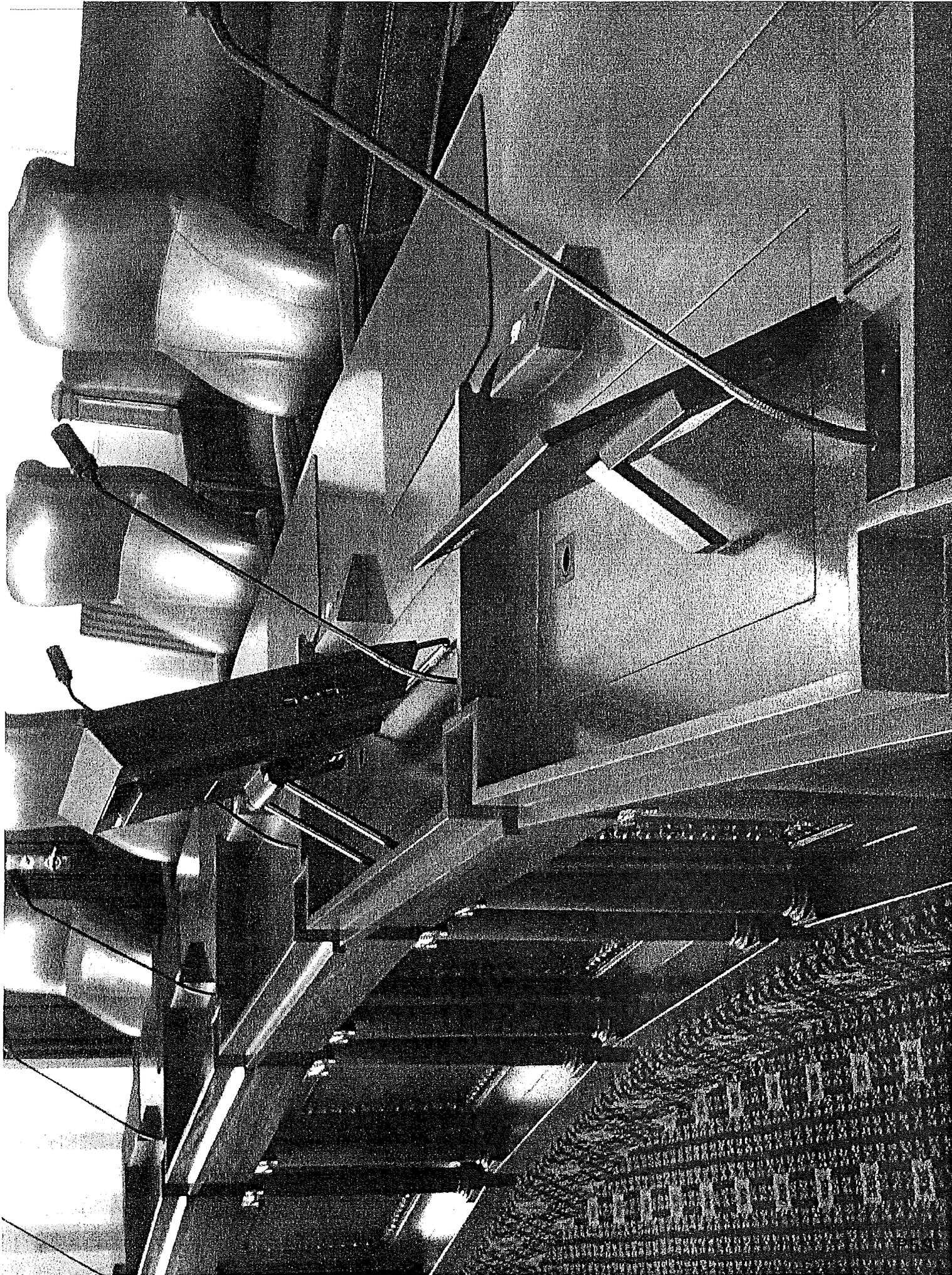
<b>Subtotal</b>	<b>\$39,571.50</b>
<b>Tax</b>	<b>\$0.00</b>
<b>Shipping</b>	<b>\$0.00</b>
<b>Grand Total</b>	<b>\$39,571.50</b>

