

MAINE STATE LEGISLATURE

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

126th Legislature
Legislative Council

Thursday, April 25, 2013
2:00 P.M.

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 28, 2013 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
❖ 13	• Executive Director's Report (Mr. Boulter)	Information
14	• Fiscal Report (Mr. Pennoyer)	Information
	REPORTS FROM COUNCIL COMMITTEES	
❖ 18	• Personnel Committee	
	• State House Facilities Committee	
	OLD BUSINESS	
27	Item #1: Council Actions Taken By Ballot (No Action Required)	Information

NEW BUSINESS

- | | | | |
|------|----------|---|-----------------------|
| ❖ 28 | Item #1: | Consideration of After Deadline Bill Requests | Roll Call Vote |
| 31 | Item #2: | Time Warner Cable: Recognition of Public Service Contribution – Status Report | Information |
| | Item #3: | Request for Use of Electrical Receptacles in Parking Lot to Recharge Electric Motor Vehicle(s) – Policy Matter (Rep. Bruce MacDonald) | Decision |
| 32 | Item #4: | Submission of the Nonpartisan Staff Study <i>Standard Sewer District Enabling Legislation</i> (OPLA) | Acceptance |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. MARK W. EVES
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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 28, 2013**

CALL TO ORDER

Legislative Council Chair Mark Eves called the March 28, 2013 Legislative Council meeting to order at 2:45 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Goodall, Senator Jackson, Senator Thibodeau and Senator Katz

Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Debra Olken, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Scott Clark, Director, Legislative Information Technology

Speaker Eves convened the meeting at 2:45 p.m. with a quorum of members present.

Legislative Council Chair Eves asked if there was any objection to taking several items out of order. There was no objection. The Chair then moved to **New Business, Item 2.**

NEW BUSINESS

Item #2: Time Warner Cable Offer to Provide Televisions for Public and Legislator Use in the State House (Ms. Melinda Poore, Vice President, Government Relations)

Legislative Council Chair Eves invited Ms. Poore to describe the proposal by Time Warner Cable (TWC). Ms. Poore explained that representatives of TWC have been working with Executive Director's office staff to identify several key locations in the State House to place high definition televisions as a public service to provide news, information, and MPBN broadcast of legislative proceedings to the public who are doing business in the State House and to legislators. Three areas were potentially identified: Room 420; State House Café; and the Legislative Conference Room. The proposal would include upgrading cable service to high definition in the identified areas, installing necessary electrical and cable television wiring and installing HD televisions. In addition, the improvements would result in improved signal quality to HD for the television in the Welcome Center. TWC proposes to pay for all costs related to this project.

Representative Berry stated his appreciation for the TWC offer but expressed concern about a proposed sign or logo acknowledging TWC's contribution. Representative Willette commented that he was comfortable with acknowledgement of TWC's contribution.

Ms. Poore also noted that TWC has also offered to install a HD television in the Cross Cafeteria but that offer was turned down by the Bureau of General Services.

There was other general discussion about acknowledgement of TWC's contribution. Ms. Poore stated that she felt some acknowledgement would be appropriate but its absence would not cause TWC to reconsider its offer.

Motion: That the Legislative Council accept the offer by Time Warner Cable to install high definition televisions and associated upgraded electrical and high definition television cabling without cost to the Legislature, further that the televisions be installed without accompaniment of a Time Warner Cable corporate logo; and further that the Executive Director seek an appropriate alternative manner of recognition of Time Warner Cable's public service contribution. Motion by Representative Willette. Second by Senator Thibodeau. **Motion passed unanimous (10-0).**

Item #3: Request for Information Session with Legislators
(Request by Maine Public Broadcasting Network, Mark Vogelzang, President and CEO)

Legislative Council Chair Eves invited Mr. Vogelzang to explain Maine Public Broadcasting Network's proposal. Mr. Vogelzang proposes to hold an information session with legislators to solicit feedback on MPBN's pilot program to televise legislative proceedings this session and suggestions for improvement or expanded programming. He suggested that such an informational session be held on April 9th or 10th. Senator Goodall suggested that April 10th is the better of the two dates and commented that he supported the request. He further suggested that MPBN work with Mr. Boulter to schedule the session.

Motion: That the Legislative Council authorize an information session with Legislators and representatives of Maine Public Broadcasting Network for the purpose of soliciting feedback and suggestions on MPBN's pilot program to televise the proceedings of the Legislature; and further that the session be held on or about April 10, 2013. Motion by Senator Goodall. Second by Representative Berry. **Motion passed unanimous (10-0).**

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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 25 bill requests, the council authorized 19 requests for introduction in the 1st Regular Session of the 126th Legislature, 1 failed to be authorized and 5 were tabled until a future Legislative Council meeting. Of the 2 joint resolutions, the council authorized 1 request for introduction in the 1st Regular Session of the 126th Legislature and 1 was tabled until a future Legislative Council meeting. The Legislative Council's actions on the requests are included on the attached list.

OLD BUSINESS**Item #1: Council Action Taken by Ballot since February 28, 2013 Meeting****Legislative Council Decision:**

That the Legislative Council authorize the expenditure of up to \$100.00 for providing refreshments at a reception on Thursday, March 21, 2013 for Women's History Month.

Motion by: Representative Seth Berry
 Second by: Representative Jeffrey McCabe
 Approved: March 21, 2013
 Vote: 9-0-0-1 in favor (Representative Alex Willette absent)

No Legislative Council action was required.

Item #2: Maine Capitol Connection Channel (MPBN response to questions)

Mr. Boulter drew the Legislative Council members' attention to the letter from Mr. Vogelzang which was in response to several questions posed by the Legislative Council at its February 28, 2013 meeting regarding MPBN's pilot programming to televise legislative proceedings. No Legislative Council action was required.

Item #3: Request for Legislature's Participation in Maine Employers' Initiative, a Program of the Maine Development Foundation (Representative Hayes)

This matter had been tabled at the prior Legislative Council meeting. The Legislative Council members reviewed the additional materials about MDF's Maine Employers' Initiative that were included in the Legislative Council's packet of information. Mr. Ryan Neale, representing the Maine Development Foundation, expressed his appreciation that the Legislative Council was considering joining the employers' initiative.

Motion: That the Legislative Council participate in the Maine Development Foundation's Maine Employers' Initiative by committing to take "one more step" to promote education and training opportunities for legislative employees; and further, the step to be taken is to initiate an outreach effort to legislative employees that encourages continuing higher education achievement. Motion by Senator Alford. Second by Representative Fredette. **Motion passed (8-0-0-2, with Senator Goodall and Representative Willette absent).**

NEW BUSINESS**Item #4: Ranking of Legislative Websites by OpenStates.org (Mr. Clark)**

Office of Legislative Information Technology Director Clark spoke to the Legislative Council about a recent "ranking" of legislative websites, including Maine's, that was developed by OpenStates.org and reported in the media. That ranking placed Maine low among the states. Mr. Clark explained that although the Legislature's website scored well in several categories including ease of use, areas of low ranking included the ability of public users to capture bulk data of legislative activities (the legislative website currently does not provide for mass downloading of Legislative databases that would facilitate external aggregating, analyzing and reporting information.) Mr. Clark spoke with the organization's representatives and pointed out several areas that had been ranked low due to a lack of information that in fact are available on the website.

Mr. Clark concluded that overall he would generally not dispute the assessment, albeit a subjective one. He emphasized that the Legislature's website does need improvement and modernization; in particular the website is difficult to navigate, content and document management need to be integrated and modernized, and duplication needs to be eliminated. His office has begun a project to complete this work.

