

# MAINE STATE LEGISLATURE

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

**MEETING OF LEGISLATIVE COUNCIL**  
**MARCH 24, 2011**  
**1:30 PM**  
**AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE MARCH 3, 2011 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
12	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
13	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> Reappointment of Beth Ashcroft as Director of OPEGA	<b>Decision</b>
	• <b>State House Facilities Committee</b>	
	<b>OLD BUSINESS</b>	
18	<b>Item #1: Council Actions Taken By Ballot (No Action Required)</b>	
19	<b>Item #2: Consideration of Increased Security in State House</b> (Recommendation from the State House Facilities Committee)	<b>Decision</b>

## **NEW BUSINESS**

- |           |  |                       |
|-----------|--|-----------------------|
| <b>27</b> | <b>Item #1: Consideration of After Deadline Bill Requests</b>  | <b>Roll Call Vote</b> |
| <b>31</b> | <b>Item #2: Request by the Joint Standing Committee on the Environment and Natural Resources to establish a Legislative Committee Facebook page and presence</b> | <b>Decision</b>       |
| <b>32</b> | <b>Item #3: VoIP Proposal for Telephone System Replacement<br/>(Scott Clark, Director, Legislative Information Technology)</b>                                   | <b>Decision</b>       |

## **EXECUTIVE SESSION**

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

SEN. KEVIN L. RAYE  
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125<sup>TH</sup> MAINE STATE LEGISLATURE  
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**MEETING SUMMARY**  
**March 3, 2011**

**CALL TO ORDER**

Legislative Council Chair, Senate President Raye called the March 3, 2011 Legislative Council meeting to order at 1:50 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Raye, Senator Courtney, Senator Plowman, Senator Hobbins,

Absent: Senator Alfond

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

Absent: Representative Cain

Legislative Officers: Joseph Carlton, Secretary of the Senate  
Heather Priest, Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
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  
Debra Olken, Human Resources Director

Senate President Raye convened the meeting at 1:50 P.M. with a quorum of members present.

**SUMMARY OF JANUARY 27, 2011 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of January 27, 2011 be accepted and placed on file. Motion by Senator Courtney. Second by Representative Curtis. **Motion passed unanimous. (8-0;** Senator Alfond and Representative Cain absent)

Note: The Legislative Council did not meet in February.

Chair Raye asked if there was any objection to taking one item out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

## NEW BUSINESS

### Item #1: Consideration of After Deadline Bill Requests / Addendum

The Legislative Council then proceeded to consider and vote on the bill requests in accordance with the previously established protocol. Of the 22 bill requests, the council authorized 13 requests for introduction in the 1<sup>st</sup> Regular Session of the 125th Legislature, 6 failed to be authorized, and 3 were tabled until a future Legislative Council meeting. Of the 11 joint resolutions, the council authorized 5 requests for introduction in the 1<sup>st</sup> Regular Session of the 125th Legislature, 2 failed to be authorized, and 4 were tabled until a future Legislative Council meeting. The Legislative Council's actions on the requests are included on the attached list.

The Legislative Council then returned to the other items on its agenda.

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

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

#### 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.

#### 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 Ms. Fuller on Thursday, March 17<sup>th</sup> at noon in the Legislative Council Chambers. Legislative Council members are welcome to attend.

#### Retirement of Clerk of the House Millicent MacFarland

Mr. Boulter acknowledged the retirement of former Clerk of the House Millie MacFarland from state service, who retired on February 28<sup>th</sup>. Ms. MacFarland was a long-term member of the legislative staff and Clerk of the House.

President Raye stated that he and the other members of the Legislative Council join in wishing both Ms. Fuller and Ms. MacFarland well in their retirement.

### 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
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%). 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 closely 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%).

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 by the department.

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.

### Highway Fund Revenue Update

**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.

## 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 31<sup>st</sup> 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
<b>Total Cash Pool</b>	<b>\$330.2</b>	<b>\$536.9</b>

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

The Personnel Committee did not meet; no report was made.

### 2. State House Facilities Committee

Senator Courtney, Chair of the State House Facilities Committee reported on the committee meeting held on February 16, 2011.

1. Increased Security Options for the State House

The committee continued its discussions with Capitol Police Chief Gauvin about options for security enhancements. After discussion, a majority of the committee voted to recommend that the Legislative Council adopt Capitol Police Option #2: installing metal detection and package screening devices in the State House, train Capitol Police personnel in their use and to maintain them in a ready condition should unusual circumstances warrant their use. However, the equipment would not be deployed for use on a regular or periodic basis. It further voted to recommend that the Executive Director arrange for a threat assessment of the State House and the Cross Building to be conducted.

Senator Courtney recommended that the Legislative Council postpone action on the State House Facilities Committee recommendation until the next Legislative Council meeting.

2. Broadcasting House and Senate Sessions on Cable Television

The committee discussed exploring opportunities for broadcasting House and Senate sessions through a regional cable television company. This idea was considered by a previous Legislative Council but was not pursued due to several logistical and programming concerns. The committee identified several issues to be addressed, including filling airtime on legislative channels, programming and editing requirements and making broadcasts available state-wide. The committee asked Executive Director Boulter to invite a representative from Time Warner Cable to attend a future facilities committee meeting to discuss the potential for cable television broadcasts. No action by the Legislative Council on this item is required at this time.

## OLD BUSINESS

### ITEM 1: Legislative Council Actions Taken by Ballot

There were no Legislative Council actions taken by ballot since its January 27, 2011 meeting. No further action by the Legislative Council is required.

## NEW BUSINESS

### Item #2: Suggested Legislative Council Policy on Legislative Studies

Patrick Norton, Director of OPLA, presented a suggested policy on legislative studies for the 125<sup>th</sup> Legislature for consideration by the Legislative Council. Mr. Norton explained that 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 could adopt 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.

**Motion:** That the Legislative Council adopt the proposed Maine Legislative Council Policy on Legislative Studies for the 125<sup>th</sup> Legislature. Motion by Senator Courtney. Second by Representative Hayes. **Motion passed unanimous. (8-0, with Senator Alfond and Representative Cain absent)**



**Item #3: Policy on Use of Legislative Rooms**

Legislative Council Chair President Raye stated that this matter was placed on the agenda for discussion because of a meeting that was held recently in the Legislative Council Chamber that did not seem appropriate for a chamber of the State House. Senator Hobbins asked if the issue should be referred to a council committee for review. President Raye felt it would be appropriate for a discussion by the full Legislative Council.

Senator Courtney explained that members of the Senate were invited by Senator Alfond to a meeting in the Legislative Council Chamber on February 16, 2011 at which a representative of the Truman National Security Project would present information. Senator Courtney felt the nature of this meeting was more campaign training rather than the more typical political caucus topic, and as such is an inappropriate use of the Legislative Council Chamber.

President Raye inquired of Mr. Boulter the terms for use of the Legislative Council Chamber. Mr. Boulter explained that control and use of rooms in the State House are within the jurisdiction of the Legislative Council. With respect to the Legislative Council Chamber, the Council's Rules of Procedure states that the Legislative Council controls use of the chamber with room scheduling to be handled by the Executive Director's office. The rules give discretion to the chair of the Legislative Council to establish appropriate uses, particularly with respect to media events. Mr. Boulter felt that the current rules allow the chair to establish appropriate uses.

Senator Plowman asked who schedules and approves use of legislative rooms. Mr. Boulter answered that scheduling of the Legislative Council Chamber, Legislative Conference Room and the Welcome Center is the responsibility of the Executive Director's office. With respect to committee rooms, the committee clerks, in consultation with committee chairs, schedule use of the rooms during the session; during the legislative interim, committee room scheduling is administered by the Legislative Information Office. In response to a question by Senator Plowman, Mr. Boulter explained that a record of room scheduling is maintained.

Representative Hayes stated that the Legislative Council Chambers use in question was an event scheduled principally as a training session for House Democratic caucus members. She had been unaware of a broader invitation. She emphasized that the training was not related to political campaigning; it related to learning how to interact with the media and message delivery.

Senator Hobbins felt that referral of this matter to the State House Facilities Committee would be appropriate in order to establish a broader room use policy because a similar situation could occur in other legislative rooms used for large gatherings, such as the Appropriations Committee room.

Representative Nutting stated that it would be appropriate for the State House Facilities Committee to consider appropriate policies for room use. He asked about any current use policy regarding the Legislative Council Chamber. Mr. Boulter answered that the Rules of Procedure prohibit press conferences and other media events except by special permission by the chair of the Legislative Council.

