

# MAINE STATE LEGISLATURE

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SEN. MICHAEL D. THIBODEAU  
CHAIR

REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. JUSTIN L. ALFOND  
SEN. DAWN HILL  
REP. JEFFREY M. MCCABE  
REP. SARA GIDEON  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

**127<sup>th</sup> Legislature  
Legislative Council**

**May 28, 2015  
1:30 PM**

**REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE MARCH 26, 2015 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
❖ 11	• Executive Director's Report (Mr. Pennoyer)	<b>Information</b>
12	• Fiscal Report (Mr. Nolan)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Personnel Committee	<b>Information</b>
	• State House Facilities Committee	<b>Information</b>
	• Legislative Budget Subcommittee	<b>Decision</b>
	<b>OLD BUSINESS</b>	
16	Item #1: Council Actions Taken By Ballot (No Action Required)	<b>Information</b>
	<b>NEW BUSINESS</b>	
18	Item #1: Consideration of After Deadline Bill Requests	<b>Roll Call Vote</b>
20	Item #2: Acceptance of the amended <i>Legislative Council Policy on Security Screening Protocols for the Maine State House</i>	<b>Decision</b>
26	Item #3: Acceptance of the <i>Legislative Council Policy on the Maine State House Portrait Collection</i>	<b>Decision</b>

- |    |          |  |                   |
|----|----------|--|-------------------|
| 30 | Item #4: | Relocation of the Robert Indiana Painting, <i>First State</i>  | <b>Decision</b>   |
|    | Item #5: | Submission of the <i>Measures of Growth Report 2015</i><br>(Maine Economic Growth Council) Report to be distributed at meeting | <b>Acceptance</b> |

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

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**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
March 26, 2015**

**CALL TO ORDER**

President Thibodeau called the March 26, 2015 meeting of the Legislative Council to order at 2:30 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Mason, Senator Cushing, Senator Alfond and Senator Hill

Representatives: Speaker Eves, Representative McCabe, Representative Gideon, Representative Fredette and Representative Espling

Legislative Officers: Robert Hunt, Clerk of the House  
Jennifer McGowan, Assistant Clerk of the House  
Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Chris Nolan, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology  
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

President Thibodeau convened the meeting at 2:30 p.m. with a quorum of members present.

**SUMMARY OF MARCH 26, 2015 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for March 26, 2015 be accepted and placed on file. Motion by Senator Alfond. Second by Senator Mason. **Motion passed unanimous (10-0).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, reported on the following:

#### 1. Heating and Plumbing Issues

A new leak in the heating system developed late last week in the west wall of the Legislative Conference Room. The affected supply and return lines have been isolated and shut off to stop any further water damage. However, this means that the Legislative Conference Room and the Governor's Chief of Staff's office are without heat until repairs can be completed. Electric heaters have been placed in the Legislative Conference Room as a temporary heat source. We are in the process of scheduling the repairs, which will need to take place on a weekend or in the evening.

#### 2. Update on Living Memorial from the Summit Display

At its January 8<sup>th</sup> meeting, the Legislative Council approved Rep. Golden's request to display the Living Memorial from the Summit in the Hall of Flags with a time to be determined by the Executive Director and Rep. Golden. The display is now tentatively planned for the two-week period that will begin the Tuesday after the Memorial Day weekend, May 26<sup>th</sup>. The display's planned location will be in the southeast corner of the Hall of Flags.

#### 3. Facebook Page for Law and Legislative Reference Library

The Law and Legislative Reference Library is in the process of developing and setting up a Facebook page as a means of expanding connections with potential patrons and the library community at large. Libraries use Facebook to post information about their resources and events, and Facebook's algorithm steers that information toward users who are likely to be interested in it. Other libraries in the state have requested to "friend" the Law and Legislative Reference Library. The proposed page development will make that possible. The new Facebook page will be an additional tool that the Law and Legislative Reference Library uses to meet its statutory mission of providing for "the informational needs of the Legislature, other branches of State Government, and the citizens of Maine." No other Nonpartisan Offices are planning any such social media initiatives.

#### 4. 2015 Senate and House Registers Update

The Secretary of the Senate and the Clerk of the House are in the final stages of proofing the *2015 Senate and House Registers*. The release of this very popular booklet was delayed to capture the results of the recent special election to replace former Rep. Dickerson from Rockland. This pocket size booklet is printed once each biennium as soon as possible during the First Regular Session of each Legislature. It includes a wealth of information about individual Legislators and includes the complete Joint Rules of the Legislature. The Secretary and the Clerk are going to time the release of this booklet in order to incorporate some recent changes that were unanimously approved by the Joint Select Committee on Joint Rules, but not yet passed by the full Legislature. The booklet also includes the Legislative Code of Ethics that was adopted by the 100<sup>th</sup> Legislature. Some interest was expressed by some members of the Joint Select Committee on Joint Rules to update that Legislative Code of Ethics, which has been unchanged for more than 50 years. If this update to the code can be implemented expeditiously, the Secretary and Clerk will incorporate an adopted update to the Legislative Code of Ethics in this year's booklet.

#### 5. Legislative Council Policies and Procedures Posted on the Web

There are numerous policies and procedures that have been adopted by the Legislative Council over the years, which have not been readily available to the Legislature. The Executive Director's Office recently completed a web page under the Legislative Council's heading with links to each of the adopted policies and procedures grouped by subject matter. Some of these policies have not been updated for many years. I am planning to work with the Council and the appropriate Council committees to review these policies and procedures and incorporate appropriate updates. The link to the page is:

<http://legislature.maine.gov/execdir/legislative-council-policies-and-procedures/9280/>.

### **Fiscal Report**

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following:

#### **General Fund Revenue Update**

**Total General Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$110.9	\$148.7	\$37.8	34.0%	\$110.0	35.2%
FYTD	\$1,888.1	\$1,930.5	\$42.4	2.2%	\$1,765.0	9.4%

General Fund revenue was over budget by \$37.8 million (34.0%) for February, increasing the positive variance for the fiscal year through February to \$42.4 million (2.2%).

Individual income tax revenue was \$51.9 million over budget for the month of February driven largely by lower refunds than budgeted. Maine Revenue Services has consistently processed refunds this tax season, so this situation could be an indicator that refunds were over estimated. The next few months will be an indicator of whether this situation is an anomaly for the month or an indicator that refunds were over estimated. Corporate income tax revenue was \$6.7 million under budget for the month due largely to refunds. These refunds are for 2013 final corporate returns. Review of the remaining returns is expected to be completed over the next few months and this line is still expected to be close to budget for the year. The sales and use tax category came in \$2.8 million under budget but continues to track close to budget for the fiscal year to date. February's revenue (January sales) appears to have been negatively affected by the weather.

Other significant revenue variances for February reflected purely timing issues in the monthly distribution of revenue for FY 2015, including the Transfers for Tax Relief Programs category, which was over budget by \$2.1 million for February but only slightly over budget for the fiscal year to date.

#### **Highway Fund Revenue Update**

**Total Highway Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$26.7	\$26.6	(\$0.1)	-0.4%	\$25.5	4.3%
FYTD	\$196.1	\$196.9	\$0.8	0.4%	\$195.1	0.9%

Highway Fund revenue was under budget by \$0.1 million (-0.4%) in February but still over budget by \$0.8 million (0.4%) for the fiscal year through February.

Long-term trailer registration fees were under budget by \$1.2 million in February due to a significant February payment received at the beginning of March. These revenues are over

budget for the fiscal year to date by \$0.4 million. Motor vehicle registration fees were over budget by \$0.5 million in February and continue to run close to budget year to date. Title fee revenue is \$0.4 million under budget and appears to be adversely affected by the winter storms.

### **Cash Balances Update**

Average cash balances decreased slightly in February after an increase in January. February's total cash balance of \$675.4 million was still well above both last year's balance for February of \$444.1 million and the ten-year average for February of \$485.9 million. General Fund internal borrowing decreased in February to \$113.0 million from \$116.8 million in January and was significantly lower than last February's borrowing of \$190.5 million. The average Highway Fund balance of \$54.2 million in February was slightly above January's average of \$53.6 million and was significantly higher than last February's balance of \$33.2 million.

