

MAINE STATE LEGISLATURE

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REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
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SEN. JONATHAN T. E. COURTNEY
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REP. PHILIP A. CURTIS
REP. EMILY ANN CAIN
REP. ANDRE E. CUSHING III
REP. TERRY HAYES

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING OF LEGISLATIVE COUNCIL

March 3, 2011

1:30 PM

AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 27, 2011 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
10	▪ Executive Director's Report (Mr. Boulter)	Information
11	▪ Fiscal Report (Mr. Pennoyer)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (No report)	
16	• State House Facilities Committee Consideration of Increased Security in State House	Decision
	OLD BUSINESS	
	Item #1: Council Actions Taken By Ballot (No Action Required) List of actions January 27, 2011 meeting. (NONE)	

NEW BUSINESS

24	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
31	Item #2: Suggested Legislative Council Policy on Legislative Studies (Mr. Norton)	Decision
	Item #3: Policy on Use of Legislative Rooms (President Raye)	Discussion
	Item #4: Final Report of the Joint Select Committee on Health Care Reform Opportunities and Implementation	Acceptance
	Item #5: Fifth Annual Report of the Right to Know Advisory Council	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

J.N. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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REP. TERRY HAYES

MEETING SUMMARY
January 27, 2011

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the January 27, 2011 Legislative Council meeting to order at 1:54 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Raye, Senator Courtney, Senator Plowman, Senator Hobbs, Senator Alfond

Representatives: Speaker Nutting, Representative Curtis, Representative Cushing, Representative Cain, Representative Hayes

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

Senate President Raye convened the meeting at 1:54 P.M. with a quorum of members present.

SUMMARY OF DECEMBER 17, 2010 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of December 17, 2010 be accepted and placed on file.
Motion by Representative Cushing. Second by Representative Cain. **Motion passed unanimous.**
(9-0; Senator Courtney absent)

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported on the following items:

Economic Development Bus Tour

As part of the Legislative Council's orientation programs for the 125th Legislature, the Maine Development Foundation (MDF) arranged for an economic development bus tour of the mid-coast and Down East areas of Maine for all interested legislators. The bus tour took place from Wednesday, January 12, 2011 through Friday, January 14, 2011. They stopped at 9 locations. 67 legislators participated in the tour and their feedback has been very positive. Mr. Boulter acknowledged MDF's gratitude to the staff at Jasper's Restaurant in Ellsworth who made special arrangements to serve dinner to legislators during the winter storm.

Damage to Granite Bollard

Snow removal crews have damaged one of the granite bollards at the south entrance plaza at the State House. The estimated cost to repair or replace is \$3500. The State's Risk Management Division is handling the claim and reimbursement process.

Dome Lighting

The last of the replacement lighting in the upper dome of the State House has been installed. LED and induction lighting were not feasible for this particular project, so metal halide lights were installed. The useful life of the lamps is increased by about 20% above that of the lamps they replace. The lights replace obsolete lamps that were installed in 1996.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2011 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$241.6	\$237.3	(\$4.3)	-1.8%	\$243.4	-2.5%
FYTD	\$1,281.5	\$1,283.5	\$2.0	0.2%	\$1,208.1	6.2%

General Fund revenue was \$4.3 million (1.8%) under budget in December, but remained a positive variance for the first half of FY 2011 of \$2.0 million (0.2%). The variances from budget reflect the increase of budgeted revenue in the December 2010 revenue forecast, which totaled \$111.6 million in FY 2011. General Fund revenue performance reflects a 6.2% growth for the first half of FY 2011 over the same period in FY 2010.

The variance for the month of December reflects the catching up of tax relief program payments that had been lagging behind for the first 5 months of FY 2011 before December's surge, producing a negative variance for this category of \$8.1 million. For the first half of FY 2011, this category was only modestly under budget.

Through the first half of FY 2011, the strong performers for the General Fund remain the Sales and Use Tax and Service Provider Tax combined (ahead of budget by \$4.8 million) and the Corporate Income Tax (ahead of budget by \$2.2 million). While Sales and Use Tax performed well, reflecting taxable sales through November, the potential remains for the recent increases in heating oil prices to significantly dampen taxable sales for the remainder of the winter months and beyond.

Some areas of concern through the first half of FY 2011 include fine revenue (\$2.0 million or 12.5% under budget), lottery transfers (\$1.4 million or 5.2% under budget), STA-CAP transfers (\$1.5 million or 17.4% under budget) and Inland Fisheries and Wildlife revenue (\$1.2 million or 11.2% under budget).

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$22.4	\$22.7	\$0.3	1.2%	\$23.7	-4.3%
FYTD	\$139.0	\$140.0	\$1.0	0.7%	\$139.5	0.4%

Highway Fund revenue was over budget by \$0.3 million (1.2%) in December and \$1.0 million (0.7%) for the first half of FY 2011. This variance reflects the additional budgeted revenue included in the December 2010 revenue forecast. Although December's revenue performance reflected a decrease from December 2009, the first half of FY 2011 reflected modest growth for the Highway Fund over the same period in FY 2010.

Fuel Taxes remain the primary driver of the positive variance, with the performance of the Gasoline Tax leading the way with a positive variance for the first half of FY 2011 of \$1.0 million. The recent increases in gasoline prices may negatively affect some of the positive variance over the remainder of the fiscal year.

Cash Balances

The average total cash pool balance for December was roughly \$183 million higher than one year ago. At \$513.1 million for December, the total cash is above December's recent historical average of \$502.3 million (December 2001 to 2009). Average cash balances have shown improvement in virtually all of the groups broken out below. The improvement in the General Fund cash position is the primary contributor to this overall improvement. Reserve balances have improved but other factors, including constrained General Fund spending, have significantly reduced internal borrowing, which was \$120 million less than a year ago in December.

Summary of Treasurer's Cash Pool		
December Average Daily Balances		
Millions of \$'s		
	2009	2010
General Fund (GF) Total	\$16.3	\$28.0
General Fund (GF) Detail:		
Budget Stabilization Fund	\$0.2	\$25.4
Reserve for Operating Capital	\$0.0	\$11.2
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$300.0	\$180.0
Other General Fund Cash	(\$283.9)	(\$188.6)
Other Spec. Rev. - Interest to GF	(\$17.2)	\$12.4
Other State Funds - Interest to GF	\$15.1	\$14.8
Highway Fund	\$20.4	\$55.5
Other Spec. Rev. - Retaining Interest	\$40.0	\$55.3
Other State Funds	\$152.4	\$234.1
Independent Agency Funds	\$103.2	\$113.0
Total Cash Pool	\$330.2	\$513.1

Status of Legislative Studies

Mr. Boulter reported that all legislative studies have all been completed.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

The Personnel Committee held its initial meeting earlier today, January 27, 2011 to consider 3 matters:

1. Reappointment of John R. Barden as Director of the Legislature's Law and Legislative Reference Library to a new 3 year term. The committee reviewed Mr. Barden's performance over the past 3 years and felt that the management and direction provided by Mr. Barden during that period have significantly improved the library's service to the Legislature, the Judiciary and others, improved responsiveness and moved the library toward much greater use of technology and digitization of resource materials. The committee felt that Mr. Barden performed very well as director since his appointment. The committee voted unanimously to recommend that Mr. Barden be reappointed to a new term at Step 5.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council reappoint John R. Barden to a new 3 year term as Director of the Legislature's Law and Legislative Reference Library, at Salary Step 5, the date of his reappointment being retroactive to January 2, 2011. Motion by Speaker Nutting. Second by Representative Cain. **Motion passed unanimous. (10-0)**

2. Reappointment of Beth Ashcroft as Director of the Office of Program Evaluation and Government Accountability to a new 5 year term. The committee began its review of Ms. Ashcroft's performance during the past 6 years. The committee had a very good discussion with Ms. Ashcroft but voted to table its recommendation until it offered the Government Oversight Committee an opportunity to make a recommendation as provided by law. The Personnel Committee will make a recommendation at its February meeting.
3. Request for Unpaid Leave of Absence. The committee considered a request by a Legislative employee for an unpaid leave of absence for a period following adjournment sine die of the 1st Regular Session and ending prior to convening of the 2nd Regular Session. The request is consistent with the provisions for unpaid leave under the Legislative Council's personnel policies and guidelines and the applicable provisions of the collective bargaining agreement. Upon the recommendation of the employee's director and the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

2. State House Facilities Committee

The State House Facilities Committee held its initial meeting on January 12, 2011 and a second meeting on January 20, 2011. The topic at both meetings was consideration of additional security measures in and around the State House.