President Raye concluded the discussion by saying that he will work with Executive Director Boulter to develop a policy on appropriate use of the Legislative Council Chamber and he asked the State House Facilities Committee to consider the matter of an appropriate room use policy for other legislative rooms. There was general agreement with that approach by the other members of the Legislative Council present. No motion was made or required.

**Item #4: Final Report of the Joint Select Committee on Health Care Reform Opportunities and Implementation**

The Joint Select Committee on Health Care Reform Opportunities and Implementation submitted its Final Report for acceptance by the Council.

**Motion:** That the Legislative Council accept the final report of the Joint Select Committee on Health Care Reform Opportunities and Implementation. Motion by Representative Cushing. Second by Representative Curtis. **Motion passed unanimous.** (7-0, with Senators Courtney and Alfond, and Representative Cain absent)

**Item #5: Fifth Annual Report of the Right to Know Advisory Council**

The Right to Know Advisory Council submitted its Annual Report for 2010 for acceptance by the Council.

**Motion:** That the Legislative Council accept the Fifth Annual Report of the Right to Know Advisory Council. Motion by Representative Nutting. Second by Senator Hobbins. **Motion passed unanimous.** (7-0, with Senators Courtney and Alfond, and Representative Cain absent)

**ANNOUNCEMENTS AND REMARKS**

The Legislative Council meeting was adjourned at 2:52 P.M. on a motion by Representative Cushing, seconded by Representative Curtis. **Motion passed unanimous (8-0,** with Senator Alfond and Representative Cain absent).

## Legislative Council Action on After Deadline Bill Requests, March 3, 2011

		<b>Action</b>
<b>SPONSOR:</b> LR 2084	<b>Sen. Bartlett, II, Philip L.</b> An Act To Promote Transparent Government	<b>FAILED</b>
<b>SPONSOR:</b> LR 2074	<b>Rep. Beaudoin, Paulette G.</b> An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police	<b>PASSED</b>
<b>SPONSOR:</b> LR 2027	<b>Rep. Berry, Seth A.</b> An Act To Prohibit the Sale or Possession of Bath Salts Containing Dangerous Synthetic Drugs	<b>TABLED 03/03/11</b>
<b>SPONSOR:</b> LR 2071	<b>Rep. Burns, David C.</b> An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System	<b>PASSED</b>
<b>SPONSOR:</b> LR 2072	<b>Rep. Burns, David C.</b> An Act To Require Videoconferencing for Arraignments and Civil Proceedings for Inmates	<b>PASSED</b>
<b>SPONSOR:</b> LR 2073	<b>Rep. Burns, David C.</b> An Act To Allow Counties To Opt out of Maine Judicial Marshal Service	<b>PASSED</b>
<b>SPONSOR:</b> LR 2094	<b>Rep. Clarke, Michael H.</b> An Act To Allow Eligible Nonprofit Organizations To Hold Two Texas hold 'em Card Games Per Month	<b>TABLED 03/03/11</b>
<b>SPONSOR:</b> LR 2064	<b>Rep. Cornell du Houx, Alexander M.</b> An Act To Protect Heating Oil Consumers	<b>PASSED</b>
<b>SPONSOR:</b> LR 2091	<b>Rep. Fitts, Stacey A.</b> An Act To Remove Obstacles to the Use of New Technologies in Heating Multifamily Structures	<b>PASSED</b>
<b>SPONSOR:</b> LR 2085	<b>Rep. Fossel, Leslie T.</b> An Act To Promote Transparency in the Medicaid Reimbursement Process	<b>PASSED</b>
<b>SPONSOR:</b> LR 2097	<b>Sen. Gerzofsky, Stanley J.</b> An Act To Rename the Statewide Fire Service Training Program at Southern Maine Community College the Maine Fire Service Institute	<b>PASSED</b>

**SPONSOR:** **Rep. Haskell, Anne M.** **PASSED**  
 LR 2076 An Act To Allow Police Officers To Operate Mobile  
 Command Units without a Special License

**SPONSOR:** **Sen. Hastings III, David R.** **PASSED**  
 LR 2080 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:** **Sen. Jackson, Troy D.** **FAILED**  
 LR 2078 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:** **Rep. Mitchell, Wayne T.** **PASSED**  
 LR 2026 An Act To Authorize the Training of Expanded Function  
 Dental Assistants on Tribal Land

**SPONSOR:** **Sen. Thibodeau, Michael D.** **FAILED**  
 LR 2070 An Act To Reduce the Cost of MaineCare Services

**SPONSOR:** **Sen. Thomas, Douglas A.** **TABLED 03/03/11**  
 LR 2096 An Act To Fully Enfranchise Voters

**SPONSOR:** **Rep. Tilton, Dianne C.** **PASSED**  
 LR 2082 An Act Concerning the Labeling of Maine Products

**SPONSOR:** **Sen. Woodbury, Richard** **PASSED**  
 LR 2063 An Act To Amend the Nonresident Income Tax Filing  
 Requirement

#### **JOINT RESOLUTION**

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

#### **JOINT RESOLUTION**

**SPONSOR:** **Rep. Clark, Herbert E.** **TABLED 03/03/11**  
 LR 985 JOINT RESOLUTION MEMORIALIZING THE  
 CONGRESS OF THE UNITED STATES TO AMEND  
 FEDERAL LAW REGARDING STUDENT VISAS TO  
 ACCOMMODATE PUBLIC SCHOOLS

**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

**PASSED**

**JOINT RESOLUTION**

**SPONSOR:**  
LR 152

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

**FAILED**

**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

**PASSED**

**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

**PASSED**

**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

**TABLED 03/03/11**

**JOINT RESOLUTION**

**SPONSOR:**  
LR 1634

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

**PASSED**

**JOINT RESOLUTION**

**SPONSOR:**

LR 1501

**Sen. Rosen, Richard W.**

JOINT RESOLUTION MEMORIALIZING CONGRESS  
TO OVERTURN THE GREENHOUSE GAS  
TAILORING RULE

**FAILED**

**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

**TABLED 03/03/11**

**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 03/03/11**

**TABLED BY THE LEGISLATIVE COUNCIL**

**SPONSOR:**

LR 1998

**Sen. Jackson, Troy D.**

Resolve, To Direct the Bureau of Unemployment To Allow  
Mark Hafford To Appeal a Claim of Overpayment

**Action**

**FAILED**

**SPONSOR:**

LR 1999

**Sen. Jackson, Troy D.**

Resolve, To Direct the Workers' Compensation Board To  
Allow Lowman McBrearty To File an Appeal

**FAILED**

**SPONSOR:**

LR 1994

**Sen. Thibodeau, Michael D.**

An Act To Extend the Period for Remarketing Dig Safe  
Areas

**FAILED**

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## **Legislative Council**

### **Executive Director's Report March 24, 2011**

#### **1. Retirement of Robert Michaud**

Robert (Bob) Michaud, Associate Law Librarian in the Law and Legislative Reference Library is retiring after 28 years of service to the Legislature. Bob will retire on March 31, 2011. Bob's skills in legal research and compiling legislative histories and his helpfulness to all who had occasion to use the library have made him an invaluable member of the legislature's nonpartisan staff. A retirement celebration for Bob will be held in the library on Wednesday, March 30<sup>th</sup> from 2:00 to 3:00 PM and legislators and staff are welcome to stop by and wish Bob well in his retirement.

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# Fiscal Briefing

## Legislative Council Meeting

March 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
February	\$114.3	\$131.1	\$16.8	14.7%	\$102.5	28.0%
FYTD	\$1,658.9	\$1,680.7	\$21.8	1.3%	\$1,553.9	8.2%

General Fund revenue was \$16.8 million (14.7%) over budget in February and was \$21.8 million (1.3%) over budget for the fiscal year-to-date (FYTD). Compared with the same period last fiscal year, General Fund revenue has grown 8.2% for the 8 months through February of FY 2011.

February's positive variance was driven by Individual Income Tax refunds falling \$13.0 million below projections and withholding payments running ahead of projections by \$4.6 million. The performance of refunds and withholding was offset slightly by estimated tax payments falling \$0.6 million behind so that overall Individual Income Tax had a positive variance of \$17.2 million for February. Individual Income Tax is \$25.3 million ahead of budget through February with growth of 9.7% over the same period in the prior fiscal year. April 19<sup>th</sup>, the Individual Income Tax filing deadline for 2010 tax returns, will be watched carefully. The May 1<sup>st</sup> reporting deadline of the Revenue Forecasting Committee (RFC) now allows the capture of this important data for the RFC's mid-session revenue update.