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

No Report

### **2. State House Facilities Committee**

Senator Mason, Chair of the Personnel Committee, reported that the State House Facilities Committee, with Senator Cushing presiding, met on Tuesday, March 10, 2015 to consider the following items.

#### **1. Review of the Security Screening Policy**

The committee began a discussion of a possible change to the security screening process at the State House based on a new security screening process for the new Augusta Courthouse. The committee discussed a number of security-related topics with the Chief of Capitol Police, Russell Gauvin that included:

- The effectiveness of State House security screening;
- The inconsistent treatment of the Cross Office Building; and
- The costs of security personnel at the State House.

The committee did not reach any decisions on security policy changes, but will continue to review security issues and the screening process at its next meeting.

#### **2. Proposal to Relocate the Legislative Information Office and Legislative Conference Room**

Executive Director Pennoyer asked the committee to consider a proposal to switch the locations of the Legislative Information Office and the Legislative Conference Room. This proposal is intended to make the Legislative Information Office more accessible to visitors to the State House, to address some work environment issues for the Kiosk staff person and open up the main entrance lobby to enhance security screen processing with 2 lanes of screening. The committee discussed this matter and is planning on scheduling a visit to see the Legislative Information Office current location.

### 3. Review of Bidding Process for State House Projects

Mr. Pennoyer reviewed the draft policy on Procurement Guidelines for State House Facilities Capital Improvement Projects. Representative McCabe suggested that the committee review the draft policy and bring any suggested changes back to the committee prior to any decisions or recommendations are made.

### 4. Updates on Current Facilities Projects

Mr. Pennoyer summarized the major projects that have been approved and are in process for the upcoming interim between Legislative Sessions, which include replacing the rubber roof of the State House, replacing siding on the mechanical penthouses on the State House roof and replacing the entry doors.

### 5. Discussion of New Facilities Projects

The committee briefly discussed several new projects including: care and maintenance of statehouse portraits, Capitol Street crosswalk safety improvements, cameras in committee rooms, the copper reuse project, electric vehicle charging stations, adding a new interior door in OPLA, repairs to the House Chamber and security card access to the Senate Chamber.

No action was taken by the Committee.

## OLD BUSINESS

### Item #1: Legislative Council Actions Taken by Ballot Since the January 29, 2015 Meeting

#### Requests for Introduction of Legislation:

LR 1941 An Act to Remove Barriers to School Construction Financing in Regional School Administrative Units

Submitted by:	Representative Christopher Babbidge	
Approved:	March 11, 2015	Vote: 9-1 in favor (with Rep. Espling opposed)

LR 1949 An Act to Assist School Districts with Regard to Extra Snow Days

Submitted by:	Representative Chuck Kruger	
Approved:	March 11, 2015	Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

LR 1961 An Act to Amend the Definition of "Property Fiscal Capacity" in the School Funding Law to Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value

Submitted by:	Representative Stephen Stanley	
Approved:	March 13, 2015	Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)



LR 1964 An Act to Prohibit the Sale and Possession of Powdered Alcohol in the State

Submitted by:	Representative Jeff McCabe	
Approved:	March 18, 2015	Vote: 9-1 in favor (with Rep. Espling opposed)

LR 1981 An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles

Submitted by:	Representative Michael McClellan	
Approved:	March 26, 2015	Vote: 9-1 in favor (with Rep. Espling opposed)

**Legislative Council Decision:**

That the Legislative Council authorize an exception to the Use of the Hall of Flags Policy to allow electric cooking appliances to be used to cook ployes on Franco-American Day, March 18, 2015.

Motion by:	President Thibodeau	
Second by:	Speaker Eves	
Approved:	March 11, 2015	Vote: 10-0 in favor

**NEW BUSINESS**

**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 15 bill requests, the council authorized 8 requests for introduction in the 1<sup>st</sup> Regular Session of the 127<sup>th</sup> Legislature, 1 failed, 5 were tabled, and the council took no action on 1 previously tabled item. Of the 5 joint resolutions, the council failed to authorize 2 requests, 2 were tabled, and the council took no action on 1 previously tabled item. Of the 2 Late-filed Major Substantive Rule requests, the council authorized 2. The Legislative Council's actions on the requests are included on the attached list.

**ANNOUNCEMENTS AND REMARKS**

Speaker Eves updated the members in regards to LD 681 An Act To Increase the Effectiveness of the Legislature, which came out of the Personnel Committee. The public hearing was held on March 23<sup>rd</sup> and the work session is scheduled for April 1<sup>st</sup>.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:35 p.m.

**127th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
3/26/2015**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Scott W. Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1971	An Act To Prohibit the Sale of Powdered Alcohol	TABLED

**SPONSOR: Sen. Paul T. Davis, Sr**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1982	An Act To Eliminate the Requirement That Truck Campers Be Registered	PASSED

**SPONSOR: Rep. Lori A. Fowle**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1942	An Act To Provide Expedited Court Review of Child Visitation Orders for Military Personnel on Duty out of State	PASSED

**SPONSOR: Rep. Kenneth W. Fredette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1939	An Act To Create Fairness with Regard to Pay for State Employees	TABLED

1943	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	TABLED
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**SPONSOR: Rep. Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1975	An Act To Carry Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust	FAILED

**SPONSOR: Rep. Scott M. Hamann**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1979	An Act To Allow Foster Children To Remain in Their Current Daycare	PASSED

**SPONSOR:** Rep. Barry J. Hobbins

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1980	An Act To Study Court Facility Needs in Oxford, Waldo and York Counties	PASSED

**SPONSOR:** Sen. Christopher K. Johnson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1958	An Act To Ensure the Proportional Offset against Social Security Retirement Benefits of Workers' Compensation Awards	TABLED

**SPONSOR:** Rep. Richard S. Malaby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1977	An Act To Allow the Treatment of Forensic Patients	PASSED

**SPONSOR:** Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1955	An Act To Allow a Student Who Resides in a Municipality without a High School and Attends a Private School That Does Not Offer Athletics To Participate in Athletics at a Public School	TABLED

**SPONSOR:** Sen. Thomas B. Saviello

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1965	An Act To Expand the Educational Opportunity Tax Credit	PASSED
1966	An Act To Allow Persons To Train Dogs To Hunt Coyotes	PASSED
1967	An Act To Assist Municipalities with the Recycling of Solid Waste	PASSED

#### LATE-FILED MAJOR SUBSTANTIVE RULES

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1956	Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation	PASSED
1963	Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED

## JOINT RESOLUTIONS

SPONSOR: Sen. Catherine Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1938	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPROVE A GRANT APPLICATION TO DEVELOP A PIER PROGRAM	TABLED  Withdrawn 3/26/15

SPONSOR: Rep. Stanley Byron Short, Jr.

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1935	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RATIFY TRADE AGREEMENTS THAT ARE IN THE BEST INTERESTS OF THE AMERICAN PEOPLE AND ARE FAIR	TABLED

## TABLED BY THE LEGISLATIVE COUNCIL

## AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	Tabled 02/26/15

## JOINT RESOLUTIONS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15 FAILED 3/26/15  *Requested by Sponsor
243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15 FAILED 3/26/15  *Requested by Sponsor

**SPONSOR:**      **Rep. Justin Mark Chenette**

LR #  
162

Title  
JOINT RESOLUTION URGING THE UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD  
DONATION BY GAY MEN

Action  
Tabled 01/29/15

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## **Legislative Council**

### **Executive Director's Report May 28, 2015**

#### **1. Law and Legislative Reference Library Wins Award for its Digital Library**

I am pleased to announce that the rapidly-growing Law and Legislative Digital Library project has been awarded the 2015 Innovations in Technology Award by the American Association of Law Libraries (AALL). The Innovations in Technology Award was established in 2009 to recognize an AALL member for their innovative use of technology in the development and creation of an application or resource for law librarians or legal professionals. The award carries a \$500 cash prize and will be formally given at the annual meeting of the American Association of Law Libraries, held this year in Philadelphia, July 18<sup>th</sup> to the 21<sup>st</sup>.