In response to a question, Mr. Clark indicated that a small amount of consulting money would likely be used to provide technical assistance to the project, approximately \$2,000 from existing budgeted funds. The Council members then discussed increasing \$2,000 to \$3,000 for the consulting assistance.

A member inquired as to whether the website upgrade would facilitate the website use on mobile devices such as tablets and smartphones. Mr. Clark answered that it would.

Motion: That the Legislative Council direct the Director of Legislative Information Technology to take such necessary measures to develop an integrated website for the Legislature that focuses on ease of access to key legislative information, minimizes redundancies, and ensures consistency of information and appearance; further that contractual funds not exceed \$3,000 for technical website assistance; further that the director work with appropriate legislative officers and chiefs to solicit their advice; and further that the director report to the Legislative Council at its August meeting on the progress being made on the website improvement and implementation. Motion by Representative McCabe. Second by Senator Alford. **Motion passed (8-0-0-2, with Senator Goodall and Representative Willette absent).**

Item #6: Notifications of Committee Hearings and Work Sessions (Representative Berry)

Representative Berry stated that 2 legislators who sponsored bills and their staff had not been notified of the date and time of the public hearings on those bills, and he sought an explanation as to the problem and confirmation that the notification system is now working properly.

Teen Ellen Griffin, Manager of the Legislative Information Office, provided an overview of the notification system that is provided to bill sponsors. It is an automated process such that when committee clerks enter prescribed information about public hearings into the database, email notices are automatically generated and sent to bill sponsors and their designated staff person(s). Earlier this session, 2 issues emerged, both of which are now corrected: 1- about 80 legislators

did not provide their email address to which notices would be sent (forms were provided to all legislators during the Pre-Legislative Conference) and 2- the automated system did not send notifications properly on bills that had large numbers of co-sponsors. Both issues were resolved. In some cases, legislative email notifications were flagged as spam by their computers. IT staff worked with legislators to adjust their spam filters. Ms. Griffin noted that her office can verify whether email notices have been sent to the email addresses provided by legislators and that it now has been operating properly for some time. Lastly, Ms. Griffin reiterated that notices are sent to legislators as well as their staff so there are 2 opportunities for legislators to be notified of hearings on their bills. Ms. Griffin concluded by saying that she believed the notification was working properly, but if legislators experience any difficulties, they should speak with the committee clerk or the Legislative Information Office.

Item #5: Legislative Emergency Notification System: Request for Briefing (Representative Berry)

Mr. Boulter provided an overview of the LENS system that is used to notify legislators and legislative employees of office closures and other emergency circumstances in the legislature through email, text messaging, cellphones and landline phones. Registration is voluntary; participation by legislative employees is nearly 100% and 76 legislators have chosen to participate. In addition to messages to legislators' and legislative employees' electronic devices of choice, public service announcements of office closures are made on local television and radio stations. Mr. Boulter concluded by saying he would gladly assist legislators in registering (free) for LENS.

Representative Berry asked that in addition to all the other forms of notification discussed, that he would like announcements of office closures to be sent by email to "Legislature: All." Mr. Boulter agreed to send the notices as requested.

Item #7: Submission of the *Measures of Growth in Focus 2013* (Maine Economic Growth Council)

The Maine Economic Growth Council submitted its report, *Measures of Growth in Focus 2013*, for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2013 *Measures of Growth in Focus*, Maine Economic Growth Council and place it on file. Motion by Senator Jackson. Second by Representative McCabe. **Motion passed (6-0-0-4, with Senators Goodall and Katz and Representatives Fredette and Willette absent).**

The Legislative Council then returned to the other items on its agenda, with President Alfond chairing the remainder of the meeting.

SUMMARY OF FEBRUARY 28, 2013 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 28, 2013 be accepted and placed on file. Motion by Senator Jackson. Second by Representative Berry. **Motion passed (7-0-0-3, with Speaker Eves, Senator Goodall and Representative Willette absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. EMS Memorial Construction

The Bureau of General Services is working with representatives of a group authorized to construct a memorial to EMS personnel along State Street. Construction will begin this spring. BGS has shared the plans and Mr. Boulter is assisting in limited fashion so that the site development is compatible with legislative areas and future plans for improvements in the vicinity.

2. Legislation Potentially Affecting Legislative Council

A number of bills have been introduced this session that affect in some way the Legislative Council or its jurisdiction. Key ones are identified below.

- A. LD 474: *An Act to Require Edible Landscaping in a Portion of Capitol Park*, which would require development and maintenance of edible landscaping in Capitol Park, was heard by the Joint Standing Committee on State and Local Government and was the subject of several work sessions. The Legislative Council has jurisdiction over Capitol Park.
- B. LD 978: *An Act to Enhance Public Participation in Legislative Committee Proceedings through the Internet* would require all proceedings of joint standing committees to be available to the public through a live video broadcast that allows for remote participation and would require permanent retention of the video proceedings. The bill was heard by the Joint Standing Committee on State and Local Government on Wednesday, March 27, 2013.
- C. LD 339: *An Act to Require Public Hearings by the Legislature to be Recorded and Posted on the Internet*, would require the Legislative Council by January 1, 2014 to arrange to record all joint standing committee public hearings and make those records accessible to the public on the Legislature's website within 72 hours of the hearing. It would prohibit a committee from holding a work session until the hearing record is posted on the website. It would also require permanent retention of the audio, video or written record. The bill status after is an anticipated divided report by the Joint Standing Committee on State and Local Government.
- D. LD 785: *An Act to Ensure the Periodic Review and Revision of Statutory Provisions* would direct the Revisor's office and the Office of Policy and Legal Analysis to jointly review program evaluation reports annually and submit a report that lists statutory provisions that may require legislature review and amendment. The Revisor of Statutes currently has authority to recommend statutory revisions.
- E. LD 821: *An Act to Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans* would allocate certain unspent funds now held by the Legislative Council to the Franco-American Center at the University of Maine and direct that remaining funds be expended on the Legislature's "Franco-American Day."

Following the Executive Director's report, Representative McCabe commented that LD 474 may be appropriate to be considered by the State House Facilities Committee rather than by the State

and Local Government Committee because of the Legislative Council's jurisdiction over Capitol Park.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$129.9	\$112.1	(\$17.8)	-13.7%	\$137.8	-18.6%
FYTD	\$1,693.3	\$1,719.4	\$26.1	1.5%	\$1,692.4	1.6%

General Fund revenue was under budget by \$17.8 million (13.7%) for the month of February, but remained over budget for the fiscal year by \$26.1 million (1.5%). Much of February's variance reflects a \$10 million variance from individual income tax refund processing catching up in February after a slow start this year. Individual Income Tax remained \$48.8 million over budget for the fiscal year through February. Indications are that a large portion of this variance will remain steady this year. However, Corporate Income Tax and Sales and Use Tax collections continue to be the major areas of concern for General Fund revenue performance, despite the modest positive variance for Sales and Use Tax in February (January taxable sales). Preliminary data for March show both of these categories roughly \$5 million and \$10 million, respectively, under budget for the month. Lottery revenue was under budget by \$2.4 million in February, but much of this will be offset in March as a result of the timing of the reimbursement for a \$2 million Powerball prize payout.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$25.8	\$25.3	(\$0.4)	-1.6%	\$25.8	-1.6%
FYTD	\$197.9	\$196.7	(\$1.2)	-0.6%	\$194.7	1.0%

Highway Fund revenue was under budget by \$0.4 million (1.6%) in February and \$1.2 million (0.6%) for the fiscal year through February. Fuel Taxes revenues are the cause of the negative variance, which are under budget for the fiscal year through February by \$2.1 million. Positive variances from motor vehicle registrations and fees have offset only a portion of the Fuel Taxes' negative variances.