Corporate Income Tax recovered in February, coming in \$3.9 million over budget for the month and was \$0.4 million ahead of budget for the FYTD through February.

Sales and Use Tax also came in ahead of projections in February, over by \$1.0 million for the month and \$12.0 million for the FYTD. However, the Service Provider Tax was below budget by \$0.5 million in February and \$2.2 million for the FYTD. Both of these categories are included in taxable sales data. The combined performance of these categories seems to indicate that consumers have not been too badly affected by the recent price increases in heating oil and gasoline.

With the strong performance of these major taxes, a combined positive variance of \$35.5 million through February, revenue sharing transfers were \$1.1 million higher than projected.

The Other Revenue category was again under budget in February. February's negative \$1.4 million variance increased the FYTD negative variance to \$9.7 million (36.4%). 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 \$6.7 million through February. This shortfall is related to an information technology issue that is now nearly resolved. Other significant negative variances in this category included \$0.9 million from a shortfall in a \$1.5 million budgeted sale of state properties and \$0.8 from other Department of Health and Human Services revenue sources.

Some other areas of continuing concern through February of FY 2011 include fine revenue (\$2.3 million or 10.7% under budget), lottery transfers (\$2.3 million or 6.5% under budget) and STA-CAP transfers (\$1.8 million or 16.1% under budget). These areas will likely be revised downward in the next revenue forecast due May 1<sup>st</sup>.



## 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
February	\$25.6	\$25.1	(\$0.4)	-1.6%	\$25.0	0.6%
FYTD	\$188.6	\$190.9	\$2.2	1.2%	\$189.5	0.7%

Highway Fund revenue was under budget by \$0.4 million (1.6%) in February, which lowered the positive variance for the FYTD through February to \$2.2 million (1.2%). Through February, Highway Fund revenue continued to reflect modest growth of 0.7% over the same period last fiscal year. Fuel Taxes fell slightly below budget in February due to the negative variance for the Gasoline Tax, very likely affected by recent price increases.

### 3. Cash Balances

The average total cash pool balance for February was \$513.6 million, more than \$150 million higher than one year ago. The recent historical average for February's cash balances is \$541.0 million (February 2002 to 2010). Cash balances have shown improvement across the fund groups broken out below. The General Fund internal cash flow borrowing is \$137.7 million less than a year ago. General Fund major reserve fund balances (the Maine Budget Stabilization Fund and the Reserve for Operating Capital) are \$36.4 million more than last year. An additional \$3.2 million is budgeted for transfer into the Budget Stabilization Fund at the close of FY 2011, which will increase the total General Fund reserves to nearly \$40 million (\$39.6 million).

Summary of Treasurer's Cash Pool		
February Average Daily Balances		
Millions of \$'s		
	2010	2011
General Fund (GF) Total	\$10.0	\$21.7
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	\$303.2	\$165.5
Other General Fund Cash	(\$293.4)	(\$180.4)
Other Spec. Rev. - Interest to GF	\$2.5	\$31.1
Other State Funds - Interest to GF	\$10.5	\$17.8
Highway Fund	\$22.8	\$60.3
Other Spec. Rev. - Retaining Interest	\$43.0	\$54.0
Other State Funds	\$172.1	\$215.9
Independent Agency Funds	\$96.0	\$112.8
<b>Total Cash Pool</b>	<b>\$356.8</b>	<b>\$513.6</b>

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

**February 2011 Revenue Variance Report**

Revenue Category				Fiscal Year-To-Date					FY 2011 Budgeted Totals
	February '11 Budget	February '11 Actual	February '11 Var.	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	56,089,080	57,063,796	974,716	550,844,477	562,816,154	11,971,677	2.2%	4.0%	904,850,262
Service Provider Tax	4,674,854	4,205,127	(469,727)	34,293,015	32,065,118	(2,227,897)	-6.5%	-1.6%	57,814,486
Individual Income Tax	31,269,584	48,465,133	17,195,549	829,720,227	855,050,717	25,330,490	3.1%	9.7%	1,370,120,000
Corporate Income Tax	4,154,712	8,008,323	3,853,611	115,669,608	116,059,294	389,686	0.3%	24.9%	195,734,414
Cigarette and Tobacco Tax	10,995,667	10,163,457	(832,210)	97,440,852	96,227,824	(1,213,028)	-1.2%	-2.3%	146,209,555
Insurance Companies Tax	960,814	656,865	(303,949)	12,610,510	12,523,057	(87,453)	-0.7%	-7.8%	76,765,000
Estate Tax	3,165,000	1,494,679	(1,670,321)	23,991,639	22,557,179	(1,434,460)	-6.0%	24.6%	42,978,079
Other Taxes and Fees *	7,822,785	7,957,163	134,378	81,865,201	84,757,263	2,892,062	3.5%	2.6%	149,281,382
Fines, Forfeits and Penalties	2,777,985	2,677,922	(100,063)	21,143,097	18,878,013	(2,265,084)	-10.7%	-14.3%	31,133,161
Income from Investments	(29,189)	27,620	56,809	(177,085)	182,976	360,061	203.3%	-1.7%	27,332
Transfer from Lottery Commission	4,002,631	3,777,489	(225,142)	35,023,058	32,748,452	(2,274,606)	-6.5%	-5.0%	52,034,250
Transfers to Tax Relief Programs *	(8,154,459)	(8,183,768)	(29,309)	(105,758,284)	(104,545,431)	1,212,853	1.1%	1.8%	(112,087,945)
Transfers for Municipal Revenue Sharing	(9,019,771)	(9,397,306)	(377,535)	(64,443,501)	(65,551,491)	(1,107,990)	-1.7%	9.1%	(89,975,242)
Other Revenue *	5,638,730	4,206,489	(1,432,241)	26,654,769	16,952,850	(9,701,920)	-36.4%	0.0%	59,089,977
<b>Totals</b>	<b>114,348,423</b>	<b>131,122,989</b>	<b>16,774,566</b>	<b>1,658,877,583</b>	<b>1,680,721,974</b>	<b>21,844,391</b>	<b>1.3%</b>	<b>8.2%</b>	<b>2,883,974,711</b>