The committee reviewed a comprehensive Report on Capitol Security prepared by the Legislative Council's State House Facilities Committee in August 2006. The committee invited the participation of Russell Gauvin, Chief of Capitol Police. The committee requested Chief Gauvin to develop 4 options for security in the State House for consideration by the full Legislative Council. The options range from no substantial change (status quo) to increasing the number of law enforcement personnel assigned to Legislative areas and use of metal detectors and package

screening. The committee made no recommendation on the four options and presented them for consideration by the Legislative Council.

The Legislative Council briefly discussed security matters, noting that more than half of the states provide metal detection/screening of persons entering their state house. President Raye stated that he believed the council can find the right balance of increasing safety and security of people who work in the State House and the public that has a right to feel safe when visiting without instituting unduly burdensome security measures. Capitol Police Chief Gauvin then outlined 4 options for security measures to the Legislative Council.

In response to a question about funds used to purchase the council's existing security equipment (metal detectors and package screening devices), Mr. Boulter responded that the equipment was obtained using Homeland Security grant funds, with the understanding that the equipment was to be used for the State House. After further discussion, the council generally felt that because of the implications of a decision on the level of security in the State House, further consideration and a recommendation by the facilities committee would be beneficial.

Motion: To table the matter and direct the State House Facilities Committee to review various security options and make a recommendation to the Legislative Council at its February meeting. Motion by Senator Courtney. Second by Senator Alfond. **Motion passed unanimous. (10-0)**

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

There were no Legislative Council actions taken by ballot since its December 17, 2010 meeting. No further action by the Legislative Council is required.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The Legislative Council considered 12 after deadline bill requests. Of the 12 requests, the council authorized 7 requests for introduction in the 1st regular session of the 125th Legislature, 1 failed to be authorized, 1 was withdrawn by the sponsor, and 3 were tabled until a future Legislative Council meeting. The Legislative Council's actions on the requests are included on the attached list.

Item #2: Establish Dates for 2011 Youth in Government Program

The State YMCA of Maine which organizes the Annual Youth in Government Program requested approval to hold the program for 2011 on November 18-20, 2011. In response to a question, Mr. Boulter indicated that a fall date (rather than spring date) for the program seems to work well for both the Legislature and the program, with fewer scheduling conflicts and a better predictability of program dates.

Motion: That the Legislative Council approve the request by the State YMCA of Maine to hold its 2011 Youth in Government Program in the State House on November 18-20, 2011. Motion by Representative Cain. Second by Representative Hayes. **Motion passed unanimous. (10-0)**

Item #3: Potential for Broadcasting Legislative Sessions via Cable Television

President Raye indicated that he would like the Legislative Council to explore the feasibility of broadcasting House and Senate sessions on cable television in Maine.

Motion: That the Legislative Council refer the matter to the State House Facilities Committee for its consideration and recommendation to the council. Motion by Speaker Nutting. Second by Representative Cain. **Motion passed. (8-2, Senator Courtney and Representative Curtis opposed)**

Item #4: Request to Open the State House to Public on Saturdays

The Office of the Governor requested approval from the Legislative Council to open the State House to the public on Saturdays for a period of 6 months. The Governor's office proposed a protocol for constituent appointments with the Governor on Saturdays that include prior appointment, Capitol Police presence, background checks, and escorts to and from the Governor's office. Constituents would request appointments through the Governor's office.

Motion: That the Legislative Council approve the request by the Governor to open the State House to the public on Saturdays on a limited basis for a period of 6 months. Motion by Representative Cain. Second by Representative Cushing. **Motion passed unanimous. (10-0)**

Item #5: Payment of CSG/ERC 2010 Annual Meeting Expenses

In August 2010, Maine hosted the Annual Meeting of the Council of State Governments, Eastern Regional Conference. Mr. Boulter explained that while the Legislative Council of the 124th Legislature had attempted to raise all funds needed to fulfill Maine obligations for the social program through private donations, it was not able to do so completely. About 2/3 of the costs were covered by \$102,950 in funds received. Two obligations remain outstanding: payment to the Council's consultant for the event, Mr. John Hennessy, in the amount of \$11,800 and reimbursement to CSG/ERC for expenses in the amount of \$25,500. No outstanding pledges are expected to be received. Mr. Boulter recommended that the Legislative Council authorize payment of the outstanding amounts so that it remain in good standing with its contractors and membership organizations. The payment would be made from unexpended funds in the legislative accounts achieved through various savings measures, including advertising contracts and printing costs.

Motion: That the Legislative Council authorize payment to the Council of State Governments/Eastern Regional Conference and to Mr. Hennessy in the amounts of \$25,500 and \$11,800 respectively as recommended by Executive Director Boulter. Motion by Representative Curtis. Second by Senator Alfond. **Motion passed unanimous. (10-0)**

Item #6: 2010 Annual Report of Midcoast Regional Development Authority

The Midcoast Regional Development Authority has submitted its Annual Report for 2010 for acceptance by the Council.

Motion: To accept the 2010 Annual Report of the Midcoast Regional Development Authority and place it on file. Motion by Representative Hayes. Second by Representative Cushing. **Motion passed unanimous. (10-0)**

Item #7: Maine State Planning Office: 2011 Report on Poverty

The Maine State Planning Office has submitted its report entitled *2011 Report on Poverty* for acceptance by the Council.

Motion: To accept the *2011 Report on Poverty* from the Maine State Planning Office and place it on file. Motion by Speaker Nutting. Second by Representative Cain. **Motion passed unanimous. (10-0)**

Item #8: 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. Motion by Speaker Nutting. Second by Senator Alfond. **Motion passed unanimous. (10-0)**

The council entered into an executive session at 3:20 PM. At the conclusion of the executive session, on a motion by Representative Cushing, seconded by Representative Cain, with Senator Courtney absent, the Legislative Council voted unanimously to end its executive session at 3:40 PM.