#### **2. Update on Paint Issues on State House Dome**

Some initial paint removal from the areas of new cooper on the State House dome began this past week. That work will resume again in the 3<sup>rd</sup> week of June. Some testing is in process to assure that reapplication of the paint to the new cooper will adhere properly this time. Painting is planned for the middle of July.

#### **3. Liberty Bell Replica Safety Support**

It was recently brought to my attention that the wooden yoke supporting Maine's replica of the Liberty Bell shows significant deterioration from exposure to Maine's weather. The replicas were given to each State in 1950. Working with the Division of Risk Management and the Department of Transportation, an unobtrusive emergency support was fabricated and installed underneath the bell to avoid risk of damage or injury should the yoke fail.

#### **4. Update on Living Memorial from the Summit Display**

At its January 8<sup>th</sup> meeting, the Legislative Council approved Rep. Golden's request to display the Living Memorial from the Summit in the Hall of Flags. The display was finally set up in the Hall of Flags on Memorial Day and will remain there for two weeks.

# Fiscal Briefing

Legislative Council Meeting – May 28, 2015

*Prepared by the Office of Fiscal & Program Review*

## 1. General Fund Revenue Update (see attached)

**Total General Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$385.3	\$419.1	\$33.8	8.8%	\$392.7	6.7%
FYTD	\$2,494.6	\$2,550.1	\$55.5	2.2%	\$2,371.5	7.5%

General Fund revenue was over budget by \$33.8 million (8.8%) for April and over budget for the fiscal year through April by \$55.5 million (2.2%). These positive variances do not reflect the revisions made in the May 2015 report of the Revenue Forecasting Committee (RFC), which increased budgeted General Fund revenue for FY 2015 by \$22.1 million. Individual income tax revenue was \$33.1 million over budget for the month. Final payments for the 2014 tax year were over budget by \$14.2 million and the first estimated payments of the 2015 tax year were over budget by \$11.2 million. The RFC incorporated this increase in its May 2015 report and assumed it was attributable to timing issues. Corporate income tax revenue was \$4.4 million under budget for the month. Estimated payments for 2014 were \$7.4 million under budget, while refunds for 2013 final corporate returns were over budget by \$2.5 million. The sales and use tax category came in \$1.0 million over budget for the month. Total taxable sales for the month of March (April revenue) were 5.5% higher than March 2014.

## 2. Highway Fund Revenue Update (see attached)

**Total Highway Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$26.3	\$27.4	\$1.1	4.1%	\$25.4	7.7%
FYTD	\$244.0	\$249.0	\$5.0	2.1%	\$243.9	2.1%

Highway Fund revenue was over budget by \$1.1 million (4.1%) in April and by \$5.0 million (2.1%) for the fiscal year through April. These positive variances do not reflect the revisions made in the May 2015 report of the Revenue Forecasting Committee (RFC), which increased budgeted Highway Fund revenue by \$0.6 million. Fuel taxes were over budget by \$0.6 million largely because \$0.4 million less in refunds were issued than budgeted because of timing issues. Registration fees were \$0.2 million over budget for April.

## 3. Cash Balances Update

The average balance in the cash pool in April increased to \$628.9 million from \$562.8 million in March. March is generally the low point for cash balances in the fiscal year, before the recovery in April from income tax payments. The average balance for April was well above both last year's average for April and the ten-year average for April.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2015 (FY 2015)**

**April 2015 Revenue Variance Report**

Revenue Category	April '15 Budget	April '15 Actual	April '15 Variance	Fiscal Year-To-Date					FY 2015 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	87,807,765	88,771,129	963,364	888,613,999	886,313,532	(2,300,467)	-0.3%	8.6%	1,194,004,518
Service Provider Tax	4,166,782	3,927,848	(238,934)	37,294,101	36,060,782	(1,233,319)	-3.3%	-0.7%	50,303,776
Individual Income Tax	223,744,933	256,873,336	33,128,403	1,145,374,833	1,222,233,460	76,858,627	6.7%	8.9%	1,448,905,200
Corporate Income Tax	27,993,858	23,576,375	(4,417,483)	146,231,769	127,596,167	(18,635,602)	-12.7%	-7.3%	186,481,769
Cigarette and Tobacco Tax	10,393,643	10,141,705	(251,938)	110,763,062	112,219,648	1,456,586	1.3%	0.1%	134,890,000
Insurance Companies Tax	13,041,542	20,768,184	7,726,642	43,067,863	48,044,195	4,976,332	11.6%	4.2%	82,250,000
Estate Tax	2,295,000	600,189	(1,694,811)	29,344,951	24,157,939	(5,187,012)	-17.7%	49.1%	38,406,991
Other Taxes and Fees *	8,924,417	9,008,358	83,941	107,407,230	111,765,205	4,357,975	4.1%	5.0%	132,300,597
Fines, Forfeits and Penalties	1,770,490	1,340,488	(430,002)	18,704,671	18,167,796	(536,875)	-2.9%	-5.7%	23,000,770
Income from Investments	(32,573)	35,870	68,443	41,608	388,641	347,033	834.1%	121.1%	112,451
Transfer from Lottery Commission	4,442,342	4,363,823	(78,519)	47,455,193	45,462,576	(1,992,617)	-4.2%	5.8%	57,350,462
Transfers to Tax Relief Programs *	(144,371)	(471,285)	(326,914)	(58,891,426)	(57,999,591)	891,835	1.5%	10.7%	(59,183,362)
Transfers for Municipal Revenue Sharing	(4,153,583)	(3,255,523)	898,060	(46,324,964)	(48,368,734)	(2,043,770)	-4.4%	3.4%	(61,599,125)
Other Revenue *	5,036,814	3,394,996	(1,641,818)	25,498,015	24,041,129	(1,456,886)	-5.7%	-23.2%	49,587,338
<b>Totals</b>	<b>385,287,059</b>	<b>419,075,491</b>	<b>33,788,432</b>	<b>2,494,580,905</b>	<b>2,550,082,744</b>	<b>55,501,839</b>	<b>2.2%</b>	<b>7.5%</b>	<b>3,276,811,385</b>