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

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

**February 2011 Revenue Variance Report**

Revenue Category	February '11 Budget	February '11 Actual	February '11 Var.	Fiscal Year-To-Date					FY 2011 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	12,080,762	11,896,097	(184,665)	-1.5%	5.0%	13,245,281
- Real Estate Transfer Tax	385,270	913,474	528,204	9,544,160	9,482,727	(61,433)	-0.6%	9.6%	13,298,052
- Liquor Taxes and Fees	1,467,739	1,221,130	(246,609)	13,247,452	13,619,748	372,296	2.8%	3.0%	20,413,193
- Corporation Fees and Licenses	449,675	660,859	211,184	2,022,616	2,253,748	231,132	11.4%	17.9%	7,697,099
- Telecommunication Personal Prop. Tax	0	0	0	0	(24,852)	(24,852)	N/A	-136.8%	16,775,988
- Finance Industry Fees	2,101,419	1,716,280	(385,139)	14,460,276	15,871,900	1,411,624	9.8%	9.0%	22,865,980
- Milk Handling Fee	469,387	92,796	(376,591)	3,039,770	2,803,198	(236,572)	-7.8%	-62.1%	5,949,972
- Racino Revenue	823,029	657,981	(165,048)	6,568,053	6,175,346	(392,707)	-6.0%	-0.4%	11,199,473
- Boat, ATV and Snowmobile Fees	401,187	292,005	(109,182)	2,756,865	2,491,323	(265,542)	-9.6%	3.3%	4,500,295
- Hunting and Fishing License Fees	917,471	1,419,997	502,526	10,881,742	11,426,679	544,937	5.0%	-1.1%	17,420,998
- Other Miscellaneous Taxes and Fees	807,608	982,641	175,033	7,263,505	8,761,349	1,497,844	20.6%	64.8%	15,915,051
<b>Subtotal - Other Taxes and Fees</b>	<b>7,822,785</b>	<b>7,957,163</b>	<b>134,378</b>	<b>81,865,201</b>	<b>84,757,263</b>	<b>2,892,062</b>	<b>3.5%</b>	<b>2.6%</b>	<b>149,281,382</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	2,292	2,700	408	18,336	18,292	(44)	-0.2%	12.9%	7,391,759
- Targeted Case Management (DHHS)	1,826,892	1,694,634	(132,258)	15,852,168	9,182,066	(6,670,102)	-42.1%	-35.0%	23,159,729
- State Cost Allocation Program	1,427,888	1,035,081	(392,807)	11,200,293	9,393,593	(1,806,700)	-16.1%	-11.6%	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	0	(266,670)	(266,670)	(4,011,691)	(4,011,691)	0	0.0%	59.6%	(4,611,691)
- 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	2,381,658	1,740,742	(640,916)	15,744,892	14,519,818	(1,225,074)	-7.8%	1.8%	26,266,930
<b>Subtotal - Other Revenue</b>	<b>5,638,730</b>	<b>4,206,489</b>	<b>(1,432,241)</b>	<b>26,654,769</b>	<b>16,952,850</b>	<b>(9,701,920)</b>	<b>-36.4%</b>	<b>0.0%</b>	<b>59,089,977</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(1,357,691)	(1,307,383)	50,308	(38,515,969)	(36,841,403)	1,674,566	4.3%	-2.5%	(43,500,000)
- BETR - Business Equipment Tax Reimb.	(3,222,685)	(6,879,211)	(3,656,526)	(49,716,668)	(51,397,015)	(1,680,347)	-3.4%	8.4%	(51,043,140)
- BETE - Municipal Bus. Equip. Tax Reimb.	(3,574,083)	2,825	3,576,908	(17,525,647)	(16,307,012)	1,218,635	7.0%	-12.8%	(17,544,805)
<b>Subtotal - Tax Relief Transfers</b>	<b>(8,154,459)</b>	<b>(8,183,768)</b>	<b>(29,309)</b>	<b>(105,758,284)</b>	<b>(104,545,431)</b>	<b>1,212,853</b>	<b>1.1%</b>	<b>1.8%</b>	<b>(112,087,945)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>1,412,343</b>	<b>1,887,305</b>	<b>474,962</b>	<b>14,408,802</b>	<b>14,689,101</b>	<b>280,299</b>	<b>1.9%</b>	<b>-0.1%</b>	<b>23,068,034</b>

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

Revenue Category				Fiscal Year-To-Date					FY 2011 Budgeted Totals
	February '11 Budget	February '11 Actual	February '11 Var.	Budget	Actual	Variance	Variance %	% Change from Prior Year	
<b>Detail of Other Taxes and Fees:</b>									
- 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	385,270	913,474	528,204	9,544,160	9,482,727	(61,433)	-0.6%	9.6%	13,298,052
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- Telecommunication Personal Prop. Tax	0	0	0	0	(24,852)	(24,852)	N/A	-136.8%	16,775,988
- Finance Industry Fees	2,101,419	1,716,280	(385,139)	14,460,276	15,871,900	1,411,624	9.8%	9.0%	22,865,980
- Milk Handling Fee	469,387	92,796	(376,591)	3,039,770	2,803,198	(236,572)	-7.8%	-62.1%	5,949,972
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- Boat, ATV and Snowmobile Fees	401,187	292,005	(109,182)	2,756,865	2,491,323	(265,542)	-9.6%	3.3%	4,500,295
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- Other Miscellaneous Taxes and Fees	807,608	982,641	175,033	7,263,505	8,761,349	1,497,844	20.6%	64.8%	15,915,051
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<b>Detail of Other Revenue:</b>									
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- State Cost Allocation Program	1,427,888	1,035,081	(392,807)	11,200,293	9,393,593	(1,806,700)	-16.1%	-11.6%	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	0	(266,670)	(266,670)	(4,011,691)	(4,011,691)	0	0.0%	59.6%	(4,611,691)
- 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	2,381,658	1,740,742	(640,916)	15,744,892	14,519,818	(1,225,074)	-7.8%	1.8%	26,266,930
<b>Subtotal - Other Revenue</b>	<b>5,638,730</b>	<b>4,206,489</b>	<b>(1,432,241)</b>	<b>26,654,769</b>	<b>16,952,850</b>	<b>(9,701,920)</b>	<b>-36.4%</b>	<b>0.0%</b>	<b>59,089,977</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
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- BETE - Municipal Bus. Equip. Tax Reimb.	(3,574,083)	2,825	3,576,908	(17,525,647)	(16,307,012)	1,218,635	7.0%	-12.8%	(17,544,805)
<b>Subtotal - Tax Relief Transfers</b>	<b>(8,154,459)</b>	<b>(8,183,768)</b>	<b>(29,309)</b>	<b>(105,758,284)</b>	<b>(104,545,431)</b>	<b>1,212,853</b>	<b>1.1%</b>	<b>1.8%</b>	<b>(112,087,945)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>1,412,343</b>	<b>1,887,305</b>	<b>474,962</b>	<b>14,408,802</b>	<b>14,689,101</b>	<b>280,299</b>	<b>1.9%</b>	<b>-0.1%</b>	<b>23,068,034</b>

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

**February 2011 Revenue Variance Report**

Revenue Category	February '11 Budget	February '11 Actual	February '11 Var.	Fiscal Year-To-Date					FY 2011 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,452,241	15,030,327	(421,914)	119,254,485	119,554,453	299,968	0.3%	0.0%	194,694,000
- Special Fuel and Road Use Taxes	3,640,714	3,761,568	120,854	25,785,629	26,337,413	551,784	2.1%	-2.0%	43,651,789
- Transcap Transfers - Fuel Taxes	(1,406,361)	(1,390,035)	16,326	(12,179,689)	(12,229,501)	(49,812)	-0.4%	-2.0%	(17,503,281)
- Other Fund Gasoline Tax Distributions	(386,414)	(376,620)	9,794	(3,482,308)	(3,491,896)	(9,588)	-0.3%	-1.9%	(4,968,712)
Subtotal - Fuel Taxes	17,300,180	17,025,241	(274,939)	129,378,117	130,170,469	792,352	0.6%	-0.7%	215,873,796
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,364,946	4,404,813	39,867	39,451,713	40,190,430	738,717	1.8%	3.6%	64,718,038
- License Plate Fees	207,213	219,501	12,288	2,042,977	2,007,778	(35,199)	-1.8%	0.4%	3,445,125
- Long-term Trailer Registration Fees	1,380,360	1,738,341	357,981	4,830,507	5,641,814	811,307	14.4%	30.7%	7,884,523
- Title Fees	978,783	739,023	(239,760)	7,137,887	7,007,457	(130,430)	-1.9%	2.6%	10,871,056
- Motor Vehicle Operator License Fees	520,064	437,754	(82,311)	3,933,239	3,822,775	(110,465)	-2.9%	0.5%	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	7,451,366	7,539,431	88,065	49,911,728	51,294,939	1,383,211	2.7%	6.1%	78,047,070
Motor Vehicle Inspection Fees	116,700	23,599	(93,101)	1,903,600	2,053,609	150,009	7.3%	7.8%	2,952,500
Other Highway Fund Taxes and Fees	76,735	70,439	(6,296)	852,715	833,418	(19,297)	-2.3%	-2.1%	1,325,823
Fines, Forfeits and Penalties	106,297	82,181	(24,116)	857,503	813,435	(44,068)	-5.4%	-22.3%	1,305,049
Interest Earnings	7,844	8,493	649	90,666	83,463	(7,203)	-8.6%	-6.9%	122,038
Other Highway Fund Revenue	496,430	396,308	(100,122)	5,648,297	5,605,754	(42,543)	-0.8%	-10.4%	8,102,531
<b>Totals</b>	<b>25,555,552</b>	<b>25,145,692</b>	<b>(409,860)</b>	<b>188,642,626</b>	<b>190,855,087</b>	<b>2,212,461</b>	<b>1.2%</b>	<b>0.7%</b>	<b>307,728,807</b>

**Legislative Council Actions  
Taken by Ballot Since the  
March 3, 2011 Council Meeting**

**Request for Introduction of Legislation**

A. LR 2101      **Resolve. Directing the Maine Community College System to Extinguish Certain Easements**

Submitted by: Senator Kevin Raye

Accepted:      March 10, 2011      Vote: 10 – 0 in favor



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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OFFICE LOCATED AT: ROOM 111 CROSS STATE OFFICE BUILDING, AUGUSTA, ME 04333-0068

(207) 287-4357 (Voice)

(207) 287-4478 (TTY)

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



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.