ANNOUNCEMENTS AND REMARKS

The Legislative Council meeting was adjourned at 3:42 P.M. on a motion by Representative Cushing, seconded by Representative Cain. **Motion passed unanimous (9-0, with Senator Courtney absent).**

Attachment: Legislative Council Action of After Deadline Bill Requests, January 27, 2011

		<u>Action</u>
SPONSOR:	Rep. Berry, Seth A.	Withdrawn by Sponsor
LR 1995	An Act To Require All Scrap Metal Cars Accepted at Salvage Processors To Come from Salvage Yards	
SPONSOR:	Rep. Dow, Dana L.	Passed (9-1)
LR 2012	An Act To Extend Employment Reference Immunity to School Administrative Units	
SPONSOR:	Rep. Fredette, Kenneth W.	Passed (10-0)
LR 2001	An Act To Update Bankruptcy Law To Incorporate Federal Changes Relating to Exemptions	
SPONSOR:	Rep. Haskell, Anne M.	Failed (5-5)
LR 2011	An Act To Prohibit the Sale of High Capacity Ammunition Clips	
SPONSOR:	Rep. Hogan, George W.	Passed (10-0)
LR 2010	An Act To Amend the Laws Governing Disorderly Conduct	
SPONSOR:	Sen. Jackson, Troy D.	Tabled (7-3) 1/27/11
LR 1998	Resolve, To Direct the Bureau of Unemployment To Allow Mark Hafford To Appeal a Claim of Overpayment	
SPONSOR:	Sen. Jackson, Troy D.	Tabled (7-3) 1/27/11
LR 1999	Resolve, To Direct the Workers' Compensation Board To Allow Lowman McBriarty To File an Appeal	
SPONSOR:	Sen. Jackson, Troy D.	Passed (9-1)
LR 2019	An Act To Require the State To Transfer Employee Pension Premium Payments to the Employers Pension Agency within 2 Business Days	
SPONSOR:	Sen. Jackson, Troy D.	Passed (6-4)
LR 2020	An Act To Establish an Electronic Verification System in the State	
SPONSOR:	Sen. Thibodeau, Michael D.	Tabled (10-0) 1/27/11
LR 1994	An Act To Extend the Period for Remarketing Dig Safe Areas	

SPONSOR: LR 2015	Sen. Thibodeau, Michael D. An Act To Require Voter Validation for a School Administrative Unit To Retain Ownership of a School No Longer Used Primarily for Classroom Education	Passed
SPONSOR: LR 2018	Sen. Thomas, Douglas A. An Act To Establish Training Routes for School Bus Drivers	Passed

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Legislative Council

**Executive Director's Report
March 3, 2011**

1. Council of State Governments/Eastern Regional Conference
CSG/ERC is very appreciative of the Legislative Council's recent payment of outstanding expenses related to the 2010 annual meeting of CSG/ERC, and has sent a letter of appreciation.
2. Retirement of OFPR Staff Member Kathy Crowley Fuller
Long-term staff member Kathy Fuller retired last month after more than 25 years of service with the Legislature, in the Office of Fiscal and Program Review. There will be a reception for Kathy on Thursday, March 17th at noon in the Legislative Council Chambers. Legislative Council members are welcome to attend.

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Fiscal Briefing

Legislative Council Meeting

February 24, 2011

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (also see attached tables)

Total General Fund Revenue - FY 2011 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$263.0	\$266.1	\$3.1	1.2%	\$243.4	9.4%
FYTD	\$1,544.5	\$1,549.6	\$5.1	0.3%	\$1,451.4	6.8%

General Fund revenue was \$3.1 million (1.2%) over budget in January and was \$5.1 million (0.3%) over budget for the fiscal year-to-date (FYTD). Compared with the same period last fiscal year, General Fund revenue has grown 6.8% for seven months of FY 2011.

Late receipts in January in the Sales and Use Tax category produced a \$3.1 million positive variance for the month and increased the FYTD positive variance to \$11.0 million (2.2%). Even the Service Provider Tax recovered in January coming in \$1.3 million ahead of projections, but it remained under budget through January by \$1.8 million. The performance of these taxes and other taxes tied to consumer behavior will be watched anxiously over the next few months in light of the recent increases in heating oil prices.

The Individual Income Tax performed well in January, surging ahead of budget in January by \$8.8 million with strong performances in withholding and estimated payments more than offsetting higher than expected refunds. For the FYTD through January, Individual Income Tax collections were ahead of projections by \$8.1 million (1.0%).

However, Corporate Income Tax estimated payments in January fell well below projections and produced a \$5.6 million negative variance for the month and a \$3.5 million (3.1%) negative variance of the FYTD. In addition, the Other Revenue category was under budget by \$6.4 million in January and \$8.3 million (39.3%) for the FYTD. Within this category, Targeted Case Management revenue administered by the Department of Health and Human Services (DHHS) was the major factor in this negative variance, falling below projections by \$5.6 million in January. This shortfall is related to an information technology issue related to processing of claims filed internally within DHHS. The correction of this issue has been assigned a high priority.

With the strong performance of the major taxes that affect revenue sharing, the amounts set aside for revenue sharing through January were ahead of projections by \$0.7 million (1.3%), which translates into a negative variance for General Fund revenue.

Some areas of concern through January of FY 2011 include fine revenue (\$2.1 million or 15.8% under budget), lottery transfers (\$2.0 million or 6.6% under budget) and STA-CAP transfers (\$1.4 million or 9.9% under budget). Inland Fisheries and Wildlife revenue in January offset much of its FYTD variance for the first half of FY 2011, but it is uncertain whether this is a temporary recovery.

Fiscal Briefing (continued)

2. Highway Fund Revenue Update (also see attached tables)

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$24.1	\$25.7	\$1.6	6.8%	\$25.0	2.7%
FYTD	\$163.1	\$165.7	\$2.6	1.6%	\$164.5	0.7%

Highway Fund revenue was over budget by \$1.6 million (6.8%) in January and \$2.6 million (1.6%) for FY 2011 through January. Through January, Highway Fund revenue reflected modest growth of 0.7% over the same period last fiscal year. Fuel Taxes fell slightly below budget in January due to the negative variance for the Gasoline Tax, very likely affected by recent price increases. However, the Fuel Taxes negative variance for the month was more than offset by a strong performance in most other motor vehicle registration and inspection fee categories.

3. Cash Balances

The average total cash pool balance for January was \$536.9 million, more than \$200 million higher than one year ago. The recent historical average for January's average balance is \$546.6 million (January 2002 to 2010). Average cash balances have shown improvement in each of the groups broken out below. The improvement in the General Fund cash position is the primary contributor to this overall improvement with internal borrowing \$143.2 million less than a year ago. This improvement also increases the likelihood that the State can avoid external borrowing for the FY 2011 as it has done for the last 5 fiscal years, despite the potentially significant outlay to hospitals before March 31st as enacted by the Emergency Supplemental Budget Bill. The Emergency Supplemental Budget Bill also deappropriated most of the funds originally appropriated for this external cash flow borrowing.