Cash Balance Update

The average balance in the cash pool in February was \$407.9 million, \$26.0 million more than a year ago. General Fund internal borrowing remains higher than last year; February was \$28.0 million higher than February 2012. Absent any significant variances that will negatively affect cash balances, the State should be able to avoid external borrowing again this year.

Revenue Forecasting Update

The Consensus Economic Forecasting Commission (CEFC) met on Tuesday, March 26th and had a follow up conference call on the morning of the 28th after the release of 2012 Personal Income data that was lower than previous projections. The CEFC's forecast is due by April 1st. While the CEFC made only modest changes to their previous forecast, the calendar year 2013 Personal Income forecast revision downward, which is only partially offset by a 2014 upward revision, may drive revenue estimates for the major taxes downward for each year of the forecast period. The Revenue Forecasting Committee (RFC) will be meeting during the last week in April to update the revenue forecast for its May 1st reporting deadline. The timing of the meeting will allow the RFC to assess preliminary data from April Individual Income Tax filings.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report.

2. State House Facilities Committee

Representative Seth Berry, Chair of the State House Facilities Committee, gave the following report. The State House Facilities Committee met on Tuesday, March 26th to consider the following items:

1. Security Screening in State House

The committee continued its discussion of security screening measures in the State House that are conducted by the Bureau of Capitol Police. Chief Gauvin was present to answer several questions posed to him by committee members at an earlier meeting, including those related to screening activity and statistics, screening in other state houses, exceptions to screening, staffing and costs. No action was taken and the committee will resume its discussions at a future meeting.

2. Multi-Year Plan for State House Maintenance and Improvements – 2013

The committee reviewed the various maintenance and improvement projects proposed for this year including: paver sealant, stairs and pavement inspection and repair, painting and cosmetic upgrades in public areas of the building, exterior granite inspection and repair, and West entry door replacements. It also considered installation of video cameras in the Appropriations Committee room to facilitate television broadcasts of committee proceedings. The committee was given a presentation of proposed copper sheathing replacement on the State House dome. This project, proposed to be conducted in 2014, will require extensive preparatory work this year in order to be carried out in 2014. The original copper on the dome, installed in 1909-1910, has exceeded its life expectancy and needs replacement. Reliable life expectancy of copper is 75 years. The current copper on the dome is greater than 100 years old and is allowing water infiltration. Its replacement in 2014 along with repairs to the mechanical buildings on the roof will then allow needed replacement of the EPDM roofing on the State House in the following year.

The committee also briefly discussed the coloration on the dome once copper is replaced – it will turn brown and remain so for about 30-35 years before developing the green patina we see on the dome now. It also discussed whether the dome could be gilded as are most other New England state capitols and asked for more information about gilding costs, function and durability. No action was taken on this matter.

The committee also discussed the condition of carpeting in various areas in the State House and areas that may need replacement.

After review, the committee voted unanimously to recommend that the Legislative Council approve the multi-year plan including necessary preparation for dome and roofing repairs in 2014 so they may be conducted as cost-effectively as possible and in a timely manner, with the following exceptions:

1. Replacement of West entry doors should be postponed until 2014 when all doors can be done while construction crews are already onsite for the dome work, resulting in some decreased costs;
2. Installation of 3 video cameras in the Appropriations Committee room should be postponed until a future date. The committee felt that this project was not as high a priority as other more pressing projects and that discussions with MPBN about cost-sharing capital equipment purchases should occur before the project is authorized; and lastly,
3. The committee is recommending that the Executive Director arrange for an assessment of the current condition of carpets in the State House and make recommendations for replacements, including potentially some this year if the carpeting poses a safety hazard.

Senator Thibodeau noted that the dome restoration project is a substantial project and he would like an understanding of the bid process. He also inquired if the dome sheathing could be extended 10-20 years in order to postpone replacement. Representative Berry stated that if there are additional questions, the facilities committee would have time to meet again to discuss these issues. Representative Berry will work with Mr. Boulter to schedule a follow-up facilities committee meeting shortly. No motion was offered.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:26 p.m.

**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
Action Taken As of: 3/28/2013**

SPONSOR:	Senator Margaret M. Craven	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2064	An Act To Clarify Limitations on Home Insurance Policies	PASSED
2069	Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual	PASSED
SPONSOR:	Representative Mark N. Dion	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2082	An Act To Allow a Setoff of a Bailor's Property under Certain Conditions	PASSED
SPONSOR:	Representative Kenneth W. Fredette	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2067	Resolve, To Establish the Task Force on Poverty and Personal Responsibility	TABLED
2068	An Act To Promote the Delivery of Natural Gas to Central Maine	PASSED
SPONSOR:	Senator Stanley J. Gerzofsky	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2081	An Act To Preserve Marine Resources Licenses for Active Duty Service Members	PASSED
SPONSOR:	Senator Anne M. Haskell	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2078	An Act To Review Tax Expenditures on a Revolving Basis	PASSED
SPONSOR:	Senator Troy D. Jackson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2077	An Act Regarding the Valuation of Certain Trucks	PASSED
SPONSOR:	Representative David D. Johnson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2065	An Act To Avoid Potential Loss of Revenue by Municipalities from Donated Land	PASSED
SPONSOR:	Senator Roger J. Katz	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2071	An Act Regarding Security in the State House	TABLED

SPONSOR:	Representative L. Gary Knight	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2074	An Act To Amend the Laws Relating to Secession by a Municipality from a County	PASSED
SPONSOR:	Representative Catherine M. Nadeau	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2062	An Act To Protect Children from Internet Exposure without Parental Consent	TABLED
SPONSOR:	Senator John L. Patrick	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2072	An Act To Reinstate Local Workforce Investment Boards under the Jurisdiction of the State Workforce Investment Board	PASSED
SPONSOR:	Representative Matthew G. Pouliot	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2063	An Act To Amend the Laws Pertaining to Employee Health Insurance	PASSED
SPONSOR:	Representative Diane Russell	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2049	An Act To Ensure That the Governor and Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown	TABLED
SPONSOR:	Representative Deborah J. Sanderson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2055	An Act To Amend the Laws Governing Hospital Leave Days for MaineCare Recipients	PASSED
SPONSOR:	Representative Jeremy G. Saxton	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2061	An Act To Decrease the Class of the Crime of Driving a Motor Vehicle without a License for 30 Days	TABLED
SPONSOR:	Representative Madonna M. Soctomah	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2057	Resolve, Directing the State To Confer with Tribal Government To Open Discussions Regarding the Federal Violence Against Women Act	PASSED
2083	An Act To Allow Licensed Clubs To Allow Their Members To Purchase Tickets to a Scheduled Event at the Time of the Event	PASSED

SPONSOR:	Senator John L. Tuttle, Jr.	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2052	An Act To Amend the Labor Laws as They Relate to Payment of Required Medical Examinations	PASSED

2059	An Act To Make Parents More Aware of Eating Disorders	PASSED
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JOINT RESOLUTION

SPONSOR:	Representative Seth A. Berry	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2047	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WOULD REPLACE SEQUESTRATION	TABLED

SPONSOR:	Representative Scott M. Hamann	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2080	JOINT RESOLUTION RECOGNIZING THE INDEPENDENCE OF THE NARGORNO-KARABAKH REPUBLIC	PASSED

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Senator Margaret M. Craven	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2021	An Act To Ban the Use or Possession of Synthetic Cannabinoids	Tabled 02/28/13 FAILED

SPONSOR:	Senator Anne M. Haskell	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2039	Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Coordinated Services District System	Tabled 02/28/13 PASSED

SPONSOR:	Representative Teresea Hayes	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2015	An Act To Increase Access to Postsecondary Education for Maine's Children	Tabled 02/28/13 PASSED

SPONSOR:	Senator Troy D. Jackson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
1990	An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines	Tabled 02/28/13 PASSED

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126TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

Legislative Council

Executive Director's Report

April 25, 2013

1. Olympia Snowe Day at the Legislature

In response to the Legislature's invitation to her, former U.S. Senator Olympia Snowe has expressed interest in attending a ceremony in her honor and addressing the Legislature. No date for the event has been finalized yet, but a session day in late May may be workable for Senator Snowe.