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

\* 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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OFFICE LOCATED AT: ROOM 111 CROSS STATE OFFICE BUILDING, AUGUSTA, ME 04333-0068

(207) 287-4357 (Voice)

(207) 287-4478 (TTY)

## 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

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

**Action**

<b>SPONSOR:</b> LR 2112	<b>Rep. Cebra, Richard M.</b> An Act To Implement the Government Oversight Committee Recommendations within the OPEGA Report Concerning the Maine Turnpike Authority
<b>SPONSOR:</b> LR 2104	<b>Rep. Fitts, Stacey A.</b> An Act To Ensure Regulatory Parity among Telecommunications Providers
<b>SPONSOR:</b> LR 2106	<b>Sen. Woodbury, Richard (SPONSOR CHANGE)</b> An Act To Amend the Yarmouth Water District Charter
<b>SPONSOR:</b> LR 2111	<b>Rep. Keschl, Dennis L.</b> An Act To Amend the Beano Laws
<b>SPONSOR:</b> LR 2113	<b>Rep. Sanderson, Deborah J.</b> An Act To Provide for a Method To Remove an Elected Municipal Official in a Municipality without a Town Charter
<b>SPONSOR:</b> LR 2114	<b>Rep. Soctomah, Madonna M.</b> An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses
<b>SPONSOR:</b> LR 2108	<b>Sen. Thibodeau, Michael D.</b> An Act To Amend the Adoption Laws in Maine
<b>SPONSOR:</b> LR 2115	<b>Sen. Thomas, Douglas A.</b> An Act Concerning the Filing of Plans for Subdivisions
<b>SPONSOR:</b> LR 2100	<b>Sen. Trahan, A. David</b> An Act To Amend Water Quality Standards for the State Hatchery

**JOINT RESOLUTION**

**SPONSOR:**  
LR 2110

**Sen. Collins, Ronald F.**  
JOINT RESOLUTION MEMORIALIZING THE  
PRESIDENT AND CONGRESS OF THE UNITED  
STATES TO PROVIDE FUNDING FOR  
CONSTRUCTION OF A NEW MEMORIAL BRIDGE  
BETWEEN MAINE AND NEW HAMPSHIRE

**JOINT RESOLUTION**

**SPONSOR:**  
LR 2102

**Rep. Keschl, Dennis L.**  
JOINT RESOLUTION, URGING CONGRESS AND THE  
PRESIDENT OF THE UNITED STATES TO LIFT THE  
BAN ON OFFSHORE OIL DRILLING

**TABLED BY THE LEGISLATIVE COUNCIL**

**SPONSOR:**  
LR 2027

**Rep. Berry, Seth A.**  
An Act To Prohibit the Sale or Possession of Bath Salts  
Containing Dangerous Synthetic Drugs

**Action**  
**TABLED 03/03/11**

**SPONSOR:**  
LR 2094

**Rep. Clarke, Michael H.**  
An Act To Allow Eligible Nonprofit Organizations To  
Hold Two Texas hold 'em Card Games Per Month

**TABLED 03/03/11**

**SPONSOR:**  
LR 2096

**Rep. Turner, Beth P.**  
An Act To Fully Enfranchise Voters

**TABLED 03/03/11**

**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

**TABLED 03/03/11**

**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

**TABLED 03/03/11**



**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

**TABLED 03/03/11**

**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 03/03/11**

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

**Action**

**SPONSOR:**

LR 2118

**Rep. Cotta, H. David**

An Act To Allow County Commissioners To Consider  
County Revenue Needs in Establishing Copying Fees for  
Land Records

**SPONSOR:**

LR 2119

**Rep. Cushing III, Andre E.**

An Act Regarding Service Contracts

SENATE

THOMAS B. SAVIELLO, DISTRICT 18, CHAIR  
ROGER L. SHERMAN, DISTRICT 34  
SETH A. GOODALL, DISTRICT 19

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST  
KRISTA LILLY-BROWN, COMMITTEE CLERK



HOUSE

JAMES M. HAMPER, OXFORD, CHAIR  
BERNARD L. A. AYOTTE, CASWELL  
JANE S. KNAPP, GORHAM  
JOAN M. NASS, ACTON  
RICKY D. LONG, SHERMAN  
JAMES W. PARKER, VEAZIE  
ROBERT S. DUCHESNE, HUDSON  
MELISSA WALSH INNES, YARMOUTH  
JOAN W. WELSH, ROCKPORT  
DENISE PATRICIA HARLOW, PORTLAND

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

MEMORANDUM

TO: Honorable Kevin L. Raye, Chair of the Legislative Council  
Honorable Robert W. Nutting, Vice-Chair of the Legislative Council

FROM: Senator Thomas B. Saviello, Senate Chair *TS*  
Joint Standing Committee on Environment and Natural Resources

DATE: March 1, 2011

SUBJ: Request to create a committee Facebook page

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I am requesting authorization to create a Facebook page for the Environment and Natural Resources Committee. The primary purpose is to share information with the public regarding meeting dates and schedules. I do not believe there is a Council policy relating to the use of Facebook by committees and therefore thought it appropriate to make this request prior to creating a page.

Thank you for your consideration of this request.

cc: David Boulter, Executive Director, Legislative Council

## Memorandum

To: David E. Boulter, Executive Director

From: Scott Clark, Director, Information Technology *SWC*

Date: March 16, 2011

Re: VoIP – Recommendation to proceed to second level of proposal review

### Background:

Voice Over Internet Protocol (VoIP) is a method of transmitting telephone conversations as data over the Internet. VoIP replaces standard analog telephone system with telephones that are part of a data network. These phone can be programmed with a features found on current desk phones as well as many other features not available on standard phones. In addition they can be managed, rerouted and programmed remotely offering much flexibility. The state of the market in Maine has now reached the point where many organizations similar in size to the Legislature have been able to save money and improve service by switching their telephone systems to VoIP.

Last Fall, the Legislative Council authorized the release of a request for proposal (RFP) for a VoIP system to replace the aging (30 years) legislative telephone system. An RFP was issued on October 12, 2011. Approximately 12 vendors showed interest with 6 eventually submitting proposals.

### Status:

The RFP outlines many requirements including lists of features, service and support levels, network connectivity and cost. The office completed an initial review of the 6 proposals based on the requirements. Three of the proposals appear to meet the requirements and should provide cost savings. I would like to proceed with the evaluation of those 3 proposals.

### Next steps:

The next step is to perform detail review of the features, service, technical aspects and cost for each selected proposal. To be sure the proposed systems meet the criteria set forth in the RFP and features needed I recommend creating a small 6-8 person review team. The team would be made up of a small number of staff members representing the typical uses of phones. In addition to reviewing the written proposals the team would meet with each of the 3 vendors for a presentation of the proposals as well as a question and answer session. In addition to user features and functionality, the team will need to

assess the various technical issues of network connectivity and the system support. I recommend that the review team include representation from Leadership offices, the Clerk's and Secretary's offices, nonpartisan staff offices and technical staff.

The intent would be to report to the Legislative Council on the results and recommendations of the team's review of the proposals at a future Legislative Council meeting. While I anticipate the report will contain a recommendation of a vendor, it is conceivable that the team could also recommend not proceeding for cost or other reasons. The final decision whether to replace the legislative phone system with a VoIP system rests with the Legislative Council.

If you have any question, please let me know.

Attachment

List of vendors submitting proposals

## VoIP Proposals Received

Three vendors recommended for additional consideration:

Alteva  
111 S. Independence Mall East, Suite 700  
Philadelphia, PA 19106

Proposed System: Polycomm / Broadsoft

CMC Technology Group  
622 Main Avenue  
Farmingdale, Maine 04344

Proposed System: Mitel

\* CTI Communication Technologies  
11 Blackstrap Rd.  
Falmouth, ME 04101

Proposed System: ShoreTel IP / ShoreWare

\* OTT Communication  
56 Campus Drive,  
New Gloucester, Maine 04260

Proposed System: Polycomm / Broadsoft

T4G  
110 main St, Suite 1508  
Saco, Maine 04072

Proposed System: ShoreTel IP / ShoreWare

\* VoIPnet Technologies  
1399 Bridgton Road  
Westbrook, Maine 04092

Proposed System: Aastra

Legal Advertisement  
MAINE STATE LEGISLATURE  
REQUEST FOR PROPOSALS

The Maine State Legislature, Office of the Executive Director, is seeking proposals from qualified, experienced vendors for a hosted Voice Over Internet Protocol (VOIP) telephone system for legislative offices at the State House complex in Augusta, Maine.