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



**General Fund Revenue**  
**Fiscal Year Ending June 30, 2015 (FY 2015)**

**April 2015 Revenue Variance Report**

Revenue Category	April '15 Budget	April '15 Actual	April '15 Variance	Fiscal Year-To-Date					FY 2015 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	10,571,602	11,203,639	632,037	6.0%	-6.6%	13,949,984
- Real Estate Transfer Tax	853,533	943,678	90,145	10,287,250	10,276,332	(10,918)	-0.1%	30.7%	13,192,973
- Liquor Taxes and Fees	1,751,304	1,826,876	75,572	17,513,040	17,920,874	407,834	2.3%	0.6%	21,015,690
- Corporation Fees and Licenses	1,462,625	1,374,775	(87,850)	4,832,005	5,406,745	574,740	11.9%	7.2%	8,313,649
- Telecommunication Excise Tax	0	(480,382)	(480,382)	8,250,000	7,605,024	(644,976)	-7.8%	11.1%	8,250,000
- Finance Industry Fees	1,987,664	2,269,850	282,186	21,376,662	23,785,050	2,408,388	11.3%	4.6%	25,351,990
- Milk Handling Fee	132,537	407,677	275,140	1,116,040	1,449,366	333,326	29.9%	57.5%	1,381,114
- Racino Revenue	725,229	871,414	146,185	7,517,586	7,291,233	(226,353)	-3.0%	1.8%	8,922,512
- Boat, ATV and Snowmobile Fees	362,116	254,882	(107,234)	2,959,525	2,655,449	(304,076)	-10.3%	-3.7%	4,523,561
- Hunting and Fishing License Fees	786,403	596,719	(189,684)	12,625,193	12,601,557	(23,636)	-0.2%	-0.5%	15,753,396
- Other Miscellaneous Taxes and Fees	863,006	942,869	79,863	10,358,327	11,569,936	1,211,609	11.7%	8.6%	11,645,728
<b>Subtotal - Other Taxes and Fees</b>	<b>8,924,417</b>	<b>9,008,358</b>	<b>83,941</b>	<b>107,407,230</b>	<b>111,765,205</b>	<b>4,357,975</b>	<b>4.1%</b>	<b>5.0%</b>	<b>132,300,597</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	2,375	5,100	2,725	3,763,730	3,828,252	64,522	1.7%	-61.7%	13,483,364
- Targeted Case Management (DHHS)	259,190	154,689	(104,501)	1,834,171	2,076,573	242,402	13.2%	25.6%	2,353,916
- State Cost Allocation Program	1,666,229	1,691,330	25,101	17,650,656	18,590,022	939,366	5.3%	18.9%	20,777,688
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,000,000
- Tourism Transfer	0	0	0	(11,624,127)	(11,624,127)	0	0.0%	-12.0%	(11,624,127)
- Transfer to Maine Milk Pool	(7,409)	(1,018,297)	(1,010,888)	(194,564)	(2,010,736)	(1,816,172)	-933.5%	N/A	(563,777)
- Transfer to STAR Transportation Fund	0	0	0	(7,066,534)	(7,066,534)	0	0.0%	-16.4%	(7,066,534)
- Other Miscellaneous Revenue	3,116,429	2,562,174	(554,255)	21,134,683	20,247,679	(887,004)	-4.2%	-1.1%	25,226,808
<b>Subtotal - Other Revenue</b>	<b>5,036,814</b>	<b>3,394,996</b>	<b>(1,641,818)</b>	<b>25,498,015</b>	<b>24,041,129</b>	<b>(1,456,886)</b>	<b>-5.7%</b>	<b>-23.2%</b>	<b>49,587,338</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	1,456	1,456	0	13,483	13,483	N/A	101.8%	0
- BETR - Business Equipment Tax Reimb.	(144,371)	(332,118)	(187,747)	(32,048,630)	(32,438,766)	(390,136)	-1.2%	19.6%	(32,080,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	(140,623)	(140,623)	(26,842,796)	(25,574,308)	1,268,488	4.7%	-7.1%	(27,103,362)
<b>Subtotal - Tax Relief Transfers</b>	<b>(144,371)</b>	<b>(471,285)</b>	<b>(326,914)</b>	<b>(58,891,426)</b>	<b>(57,999,591)</b>	<b>891,835</b>	<b>1.5%</b>	<b>10.7%</b>	<b>(59,183,362)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>1,249,511</b>	<b>887,595</b>	<b>(361,916)</b>	<b>16,484,135</b>	<b>16,142,730</b>	<b>(341,405)</b>	<b>-2.1%</b>	<b>-1.5%</b>	<b>21,346,862</b>

**Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2015 (FY 2015)**

**April 2015 Revenue Variance Report**

Revenue Category	April '15 Budget	April '15 Actual	April '15 Variance	Fiscal Year-To-Date					FY 2015 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,118,908	15,462,177	343,269	146,501,299	148,136,836	1,635,537	1.1%	1.0%	194,218,900
- Special Fuel and Road Use Taxes	3,470,794	3,809,151	338,357	34,927,304	35,007,343	80,039	0.2%	1.6%	45,679,700
- Transcap Transfers - Fuel Taxes	(1,365,872)	(1,416,350)	(50,478)	(14,894,525)	(15,030,448)	(135,923)	-0.9%	-0.3%	(17,628,133)
- Other Fund Gasoline Tax Distributions	(378,079)	(386,663)	(8,584)	(4,084,927)	(4,125,162)	(40,235)	-1.0%	-0.9%	(4,856,833)
Subtotal - Fuel Taxes	16,845,751	17,468,315	622,564	162,449,151	163,988,569	1,539,418	0.9%	1.2%	217,413,634
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,802,758	6,033,960	231,202	52,247,795	53,022,225	774,430	1.5%	1.9%	65,659,536
- License Plate Fees	250,187	258,641	8,454	2,588,752	2,826,067	237,315	9.2%	2.4%	3,351,681
- Long-term Trailer Registration Fees	644,738	591,842	(52,896)	8,039,475	10,370,750	2,331,275	29.0%	21.5%	9,384,523
- Title Fees	1,161,281	1,214,188	52,907	10,743,049	10,515,653	(227,396)	-2.1%	-2.3%	13,129,254
- Motor Vehicle Operator License Fees	628,130	624,975	(3,156)	6,135,899	6,111,389	(24,510)	-0.4%	-7.6%	7,425,882
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(11,107,621)	(10,985,470)	122,151	1.1%	0.4%	(15,483,404)
Subtotal - Motor Vehicle Reg. & Fees	8,487,094	8,723,606	236,512	68,647,349	71,860,614	3,213,265	4.7%	3.1%	83,467,472
Motor Vehicle Inspection Fees	289,952	217,757	(72,195)	2,402,604	2,543,683	141,079	5.9%	8.1%	2,982,500
Other Highway Fund Taxes and Fees	99,727	107,025	7,298	988,552	989,655	1,103	0.1%	0.3%	1,270,229
Fines, Forfeits and Penalties	79,727	55,558	(24,169)	828,259	740,350	(87,909)	-10.6%	-8.7%	1,007,998
Interest Earnings	9,418	23,470	14,052	86,687	112,246	25,559	29.5%	114.1%	105,523
Other Highway Fund Revenue	498,415	783,003	284,588	8,565,316	8,746,511	181,195	2.1%	8.4%	9,726,971
<b>Totals</b>	<b>26,310,084</b>	<b>27,378,735</b>	<b>1,068,651</b>	<b>243,967,918</b>	<b>248,981,627</b>	<b>5,013,709</b>	<b>2.1%</b>	<b>2.1%</b>	<b>315,974,327</b>

**Legislative Council Actions  
Taken by Ballot Since the  
March 26, 2015 Council Meeting**

**Requests for Introduction of Legislation:**

- LR 1943      An Act to Authorize a General Fund Bond Issue for Maine's Community Colleges**
- Submitted by: Representative Kenneth Fredette  
Approved: April 1, 2015      Vote: 9-1 in favor (with Rep. Espling opposed)
- LR 1999      An Act Concerning Eligibility for Membership on the Auburn Sewerage District Board of Trustees**
- Submitted by: Senator Eric Brakey  
Approved: April 14, 2015      Vote: 10-0 in favor
- LR 2000      Joint Resolution Memorializing the President of the United States and the United States Congress to Require Expansion of Fish Hatchery Operations**
- Submitted by: Representative Walter Kumiega  
Approved: April 21, 2015      Vote: 7-3 in favor (with Sen. Thibodeau, Sen. Mason and Rep. Fredette opposed)
- LR 2001      Joint Resolution Memorializing the United States Congress to Recognize the Need for Federal Reform in the Asylum Application Process**
- Submitted by: Representative Peter Stuckey  
Approved: April 21, 2015      Vote: 7-3 in favor (with Sen. Thibodeau, Sen. Mason and Rep. Fredette opposed)
- LR 1955      An Act to Allow a Student Who Resides in a Municipality without a High School and Attends a Private School that Does Not Offer Athletics to Participate in Athletics at a Public School**
- Submitted by: Senator David Miramant  
Approved: May 6, 2015      Vote: 8-2 in favor (with Rep. Fredette and Rep. Espling opposed)
- LR 1997      An Act to Expand Access to Workforce Development at Base Redevelopment Locations**
- Submitted by: Senator Stanley Gerzofsky  
Approved: May 6, 2015      Vote: 8-2 in favor (with Rep. Fredette and Rep. Espling opposed)
- LR 2005      An Act to Allow a Victim of a Crime to be Represented by an Attorney at a Sentencing Hearing**
- Submitted by: Representative Erin Herbig  
Approved: May 6, 2015      Vote: 9-1 in favor (with Rep. Espling opposed)

**LR 2024      An Act to Allow Interstate Shellfish Depuration**

Submitted by: Representative Roberta Beavers  
Approved: May 6, 2015      Vote: 10-0 in favor

**LR 2013      Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry**

Submitted by: Department of Agriculture, Conservation and Forestry  
Approved: May 6, 2015      Vote: 10-0 in favor