2. Maine Public Broadcasting Network Information Session

MPBN President Mark Vogelzang has expressed his appreciation for the Legislative Council's arranging of the legislator information session that was held on April 10th. Over 40 legislators attended the session to discuss MPBN's pilot program televising legislative activities and to offer suggestions for improvement or additional programming.

3. Video Control Units

The Office of Legislative Information Technology is working with MPBN to install remote control devices for video broadcasts in legislative committee rooms. The devices will allow the legislature to turn off video transmissions or redirect them from MPBN broadcasts in emergencies or other necessary circumstances.

4. Maine Development Foundation Maine Employers' Initiative

Human Resources Director Debra Olken and I will be meeting with the Maine Development Foundation this month to complete the application process and other related aspects so the Legislature may join the Maine Employers' Initiative, consistent with the Legislative Council's approval last month.

5. Legislative Emergency and Evacuation Plan

The Legislature's plan has been updated and was distributed to all legislators and legislative employees earlier this month. A building evacuation drill will be planned for the near future to familiarize legislators and employees with the emergency procedures in the event we are called upon to use them.

6. Legislative Record

The Law and Legislative Reference Library is concluding its multi-year project to scan and electronically process the Legislative Record of Maine Legislature from the 68th (1897) through the 125th legislatures. The 68th Legislature was the first legislature to record legislative debate. Once the project is completed, the Record will be available for research and access by the public, and eventually through the Legislature's website.

Fiscal Briefing

Legislative Council Meeting

April 25, 2013

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$231.0	\$199.8	(\$31.2)	-13.5%	\$226.5	-11.8%
FYTD	\$1,924.3	\$1,919.3	(\$5.1)	-0.3%	\$1,918.9	0.0%

General Fund revenue was under budget by \$31.2 million (13.5%) for the month of March and by \$5.1 million (0.3%) for three quarters of fiscal year 2013. The Corporate Income Tax and Sales and Use Tax categories remain the primary drivers of the aggregate negative variance. Those categories are under budget by a combined \$17.6 million for March and \$29.7 million for the fiscal year. Individual Income Tax was a contributor to March's monthly negative variance falling \$10.8 million below budget for the month. However, this variance is largely due to a distribution issue and the shift of two days of processing at the end of the month to April revenue. Individual Income Tax remained over budget for the first three quarters of FY 2013 by \$38.0 million. Another distortion to the reported variance is a \$3.2 million negative variance from the FY 2013 one-time hospital assessment, half of which was due at the end of March. Recognition of that \$3.2 million was delayed until April.

2. Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$23.4	\$22.7	(\$0.7)	-3.2%	\$23.2	-2.2%
FYTD	\$221.3	\$219.4	(\$1.9)	-0.9%	\$217.9	0.7%

Highway Fund revenue was under budget by \$0.7 million (3.2%) in March and \$1.9 million (0.9%) for three quarters of fiscal year 2013. Fuel Taxes remain the cause of the negative variance and have fallen \$2.6 million (2.1%) for the year. Positive variances from motor vehicle registrations and fees have offset only a portion of the negative variances from the Fuel Taxes category.

3. Fund for a Healthy Maine Revenue Update

April Tobacco Settlement Payments that accrue to the Fund for a Healthy Maine (FHM) totaled \$50.95 million, \$1.48 million over budget. Assuming no further adjustments this fiscal year, this variance will be recognized as an increase of budgeted revenue (FHM) when the revenue forecast is updated.

4. Cash Update

The average balance in the cash pool in March dropped to \$316.4 million. March is generally the low point for cash balances in the fiscal year, before the usual recovery in late April from income tax payments. The State has avoided external borrowing since FY 2006, the last year the State used Tax Anticipation Notes to meet General Fund cash flow needs.

5. Revenue Forecasting Update

The Revenue Forecasting Committee (RFC) will meet on Friday, April 26th, to update the revenue forecast. That forecast update will incorporate the new April 1st economic forecast and information gathered by individual income tax performance in the immediate aftermath of the April 16th filing deadline.

General Fund Revenue
Fiscal Year Ending June 30, 2013 (FY 2013)
March 2013 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	March '13 Budget	March '13 Actual	March '13 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	73,016,157	61,952,890	(11,063,267)	673,242,851	656,692,284	(16,550,567)	-2.5%	-0.4%	1,006,986,404
Service Provider Tax	4,164,108	3,802,513	(361,595)	34,685,811	32,801,807	(1,884,004)	-5.4%	0.5%	53,586,812
Individual Income Tax	71,881,000	61,089,049	(10,791,951)	923,795,000	961,830,874	38,035,874	4.1%	3.8%	1,413,890,000
Corporate Income Tax	30,263,702	23,682,924	(6,580,778)	117,144,373	103,979,645	(13,164,728)	-11.2%	-33.9%	186,021,732
Cigarette and Tobacco Tax	9,381,518	10,432,669	1,051,151	102,352,305	102,309,864	(42,441)	0.0%	-2.5%	138,180,000
Insurance Companies Tax	14,743,929	12,897,612	(1,846,317)	29,885,209	28,350,837	(1,534,372)	-5.1%	-11.2%	80,715,000
Estate Tax	3,587,800	2,588,244	(999,556)	39,902,833	36,330,220	(3,572,613)	-9.0%	49.3%	64,878,175
Other Taxes and Fees *	18,726,245	16,156,813	(2,569,432)	106,338,378	101,265,630	(5,072,748)	-4.8%	17.1%	151,399,353
Fines, Forfeits and Penalties	2,772,028	2,280,601	(491,427)	18,089,189	17,719,122	(370,067)	-2.0%	-1.9%	24,452,139
Income from Investments	(11,897)	4,342	16,239	48,025	94,296	46,271	96.3%	-41.5%	66,082
Transfer from Lottery Commission	5,052,893	6,935,023	1,882,130	39,412,503	39,227,135	(185,368)	-0.5%	-3.0%	52,550,000
Transfers to Tax Relief Programs *	(2,406,686)	(2,210,396)	196,290	(108,844,580)	(108,040,886)	803,694	0.7%	3.3%	(112,086,562)
Transfers for Municipal Revenue Sharing	(3,835,503)	(3,085,884)	749,619	(65,246,937)	(67,407,806)	(2,160,869)	-3.3%	2.3%	(93,076,067)
Other Revenue *	3,705,972	3,289,567	(416,405)	13,541,163	14,112,783	571,620	4.2%	-17.2%	40,219,187
Totals	231,041,266	199,815,966	(31,225,300)	1,924,346,123	1,919,265,805	(5,080,318)	-0.3%	0.0%	3,007,782,255