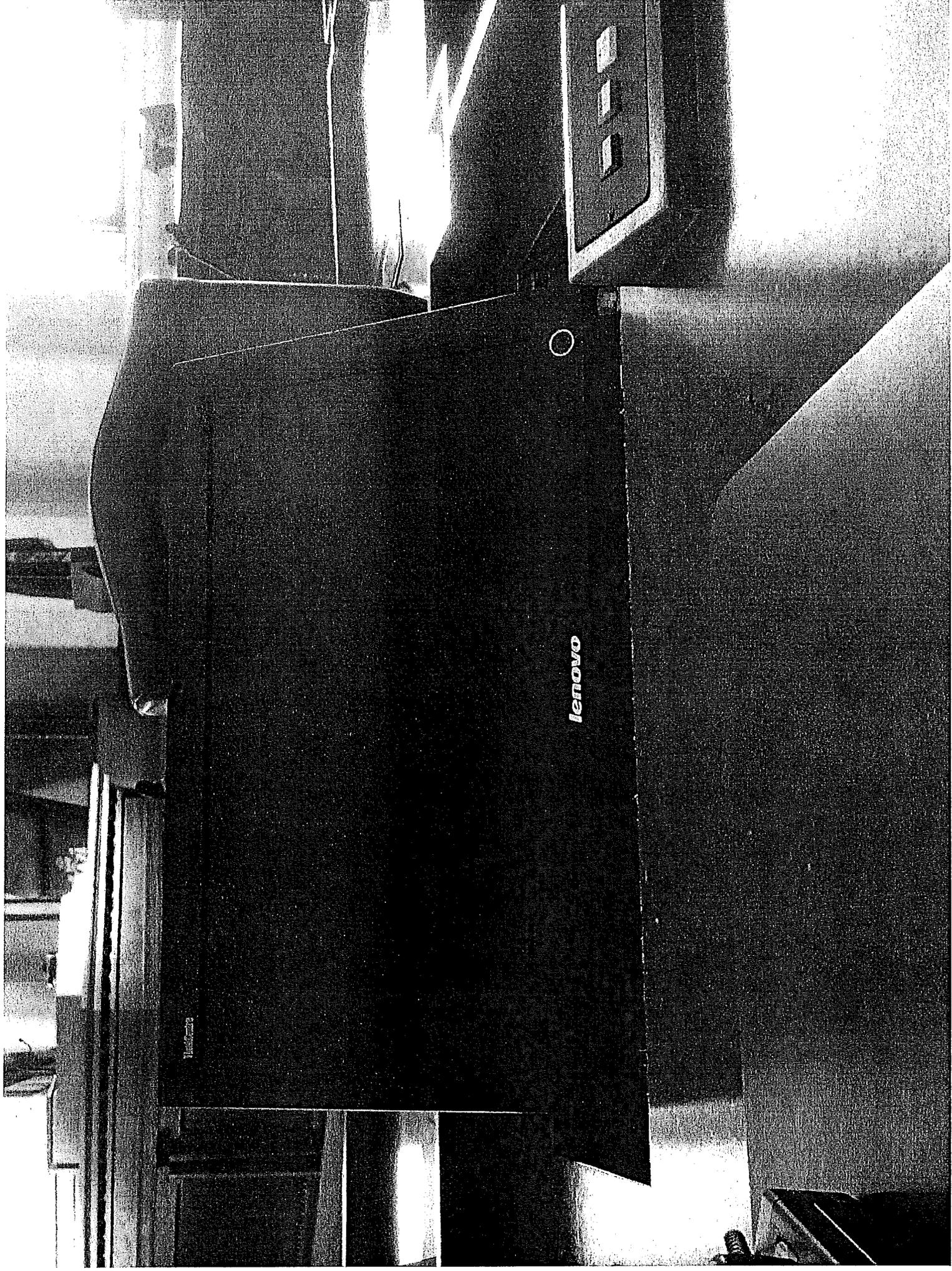
This document represents a good faith estimate for pricing on the hardware and/or services stated above. It does not represent any indication of the availability or deliverability of these products. If you are tax exempt please be sure that we have your exception number on file. To place an order please call your sales representative. Standard Payment terms are net 21 days. Prices subject to change and all pricing is based upon total purchase of all items listed on quote. All hardware computer components proposed above are covered by the manufacturer's warranty. Our returns policy is based on the manufacturer's policy. Please note that many manufacturers do not return open product. Returns can result in restocking fees up to 30%. Signature accepts the equipment costs as laid out in this quote and agree that in lieu of a purchase order, this equipment is required and authorized for purchase.

I authorize the purchase of the equipment as described and at the prices listed in this quote and agree to payment within terms. I understand that taxes and shipping will be added

X \_\_\_\_\_







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