

MAINE STATE LEGISLATURE

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SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH 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

**127th Legislature
Legislative Council
SEPTEMBER 22, 2016
1:30 PM
AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE AUGUST 4, 2016 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
8	<ul style="list-style-type: none">Executive Director's Report (Mr. Pennoyer)	Information
10	<ul style="list-style-type: none">Fiscal Report (Mr. Nolan)	Information
14	<ul style="list-style-type: none">Studies Report (Ms. Hylan Barr)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">Personnel Committee (No report)State House Facilities Committee	
	OLD BUSINESS	
16	Item #1: Proposal to Replace the MELD Drafting System (Mr. Pennoyer)	Decision

NEW BUSINESS

- | | | | |
|----|----------|--|-----------------|
| 17 | Item #1: | Revision to the <i>Legislative Council Policy on Security Screening Protocols for the Maine State House</i> | Decision |
| 23 | Item #2: | Relocation of Legislative Information Office and Legislative Conference Room | Decision |
| 28 | Item #3: | Adoption of Updates to Personnel Policies and Guidelines (Memo included; draft policies will be sent separately) | Decision |
| 32 | Item #4: | Revision to the <i>Legislative Council Policy on Harassment</i> | Decision |
| 35 | Item #5: | Request to hold a fifth meeting from the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry | Decision |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
August 4, 2016**

CALL TO ORDER

President Thibodeau called the August 4, 2016 meeting of the Legislative Council to order at 11:53 a.m. in the Legislative Council Chamber.

ROLL CALL

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

Absent: Senator Mason

Representatives: Representative Gideon and Representative Espling

Absent: Speaker Eves, Representative McCabe
Representative Fredette (arrived late)

Legislative Officers: Heather Priest, Secretary of the Senate
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
Jackie Little, Human Resource Director
Marion Hylan Barr, Director, OPLA
Suzanne Gresser, Revisor of Statutes
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 11:53 a.m. with a quorum of members present.

SUMMARY OF APRIL 28, 2016 MEETING OF LEGISLATIVE COUNCIL

The summary of the April 28, 2016 meeting was presented as information only as the summary had been previously approved by ballot by the Legislative Council on June 14, 2016.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. Status of Major Construction Projects for this Interim

- State House Roof - Work on the north wing is complete with the exception of the new wall panels for the mechanical penthouse, which should be completed by the end of next week. South wing roof work is going well and should conclude by the end of September.
- House Chamber – Plaster and molding repairs from water damage, primarily on the upper north and east walls of the House Chamber have begun. With the old carpet removed, we are removing outdated and unused network wiring, upgrading some existing cables, replacing the microphones on the desks and installing new video cameras.
- State Street Sidewalk – The replacement of the State Street sidewalk in front of the State House will begin the last week of August and continue through mid-September.
- Security Screening Changes – Beginning Saturday, August 13th, we will be removing the central kiosk at the State House main entrance and adding an additional screening lane to better handle peak crowds. I will be working with Capitol Police to set up temporary screening while the repairs and rewiring are in process.

2. Heating and Cooling System Repairs

We have repaired many of the leaks in the State House heating and cooling system that occurred towards the tail end of the heating system. However, some additional leaks were recently discovered and we will be scheduling repairs to the newly discovered leaks in the West Wing.

3. Original Copper from the State House Dome

As noted in my written summary at the end of June, the proceeds from the various copper reuse efforts offset roughly two-thirds of the savings that was foregone by not immediately salvaging the copper. We still have some mementos for sale and have a small amount of rough copper still available. The final phase of the copper reuse project is the selection of an artist to use the roughly 1,000 square feet reserved for the art work. The Artist Selection Committee is holding its first meeting on September 21st to review possible locations for the art work and establish some guidelines for the artists that will submit proposals.

4. Electric Vehicle Charging Stations

Final installation of the two electric vehicle charging stations in the Parking Garage have been delayed pending the resolution of some payment and accounting issues.

Fiscal Report

Grant Pennoyer, Executive Director, on behalf of OFPR Director Christopher Nolan, reported on:

General Fund Revenue Update

Total General Fund Revenue - FY 2016 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$369.4	\$369.6	\$0.2	0.0%	\$545.9	-32.3%
FYTD	\$3,356.4	\$3,366.2	\$9.8	0.3%	\$3,329.3	1.1%