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

General Fund Revenue
Fiscal Year Ending June 30, 2013 (FY 2013)
March 2013 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	March '13 Budget	March '13 Actual	March '13 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	11,979,881	9,654,297	(2,325,584)	-19.4%	-19.8%	14,114,107
- Real Estate Transfer Tax	457,247	546,691	89,444	5,968,537	6,525,748	557,211	9.3%	11.5%	9,142,526
- Liquor Taxes and Fees	1,746,570	2,043,663	297,093	15,784,959	15,211,606	(573,353)	-3.6%	-0.7%	20,940,313
- Corporation Fees and Licenses	1,000,605	1,376,518	375,913	3,302,691	3,450,090	147,399	4.5%	1.0%	7,847,099
- Telecommunication Excise Tax	0	20,423	20,423	0	(383,410)	(383,410)	N/A	84.9%	11,000,000
- Finance Industry Fees	1,906,100	2,397,200	491,100	17,633,602	19,183,480	1,549,878	8.8%	2.2%	23,351,990
- Milk Handling Fee	86,927	86,445	(482)	1,989,217	2,021,370	32,153	1.6%	115.8%	2,249,995
- Racino Revenue	1,508,559	1,287,563	(220,996)	11,932,796	10,867,887	(1,064,909)	-8.9%	24.9%	16,458,622
- Boat, ATV and Snowmobile Fees	201,161	156,255	(44,906)	2,693,917	2,512,904	(181,013)	-6.7%	-3.0%	4,763,561
- Hunting and Fishing License Fees	856,340	690,374	(165,966)	12,142,106	11,728,547	(413,559)	-3.4%	2.1%	16,214,189
- Other Miscellaneous Taxes and Fees	10,962,736	7,551,681	(3,411,055)	22,910,672	20,493,112	(2,417,560)	-10.6%	107.5%	25,316,951
Subtotal - Other Taxes and Fees	18,726,245	16,156,813	(2,569,432)	106,338,378	101,265,630	(5,072,748)	-4.8%	17.1%	151,399,353
Detail of Other Revenue:									
- Liquor Sales and Operations	2,292	3,750	1,458	20,628	18,900	(1,728)	-8.4%	-16.9%	8,084,900
- Targeted Case Management (DHHS)	175,449	1,589	(173,860)	1,579,040	1,627,368	48,328	3.1%	-51.3%	2,105,386
- State Cost Allocation Program	1,675,900	1,276,051	(399,849)	12,096,039	11,626,202	(469,837)	-3.9%	20.7%	16,115,330
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,000,000
- Toursim Transfer	0	0	0	(9,932,319)	(9,932,319)	0	0.0%	-5.4%	(9,932,319)
- Transfer to Maine Milk Pool	(84,374)	0	84,374	(1,667,377)	(1,520,704)	146,673	8.8%	-160.5%	(2,007,657)
- Transfer to STAR Transportation Fund	0	0	0	(6,137,811)	(6,137,811)	0	0.0%	-92.0%	(6,137,811)
- Other Miscellaneous Revenue	1,936,705	2,008,176	71,471	17,582,963	18,431,147	848,184	4.8%	6.9%	25,991,358
Subtotal - Other Revenue	3,705,972	3,289,567	(416,405)	13,541,163	14,112,783	571,620	4.2%	-17.2%	40,219,187
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(1,024,703)	(1,211,122)	(186,419)	(40,331,235)	(38,401,761)	1,929,474	4.8%	3.6%	(43,081,877)
- BETR - Business Equipment Tax Reimb.	(1,365,584)	(1,059,003)	306,581	(47,141,243)	(48,843,604)	(1,702,361)	-3.6%	7.4%	(47,632,583)
- BETE - Municipal Bus. Equip. Tax Reimb.	(16,399)	59,729	76,128	(21,372,102)	(20,795,520)	576,582	2.7%	-8.7%	(21,372,102)
Subtotal - Tax Relief Transfers	(2,406,686)	(2,210,396)	196,290	(108,844,580)	(108,040,886)	803,694	0.7%	3.3%	(112,086,562)
Inland Fisheries and Wildlife Revenue - Total	1,133,805	921,249	(212,556)	15,578,417	15,135,425	(442,992)	-2.8%	1.5%	21,894,711

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

March 2013 Revenue Variance Report

Revenue Category	March '13 Budget	March '13 Actual	March '13 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	13,720,640	13,054,429	(666,211)	131,242,324	129,598,503	(1,643,821)	-1.3%	-2.3%	194,210,000
- Special Fuel and Road Use Taxes	3,692,546	3,814,506	121,960	31,262,486	30,120,956	(1,141,530)	-3.7%	-1.1%	45,180,000
- Transcap Transfers - Fuel Taxes	(1,284,452)	(1,244,099)	40,353	(13,488,127)	(13,312,977)	175,150	1.3%	1.6%	(17,590,004)
- Other Fund Gasoline Tax Distributions	(343,112)	(327,619)	15,493	(3,703,344)	(3,667,058)	36,286	1.0%	4.5%	(4,856,610)
Subtotal - Fuel Taxes	15,785,622	15,297,217	(488,405)	145,313,339	142,739,423	(2,573,916)	-1.8%	-2.1%	216,943,386
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,228,939	5,415,326	186,387	45,339,508	45,934,696	595,188	1.3%	-0.3%	64,805,936
- License Plate Fees	286,447	329,807	43,360	2,265,347	2,422,987	157,640	7.0%	0.9%	3,351,681
- Long-term Trailer Registration Fees	2,415,308	2,390,378	(24,930)	8,210,569	8,261,951	51,382	0.6%	-0.6%	9,384,523
- Title Fees	1,064,081	1,267,429	203,348	14,606,083	15,434,794	828,711	5.7%	75.7%	17,836,273
- Motor Vehicle Operator License Fees	803,271	730,976	(72,296)	6,552,828	6,340,138	(212,690)	-3.2%	2.8%	8,761,371
- Transcap Transfers - Motor Vehicle Fees	(3,184,392)	(3,465,300)	(280,908)	(12,435,136)	(12,807,702)	(372,566)	-3.0%	-18.7%	(16,764,002)
Subtotal - Motor Vehicle Reg. & Fees	6,613,654	6,668,616	54,962	64,539,199	65,586,864	1,047,665	1.6%	7.6%	87,375,782
Motor Vehicle Inspection Fees	248,540	0	(248,540)	2,236,860	2,275,648	38,788	1.7%	-4.8%	2,982,500
Other Highway Fund Taxes and Fees	89,425	66,927	(22,499)	890,421	863,392	(27,029)	-3.0%	-7.9%	1,276,365
Fines, Forfeits and Penalties	103,788	86,045	(17,743)	779,216	782,782	3,566	0.5%	1.6%	1,039,868
Interest Earnings	10,987	8,056	(2,931)	92,489	59,503	(32,986)	-35.7%	-24.3%	124,642
Other Highway Fund Revenue	560,231	543,310	(16,921)	7,435,381	7,085,782	(349,599)	-4.7%	1.1%	9,123,222
Totals	23,412,247	22,670,169	(742,078)	221,286,905	219,393,394	(1,893,511)	-0.9%	0.7%	318,865,765



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 of Police

April 24, 2013

To: Public Safety Commissioner John Morris
From: Capitol Police Chief Russell Gauvin 
RE: Request for Information from the State House Facilities Committee of the
Legislative Council.

As you are aware, on March 26, 2013, I forwarded to you, and then on to the Legislative Council's State House Facilities, information about the security screening process in operation at the State House. See Memo dated March 26, 2013.

During that Committee's meeting on March 26th, additional information was requested and I was asked to comment on some possible changes to the screening process. The information below is in response to those requests and questions.

There were two specific two questions that I was asked to get answers for the April 18, 2013 Committee meeting.

The first was the number of Northeast States that currently do weapons screening for their State Houses.

- I found that four of the seven N.E. States currently do full-time screening, one of the seven States does intermittent screening, and two of the seven States do not currently do any weapons screening. All seven States have a police presence in their State House.
- New York, Massachusetts, and Rhode Island have extensive screening processes in place running full-time. Their screenings include all items being delivered or taken into the State House building. All deliveries are pre-scheduled and are cross checked against invoices. Maine also screens people, carried items and most deliveries for dangerous items during business hours.
- Connecticut screens intermittently when they feel it is necessary.
- Vermont and New Hampshire do not screen. Vermont is making inquiries and is contemplating initiating weapons screening.