Summary of Treasurer's Cash Pool		
January Average Daily Balances		
Millions of \$'s		
	2010	2011
General Fund (GF) Total	\$16.3	\$37.1
General Fund (GF) Detail:		
Budget Stabilization Fund	\$0.2	\$25.4
Reserve for Operating Capital	\$0.0	\$11.2
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$300.0	\$156.8
Other General Fund Cash	(\$283.9)	(\$156.3)
Other Spec. Rev. - Interest to GF	(\$17.2)	\$40.1
Other State Funds - Interest to GF	\$15.1	\$15.3
Highway Fund	\$20.4	\$53.9
Other Spec. Rev. - Retaining Interest	\$40.0	\$54.5
Other State Funds	\$152.4	\$225.0
Independent Agency Funds	\$103.2	\$110.9
Total Cash Pool	\$330.2	\$536.9

General Fund Revenue
Fiscal Year Ending June 30, 2011 (FY 2011)
January 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2011 Budgeted Totals
	January '11 Budget	January '11 Actual	January '11 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	90,454,390	93,581,408	3,127,018	494,755,397	505,752,357	10,996,960	2.2%	4.1%	904,850,262
Service Provider Tax	5,311,446	6,591,381	1,279,935	29,618,161	27,859,991	(1,758,170)	-5.9%	-1.2%	57,814,486
Individual Income Tax	142,640,642	151,418,936	8,778,294	798,450,643	806,585,584	8,134,941	1.0%	6.8%	1,370,120,000
Corporate Income Tax	14,508,339	8,873,796	(5,634,543)	111,514,896	108,050,971	(3,463,925)	-3.1%	22.9%	200,490,112
Cigarette and Tobacco Tax	10,667,419	11,144,441	477,022	86,445,185	86,064,367	(380,818)	-0.4%	-1.6%	146,209,555
Insurance Companies Tax	88,116	76,743	(11,373)	11,649,696	11,866,192	216,496	1.9%	-8.0%	76,765,000
Estate Tax	3,165,000	2,566,592	(598,408)	20,826,639	21,062,501	235,862	1.1%	37.2%	42,978,079
Other Taxes and Fees *	8,731,240	10,754,996	2,023,756	74,042,416	76,800,100	2,757,684	3.7%	1.0%	149,003,882
Fines, Forfeits and Penalties	2,289,737	2,127,960	(161,777)	18,365,112	16,200,091	(2,165,021)	-11.8%	-15.8%	31,133,161
Income from Investments	(32,947)	21,490	54,437	(147,896)	155,356	303,252	205.0%	-11.7%	27,332
Transfer from Lottery Commission	5,003,301	4,309,303	(693,998)	31,020,427	28,970,963	(2,049,464)	-6.6%	-4.0%	52,034,250
Transfers to Tax Relief Programs *	(20,966,342)	(19,847,958)	1,118,384	(97,603,825)	(96,361,663)	1,242,162	1.3%	2.4%	(112,087,945)
Transfers for Municipal Revenue Sharing	(8,277,231)	(8,498,669)	(221,438)	(55,423,730)	(56,154,185)	(730,455)	-1.3%	9.1%	(93,088,096)
Other Revenue *	9,458,184	3,017,840	(6,440,344)	21,016,039	12,746,361	(8,269,678)	-39.3%	-4.7%	59,224,977
Totals	263,041,294	266,138,259	3,096,965	1,544,529,160	1,549,598,985	5,069,825	0.3%	6.8%	2,885,475,055

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

General Fund Revenue
Fiscal Year Ending June 30, 2011 (FY 2011)
January 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date						FY 2011 Budgeted Totals
	January '11 Budget	January '11 Actual	January '11 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year		
Detail of Other Taxes and Fees:										
- Property Tax - Unorganized Territory	0	0	0	12,080,762	11,896,097	(184,665)	-1.5%	5.0%	13,245,281	
- Real Estate Transfer Tax	729,643	838,771	109,128	9,158,890	8,569,253	(589,637)	-6.4%	2.7%	13,298,052	
- Liquor Taxes and Fees	1,316,430	1,480,839	164,409	11,779,713	12,398,618	618,905	5.3%	4.8%	20,413,193	
- Corporation Fees and Licenses	179,225	228,579	49,354	1,572,941	1,592,890	19,949	1.3%	-1.9%	7,697,099	
- Telecommunication Personal Prop. Tax	0	0	0	0	(24,852)	(24,852)	N/A	74.2%	16,775,988	
- Finance Industry Fees	2,512,339	2,531,120	18,781	12,358,857	14,155,620	1,796,763	14.5%	4.8%	22,865,980	
- Milk Handling Fee	281,632	208,562	(73,070)	2,570,383	2,710,401	140,018	5.4%	-63.1%	5,949,972	
- Racino Revenue	727,029	600,629	(126,400)	5,745,024	5,517,365	(227,659)	-4.0%	1.9%	10,921,973	
- Boat, ATV and Snowmobile Fees	554,767	356,546	(198,221)	2,355,678	2,199,318	(156,360)	-6.6%	1.8%	4,500,295	
- Hunting and Fishing License Fees	1,611,343	2,818,734	1,207,391	9,964,271	10,006,682	42,411	0.4%	-2.6%	17,420,998	
- Other Miscellaneous Taxes and Fees	818,832	1,691,217	872,385	6,455,897	7,778,708	1,322,811	20.5%	80.9%	15,915,051	
Subtotal - Other Taxes and Fees	8,731,240	10,754,996	2,023,756	74,042,416	76,800,100	2,757,684	3.7%	1.0%	149,003,882	
Detail of Other Revenue:										
- Liquor Sales and Operations	2,292	1,650	(642)	16,044	15,592	(452)	-2.8%	7.1%	7,391,759	
- Targeted Case Management (DHHS)	6,517,009	878,103	(5,638,906)	14,025,276	7,487,431	(6,537,845)	-46.6%	-43.5%	23,159,729	
- State Cost Allocation Program	1,186,054	1,266,854	80,800	9,772,405	8,358,512	(1,413,893)	-14.5%	-9.9%	16,699,059	
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	2,333,420	
- Toursim Transfer	0	0	0	(9,048,877)	(9,048,877)	0	0.0%	-0.3%	(9,048,877)	
- Transfer to Maine Milk Pool	(350,000)	(266,821)	83,179	(4,011,691)	(3,745,021)	266,670	6.6%	58.4%	(4,011,691)	
- Transfer to STAR Transportation Fund	0	0	0	(3,100,352)	(3,100,352)	0	0.0%	1.1%	(3,100,352)	
- Other Miscellaneous Revenue	2,102,829	1,138,054	(964,775)	13,363,234	12,779,076	(584,158)	-4.4%	6.6%	25,801,930	
Subtotal - Other Revenue	9,458,184	3,017,840	(6,440,344)	21,016,039	12,746,361	(8,269,678)	-39.3%	-4.7%	59,224,977	
Detail of Transfers to Tax Relief Programs:										
- Me. Resident Prop. Tax Program (Circuitbreaker)	(1,611,111)	(3,095,922)	(1,484,811)	(37,158,278)	(35,534,021)	1,624,257	4.4%	-2.1%	(43,500,000)	
- BETR - Business Equipment Tax Reimb.	(18,336,176)	(14,187,065)	4,149,111	(46,493,983)	(44,517,805)	1,976,178	4.3%	15.1%	(51,043,140)	
- BETE - Municipal Bus. Equip. Tax Reimb.	(1,019,055)	(2,564,971)	(1,545,916)	(13,951,564)	(16,309,837)	(2,358,273)	-16.9%	-41.7%	(17,544,805)	
Subtotal - Tax Relief Transfers	(20,966,342)	(19,847,958)	1,118,384	(97,603,825)	(96,361,663)	1,242,162	1.3%	2.4%	(112,087,945)	
Inland Fisheries and Wildlife Revenue - Total	2,260,515	3,272,401	1,011,886	12,996,459	12,801,795	(194,664)	-1.5%	-1.5%	23,068,034	

Highway Fund Revenue
Fiscal Year Ending June 30, 2011 (FY 2011)