**LR 2041      An Act to Allow Hunters Whose Religion Prohibits Wearing Orange Clothing to Instead Wear Red**

Submitted by: Senator Michael Thibodeau  
Approved: May 12, 2015      Vote: 10-0 in favor

**127th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 5/21/2015 4:38:07 PM**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Lydia Blume**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2058	An Act To Prohibit Activities That Cause Irreparable Damage in the Shoreland Zone until Final Resolution of Appeal Process	

**SPONSOR: Sen. David E. Dutremble**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2048	An Act To Permit Law Enforcement Personnel To Acknowledge an Ongoing Criminal Investigation	

2049	An Act To Establish Residency Restrictions for Sex Offenders	
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**SPONSOR: Rep. Stacey K. Guerin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2046	An Act Regarding the Qualifications for a Military Law Enforcement Officer To Serve as a Law Enforcement Officer in This State	

**SPONSOR: Rep. Catherine M. Nadeau**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2034	An Act To Include Law Enforcement in the Bureau of Motor Vehicles in the Special Plan for Retirement	

**SPONSOR: Rep. Diane M. Russell**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2044	Resolve, To Establish the Commission To Study the Scientific Evidence and Best Practices Regarding Drivers Impaired by Opiates, Prescription Drugs and Marijuana	

**TABLED BY THE LEGISLATIVE COUNCIL**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Scott W. Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1971	An Act To Prohibit the Sale of Powdered Alcohol	Tabled 03/26/15

**SPONSOR: Rep. Kenneth W. Fredette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1939	An Act To Create Fairness with Regard to Pay for State Employees	Tabled 03/26/15

**SPONSOR: Sen. Christopher K. Johnson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1958	An Act To Ensure the Proportional Offset against Social Security Retirement Benefits of Workers' Compensation Awards	Tabled 03/26/15

**SPONSOR: Rep. Heather W. Sirocki**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	Tabled 02/26/15

**JOINT RESOLUTIONS**

**SPONSOR: Rep. Justin Mark Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
162	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	Tabled 01/29/15

**SPONSOR: Rep. Stanley Byron Short, Jr.**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1935	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RATIFY TRADE AGREEMENTS THAT ARE IN THE BEST INTERESTS OF THE AMERICAN PEOPLE AND ARE FAIR	Tabled 03/26/15

DRAFT

SEN. MICHAEL D. THIBODEAU  
CHAIR

REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. JUSTIN L. ALFOND  
SEN. DAWN HILL  
REP. JEFFREY M. MCCABE  
REP. SARA GIDEON  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

**Legislative Council**  
**Policy on Security Screening**  
**Protocols for the Maine State House**

The Legislative Council adopts this policy on security screening in the State House to enhance measures to protect the health and safety of persons working in or having occasion to enter the Maine State House, to protect the physical integrity of the State House, and to establish protocols for implementing security screening measures. The intent of these screening measures is to prevent dangerous items from being brought into the State House while still allowing access to anyone who wishes to enter.

- I. State House open to public. The State House is open to the public from 7:30 AM to 5:00 PM Monday through Friday, exclusive of state-observed holidays. The building is also open to the public after regular business hours whenever the Senate or the House of Representatives is in session and whenever a joint standing or select committee of the Legislature is holding a public meeting in the State House. The State House will ordinarily remain open for 30 minutes following the end of an after-hours session or committee meeting. Access to the State House by members of the public is limited to the West entrance and the underground connector from the Cross Building.
- II. Security screening required. All persons entering the State House, except as otherwise provided in Sections VI or VII below this policy, shall be subject to security screening upon entering the State House. Any person who refuses to submit to screening shall be refused access to the State House. If a person refuses to submit to security screening, the on-duty security screener shall notify the on-duty law enforcement officer of the Bureau of Capitol Police who shall make all decisions to refuse entry to the building.
- III. Screening measures. Except as otherwise provided in section VI below this policy, the following measures must be employed for all persons entering the State House.
  - A. Persons must pass through a stationary magnetometer used to detect metals. Alternatively, a person may request that a handheld magnetometer be used in lieu of passing through the stationary magnetometer. If, by reason of disability or medical condition, a person has been advised by a qualified health care provider to not be subjected to magnetometers and provides reasonable demonstration of such condition or medical advice, the person may request a hand and visual inspection ("pat down") from security personnel. Such a request may not be unreasonably denied. When requesting a pat down, the person must be afforded the opportunity for the pat down to be performed by security personnel or police officer of the same gender. However,

when security personnel of the same gender is requested but not reasonably available, the on-duty law enforcement officer of the Bureau of Capitol Police may allow screening by means of a visual inspection and interview of the requester in lieu of a hand pat down.

- B. Persons must allow packages, personal belongings and other items on his or her person to be inspected by passing them through a package screening device. A person may request a visual and hand inspection if use of the package screening device may damage the contents of a package (e.g. high speed film) or if the package is too large to pass through the device.

IV. Prohibition on certain items. The following items are prohibited in the State House or other legislative area, regardless of whether a person is required to undergo security screening measures:

- Weapons or ammunition of any kind
- Paint or pellet guns
- Fireworks, firecrackers, sparklers or other explosive or incendiary devices
- Compressed flammable or helium gases
- Flammable liquids
- Alcoholic beverages, unless unopened and in their original container and condition, and not to be consumed on-site
- Illegal drugs or substances
- Other substances or items that could reasonably, in the judgment of Capitol Police present a significant risk to people or property in the State House environment.

Notwithstanding this prohibition, a bona-fide military or law enforcement honor guard or military personnel in full dress uniform while participating in a formal military ceremony in the State House may be permitted to carry weapons provided all firearms have been disabled and are incapable of being discharged. Furthermore, an on-duty law enforcement officer is permitted to carry a weapon provided that the officer so discloses possession of the weapon and allow its inspection by the on-duty Capitol Police officer who shall keep a written log of all such exceptions to the prohibition.

- V. Limitations for use of access card. A person to whom a card is issued by the Legislature for access to the State House and other legislative areas or for security purposes may not lend or otherwise transfer the access card to another person or use the access card to bring in any items for another person, and a person who is not the holder of the card may not present the card to security personnel for the purposes of misrepresenting the person's identify, avoiding security screening or accessing an area to which the person is not authorized. A photograph of the authorized holder will be visible on the card and a digital copy of the picture shall be stored in the access card system. Abuse of the access card or special access privileges will result in the confiscation of the access card by a Capitol Police officer and shall be delivered immediately to the Executive Director of the Legislative Council along with an explanation of the circumstances that gave rise to the confiscation. The Executive Director of the Legislative Council or the Chief of Capitol Police can, for cause, immediately revoke access card privileges to the State House. Any such revocations that are believed to be unjust can be appealed to the full Legislative Council, but access privileges will remain revoked unless the Council decides to restore the privileges.



- VI. Persons excepted. The following persons who possess a valid access card allowing access to the State House are not required to undergo the building security measures upon presentation of the access card to the security screening personnel.
- A. Legislators;
  - B. Legislative employees;
  - C. Governor and employees of the Office of the Governor whose principal work location is in the State House;
  - D. State law enforcement personnel who are assigned to State House detail;
  - E. Members of the Governor's Cabinet and their appointed deputy commissioners, Constitutional Officers and the State Auditor, State Court Administrator, Chair of the State House and Capitol Park Commission, State Controller, State Budget Officer and the Deputy State Budget Officer.
- VII. Priority screening for lower-risk individuals. The following persons may be given an access card for limited duration to permit passage through the priority, lower-risk screening lane at the main entrance to the State House, after applying to the Legislative Council's executive director and upon successful completion of a satisfactory background check performed regularly as determined by the Executive Director.
- A. State House maintenance, property management and State Postal Service personnel, ~~authorized by the Legislative Council's executive director,~~ who have a regular and necessary need to enter the State House;
  - B. State House Press Corps members, ~~authorized by the Legislative Council's executive director,~~ who lease offices in the Legislature's State House Press Corps suite, and other members of the media ~~authorized by the Legislative Council's executive director~~ who possess bona fide State House news media credentials issued pursuant to Section VIII;
  - C. Vendors and contractors who have a regular and necessary need to enter the State House, ~~authorized by the Legislative Council's executive director, and for limited duration, upon completion of a satisfactory criminal background check performed periodically.~~ Express mail and package delivery personnel and supply vendors are not eligible for exception under this section;
  - D. Persons authorized by the Legislative Council's executive director, ~~for reasons of specific, short-term Legislative operational or business reasons~~ are issued a guest pass for which a background check may be waived by the Legislative Council's executive director; necessity, for limited duration.
  - E. Persons who ~~are~~ have a medical condition or are disabled in a manner that prevents them from undergoing security screening and who have a regular and necessary need to enter the State House, ~~authorized by the Legislative Council's executive director and for limited duration,~~ upon documentation from a qualified medical provider that the person may not be subjected to magnetometer screening ~~and completion of a satisfactory criminal background check performed annually;~~ and
  - F. Persons who have a regular and necessary on-going need to enter the State House as a result of their profession or employment, including registered professional lobbyists, State agency legislative liaisons, and attorneys representing clients on legislative matters. These persons are subject to an annual application fee of \$100 to offset the processing and security card costs.