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The second question was the cost of running fingerprint based background checks for people who might be granted access cards to *bypass screening* (see more on this below). My best estimate is that, to break even, the fee would have to be about \$100. The actual fingerprint background check would cost \$60 dollars. The remaining \$40 would be needed to compensate an officer's time completing forms and running various other computer checks on the person. It is recommended that the background be checked every two years. I have been told that the process and cost for renewal background checks will be the same as the original. The State is moving to a new process for school employees and these estimates are based on a using a similar background process for those wishing to bypass State House security checks.

Expedited Security Screening:

I was also asked to develop some ideas around a screening bypass process for some people who regularly enter the State House. In addition to the people currently allowed to bypass screening in the Legislative Council's policy, there are additional steps that can be considered. However, I caution that exceptions to screening are always a slippery slope that can quickly lead to an unsafe environment. Any changes should be *risk and need based* in order to be effective. It might be most beneficial to look at a solution in the terms of *Expedited Security Screening (ESS)* as opposed to bypassing screening. Folks who already have 24 hour access to the building can, obviously, already bypass screening. An expedited screening process could be made available based on a risk and need basis. The ESS process could enable a properly documented and evaluated person to enter the State House via the security screening "fast lane". The ESS could be available for people who have been through a fingerprint based background check and have met other criteria. They would be a considered low-risk visitors and would be allowed to enter in a similar, but slightly modified, manner as those currently allowed to fully bypass screening. The Executive Director and I have discussed some more details along this line, and I think we could come up with an ESS that meets the Council's desire for some streamlining while not significantly impacting the State House's secure environment.

Additional Security Screening Points:

In addition to the specific questions, I was asked about several other issues around the security screening process such as cost, benefit, effectiveness, efficiencies and streamline possibilities. In addition to the above information and the information in the March 26, 2013 Memo, I have listed the following comments in an effort to address these issues.

State House as a Target:

The State House is different than most other State Buildings. Controversial topics, passionate arguments, widely different opinions are common place. There are always at

least two sides to every controversial issue and people are often very passionate about their view and hearings can get contentious. Our political process brings these people together to argue (hopefully civilly) their points. Large groups with diverse opinions may gather in hallways and open areas – like the Hall of Flags. There is a huge benefit in know that these passionate folks are not armed and could not easily erupt in violence. Knowing that there are no weapons in the building also removes some of the intimidation and fear that might cause some people to not be willing to openly express their opinions - especially, if they are in the minority. In addition, if anyone wants to be sure to be front page news, they know that almost any act that might be minor news elsewhere is often big news when it happens at the Capitol. Political issues are present year round and most people believe that Legislators have offices here and are at the State House most of the time.

Threats and Planned Attacks:

Planned attacks do occur. Imagine one of the Boston Marathon bombs in the Hall of Flags. People do get upset and threaten State officials and employees. There were three threats, involving the State House, that were received within a 90 minute period one morning a few weeks ago. We routinely investigate threats or threatening behavior focused against State officials or employees once or twice a week on average.

Violence is fairly common in State Capitols. Two Capitol Police officers have been stabbed this year (NY and Wis): One just last week over a tax dispute, and one in a connector tunnel like ours here. Two Capitol police officers have been shot this year (Maryland). State Officials have been attacked in Colorado and Texas recently.

Preventive Nature of Security Screening:

Police presence discourages an attack and enhances the response, but security screening prevents an attack. Screening does more than keep personal weapons out. It provides assurance that most explosives or other dangerous items can't be introduced. There were lots of Boston police officers along the Boston Marathon finish line; but, this did not stop the attack. Fenway Park was open for a Redsox game at the very same time as the Marathon and was certainly a target rich environment. People were more densely packed in Fenway Park and similar bombs would have caused even more casualties. The bombers may have chosen to bomb the Marathon over Fenway because all backpacks or other packages are screened before being allowed into Fenway Park. Screening prevents attacks by keeping dangerous items out of the target area.

Think of the potential problems with bags, briefcases or other items that are regularly left around in the State House, if we did not know that they were previously screened. There would be considerable disruption if a suspicious package or briefcase was found abandoned on one of the floors and it had not been screened. The appropriate cautious

response would be to evacuate the building until the contents could be determined or the item removed by an EOD Team.

In a real case on point last session, we received a bomb threat from an individual who claimed there was a bomb in the building and that he would be positioned nearby to shoot people as they left the building. Fortunately, because of screening we knew that no bombs had entered the State House (the caller described the alleged bomb). We did not need to consider evacuating. We were able to focus our efforts on the outside threat until we were able to determine the whole event was a hoax. This is just one example of a situation that would have been difficult to handle if we had not had screening in place.

Screening Reduces Fear:

Screening affords us the ability to allow expressive and sometimes upsetting (but legal) behavior in the State House. If Capitol Police and building occupants are aware that everyone inside the building has been screened, then everyone is more tolerant of passionate opinions or unusual behavior. There was a case last year where the building was packed with people. A man had entered dressed in Middle Eastern garb carrying a backpack. He was screened and, other than a knife that was found and held at screening, he had no dangerous items. The man later engaged in some unusual behavior on the third floor and Capitol Police got many calls from concerned people. Because of screening, we were able to calm these callers down and could be confident in allowing the man to continue his behavior, which may have been odd, but was not illegal or inappropriate.

Screening Benefits More than the Legislature:

Screening protects more than the Legislators, officials, staff and employees. This is a public building and screening protects the public who are in the building expressing their views, seeking assistance, or just touring and learning.

The building also houses the Governor's office. Screening is a great tool to compliment the State Police's Executive Protection Unit. During the 125th Legislature before screening, there was a decision to post a uniform State Trooper outside the Governor's suite because of safety concerns. That need, and the related costs, has been significantly mitigated by security screening. While screening changes are being considered, it may be worth asking the State Police for their input on the value of security screening from their perspective.

Other screening considerations:

The State House, even with screening, is one of the most accessible and least secure State buildings in Augusta. In almost all other State buildings, the public usually needs an appointment, needs to sign in with a receptionist behind a locked door, and then be

escorted into the building. The State House and Legislative areas are the only places where a disgruntled person could simply walk right up to the official they might be upset with.

I have spoken to several Legislators who previously wanted to be allowed to carry firearms in the State House. They all said that they wanted to be able to carry a gun in the State House if other people could potentially be armed. The need, or desire, to carry evaporated in many of their minds with the installation of screening and the knowledge that no one (besides law enforcement) was armed in the building.

Summary:

In summary, I know that there is a need to be frugal and fiscally responsible with State resources. I think that the screening process we have in place is as economical and effective as is practical under the present circumstances. We are constantly looking to improve efficiencies and effectiveness. The proposed re-design of the State House entry lobby is one such possibility. The Expedited Security Screening process is another way of making things more efficient. However, I do not see a way to significantly reduce the current screening cost without reducing effectiveness. The process was design to be, and is, as cost effective as I think it can reasonably be.



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

March 26, 2013

Russell J. Gauvin
Chief of Police

To: Public Safety Commissioner John Morris
From: Capitol Police Chief Russell Gauvin
RE: Request for Information from the State House Facilities Sub-Committee of the
Legislative Council.

At the last State House facilities Committee meeting, I was asked to provide some information concerning the State House Weapons Screening operation. As per DPS policy, I am forwarding this information to you for review and approval. I have consolidated the requests into three areas: The information around staffing and costs; the information around exceptions to the screening process; and, miscellaneous information requested. I will start with the miscellaneous information requested and then cover the exception information and lastly cover the staffing and cost information.