January 2011 Revenue Variance Report

Revenue Category	January '11 Budget	January '11 Actual	January '11 Variance	Fiscal Year-To-Date					FY 2011 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,985,194	15,660,152	(325,042)	103,802,244	104,524,126	721,882	0.7%	-0.3%	194,694,000
- Special Fuel and Road Use Taxes	3,133,355	3,412,349	278,994	22,144,915	22,575,844	430,929	1.9%	-2.9%	43,651,789
- Transcap Transfers - Fuel Taxes	(1,405,255)	(1,412,241)	(6,986)	(10,773,328)	(10,839,466)	(66,138)	-0.6%	-1.8%	(17,503,281)
- Other Fund Gasoline Tax Distributions	(399,742)	(392,279)	7,463	(3,095,894)	(3,115,276)	(19,382)	-0.6%	-2.0%	(4,968,712)
Subtotal - Fuel Taxes	17,313,552	17,267,982	(45,570)	112,077,937	113,145,229	1,067,292	0.9%	-1.1%	215,873,796
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	3,684,715	4,564,110	879,395	35,086,767	35,785,618	698,851	2.0%	4.0%	64,718,038
- License Plate Fees	133,706	69,489	(64,217)	1,835,764	1,788,277	(47,487)	-2.7%	-0.6%	3,445,125
- Long-term Trailer Registration Fees	839,479	1,056,493	217,014	3,450,147	3,903,473	453,326	11.6%	40.0%	7,884,523
- Title Fees	716,028	890,532	174,504	6,159,104	6,268,434	109,330	1.7%	5.9%	10,871,056
- Motor Vehicle Operator License Fees	423,251	453,598	30,347	3,413,175	3,385,021	(28,154)	-0.8%	2.5%	5,958,859
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(7,484,595)	(7,375,315)	109,280	1.5%	0.4%	(14,830,531)
Subtotal - Motor Vehicle Reg. & Fees	5,797,179	7,034,222	1,237,043	42,460,362	43,755,508	1,295,146	3.0%	7.2%	78,047,070
Motor Vehicle Inspection Fees	265,000	679,021	414,021	1,786,900	2,030,009	243,109	12.0%	9.9%	2,952,500
Other Highway Fund Taxes and Fees	71,691	73,202	1,511	775,980	762,979	(13,001)	-1.7%	-1.4%	1,325,823
Fines, Forfeits and Penalties	100,161	79,523	(20,638)	751,206	731,253	(19,953)	-2.7%	-22.3%	1,305,049
Interest Earnings	7,844	9,365	1,521	82,822	74,971	(7,851)	-10.5%	-8.5%	122,038
Other Highway Fund Revenue	507,641	565,555	57,914	5,151,867	5,209,446	57,579	1.1%	-9.0%	8,102,531
Totals	24,063,068	25,708,870	1,645,802	163,087,074	165,709,395	2,622,321	1.6%	0.7%	307,728,807



Paul R. LePage
Governor

STATE OF MAINE
Department of Public Safety
Bureau of Capitol Police
State House Station #68
Augusta, Maine
04333-0068



John E. Morris
Commissioner

Russell J. Gauvin
Chief

January 26, 2011

TO: The Legislative Council

FROM: Russell J. Gauvin, Chief of Police

RE: Proposals for Increasing Security for the Maine State

Request:

The shootings of Congresswoman Gifford and others in Arizona on January 8, 2011, combined with other events occurring in the Nation and around the world, have renewed calls for increasing security in the Maine State House. One part of that security process is the potential screening of people and packages to prevent dangerous items from entering the State House.

On Thursday, January 20, 2011, I met with the Legislative Council's Facilities Sub-Committee and presented both verbal and written ideas around the issue of increasing the security and safety of the people who work in or visit the Maine State House. In summary, those ideas were verbally boiled down to four options. I was asked to put those four options into this report.

Background:

The Bureau of Capitol Security (now Capitol Police) (CP) has, since the Bureau's inception, provided law enforcement and security support to the State House and the other State buildings in the Capitol Area and on the Eastside Campus. Up until a few years ago, the State House was treated as simply one of the fifty or so other buildings that CP officers patrolled. A few years ago, after the State House was renovated, CP began assigning an officer to the lobby at all hours when the State House is open to the public. The officer assigned to that task is not dedicated solely to that duty; the officer may be called away for other calls for service as needed. However, the primary focus of that officer is State House security.

Almost a decade ago the State purchased, through a Federal Grant, the equipment needed for screening people and packages entering the State House. The equipment has been on hand since,

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but has not been deployed on any kind of regular basis. The increase in staffing that would be required to man the equipment was never approved.

The Bureau of Capitol Police works continuously with our law enforcement partners to identify, assess, and prevent threats to the safety or security of Maine's Seat of Government. The Bureau of Capitol Police investigates and coordinates response to all safety, security and law enforcement incidents occurring on our campuses. Capitol Police work very closely with the State Police Executive Protection Unit and with the Augusta Police Department. The Augusta Police Department hosts our police records management software and computerized dispatch information and Capitol Police share those information resources with Augusta Police and Fire Department. Augusta Police officers are the primary backup responders to Capitol Police incidents on our campuses and they often respond to incidents if a Capitol Police officer is not available. Both agencies operate on the same computerized dispatch system and mobile data terminal system.

The Baseline on Screening:

To effectively run one screening location, it is necessary to employ two trained people operating the equipment and interacting with people. In addition, one Law Enforcement Officer (LEO) is needed to oversee the operation and to deal with exceptions, such as hands on searches or dealing with items found. Stated another way, for each hour that screening is to occur, two man hours (of a security guard level person) and one man hour of a LEO will be needed. The hourly cost for a security guard level part-time or contract employee would likely be about \$19. The same level full-time State employee would be about \$21 an hour including benefit costs etc... The hourly cost for a Capitol Police officer (including benefits etc... but not on overtime) would be about \$25. The hourly cost for running one screening location would be between \$62 and \$67. The State House is usually open to the public ten hours each day, 50 to 60 (during parts of sessions) hours per week, and about 2,500 hours a year. The cost to screen would roughly equal \$625 per day, \$3,400 per week, or \$176,000 a year. The yearly estimate is higher than the straight hourly rate times the 2,500 estimated hours because of necessary overlap of shifts, vacations, illness coverage etc...

Option One: Continuing the Current Level of Security

The first option is to continue the current work of Capitol Police officers without changing the physical environment, adding personnel or other resources to the situation. The Bureau of Capitol Police takes the security and safety of Maine's Seat of Government very seriously. Personnel within the Bureau receive extensive ongoing training that is focused heavily on safety and security issues. Within the resources that are available, Bureau officers do an excellent job of preventing threatening or dangerous situations from developing in the State House. This is accomplished in a number of ways that include the monitoring of people and materials that come into the facility, knowledge of what is normal and unusual, developing and investigating intelligence information, and responding to situations that arise. There is no question in my mind that we do excellent work by keeping up with developing trends, issues, intelligence and technology. This, however, does not give us the ability to prevent dangerous items from being brought into the State House. The history of maintaining a safe and secure environment within the State House complex is a testament of our ongoing efforts, but should not be construed as

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any kind of guarantee against a problem occurring here. Most States that now do screening also did a good job with security historically, until that point when an incident occurred that tragically brought about the move to screening.

Option Two: Increasing the Access to Existing Technology

The second option that was discussed involved making the floor plan, pedestrian traffic and physical facility changes necessary to increase the access to the screening technology that the State already owns. Magnometers, both handheld and walk-through, and X-Ray package screening equipment sufficient to operate one screening location already are owned by the state. This equipment is designed to assist with identifying dangerous items and aid in preventing the infiltration of those items into the State House. In order for the equipment to be beneficial it first has to be operational. Second, the equipment must be positioned in place so that the people and packages entering the State House can be effectively and efficiently funneled through the screening process. The simple act of laying out the necessary traffic flow and installing the operational equipment will serve as a deterrent to some folks who may have thought of bringing a dangerous item into the State House. The third requirement is training personnel to properly operate the equipment and effectively screen the people and items for dangerous items.