Sealed proposals must be received at the Office of the Executive Director at 210 State Street, 115 State House Station, Augusta, Maine 04333-0115 by 2:00 P.M. local time on November 12, 2010, when they will be opened. Please clearly mark the sealed proposals "2010-VOIP - Maine State Legislature".

The proposals must be responsive to the requirements set out in the RFP "2010-VOIP", a copy of which may be obtained by submitting a written request to [Scott.Clark@legislature.maine.gov](mailto:Scott.Clark@legislature.maine.gov) or in person at the Office of the Executive Director, Maine Legislature, 210 State Street, Room 103 Augusta, Maine 04333-0115. Only vendors registering with the Office of the Executive Director will receive change notices to the RFP.

September 29, 2010

**Request for Proposal: Voice over Internet Protocol (VoIP)**

On behalf of the Maine State Legislature (Legislature), the Legislative Council requests proposals for a hosted VoIP system for all of the legislative offices located on the State House campus in Augusta, Maine.

Interested bidders must submit a sealed proposal. Proposals will be accepted until 2:00PM on November 12, 2010. Proposals must be delivered to the address below. The Legislative Council assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the Legislature. Late submitted proposals will not be accepted.

Office of the Executive Director  
Maine State Legislature  
210 State Street  
115 State House Station  
Augusta, Maine 04333-0115  
ATTN: VoIP Proposal

All questions concerning this RFP must be directed to Scott Clark, Director, Office of Information Services. Questions concerning the requirements or other substantive information inquiries must be submitted in writing via email at the following email address: [Scott.Clark@legislature.maine.gov](mailto:Scott.Clark@legislature.maine.gov)

**Proposal Duration:** The Bidder shall guarantee proposal terms and prices through August 1, 2011.

**Statement of Purpose:** The intent of this Request for Proposals is to solicit proposals from qualified vendors for the selection, installation and operation of a VoIP telecommunications system for the Maine Legislature, in accordance with requirements, standards and service levels established by the Legislative Council.

**Scope of Service/Statement of Work:** The Legislative Council intends to procure hardware, software and support services for a vendor-hosted VoIP system. This system will replace its current Centrex PBX telephone system. The VoIP system must be installed such that full telephone service is available without interruption. The VoIP system must include provisions to retain some analog lines in the event of lost of VOIP service. The Legislative Council will consider proposals to purchase, lease, or lease-purchase the user hardware. The Legislative Council currently has an Internet Service Provider (ISP). However, it will consider an additional Internet connection as part of the proposal, if necessary. The Legislative Council expects the hosted VoIP service to be a long term commitment. Therefore support, maintenance, regular upgrades to maintain industry standards and protection of the system are a high priority.



**Additional Terms and Conditions:**

The Legislative Council reserves the right to award this project to the bidder who in the Legislative Council's sole judgment is most responsive to the requirements of this RFP, most responsive to the needs of the legislature, qualified and who will perform in the best interest of the Legislature. Furthermore, it retains its right to negotiate with any bidder or other entity if chosen.

**Employees and subcontractors:** Security of the Maine State House, governmental officials, employees and others is important. Bidders must identify all vendor personnel and subcontractors proposed to be assigned to the project and their qualifications. The Legislative Council may require criminal record checks on any or all contractors.

**Insurance:** The successful bidder will be required to provide evidence of adequate worker's compensation and liability insurance coverage before entering into a contract. Additionally, the Legislative Council may, at its sole discretion, require the apparent successful bidder to provide evidence of other forms of relevant insurance. Any demonstration of insurance required by the Legislative Council shall be in form and substance acceptable to the Legislative Council.

**Licensure:** Before a contract pursuant to this RFP is executed, the successful bidder must demonstrate that it holds all necessary, applicable business and professional licenses. The Legislative Council may require any or all bidders to submit evidence of proper licensure.

**RFP Bidders list:** Entities requesting a copy of the RFP must identify a single point of contact. The contact's name, title, affiliation, address, email address and telephone number are required.

**RFP Amendment and Cancellation:** The Legislative Council reserves the right to unilaterally amend this RFP in writing at any time. The Legislative Council also reserves the right to cancel or reissue the RFP at its sole discretion. If an amendment is issued it will be emailed to the contact person identified by each known potential bidder. Bidders must acknowledge the receipt of the amendment with an email reply. It is the responsibility of potential bidders to bid on the RFP as it may have been amended prior to the proposal submission deadline. Bidders must respond to the final written RFP including all exhibits, attachments, and amendments.

**Right to Reject Proposal:** The Legislative Council reserves the right, at its sole discretion, to reject any and all proposals or to cancel this RFP in its entirety when in its sole judgment it determines rejection or cancellation is in the best interests of the Legislature. Any proposal that does not meet the requirements of this RFP may be considered to be nonresponsive, and the proposal may be rejected. Bidders must comply with all of the terms of this RFP. The Legislative Council may reject any proposal that does not comply with all of the terms, conditions, and performance requirements of this RFP. The Legislative Council reserves the right to waive all formalities and technicalities in any proposal.

**Disclosure of Proposal Contents:** All proposals and other materials submitted in response to this RFP procurement process become the property of the Legislative Council. Selection or rejection of a proposal does not affect this right. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process. Upon the completion of the evaluation of proposals and a final decision by the Legislative Council, proposals and associated materials shall be open for inspection by the public. By submitting a proposal, the Bidder acknowledges and accepts that the full contents of the proposal and associated documents will become open to public inspection.

## **Voice over Internet Protocol (VoIP) Project**

### **A. Overview**

The Legislative Council invites interested bidders submit proposals for the installation and operation of necessary equipment and services for a vendor-hosted Voice over Internet Protocol (VoIP) system to replace the existing Centrex telephone system. The telephone system is critical to operation of the Legislature. The Legislative Council requires the proposed systems to meet the following general criteria:

- Highly reliable and available with the necessary redundancy of components.
- Equivalent (or better) voice quality than that provided by the Centrex system.
- Scalability to meet current and changing needs.
- Interoperability with the existing LAN, ISP and security measures.
- Equivalent (or better) features currently available with the existing Centrex system.
- Hosted service rather than in-house.
- Easy to manage and maintain with little or no support required by in-house information technology or other staff.
- Responsive and knowledgeable support available to the legislature on a 24/7/365 basis.
- technical documentation and user guides, and training for equipment users and technical staff.

### **B. Current Environment**

Proposals must take into consideration the current operating environment and schedule of the Legislative Council.

**Network:** The Legislature operates a 100MB LAN connecting offices located in the Maine State House and the adjoining Cross Building. This network has a 10MB connection to the Internet with service provided by Oxford Networks of Lewiston, Maine. The existing Internet connection may be considered for use by the VoIP solution. However, the bidder must evaluate the connection and document in the proposal any

upgrades required or suggested to allow for a fully functional, efficient VoIP. The proposed VoIP system must not materially interfere with or adversely affect the legislature's data network.

**Telephones:** Legislative offices are located in two buildings connected with a single Centrex phone system. The current system is provided by the State of Maine Office of Information Services and FairPoint Communications. The system includes ISDN phones on nearly every desk, many analog phones mostly in public locations, fax machines and TTY devices. The proposal must outline the bidders plan for replacing the system with a VoIP network with minimal disruption to legislative operations.

Legislature's current phone system includes:

Phones	QTY
Basic	235
Enhanced (incl DID)	137
Virtual DID	19
Toll Free numbers	1
Hunt groups	14

\* Basic includes handsets, fax and TTY

### C. Requirements - Telephone Sets

**IP Telephone Handsets:** Proposed devices must have external power supplies. The system must support non proprietary handsets and optional wired and wireless headsets. Proposals must include a copy of the specifications, user guide and a photograph for each type of phone proposed. The proposed phones must replace current phones in terms of features and options. These include but are not limited to:

- Ability to support headsets.
- Message waiting indicator.
- Single button call forwarding
- Intercom calling.
- Multiple line appearances.
- Speaker phone.
- programmable keys.
- LCD displays.

Proposals should indicate if the proposed phones also support Power over Ethernet (POE) or a built-in switch to provide connectivity to the computer.