Miscellaneous Information:

My last count was that 27 of the 50 State Capitols employ some level of weapons screening. In addition, weapons screening is employed at the U.S. Capitol and at hundreds, if not thousands of Federal Buildings across the country. I have tried to update the count of State Capitols doing screening by making inquiries through the Capitol Police Section of the International Association of Chiefs of Police, of which I am a member. I have not received updated information back from them. Mr. Boulter was also trying to get updated information from NCSL, which he is a member of, but I am not. I do not know if he has received that information back.

During the calendar year 2012 we estimate that 80,000 people were processed through the screening station. That is an average of 6,700 people a month or 400 people a day. The highest month was March at 16,289. The lowest month was July at 2,920. These numbers do not include the people that card around screening. The numbers are only estimates because they are based on the items screened through the x-ray machine. The walk-through metal detector models that we have do not provide a count of people entering. During 2012, 1,284 items that are prohibited from entering the State House were stopped and held at screening. The average off session was 70 items stopped a month. The average during session was 160 items per months. Of those, about a dozen items were illegal to possess (anywhere in Maine) and were confiscated. About a dozen other people chose not to enter the State House because of screening.

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Several of these folks later entered with empty holsters attached to their belts or made comments that they had gone out and secured a weapon in their car. The volume of people and items processed at screening, on average, appears to drop about in half off session months compared to session months.

During 2012, it is estimated that 84,500 people bypassed screening by using the access card reader near screening. In October 2012 (off session), 2,562 people carded past screening. In the past thirty days (during session), 11,522 people carded past screening. The volume of people who card past screening off session, on average, appears to drop to one quarter of the session volume. However, as noted above, the screening activity for the public and folks without access cards, only drops about 50% on average. The most extreme drop at screening was in July which was at one fifth of the high in March.

Exceptions to screening:

I think it is important to note that the point of security screening is to prevent dangerous items from entering the State House and to keep the State House environment as safe as possible for the occupants and visitors alike. Each exception to a security process, by its very nature, lessens that ability to keep dangerous items out and people safe. Every expert on security screening that I have spoken to, and there have been many, universally agree that exceptions to the screening process is the greatest vulnerability to the process. The current exceptions to the State House screening process are fairly limited. Most of the exceptions are for people who are State employees that work in the building everyday and Legislators, staff and other officials that have legitimate access needs. The rationale has been that if someone needs and has access to the State House during hours when it is not open to the public and no screeners are even present, then it makes sense that they should also be able to bypass screening. If they could bring a weapon in at 3 AM by use of an access card, then there is limited value in screening that person at 9 AM.

In my opinion, there are two primary issues with screening exceptions. The first is the actual need for exceptions and (hopefully) obvious justification to others who are not allowed to bypass. The second is the perception of those who feel that they should be an exception, and then the perception of those others being screened who see the exceptions and then believe that they should be exceptions too.

If the Legislative Council decides to make additional exceptions to weapons screening, it is imperative that it is done based on legitimate need that is obvious to others. In addition, it is imperative that a uniform process, such as access cards, be use for all those who are exceptions to screening. The use of a set and obvious process reduces the perception that exceptions are arbitrary or based on familiarity or perceived favoritism. The Maine Courts understand this. By their own rules, if a Judge does not have his access card, he is put through screening just as anyone else is. Not because the Judge is a threat, but because the perception that everyone is treated equally is

extremely important. The public readily understands that if someone is scanning an access card, they have been pre-approved for (hopefully) legitimate reasons. The screening process must be, and must be perceived to be, fair, equally applied and defensible if challenged. Exceptions are a slippery slope that should be limited as much as is possible.

In addition to making it policy to issue access cards to everyone who is an exception to screening, it is important to have a reasonable and defensible criteria set for exceptions. Exceptions are system weaknesses that will be exploited by others whenever possible. In my opinion:

- Screening is a safety and security process.
- All exceptions must be limited and be defensible for their safety and security impact.
- Favoritism or politics should not have a place in the decision making process for security and safety issues.
- There should be a legitimate need for exceptions. Status, ego or mere occasional convenience should not be factors considered.
- There should be some type of responsibility or control by the State on the excepted party.
- Any person that is being considered for an exception to screening should pass a periodic (ie: each Legislature – every 2 years) background check.
- The person or agency of the person who wishes to be an exception should pay the cost of the background and other expenses generated.

Staffing and Costs:

I was asked last time to look at possible budget savings if screening was cut back to only days when the Legislature was in session. In looking at this possibility, the first statement I must make is that I do not see how the screening operation could run with fewer staff during those times it is in operation. The State House is open to the public a minimum of 47.5 hours a week. With set up and wrap up time, screeners are on the job ten hours a day. The staffing of four screeners barely gives enough manpower to adequately cover these hours five days a week. Vacations and such are usually scheduled during slower off session times. During session, with late meetings, it is not unusual to add an average of about an hour a day to that mix. That totals about 55 hours of coverage a week during session.

The first session is six months the second session is four months. With training and other considerations taken into account, the cost savings for employing screeners just during session would be about half the cost of full year coverage. Savings of half the screeners salary would be around \$100,000 a year. Screeners are relatively low cost employees at pay grade 14. They provide significant security and safety value for their cost – they are a good value for the buck.

Some considerations around session only screening:

- While hiring session only employees is possible, as the Legislature does each session, there are additional considerations. Would DPS be expected to provide additional benefits to session only employees similar to those the session only Legislative employees receive?
- Existing screeners would need to be laid off, and there may be a resulting cost for unemployment benefits.
- Would we be able to hire, train and retain the session only screeners?
- Would we get the same level of experience and professionalism if employees were hired seasonally?
- Would there be controversy generated with the public (why was I allowed in yesterday, but need to be screened today?)
- The public has learned how to streamline their entry through screening. Would we need to "retrain" the public each year? (Feb 2012 = 15,000 items X-Rayed, Feb 2013 = 10,000 items X-Rayed)
- Would we be sending a message to the public and those who work in or regularly occupy the State House that only Legislators are valued enough to be protected?
- Would there be employee training and experience issues at the start up of each session?

I think the above covers all the information that the State House Facilities Committee requested. With your approval, I will share this information with them at their March 26, 2013 meeting.

**Legislative Council Actions
Taken by Ballot Since the
March 28, 2013 Council Meeting**

Request for Introduction of Legislation

LR 2089 **An Act to Temporarily Restore Boxing Rules**

Submitted by: Representative James Gillway

Approved: April 3, 2013 Vote: 10-0 in favor

LR 2094 **An Act to Amend the Laws Governing Weight Tolerance for Certain Vehicles**

Submitted by: Representative Alex Willette

Approved: April 19, 2013 Vote: 8-0-2-0 in favor (with Senators Goodall and Jackson
abstaining)

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**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 4/19/2013
REVISED**

SPONSOR:	Rep. Kenneth W. Fredette	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2105	An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public	
SPONSOR:	Rep. Nathan L. Libby	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2097	An Act To Include Debt Service for Local School Construction Projects in the Required Local Share of Education Funding	
SPONSOR:	Rep. W. Bruce MacDonald	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2100	An Act To Require an Economic Impact Assessment upon the Closure or Significant Change in the Status of a Hospital	
SPONSOR:	Rep. Jeff M. McCabe	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2087	An Act To Provide Property Tax Relief by Expanding Gaming Opportunities	
SPONSOR:	Rep. Michael A. Shaw	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2104	An Act To Change the Wage Criterion for Eligible Employees under the Pine Tree Development Zone Laws	
SPONSOR:	Sen. Michael D. Thibodeau	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2103	An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use	
SPONSOR:	Sen. John L. Tuttle, Jr	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2096	An Act To Amend the Laws Concerning Persons Committed of the Theft of Scrap Metal	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Kenneth W. Fredette	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2067	Resolve, To Establish the Task Force on Poverty and Personal Responsibility	Tabled 03/28/13