I do not know the cost of reconfiguring the West lobby of the State House to accommodate the screening equipment. I do not think that significant work would be necessary to incorporate the traffic flow changes and installation of equipment necessary to efficiently do the screening. The training could likely be accomplished at minimal cost as existing CP personnel could be trained to operate the equipment over a period of time as schedules and other commitments allow.

The advantages of this option are that the equipment would be in place and able to be "activated" almost immediately if necessary (IE: should a known threat or other situation develop.) The equipment would be visible even when not in active use and this alone would be a bit of a deterrent. This option would give us the ability to design, analyze and adjust (if necessary) the traffic flow through the West entrance lobby. People who frequent the building would become accustomed to the new layout and would then not be significantly disrupted when actually screened. Existing CP personnel would have the ability to periodically operate the equipment and maintain their proficiency.

The disadvantage is that while the appearance of increased security would be evident, resources would not be available to do any more than *very occasional* screening exercises. It would become very apparent to even the occasional visitor that the equipment is not regularly utilized and getting a dangerous item into the building could be easily accomplished.

Option Three: Periodic Screening

The third option discussed is a step up from option two. Like option two, the same steps would be undertaken to reconfigure the West entrance lobby, install the equipment, and train existing CP personnel in the operation of that equipment. In addition, Capitol Police would hire additional full-time or part-time personnel to staff the screening location on a periodic basis. The amount, or frequency, of actual screening that would take place would be dependent on two factors. The first factor would be the level of financial resource dedicated to this purpose. The

second factor would be the threat level that any particular activities or events might present. I recommend regular, but periodic, screening of all people entering the State House during those times when the legislature is in Session, followed by regular, periodic, but less frequent screening of people entering the State House during off session times. Capitol Police would determine when the actual screening was to occur. This decision would be based on an analysis of activities and events taking place in the State House, but would also occasionally be completely randomly determined.

The advantages to this option would be all those listed under option two and several additional. The regular, periodic operation of the equipment, especially at those times when screening is done because of specific events, would increase the likelihood that we would keep dangerous items from being brought into the State House. Periodic random operation would greatly increase the deterrent effect to people contemplating bringing a dangerous item into the State House. The deterrent effect would be proportionally higher with increased frequency of actual operation of the screening equipment. The greater the amount of money dedicated to this purpose, the greater the resulting deterrent effect and, of course, a greater actual screening presence. There would be an advantage to having a trained work force (full-time, part-time, or a combination) that could be periodically deployed based on a schedule or events.

The disadvantages would be that full time screening would not be possible, unless the dedicated resources were sufficient to accomplish option four below. No matter how frequently periodic or random screening is done, a determined and watchful people trying to get a dangerous item into the State House could, of course, eventually be successful. Successful disruption of a planned attack by the screening process would be dependent on how much flexibility an assailant's time frame allowed.

The cost of this option would depend on the frequency being sought. Cost could vary from a low of approximately \$50,000 annually, for low frequency periodic screening, to a high of about \$150,000 annually for regular consistent screening during most times the Legislature is in session and just periodic other times. This cost is based on part-time employees or contract employees being utilized for the majority of coverage under the supervision of a Capitol Police officer.

Option Four: Full Screening of Non Access Card Holders into the State House

The best way to ensure the safety and security of people working in or visiting the State House is to do full time screening of all people entering the State House at all times the State House is open to the public. Screening is already done at most Federal facilities, airports and many other venues exactly for that reason. It is the best way to ensure that dangerous items are not brought into the facility to later be used against people inside. The full screening process, of course, comes with a significant financial price tag and some inconvenience as well. Most facilities employ, by policy, a less-than-full screening process. It is common for employees with card or key access, to be allowed to divert around screening. Even airports have a process for some pre-authorized people to avoid screening. For purposes of this report, the full screening being discussed is really the full-time screening of non pre-authorized people and packages entering the State House. The Legislative Council would need to decide, probably based on research and recommendations from Capitol Police, a policy on who gets screened and when and how

exceptions are made. For example, whether school groups should be screened presents one policy question while which employees should be screened presents another.

As stated above, the State House is open to the public about 2,500 hours a year. Full-time coverage of one screening location over a whole year would likely require two full-time Capitol Police Officers (one is already assigned to the State House) and five security guard level full-time employees. This takes into account the need for overlapping shifts, illnesses, vacations, training time, turnover and overtime needed to cover one location all the time. The cost to elevate the security to this level using full-time State employees would be approximately \$300,000. This cost could be lower if part-time employees, contract workers, or a combination of those are able to be utilized successfully. Full-time screening (2,500 hours) could possibly be accomplished for as low as \$180,000 annually.

Analysis:

The screening of people entering the state House would require a staff increase of four or five positions. While private screeners (overseen by the Bureau of Capitol Police personnel) would be a slightly less expensive way to accomplish the screening, I do not think it would be the best way to proceed. The primary reason that the State's cost is higher than the private contractor is the cost of the State's benefit package. The increased cost, however, does come with some benefits. The recruitment and retention rates for state employees are considerably higher than for private security -- where turn over rates are extremely high. I believe that having a State Bureau, and state employees, providing the security services would increase the accountability and professionalism of the service. The state would have control over who gets hired, the extent of pre-employment background done, the level of training, etc... At least a portion of the staff, one or two a shift, ideally, would be sworn law enforcement officers -- that are trained and equipped to deal with problems, could make arrests, and could perform other law enforcement functions (ie: taking control of seized drugs or weapons). The private security company, no matter how responsive, is a for-profit enterprise with a contract that limits the control the State can have over the workforce and work product.

The four options above are presented in my ascending order of recommendation. Option one being the least expensive and least desirable option and option four being the preferred, but also most expensive, option.

I am hopeful that, at a minimum, the Legislative Council approves and directs the installation of the screening equipment in the State House entrance lobby (Option Two above.) Regardless of whether or not we ever screen full-time, it would be beneficial to have the equipment installed and ready to go in the event that a specific threat arises or the national Threat Level increases. If the equipment is already in place, we could train a small staff to man it occasionally, especially for specific threats or for controversial hearings. It would also be beneficial for people to be accustomed to seeing the equipment in place. If funding were made available at some point to man the screening full-time, it would be in place and ready to go.

The options and analysis above do not include the reconfiguring of the Cross Office Building lobbies, screening equipment needs for that building, nor the cost of staffing a second screening station for that building. Once equipment and reconfiguring costs were calculated, the remaining

ongoing cost to run screening would be in line with the hourly, weekly and annual costs detailed for the State House location.

Conclusion:

The ability to provide the screening of people and packages entering the State House is dependent on financial resources. The cost of each option is detailed above.

The Legislative Council will have to give direction before protocols and procedures can be written for the screening people entering the State House. Decisions such as who gets screened, exceptions to screening, hours and location of screening efforts, and the detail/level of the screening would all need to be decided on by the Council on before protocols and procedures can be drafted.

The options presented are:

Option One: Continuing the Current Level of Security

This option continues with the current level of security with regular ongoing updating and improvements.

Option Two: Increasing the Access to Existing Technology

This option calls for installation of the existing equipment and training of existing personnel. It does not allow for more than very occasional use of that equipment.