VIII. News media credentials.

A. Definition

1. For the purposes of this section, a "person" means an individual, or an organization with whom a person seeking news media credentials is affiliated by virtue of employment, contractual relationship or other means.

B. Eligibility and application

1. In order for a person to be eligible for "news media credentials" in the Legislature, the person must:
  - i. be a bona fide news gatherer or reporter whose principal attention is given to or more than ½ of the person's earned income is derived from the gathering or reporting of news;
  - ii. not be engaged in the prosecution of judicial or administrative claims or appeals or the promotion or advocacy of legislation pending before the Maine Legislature, State or federal departments or agencies or independent agencies of the federal or State government;
  - iii. not be employed by any legislative or executive department or independent agency of federal or State government, or by any foreign government or representative thereof; and
  - iv. not be engaged in any lobbying activities, advertising, publicity or political advocacy for any individual or organization.
2. An application for news media credentials must be accompanied by a signed and dated statement by the senior news director of the news organization with whom the person is affiliated or, if a the person is a freelancer or works for a production company, the news director of the person's primary news clients, attesting to his or her use of the person's news services and period during which the services have been used along with satisfactory evidence of such news services. ~~The application must be submitted to the Legislative Council's executive director.~~
3. Approval of applications may be subject to additional criteria established by the Speaker of the House or the President of the Senate for news gathering or reporting in the chamber of the House of Representatives or the Senate Chamber.
4. Approval of news media credentials shall be for a fixed period not greater than one year but may be renewed ~~from time to time~~, and shall be revoked immediately when the person no longer meets the eligibility requirements or fails to comply with any rule, policy or procedure of the legislature.

C. Limited access privileges

1. If the Legislative Council's executive director grants news media credentials to a person, the executive director will issue a STATE HOUSE NEWS MEDIA CARD to the person attesting to the person's approval of news media credentialing. ~~The person shall present the card to security personnel upon entry into the State~~

~~House. Furthermore, the person shall wear and prominently display the card at all times while in the House and Senate chambers. The card must be returned immediately upon a change in affiliation. The card is nontransferable may not be used by any person other than the person to whom the card was issued, and may be confiscated if it is misused.~~

~~2. A person who possesses State House news media credentials is not required to undergo security screening measures upon the person's entry into the State House only upon completion of a satisfactory criminal background check performed periodically and subject to terms and limitations established by the Legislative Council's executive director.~~

3. Only a person possessing State House news media credentials is eligible to occupy an office in the Legislature's State House Press Corps suite of offices.

- IX. Screening at discretion of Capitol Police. Notwithstanding the above exceptions, the Bureau of Capitol Police may require security screening of any of the above persons (in Sections VI, VII and VIII) if in the judgment of the Bureau of Capitol Police such screening is essential reasonably necessary to protect the immediate health and safety of an individual or the public or to prevent immediate harm to the building. In addition, the Bureau of Capitol Police may at their discretion, require persons listed as exceptions in Section VII paragraph F and Section VIII to undergo the screening of packages, personal belongings and other items and, on a periodic or random basis, full security screening. All access card holders who are allowed to regularly or periodically bypass the screening process shall be given a written reminder at the time of issue or renewal, that they are prohibited from bringing weapons or dangerous items into the State House regardless of whether or not they are subject to screening.
- X. Personal recognizance. Upon their personal recognizance, the following individuals shall be allowed to enter the State House without undergoing the building screening measures: Governor and the Governor's spouse, Chief Justice of the Maine Supreme Judicial Court, members of the Legislative Council and those legislative employees who are elected to office by the Legislature or appointed to office by the Legislative Council. If security personnel are uncertain of the person's identity, they may request photo identification.
- XI. Personally-escorted persons. Persons who are personally known to and accompanied by the Governor, Chief Justice of the Maine Supreme Judicial Court or a member of the Legislative Council and are so identified to security screening personnel are not required to undergo security screening when entering the State House. In addition, by prior arrangement with the Chief of Capitol Police, a person who is personally escorted by a State or federal law enforcement protection detail is not required to undergo security screening when entering the State House.
- XII. Special considerations for Maine school groups and bands. Security screening personnel are authorized to limit security screening measures to visual inspections of an organized group of youth entering for a tour of the State House or to play musical instruments during a legislative function if the youth are in a Maine elementary or middle school program, are

accompanied by adult chaperones, and building tour or event arrangements were made with the authorizing legislative office at least 48 hours in advance of their arrival. Adult chaperones must undergo security screening measures.

- XIII. Special considerations for persons in certain age-related categories. Security screening personnel are authorized to limit security screening measures to visual inspections, or modified pat-downs if a pat-down is determined to be necessary, of children 12 years of age or younger and adults 75 years of age or older.
- XIV. Legislative Conference Room and Welcome Center. Legislators and legislative employees are authorized to transport equipment, supplies and other materials to and from the Legislative Conference Room and the Welcome Center on the first floor without first undergoing security screening measures for the equipment, supplies and materials.
- XV. Modification. The Legislative Council reserves all rights to modify this policy at any time as it deems necessary or appropriate. Nothing in this policy shall be construed to limit the authority of the Legislative Council to establish, revise and enforce policies relating to Legislators or legislative employees at any time.

Pursuant to 25 MRSA, §2904(2), the Legislative Council consulted the Commissioner of Public Safety and the commissioner was provided an opportunity to review and comment on the content and enforcement of this policy and this revision.

THIS REVISED POLICY IS ADOPTED BY THE LEGISLATIVE COUNCIL AT AUGUSTA, MAINE ON MAY 28, 2015.

BY: \_\_\_\_\_

Executive Director of the Legislative Council

Authority: 3 MRSA, §162 and 25 MRSA, §2904

Adopted: April 24, 2012

Effective Date: May 4, 2012

Revised: May 28, 2015

SEN. MICHAEL D. THIBODEAU  
CHAIR

REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. JUSTIN L. ALFOND  
SEN. DAWN HILL  
REP. JEFFREY M. MCCABE  
REP. SARA GIDEON  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

**Legislative Council Policy on  
the Maine State House Portrait Collection**

**I. Care and Management of the Portrait Collection**

1. **Care and management of the Portrait Collection.** The care and management of the Portrait Collection of the Maine State House are responsibilities of the Maine State Museum, which solely shall determine and satisfy the needs related to the storage, conservation, exhibition, public education and public placement of the portraits in the collection. All such decisions shall be based on sound and recognized professional principles of museum practice. Within professional and space constraints, the museum will display much of the Portrait Collection in the public spaces of the State House. Public spaces include hallways and corridors, rotunda areas, legislative committee rooms, Law and Legislative Reference Library, Senate and House chambers, Governor's office, and offices of the Speaker of the House and President of the Senate. Once the portrait locations have been determined by museum curatorial staff, the museum will try to minimize further movement of the paintings to limit the potential for damage and to conserve staff time. Legislative proposals for relocating portraits to places within the State House other than those established by the museum shall be made to the Executive Director of the Legislative Council who will then contact the museum director to determine the viability of the proposed relocation.
2. **Museum to hold title to portraits.** In keeping with the legislation creating the Maine State Museum and defining and regulating its activities, the Maine State Museum holds title to the portraits as trustee for the State (pursuant to Maine Revised Statutes Title 27, 86-A). In this context every portrait that comes into the Portrait Collection must be accompanied by a signed Deed of Gift or equivalent conveyance permanently transferring ownership to the museum.
3. **Notification to Maine State Museum of decision affecting Portrait Collection.** The museum must be notified in a timely and appropriate manner of authorized decisions made to commission, fund, transport, accept, receive or hang portraits so that it can respond to those matters as required and in a prompt and proper fashion.
4. **Legislative Council funding.** The Legislative Council shall pay up to \$3,000 annually for contracted services by the Maine State Museum for the purposes of care, maintenance or conservation related to the Portrait Collection.