SPONSOR:	Sen. Roger J. Katz	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2071	An Act Regarding Security in the State House	Tabled 03/28/13

SPONSOR:	Rep. Catherine M. Nadeau	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2062	An Act To Protect Children from Internet Exposure without Parental Consent	Tabled 03/28/13

SPONSOR:	Rep. Diane Russell	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2049	An Act To Ensure That the Governor and Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown	Tabled 03/28/13

SPONSOR:	Rep. Jeremy G. Saxton	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2061	An Act To Decrease the Class of the Crime of Driving a Motor Vehicle without a License for 30 Days	Tabled 03/28/13

JOINT RESOLUTION

SPONSOR:	Rep. Seth A. Berry	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2047	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WOULD REPLACE SEQUESTRATION	Tabled 03/28/13

126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session

ADDENDUM

SPONSOR: Sen. Emily A. Cain

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2117	An Act To Require Disclosures by 3rd-Party Vendors Contracted To Perform Fund-raising	

2118	An Act To Restore the Integrity of the State Pay System	
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SPONSOR: Spkr. Mark W. Eves

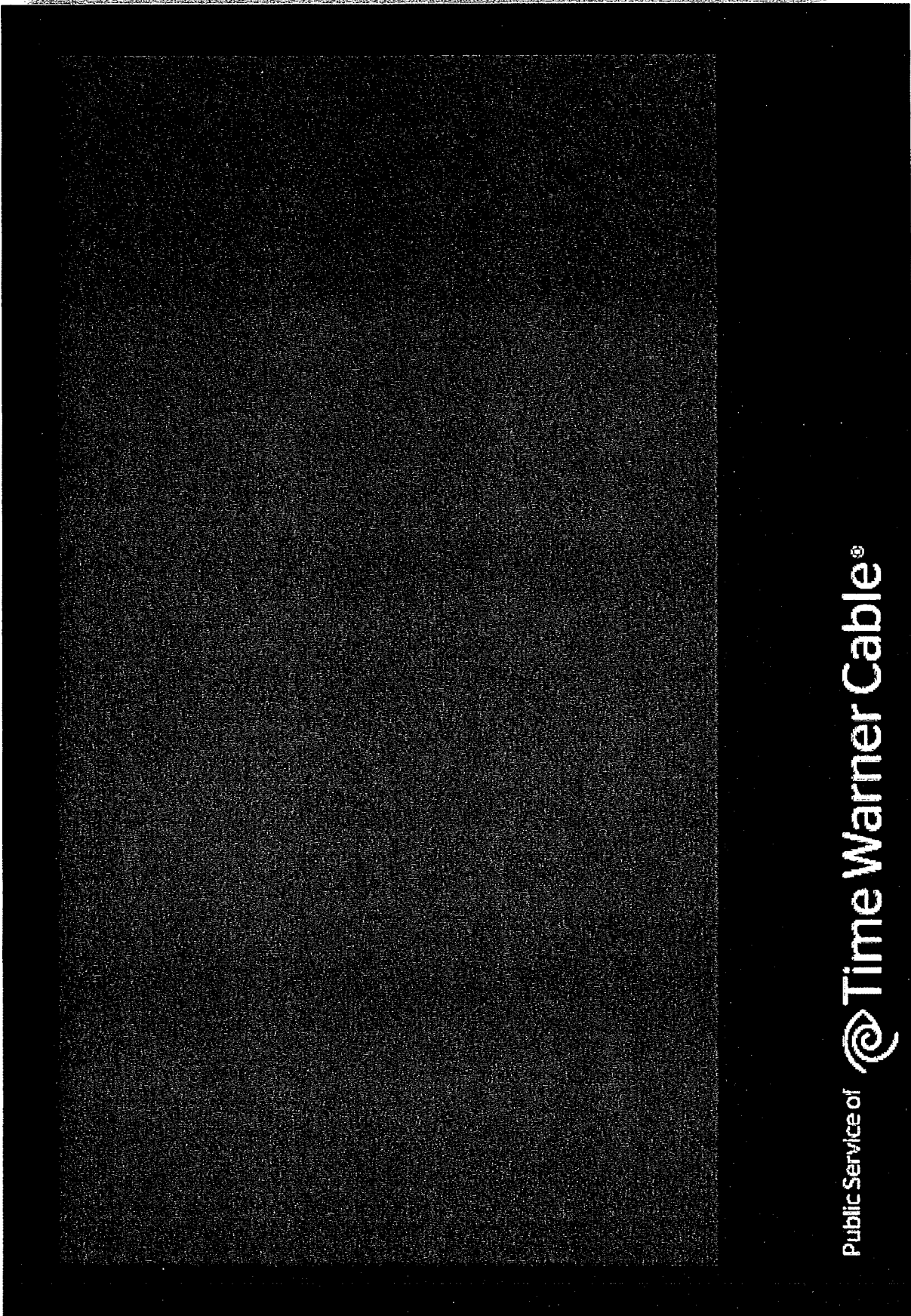
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2116	An Act To Streamline Billing for Mental Health Services	

SPONSOR: Rep. Richard R. Farnsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2115	Resolve, To Require the Department of Health and Human Services To Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program	

SPONSOR: Sen. Linda M. Valentino

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2119	An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School	



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**STATE OF MAINE
126th LEGISLATURE**

**NONPARTISAN STAFF
STUDY**

**STANDARD SEWER DISTRICT
ENABLING LEGISLATION**

April 2013

**Prepared for the Legislative Council
at the request of the Chairs of the
Joint Standing Committee on Energy, Utilities, and Technology
of the 125th Legislature and
Authorized by the Legislative Council**

By: Jean Guzzetti, Legislative Analyst

Committee Consultant: Rep. Stacey Fitts

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Executive Summary

During the second regular session of the 125th Legislature, the Chairs of the Joint Standing Committee on Energy, Utilities and Technology (EUT) requested, and the Legislative Council on April 24, 2012, approved a staff study to develop a more streamlined process for creating and amending sewer district charters.

Sewer districts as a whole are governed by the Maine Revised Statutes, Title 38, Chapter 12; however, each individual sewer district is also governed by a charter that is a private and special law. Any new charter and amendments to existing charters come before the committee with jurisdiction over utility matters. These charters and amendments can be especially time consuming because the proposed language is often unique, despite the similar purposes and practices of all sewer districts.

The purpose of this study is to create for consideration by the Joint Standing Committee on Energy, Utilities and Technology model charter language that may be used when sewer districts are created or amended. This study does not affect existing charters or make substantive changes to laws currently applied to sewer districts. The model charter developed by this study for sewer districts conceptually follows the model that is created for water districts as a result of a staff study in 1995.

This model would replace Title 38, Chapter 12 of the Maine Revised Statutes with a new standard sewer district chapter that includes both the new model and all the substance of the existing provisions. The model language is drawn mainly from the chapters of the Maine Revised Statutes that govern sanitary districts and the standard water district law. Draft legislation that would create this model charter is attached as Appendix B.

Included in this report is a description of the process used to develop the model charter, a description of the applicability of the provisions in the model, a section that identifies policy considerations for the committee and a technical analysis of the repeal of Title 38, Chapter 12 of the Maine Revised Statutes.

Appendices to the report include a copy of the letter requesting the completion of this study, a copy of the draft legislation to implement the model charter, and a chart listing all of the provisions from the sanitary district chapter noting which provisions were incorporated into the draft legislation and which were not.