Option Three: Periodic Screening

This option calls for the installation and periodic, both event driven and randomly determined, use of the equipment. This option would require an increase in financial resources and could be tailored to a level consistent with the resources allocated. A reasonable range would be between \$50k and \$176K annually.

Option Four: Full Screening of Non Access Card Holders into the State House

This option calls for the screening of all persons and packages entering the State House during all hours that the building is open to the public. This option would require an increase in financial resources including additional manpower. Dependent on a number of variables, the cost would likely be between \$180k and \$300k.

In my opinion, at a minimum, we should commit to installing the screening equipment so that it can be used on occasions when needed and would be ready for use full-time if funding is approved.

Appendix

I have attached below a **2007** comparison of costs done by Michael Coty, the Judicial Branch's Judicial Marshall. His comparison was done to show the cost of providing screening at a courthouse. It is a similar comparison, his Judicial Marshalls to private security, deputy sheriffs, etc... with similar results as the comparison done by me above. It is, of course, more expensive to use State employees. A check with a local private security company indicated that the company's rate for one of their security guards currently would be approximately \$20 per hour.

From Michael Coty:

The information provided below would be hourly rates per officer for entry screening. These figures do not include supervision, or coverage rates if vacancy coverage were needed. Most court locations would need a minimum of two people on duty at each location from 7:30 AM until 4:30 PM. To estimate daily costs, I took the hourly rate times two people times a 9-hour days. It includes one hour, at time and a half, except for the SP as this is a collective bargaining rate and I believe it is already figured into the hourly rate mark up.

Entity	Hourly rate	Costs/ Benefits/ Mark-up	Total cost for officer	Estimate of daily ES Costs
State of Maine	\$12.23	\$12.61	\$24.84	\$469.44
Manpower Contracts	\$11.00	\$6.00	\$17.00	\$323.00
Federal Court Security	\$23.00	\$10.76	\$33.76	\$641.44
State Police *	\$17.30	\$40.34	\$57.34	\$1,037.52
Sheriffs Depts. **	\$12.00	\$6.00	\$18.00	\$342.00

* The State Police are not interested in providing entry screening at our courts. If they were to take over any part of security in our courts it would have to be done with additional troopers per the collective bargaining agreement. Each new trooper is estimated to cost an initial \$100,000 to hire and equip, which includes a cruiser. They are currently operating with 15 to 20 vacancies. Finding quality personnel is an issue.

** The Sheriffs have received a request to submit proposals in all 16 Counties. I have not received any proposals back, though I understand some may be coming. This estimate is based on an average of what we believe our hourly cost currently is the counties we have contracts with. It is difficult to cost this out as the pay range is all over the field and some of them just charge us a lump sum amount and do not break it down to hourly costs or equipment costs.

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Status of Recommendations for Improving Security in the State House and Other Legislative Areas

2006 Report of the Legislative Council's State House Facilities Committee

Summary of Recommendations	Status
1. Institute more proactive measures to safeguard Legislative facilities and occupants. Place higher priority on facility security measures.	No substantial change, some equipment improvements
2. -Increase staffing level for Bureau of Capitol Police by 4 Full-time positions -(Alt) Reduce Capitol Police coverage for other state buildings to concentrate resources on State House campus -Chief to establish minimum qualifications and training requirements for Capitol Police personnel, including operation of screening devices -Chief to develop a budget for stable funding and adequate staffing levels	Not implemented Not implemented Completed No change from current budget since no additional positions were not authorized
3. Capitol Police to provide coverage at State House Kiosk at all times when buildings are open to public	Implemented to extent current resources allow
4. Transfer supervision and responsibility for Building Control Center including Security and Dispatch from Superintendent of Buildings to Capitol Police	Not implemented
5. Chief of Capitol Police and Executive Protection Unit should develop written protocols and procedures for jurisdiction, notification and coordination of responses	Completed
6. Legislative Council should authorize use of: a. magnetometers at public entrances to State House; and b. package screening devices at public entrances to State House. Capitol Police to develop equipment use protocols	Not implemented Not implemented Completed
7. Legislative Council should implement security training programs for Legislature and legislative employees, coordinated or provided by Capitol Police	Partially implemented
8. Presiding officers, in consultation with Capitol Police, should prohibit members of the public from carrying packages into House or Senate Chambers	Not implemented
9. a. Executive Director should make floor plans of State House and other areas available to Chief of Augusta Police Department b. Chief of Capitol Police should meet annually with Chief of Augusta Police Department in joint security/response planning session	Completed Completed, meeting on regular basis

Prepared by the Office of the Executive Director, January 21, 2011

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

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Memo

TO: Sponsors of Requests for After Deadline Bills and Memorials
FROM: **D.B.**
David E. Boulter, Executive Director of the Legislative Council
DATE: February 17, 2011
SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Thursday, February 24 , 2011
1:30 P.M.
Room 334, Legislative Council Chamber**

In accordance with the Joint Rules, the Legislative Council will consider after deadline bill requests at its meeting, including the request(s) you have filed with the Revisor's office. In addition, the Council is required by Joint Rule 214 to decide all requests for Memorials proposed for introduction (Joint Resolutions that memorialize another governmental agency or official).

You should plan to attend this Council meeting or ask a member of the Legislative Council prior to the meeting to present the request(s) on your behalf if you are unable to attend the meeting. The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present so it will have the benefit of information from the sponsor when it votes.

The council's review of after deadline bill requests is pursuant to the Joint Rules. Please be advised that the Legislative Council asks that all sponsors first research whether there is an existing bill or LR available to a committee that could accommodate their request and thereby avoid introducing new bills unnecessarily. The review procedure then will be as follows:

1. The Council Chair, President Kevin Raye, will announce the name of the sponsor and the title of the after deadline bill request.
2. Once recognized to speak by the Chair, the sponsor may proceed to the microphone. The sponsor should be prepared to concisely answer the following questions:
 - Why the bill request is "late" (i.e., filed after the bill cloture date);
 - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
 - Whether the likely committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Sponsors generally are not asked to speak to the merits of the bill although they should be prepared since Legislative Council members may ask questions related to the content or the intent of the bill to clarify the request.

3. Following the questions, Legislative Council members will vote on bill requests individually since a roll call vote is required pursuant to Joint Rules and the council's rules of procedure.

A complete list of the Legislative Council's action on after deadline bill requests is made available to council members and sponsors as soon after adjournment of the council meeting as possible. The list and the roll call votes are available in the Executive Director's office and on the legislature's website if you have any questions about the council decision on the requests.

I hope this information is useful. Please drop by or call me if you have any questions.

Thank you.