**II. Standards for Portraits to be included in Portrait Collection.**

1. **Eligible persons for Portrait Collection.** Commissioned portraits may include Governors of Maine, U.S. Senators and Congressional Representatives, members of the judiciary, military figures, and citizens of special distinction. Every portrait must be of a once-living or currently living individual.
2. **Standards for Portraits to be included in the Portrait Collection.** All portraits commissioned for or accepted into the Portrait Collection must meet the following standards:
  - A. **Portraits to be executed in oil pigments.** All portraits must be executed in oil pigments. The only allowed exceptions are original pastel portraits, watercolors, drawings, or other unique, original graphic depictions of early Governors of Maine or other distinguished individuals of the 19<sup>th</sup> century for whom no oil portraits are known to be available or exist.
  - B. **Portraits to be in traditional, representational style.** All portraits must be in a traditional, representational style in keeping with those portraits presently in the collection. Portraits should present qualities of high technical competence and achievement in recognition of the honor of inclusion in the collection and the special respect in which the State House is held by the citizens of Maine.
  - C. **Portrait size limitation.** No portrait may be larger than 40 inches in height by 30 inches in width, excluding the frame.
  - D. **Portrait frame requirements.** Every portrait shall be provided with a frame of dignified appearance, tasteful presentation and careful construction suitable for display among the many historical examples of the same.

**III. Non-Gubernatorial Portraits**

1. **Sole Authority to approve the commissioning of portraits.** The Legislative Council shall have the sole authority to approve any proposal to commission a portrait for the Portrait Collection and to initiate the process of commissioning it.
2. **Artist selection panel.** Upon approval by the Legislative Council of a potential subject for a portrait commission, the Executive Director of the Legislative Council shall notify the Maine State Arts Commission to convene a review panel to select a qualified artist to execute the portrait. That panel will consist of seven members, three from the Maine State Arts Commission (one of commission members shall chair the panel), two from the Maine State Museum, one member from the Maine Historic Preservation Commission, and one representative of the Legislative Council, to select by a majority vote a qualified artist. The review panel will then negotiate the cost of the portrait commission with the artist and report that to the Legislative Council.
3. **Review panel for commissioned portraits, membership.** The Maine State Arts Commission shall establish a review panel to assess and select artists once the Legislative Council has approved the commissioning of a portrait for the Portrait Collection. The review panel must include a

representative of the Legislative Council, two representatives of the Maine State Museum and a representative of the Maine Historic Preservation Commission.

4. **Approval of cost and funding.** When the artist has been chosen, the Legislative Council must approve the portrait commission cost.
5. **Cost sharing of portrait commission costs.** Any portrait not of a Maine Governor must include funding for 25% of the total expense from the State. The remainder of the expense raised by private subscriptions or contributions. The intent of this provision is to strike a healthy balance between private and public commitment in the commissioning of any non-gubernatorial portrait intended for the Portrait Collection.
6. **Executive of commission contingent on full funding being identified.** No commission for a non-gubernatorial portrait may be executed until funding for the 25% State share and the remaining private subscriptions or contribution required pursuant to section 3.5 have been determined to be available and certified by the Legislative Council. Once funding is certified as available, the Executive Director of the Legislative Council shall notify the Maine State Arts Commission.
7. **Contract administration.** The Maine State Arts Commission will negotiate the terms of any contract with the artist selected, administer the contract to completion and transfer the completed portrait with its title to the Maine State Museum.
8. **Organization of portrait presentation events.** If there is to be a portrait dedication or public ceremony marking the official hanging or delivery of the portrait, it shall be organized by the Maine State Museum in concert with the Maine Historic Preservation Commission and other significant entities involved in the process. The cost of the public ceremony must be borne by those private entities chiefly responsible for the commissioning of the portrait.

#### **IV. Gubernatorial Portraits**

1. **Gubernatorial portraits for each inaugurated Governor.** It is long been a respected and honored custom that every inaugurated Governor of Maine should have a single portrait in oils commissioned at the public expense to be included in the State House Portrait Collection and join the rotation of portraits for periodic display in the State House.
2. **Funding of gubernatorial portraits.** Gubernatorial portraits are to be funded through a special executive appropriation by each Governor through the Governor's contingent account.
3. **Commissioning of gubernatorial portraits.** The Maine State Arts Commission shall have the chief responsibility for activating and overseeing the process of commissioning a gubernatorial portrait (see 8.1 below).
4. **Museum to be provided title to portrait.** Once a gubernatorial portrait has been completed and given to the Maine State Museum, the Maine State Museum will be provided with signed or equivalent formal title to it, and will have the sole responsibility for its care, storage, maintenance, conservation, use for public education, and placement for display.

5. **Initiation of the commission process for gubernatorial portraits.** Approximately one year before the completion of a Governor's first term in office, the Maine State Arts Commission shall notify the Governor's office of the beginning of the process of commissioning a gubernatorial portrait.
6. **Artist Selection panel.** After providing notice to the Governor's office, the Maine State Arts Commission shall convene a selection panel to recommend three qualified artists from whom the Governor may choose the painter of the portrait. The panel shall consist of five representatives, three from the Maine State Arts Commission, two from the Maine State Museum and one from the Maine Historic Preservation Commission. The Governor is not obliged to select one of the panel's recommended artists and may suggest other candidates. If the Governor chooses another artist, the selection panel must review the selection and agree on the final choice by a majority vote.
7. **Contract administration.** The Maine State Arts Commission will negotiate the terms of any contract with the artist selected, administer the contract to completion and transfer the completed portrait with its title to the Maine State Museum.
8. **Dedication events for gubernatorial portraits.** The dedication and public display of a recently commissioned gubernatorial portrait shall be organized by the Maine State Museum in coordination with the Governor's office. Any costs associated with the dedication event must be funded through the Governor's contingent account or through private sources.

THIS POLICY IS ADOPTED BY THE LEGISLATIVE COUNCIL AT AUGUSTA, MAINE ON MAY 28, 2015.

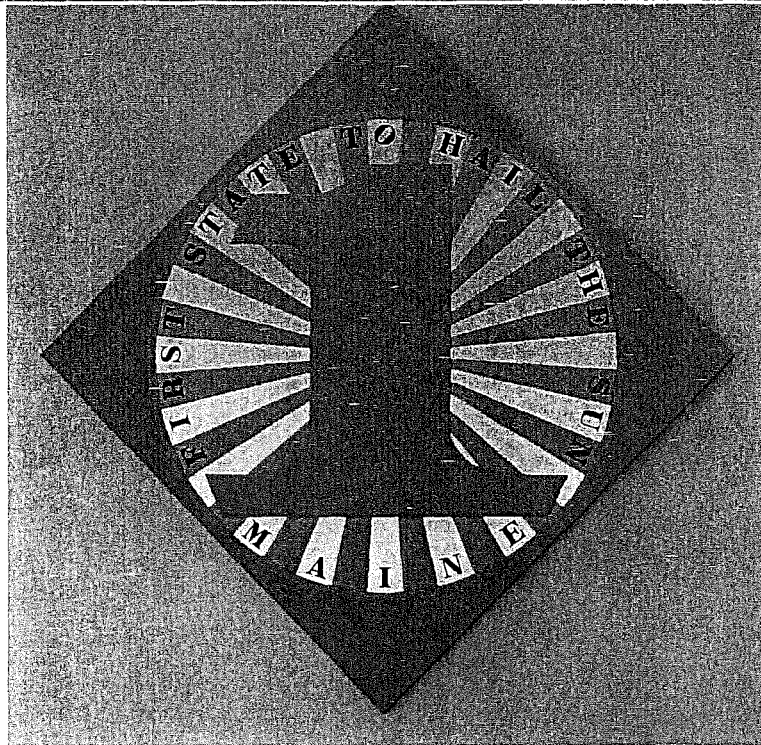
BY: \_\_\_\_\_  
Executive Director of the Legislative Council

Effective Date: MAY 28, 2015



2015

# Possible locations in the Capitol Building for the relocation of the Robert Indiana painting



## **Robert Indiana, *First State*, oil, 60" x 60"**

-10/28/2011 Robert Indiana's *First State* painting was moved from the corridor off from Hall of Flags across from Press Office to the Cross Building.