**Hearing Impaired:** Proposals must indicate how each phone adapts for assisted hearing or any attachments required for that purpose. In addition, the proposal must state how TTY services are handled.

**Attendant Consoles:** The proposal must include IP attendant consoles to replace existing attendant consoles. Proposals must include a copy of the specifications, user guide and a photograph for each type of console proposed.

**Softphone:** Proposals must include softphones that run on Windows based PCs with Windows XP and newer.

**SoftAttendant:** Proposals must include Windows compatible softphones using Windows XP and newer.

#### **D. Requirements - Telephone Features**

Proposals must address the implementation of the following required features. Where feasible, the bidder must provide examples in the proposal.

**911 Identification & Location:** When a call is made out of the system to a standard 911 operator, the street address of the location from which the call is made must be displayed to the 911 operator. Furthermore, 911 calls may not require the use of a prefix prior to dialing 911.

**Direct Inward Dialing:** Provide DID for all units

**4-digit extension dialing:** Provide extension dialing for all units.

**Call Forwarding:** Provide call forwarding on all units.

**Call Waiting:** Provide call waiting on all units.

**Call Hold:** Allow any user to place a call on hold.

**Call Pickup:** Allow any user to pickup a call from another local phone unit.

**Call Recording:** Allow for call recording on demand.

**Call Transfer:** Allow any user to transfer a call transparently to any location inside or outside the network. In addition allow any user to transfer a caller directly to an internal voicemail.

**Three-way Calling:** Allow any user to make a three-way telephone call including internal and external parties.

**Automated Attendant:** Provide a three deep tree (minimum) with dialog based on DTMF, ability to change messages remotely and multiple user administration.

**Call Restrictions:** Allow the system administrator to restrict toll calls, long distance calls (USA and international), directory information calls, and 900 number calls on any phone set.

**Caller ID blocking:** Allow the phone number to be blocked from Caller ID when placing external calls, on a call-by-call basis and as a default option

**Voicemail:** Provide voicemail services for 300 users, with up to fifteen minutes of voicemail storage per user. The voicemail component must also include:

- a message waiting light as part of the telephone.
- remote access to the voicemail features independent of the user's location including remotely from other phone systems.
- prompts for both no answer and busy responses at the phone.
- optional password entry to access each voice mailbox.
- users ability to modify their own passwords.
- notification at thresholds of maximum total number of minutes of messages than can be stored in a single voice mailbox.
- a system administrator password.
- a time/date stamp for each new message
- the ability to record and send messages to other users.

- the ability to transfer messages to other users and append them with their own comments.
- visual voicemail feature is a highly desirable feature

**Message or music on hold:** Provide a prerecorded message or music when a caller is on hold.

**No impact to existing data connectivity:** None of the proposed feature implementation nor the system as a whole may negatively affect the LAN, Internet connection, data network or the proposed telephone system's performance.

## **E. Requirements – System Administration**

The proposals must describe the following system administration requirements:

**Shared Administration:** Proposals are for a vendor-hosted system that will be primarily administered by the vendor with some client administration options noted below. Administration includes but is not limited to new telephone accounts, modification to accounts or deleting existing accounts.

**Levels of administrator:** There must be multiple levels of administrators with selectable capabilities and unique names and passwords. This must include a read-only level.

**Local administrator abilities:** Legislative staff administrators must be able to:

- add or modify a class of service.
- assign default passwords for users, and reset passwords for users' mailboxes.
- add, delete, or modify a user.
- run detailed reports on system utilization by dates, times, extensions, etc.

**Change logging:** All administrator activity must be logged by storing at a minimum the administrator name, date, time, activity and impact users or devices.

**Help Desk:** The proposed system must be supported by the vendor on a 24/7/365 basis. If the support levels change outside of regular business hours or during weekends, each level of service must be described.

**Software updates:** The system must be kept up-to-date, and the vendor must describe the expected frequency and extent of hardware and software updates and upgrades. Vendors must have written policies and procedures to keep the various software components current. Distinct descriptions for categories such as high and low priority must be included. If the proposed system will require a shutdown or reboot to perform some or all system updates, this process must be described along with estimated frequencies of shutdowns and reboots.

**User upgrades:** Proposals must include a list of user-controlled changes or features.

### **Backups:**

- The proposed system must have an automated failover backup for voicemail boxes for archival purposes.
- The proposed system must have regular backups of the system configuration and databases in the VoIP system. The vendor must describe the backup and information security features.

**Performance and Problem Reports:** The proposed system must have on-demand system monitoring reports including but not limited to:

- system performance in terms of up-time, down-time, total calls, dropped calls, on hold hang-ups.

**Call Detail Reporting (CDR):** Proposed systems must have one centralized call accounting system to track calls out of all locations on the network. The accounting system must:

- be able to distinguish which phone originated the call, no matter where the phone exists on the network.
- be able to track an outside call through its destination, including any internal transfers.
- store CDR records in a standard format and include the ability to export selected records for internal analysis.
- be able to report by call group
- be able to report by extension number or by location.
- include user defined customized reports.
- include detailed activity reports on demand.
- include tracking for long distance billing including the caller identification information to long distance carriers.

In addition the proposals may include a list and description of other standard reports included with the system.

**Diagnostics:** Proposals must include a list of local diagnostics and remote diagnostics available to the local administrator and to the host administrator.

**Alarms and alerts:** Proposals must include a list of set and programmable thresholds for alarms and alerts. Provide a list of communication method for the alarms and alerts (e.g., phone, email, admin console, SMS)

## **F. Requirements – Training and Documentation**

The Legislative Council requires the vendor to provide user training for the proposed VoIP phone system including the voice mail system, as well as administrator training for key legislative support staff. The vendor is expected to train up to 4 VoIP system administrators and up to 40 “in-office experts” in several “train the trainer” sessions. All training will be conducted at the client location. Proposals must include sample training materials for each application and hardware type proposed and include detail descriptions of the training the vendor will provide. Cost for the training should appear as a separate line item in the proposal.

Proposals must list all administrative manuals, training manuals, CDs, any configuration documentation such as switch ports, security settings, class of service with voice mail, etc that will be provided by the vendor. During the evaluation process, the Legislative Council may require copies of each of these documents as well as user manuals for each phone. The proposal must include the cost, if any, of providing the required documentation. The vendor may also propose other documentation typically provided for this type of installation.

## **G. Requirements – Hosting Site**

Legislative Council requests a vendor-hosted VoIP system and, therefore, requires information about the host site and equipment. The proposal must:

- include detail information on the IP call processing hardware platform (server

- and attached devices).
- indicate whether the equipment is considered open standard hardware or proprietary.
- indicate the limitation of the hardware platform.
- performance and reliability history as further discussed in section N.
- history of system upgrades.

## **H. Requirements - Network**

The Legislative Council expects vendors to propose a complete VoIP telephone system including phones, IDF room switches (LAN), main switches, firewalls and other equipment up to the connection with our ISP. To ensure redundancy, the proposal may also include an addition ISP connection.

Proposed systems may include the use of the Legislature's existing LAN infrastructure and Internet connection. However, it is incumbent upon the bidder to explain the following and provide cost information.

- the how the existing infrastructure will be used,
- all required hardware and software upgrades,
- additional hardware, software and licenses,
- enhanced security measures (hardware and software),
- monitoring and management tools for load balancing,
- conflict and error mitigation processes.

Degradation in the performance of the existing LAN and Internet access is not an option.

## **I. Requirements – Implementation and Transition**

The Legislative Council requires the proposed vendor solution to provide support for an orderly transition from the current system to the new system without interruption of service; ensuring internal and external communications are maintained and the ease of use through the transition is emphasized during the implementation and transition to the VoIP system. Proposals must explain how the transition will allow legislative offices to maintain full telephone service throughout the transition period. The explanation needs to include a discussion of incoming and outgoing calls, voicemail and call forwarding.

The proposal must identify the vendor's Project Manager and other assigned employees the installation. The Project Manager must consult and work with the assigned Legislative Council project administrator. Proposals must include a complete description of the key activities and responsibilities required for the installation of the proposed system. In addition, a master project schedule must be included, along with a work responsibility matrix, identifying the tasks the vendor will perform and the tasks the Legislative Council is expected to assist with to successfully implement the new system.

The bidder must provide examples of at least one transition plan previously and successfully used by the bidder. A transition from a Centrex and/or similar size system is desirable.

#### **J. Requirements - Installation**

The Legislative Council expects the vendor to install the complete VoIP telephone system.