Attachment

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LEGISLATIVE COUNCIL
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION 125th LEGISLATURE
As of: February 17, 2011

Action

SPONSOR: LR 2027	Rep. Berry, Seth A. An Act To Prohibit the Sale or Possession of Bath Salts Containing Dangerous Synthetic Drugs
SPONSOR: LR 2064	Rep. Cornell du Houx, Alexander M. An Act To Protect Heating Oil Consumers
SPONSOR: LR 2026	Rep. Mitchell, Wayne T. An Act To Authorize the Training of Expanded Function Dental Assistants on Tribal Land
SPONSOR: LR 2070	Sen. Thibodeau, Michael D. An Act To Reduce the Cost of MaineCare Services
SPONSOR: LR 2063	Sen. Woodbury, Richard An Act To Amend the Nonresident Income Tax Filing Requirement

JOINT RESOLUTION

SPONSOR: LR 87	Rep. Cebra, Richard M. JOINT RESOLUTION ASSERTING THE SOVEREIGNTY OF THE STATE OF MAINE AND URGING CONGRESS TO CEASE CERTAIN MANDATES
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JOINT RESOLUTION

SPONSOR: LR 985	Rep. Clark, Herbert E. JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND FEDERAL LAW REGARDING STUDENT VISAS TO ACCOMMODATE PUBLIC SCHOOLS
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JOINT RESOLUTION

SPONSOR: LR 1484	Rep. Curtis, Philip A. JOINT RESOLUTION URGING CONGRESS TO OPPOSE THE MOVE TOWARD COMPETITIVE GRANTS IN THE DISTRIBUTION OF FEDERAL EDUCATION AID
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JOINT RESOLUTION

SPONSOR:
LR 152

Rep. Dill, Cynthia A.
JOINT RESOLUTION MEMORIALIZING CONGRESS
TO PASS A CONSTITUTIONAL AMENDMENT TO
PREVENT THE CORPORATE TAKEOVER OF THE
POLITICAL PROCESS AND REVERSE THE UNITED
STATES SUPREME COURT'S RULING IN "CITIZENS
UNITED V. FEC"

JOINT RESOLUTION

SPONSOR:
LR 2068

Sen. Goodall, Seth A.
JOINT RESOLUTION MEMORIALIZING THE UNITED
STATES CONGRESS NOT TO CLOSE THE
COMMISSARY AND EXCHANGE AT BRUNSWICK
NAVAL AIR STATION

JOINT RESOLUTION

SPONSOR:
LR 525

Rep. Harvell, Lance E.
JOINT RESOLUTION TO MEMORIALIZE THE UNITED
STATES FISH AND WILDLIFE SERVICE TO
EXPEDITE THE INCIDENTAL TAKE PERMIT

JOINT RESOLUTION

SPONSOR:
LR 1634

Sen. Raye, Kevin L.
JOINT RESOLUTION MEMORIALIZING CONGRESS
ON A BALANCED BUDGET

JOINT RESOLUTION

SPONSOR:
LR 1501

Sen. Rosen, Richard W.
JOINT RESOLUTION MEMORIALIZING CONGRESS
TO OVERTURN THE GREENHOUSE GAS TAILORING
RULE

JOINT RESOLUTION

SPONSOR:
LR 1179

Sen. Trahan, A. David
JOINT RESOLUTION MEMORIALIZING THE
FEDERAL TRANSPORTATION SECURITY
ADMINISTRATION TO MAKE CHANGES TO ITS
PROCEDURE FOR CONDUCTING PAT-DOWN
SEARCHES

JOINT RESOLUTION

SPONSOR:
LR 674

Rep. Waterhouse, G. Paul
JOINT RESOLUTION, MEMORIALIZING THE
GOVERNMENT OF CANADA TO END ITS
SANCTIONING OF THE ANNUAL SEAL PUP HUNT

TABLED BY THE LEGISLATIVE COUNCIL

		Action
SPONSOR: LR 1998	Sen. Jackson, Troy D. Resolve, To Direct the Bureau of Unemployment To Allow Mark Hafford To Appeal a Claim of Overpayment	TABLED 01/27/11
SPONSOR: LR 1999	Sen. Jackson, Troy D. Resolve, To Direct the Workers' Compensation Board To Allow Lowman McBriarty To File an Appeal	TABLED 01/27/11
SPONSOR: LR 1994	Sen. Thibodeau, Michael D. An Act To Extend the Period for Remarking Dig Safe Areas	TABLED 01/27/11

ADDENDUM
LEGISLATIVE COUNCIL
AFTER DEADLINE REQUEST TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION 125th LEGISLATURE
After: February 17, 2011

Action

SPONSOR: LR 2084	Sen. Bartlett, II, Philip L. An Act To Promote Transparent Government
SPONSOR: LR 2074	Rep. Beaudoin, Paulette G. An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police
SPONSOR: LR 2071	Rep. Burns, David C. An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System
SPONSOR: LR 2072	Rep. Burns, David C. An Act To Require Videoconferencing for Arraignments and Civil Proceedings for Inmates
SPONSOR: LR 2073	Rep. Burns, David C. An Act To Allow Counties To Opt out of Maine Judicial Marshal Service
SPONSOR: LR 2094	Rep. Clarke, Michael H. An Act To Allow Eligible Nonprofit Organizations To Hold Two Texas hold 'em Card Games Per Month
SPONSOR: LR 2091	Rep. Fitts, Stacey A. An Act To Remove Obstacles to the Use of New Technologies in Heating Multifamily Structures
SPONSOR: LR 2085	Rep. Fossel, Leslie T. An Act To Promote Transparency in the Medicaid Reimbursement Process
SPONSOR: LR 2076	Rep. Haskell, Anne M. An Act To Allow Police Officers To Operate Mobile Command Units without a Special License

SPONSOR:

LR 2080

Sen. Hastings III, David R.

An Act To Extend the Salary Supplement for National Board Certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students

SPONSOR:

LR 2078

Sen. Jackson, Troy D.

Resolve, Directing the Department of Labor, Bureau of Unemployment Insurance To Examine Decisions Made by the Bureau To Determine if an Extension May Be Granted Due to Technological Errors

SPONSOR:

LR 2096

Sen. Thomas, Douglas A.

An Act To Fully Enfranchise Voters

SPONSOR:

LR 2082

Rep. Tilton, Dianne C.

An Act Concerning the Labeling of Maine Products

JOINT RESOLUTION

SPONSOR:

LR 2077

Sen. Jackson, Troy D.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES TRADE REPRESENTATIVE REGARDING STATES' RIGHTS IN FUTURE INTERNATIONAL TRADE POLICY



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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MEMO

To: Legislative Council

From: Patrick Norton, Director, OPLA *P.N.*

Date: February 17, 2011

Re: Legislative Council policy on legislative studies

Joint Rule 353, Section 11 requires the Legislative Council to adopt policies governing legislative studies at the beginning of each biennium. Pursuant to that authority, the Legislative Council of the 123rd Legislature adopted the attached policies on Legislative Studies on May 24th, 2007. These policies have not been re-adopted or amended since that time.

To remain consistent with the Joint Rules, I recommend the Council review these policies and make whatever changes you feel are appropriate before readopting them for the 125th Legislature.

I would be happy to answer any questions you may have.

Cc: David Boulter, Executive Director, Legislative Council

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

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**Maine Legislative Council Policy
On Legislative Studies
For 125th Legislature**

1. Introduction

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of that Joint Rule 353.

2. Council authorization of legislative studies

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that the approval of a 2/3rd majority of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

3. Funding of legislative studies

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient

to enable the committees to reasonably conduct and complete the requirements of the studies.

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided:

A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new Board or commission or as the result of an amendment to an existing Board or commission shall be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;

B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources; and

C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in

joint order establishing the joint select committee, introduce legislation to implement its recommendations.

6. Council review of committee requests to vary from Joint Rule 353

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative and must include the committee's recommended draft language for the proposed study along with a list of the ways in which proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

7. Authority and effective date

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 3rd day of March, 2011.

This policy takes effect on immediately.

BY: _____
David E. Boulter, Executive Director

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ADDENDUM
LEGISLATIVE COUNCIL
AFTER DEADLINE REQUEST TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION 125th LEGISLATURE
After: March 03, 2011

Action

SPONSOR:
LR 2097

Sen. Gerzofsky, Stanley J.
An Act To Rename the Statewide Fire Service Training
Program at Southern Maine Community College the
Maine Fire Service Institute