-12/9/2014 – Kathleen Rodgers (Robert Indiana's Representative) meets with Julie Horn at the Capitol to discuss the Art in the Capitol Program. Asks to see where the *First State* painting is hung. Julie Horn takes her to Cross Building where it is currently hung.

-12/10/2014 – Kathleen Rodgers calls Julie Richard at the Commission to express her displeasure in finding out that the Robert Indiana painting had been moved from the Capitol to the Cross building and informs Julie that a contract exists spelling out the specifics on where the painting is to be hung.

-1/14/2015 - Julie Richard meets with Grant Pennoyer to inform him of the issue regarding where *First State* is currently being hung.

1/16/2015 - Grant follows up with records from Legislative Council meetings in 2012, indicating that Donna McNeil (former Policy and Program Director at the Maine Arts Commission) was involved in this transaction. The communication with the artist was through his attorney and not his artist representative (Kathleen Rodgers). At this point, it became clear that the attorney had not communicated with the artist or his representative. Communication with the attorney was left open-ended by Ms. McNeil. There was no further communication regarding this until December of 2014.

-3/31/2015 Meeting to request the piece be moved from its current location in the Cross Building back into the Capitol Building in a place that is open and accessible to the public during operating hours. MAC is offering these five locations as possibilities. Present at the meeting- Julie Richard, Grant Pennoyer, Julie Horn.

-Relocation of artwork is contingent upon approval by the Legislative Council, and the artist or his representative.

-MAC would be responsible for and provide a contracted preparator to remove and reinstall the painting in its new approved location.

-Added security would be provided by the Capitol facility?

-Original contract between artist and state is provided in the back of this packet.

-Any questions regarding this matter please contact:

**Julie Richard**  
Executive Director, Maine Arts Commission  
207-287-2710  
julie.richard@maine.gov

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# ***FIRST STATE***

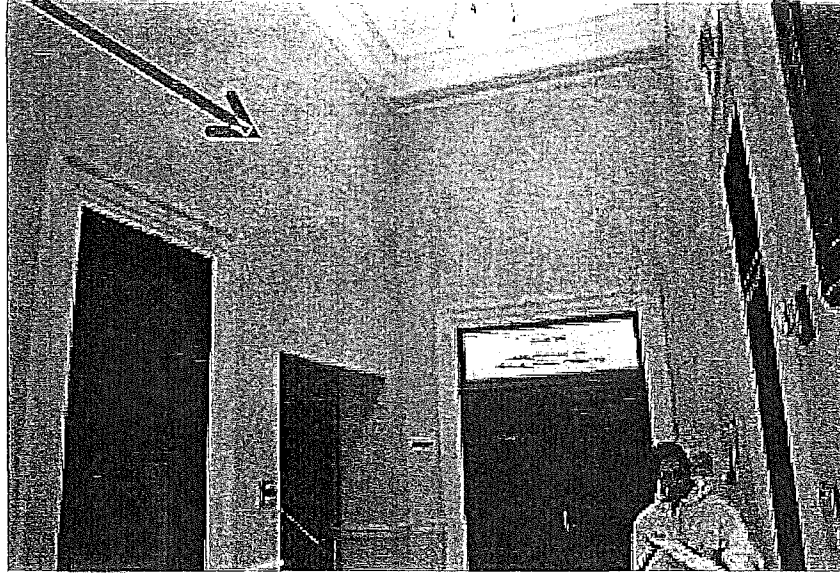
**Robert Indiana of Vinalhaven, Maine**

*Oil-on-canvas, 60" x 60"*

Burton M. Cross Building, Legislative Floor (Authorized by Legislative Council)

Mr. Indiana generously gifted *First State* to the State of Maine in May 2007  
for exhibition to the public in perpetuity.

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## LOCATION 1

2<sup>nd</sup> Floor

Hall outside of Appropriations and Financial Affairs Committee Room

Draft (JAH 5/1/07)

**AGREEMENT BETWEEN  
ROBERT INDIANA AND THE STATE OF MAINE**

Agreement made this 7 day of May, 2007, by and between **Robert Indiana** of Vinalhaven, Maine, (called the "Artist" in this Agreement) and the **State of Maine** (called "Maine" or "State of Maine" in this Agreement).

WHEREAS, the Artist is a well-known and widely-recognized artist with an international reputation who is a long-time resident of Maine; and

WHEREAS, the Artist has strong affection for and gratitude toward Maine;

WHEREAS, the Artist has created a beautiful painting titled *First State*, which he wishes to donate to Maine under the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made, the parties agree as follows:

1. *Description and Current Location of the Painting*

*First State* is an oil-on-canvas painting (dimensions approximately 6'x 6') which is currently on loan from the Artist to Maine and hangs in the public hall adjacent to the Governor's Chambers in the State House in Augusta, Maine.

2. *Deed of Gift for Painting*

Upon the execution of this Agreement by all parties, the Artist hereby **irrevocably gives, transfers, assigns and delivers** to Maine all right, title and interest he may own in and to *First State*, subject to the terms and conditions of this Agreement.

3. *Uses and Restrictions*

The gift of *First State* to Maine is subject to the following conditions:

- (a) Except when on loan as described in paragraph 3(c), *First State* shall be exhibited to the public in perpetuity either in or adjacent to the Governor's Chambers on the second floor at the Augusta Maine State House, or wherever the Governor's office may be located in the future, so long as the exhibition location is at all times open and accessible to the public during normal governmental business hours.
- (b) *First State* shall not be sold or transferred to any individual, corporation or public or private entity but shall remain in perpetuity as an asset owned by the State of Maine in the custody of the Maine Arts Commission or any successor agency thereto.
- (c) *First State* may be loaned only upon the joint approval of both the Governor's Office and the chief executive officer of the Maine Arts Commission or any successor agency thereto, and any such loan shall not exceed one year in duration and shall be only to museums in the United States that are open to the public and comply with the security and climate control standards of the American Association of Museums.

4. *Royalties and Reproduction Rights*

Reproduction rights to *First State* and royalties and profits relating to *First State* shall belong to the State of Maine and shall be used for such public purposes and in such manner as shall be determined by the chief executive officer of the Maine Arts Commission or any successor agency thereto.

Dated and witnessed on the day and year first above written.

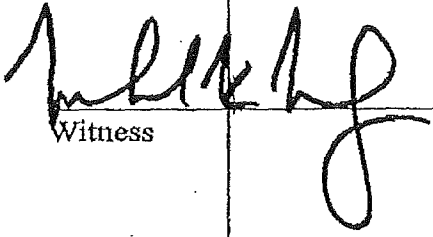
*K. Rogers*

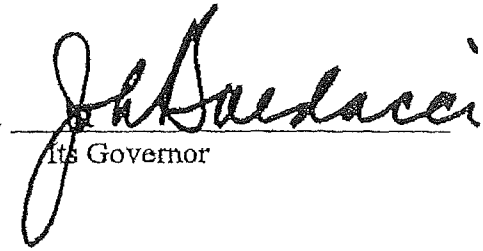
Witness

*Kathleen Rogers*

*Robert Indiana*

State of Maine

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Its Governor