- The vendor may be required to work with the Executive Branch's Office of Information Technology to coordinate the ordering and disconnection of services as the VoIP is installed.
- The installation of equipment at the State House will be performed by the vendor in cooperation with Legislative Council staff.
- Proposals (as noted before) must include all routers, POE switches, servers, UPS, patch cables in the wiring closets, cables from the wall jacks to the phones, the phones and other equipment and accessories required for the system to work.
- The Legislative Council will provide the physical space and/or the rack space needed for proposed equipment installed in the State House and the Cross Building.
- The Legislative Council reserves the option to seek its own pricing for equipment that meets or exceeds the specifications of the vendor.
- Proposals must include all power requirements, including any special conditioning or grounding requirements for equipment installed in the State House or Cross Building.
- Subcontractors for electrical, data and other parts of the installations are subject to the requirements of this RFP and the signed contract. For security purposes the Legislative Council requires all vendor and subcontractor employees assigned to the project to be identified prior to beginning work. The Legislative Council may require a criminal record check on any or all of the vendor's employees or contract workers on this project.
- The vendor shall be responsible for the completion of all work and services set out in any resulting contract. Penalty claims will be included for unreasonable delays in the completion of the work or service.
- All equipment, work and services are subject to inspection, evaluation, and acceptance by the Legislative Council. The Legislative Council may employ all reasonable means to ensure that the work and services are progressing and being performed in compliance with the contract.

#### **K. Requirements - System Warranty**

A complete maintenance and warranty agreement must be included as part of the proposal.

- Bidders may include options available for extended coverage and full pricing details for each level of coverage. The agreement must identify initial costs and annual incremental increases, if any, for the first 5 year period following the installation and commencement of operation.
- The telephone system and all associated equipment in the proposal must be covered by a warranty by the bidder and the manufacturer. The system components must be installed



free of defects in equipment, software, and workmanship for a period of at least 24 months following system acceptance and cutover.

- During the warranty period and any subsequent maintenance agreement, any defective components shall be repaired or replaced at no cost to the Legislative Council.

All system maintenance during the warranty period and under any maintenance agreements shall be performed by the vendor or council-approved subcontractors. All system maintenance during the warranty period must be at no additional cost to the Legislative Council other than charges stipulated to maintain the warranty.

#### **L. Requirements - Support**

During the warranty period and for the duration of any maintenance agreement, the bidder must supply no more than a 30 minute response to major problems, 24 hours a day, 7 days a week.

- Proposals must describe the vendor's definitions and examples of major and minor problems.

- Proposals must identify spare parts to be maintain onsite and in the vendors possession. In order to maintain high availability of the system the Legislative Council expects extra phones, cables, power supplies, network hubs and parts for the firewall will be located at the State House.

- The proposals must include the above mentioned support response time and warranty for which the vendor is responsible. Due to the critical impact a phone outage may have of legislative operations, the vendor must train Legislative Council IT staff members to swap broken parts for spare parts.

- Proposals must include a description of the process and amount of time required for full replacement of the central operating hardware/software of the system, assuming a suitable site exists for locating the replacement components.

#### **M. Legislative Council Provided Services**

The Legislative Council will provide the building space and facilities to provide user and administrative training.

The Legislative Council will provide the physical rack and/or shelving, power and cooling necessary to house the require onsite equipment.

The Legislative Council project administrator will provide the necessary information to assist in the installation in the legislative facilities.

- The Legislative Council will be responsible to uninstall all old Centrex PBX and hub equipment and ensure all old voice terminations are terminated.

#### **N. Reliability, recovery and maintenance questions**

The Legislative Council requires the VoIP system to be as resilient as possible. Disaster prevention, overall reliability, disaster mitigation, and recovery capabilities and performance are extremely important. Bidders must include information addressing these issues and concerns as part of the bid proposal. All bidders must include responses to the following system reliability measurements and requirements. In addition, bidders are

encouraged to include reports from any independent laboratory or actual testing of their product reliability, disaster and recovery capabilities.

#### **Reliability**

- 1) Specify the mean time between failures and mean time to recover for the core system hardware proposed and to be located at the vendor's site.
- 2) Specify the mean time between failures and mean time to recover for the proposed IP phones, gateways and other hardware to be located at the Legislative Council.
- 3) Specify the reliability experienced by your customers over the past two years for the hardware and software in use.
- 4) Provide the software upgrade and patch management plan for all hardware and software in the proposed system, including but not limited to servers, gateways (hubs and firewalls), IP phones, softphones.
- 5) Provide a list of new hardware and software your company will acquire to support the Legislative Council as a customer. Include draft hiring, training and maintenance plans to support the new items.
- 6) Identify the anticipated availability of the proposed system combining both hardware and software.

#### **Disaster and service interruption prevention**

- 1) Provide a list of redundant components and fault-tolerant operation features and capabilities included in the proposed system and to be located at the Legislative Council. In addition to the hardware, does the redundancy include synchronized software, databases and profiles?
- 2) Provide a list of redundant components and fault-tolerant operation features and capabilities included in the proposed system and to be located at your location. In addition to the hardware does the redundancy include synchronized software, databases and profiles.
- 3) Identify optional redundant components and fault-tolerant operation features and capabilities exist, but are not included in the proposed system include.
- 4) Provide a list of virus and intrusion protection included in the proposed system.
- 5) Provide the disaster prevention, operation continuity and recovery plans as they apply to the proposed system.
- 6) Describe the vendor recommendations for what the Legislature should acquire for backup purposes, if necessary, beyond what the vendor proposal provides?

#### **Disaster mitigation and recovery features**

- 1) Specify whether the proposed system includes a hot backup hosted site for the uninterrupted operation of the core system servers, how far apart the primary and backup servers are. Note if there is a delay or call loss during a switch over.
- 2) Specify whether the proposed system includes the dual registration of the gateways, IP phones and softphones to multiple servers and whether those servers at multiple sites.
- 3) Provide a list of proposed hardware (gateway, IP phones etc) to be left on site at the legislature.
- 4) Specify whether the proposed system allows legacy phones or IP phone to bypass the IP network and connect to the PSTN when the IP network fails.

- 5) Specify how gateways respond to Internet (T1) and analog trunk port failures.
- 6) Specify how gateways respond to digital and analog phone port failures.

### **Recovery performance**

Many of the VoIP/IPT products have been independently tested for recovery response times. These tests have been published and should be referenced by the vendor in the proposal. Use the following common measurements for recovery times for your proposal.

- 1) The length of time it takes the server to reboot after a power or hardware failure.
- 2) The fail-over time from the primary to the backup servers including distress recognition and function availability.
- 3) The fail-over time for a gateway to connect the legacy and IP phones to the public switched telephone network when the IP network fails.
- 4) The length of time it takes for a gateway or IP Phone to discover that the server is no longer reachable.
- 5) The length of time the phones and gateways take to switch over to a backup server.
- 6) The length of time a gateway takes to recover from an internal hardware, software or power failure? Is there any manual recovery required?

### **O. Proposal Organization**

The bidder must submit the following as part of its RFP submission

A. History of Company

B. Personnel Qualifications

C. Experience and Capabilities of Company.

Vendors must also cite specific history of successful implementation of projects of a similar size and scope.

D. References. Provide names and phone numbers of five references, including other similar sized government installations that are currently using the VoIP solutions.

E. Miscellaneous. Provide any additional information that you believe is relevant to this RFP and your capability to provide the VoIP solution requested (e.g., product brochures, articles in trade journals).

F. System proposal: The proposal response must address all of the requirements sections (C – L) and to the reliability and availability section (N).

G. Implementation Schedule.

H. Cost: Cost will be a major consideration in the awarding of any contracts resulting from this RFP.

The Legislative Council reserves the right, at its sole discretion, to request clarifications of proposals or to conduct discussions for the purpose of clarification with any or all bidders. The purpose of any such discussions shall be to ensure full understanding of the proposal.

#### Contract Award Process

The Legislative Council reserves the right to make an award without further discussion of any proposal submitted. The bidder should submit its proposal on the most favorable terms the bidder can offer. There will be no best and final offer procedure.

The Legislature reserves the right, at its sole discretion, to negotiate with the successful best evaluated bidder. Cost will be a major consideration.

Contract award shall be subject to the contract approval of the Legislative Council in accordance with applicable laws, policies and regulations.

The RFP files may be made available for public inspection after the contract is awarded.