General Fund revenue was over budget by \$0.2 million (0.0%) for the month of June and over budget by \$9.8 million (0.3%) for the fiscal year. Individual income tax revenues were over budget for the month by \$8.4 million but under budget for the fiscal year by \$3.6 million. Income tax withholding and estimated payments were the primary factors for the June variance. Estate taxes were \$1.1 million over budget for the month and \$0.6 million over budget for the fiscal year. Sales and use taxes were under budget by \$3.6 million for the month and over budget for the fiscal year by \$14.0 million. Partially offsetting the positive variances was the service provider tax, which was \$7.4 million under budget for the month and \$10.2 million under budget for the fiscal year to date. This variance is likely the result of over accruals in July 2015 (reversed in June 2016) and potentially under estimating the amount of sales tax revenue attributable to the service provider tax revenue category.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$25.4	\$25.7	\$0.2	0.9%	\$47.6	-46.1%
FYTD	\$322.7	\$327.4	\$4.7	1.5%	\$323.5	1.2%

Highway Fund revenue was over budget by \$0.2 million (0.9%) for the month of June and over budget by \$4.7 million (1.5%) for the fiscal year. Strong performances in the motor vehicle registrations and fees and the motor vehicle inspection fees categories were the primary reasons for the positive year-end results. Motor vehicle registrations and fees were over budget by \$3.8 million for the fiscal year, with motor vehicle registration and long-term trailer registration fees accounting for the majority of the overage. Motor vehicle inspection fees were over budget by \$0.5 million for the fiscal year.

Cash Balances Update

The average balance in the cash pool in June of \$847.9 million was below the May average of \$858.5 million. June's total cash balances were well above both last year's balances for June and the ten-year averages for the month. General Fund internal borrowing from other funds was once again not needed in June and was only needed in four months of this fiscal year. The average Highway Fund balance of \$47.9 million in June decreased from Mays's average of \$51.8 million.

FY 2016 Year-End Cascade Transfers

The FY 2016 closing General Fund balance totaled \$93.0 million, \$22.1 million of which was unbudgeted. The \$22.1 million not budgeted included \$9.8 million in General Fund revenue surplus, \$7.5 million in unbudgeted lapsed program balances and \$4.8 million in other accounting adjustments. Under the current distribution rules for the year-end "cascade" of funds from the unappropriated surplus of the General Fund (5 MRSA §1507, §1511, §1519 and §1536), after all fixed dollar transfers were distributed; 80% (\$707,300) was distributed to the Maine Budget Stabilization Fund and 20% (\$176,825) was distributed to the Tax Relief Fund for Maine Residents. The table below summarizes the sources and uses of FY 2016 uncommitted funds.

FY 2016 General Fund Year-End Summary

Sources of General Fund Year-end Surplus:		
General Fund Revenue Variance		\$9,829,734
Unbudgeted Lapsed Balances		\$7,511,276
Other Accounting Adjustments Increasing (Decreasing) Balance		\$4,791,115
Total Increase in Uncommitted Unappropriated Surplus		<u>\$22,132,125</u>
Uses of General Fund Year-end Surplus:		
Fixed Dollar Transfers		
Replenish Contingent Account up to \$350,000 (5 MRSA §1507)		(\$348,000)
Transfer to Loan Insurance Reserve up to \$1,000,000 (5 MRSA §1511)		(\$1,000,000)
Transfer to General Fund Operating Capital (5 MRSA §1536)		(\$2,500,000)
Transfer to Retiree Health Insurance UAL (5 MRSA §1519)		(\$4,000,000)
Transfer to PUC Cost Recovery Fund (PL 2015, c 483)		(\$13,400,000)
Percentage Transfers of Remaining Surplus after Fixed Dollar Transfers		
Maine Budget Stabilization Fund	80.0%	(\$707,300)
Tax Relief Fund for Maine Residents	20.0%	(\$176,825)
Total Closing Transfers		<u>(\$22,132,125)</u>

The Highway Fund also has a statutory year-end transfer provision that transfers all but \$100,000 of the increase in the unallocated surplus above the budgeted amount to the Department of Transportation for highway and bridge improvement projects in the next fiscal year. The amounts that transferred and are available in FY 2017 are \$11.6 million. In addition to a \$4.7 million revenue surplus, unexpended Highway Fund allocations that lapsed back to the unallocated surplus totaled \$5.1 million and other net accounting adjustments equaled \$1.9 million.

FY 2016 Highway Fund Year-End Summary

Sources of Highway Fund Year-end Surplus:		
Highway Fund Revenue Variance		\$4,709,320
Unbudgeted Lapsed Balances		\$5,090,423
Other Accounting Adjustments Increasing (Decreasing) Balance		\$1,855,131
Total Increase in Uncommitted Unallocated Surplus		<u>\$11,654,874</u>
Uses of Highway Fund Year-end Surplus:		
Required Increase to Budgeted Balance		\$100,000
Net Unallocated Transferred to Transportation		<u>\$11,554,874</u>

Studies Update and Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported on the status of the Interim Legislative Studies and Committee meetings (please see the attached report). Appointments have not yet been completed for many of the studies. A few of the studies have begun to meet or have scheduled their meetings. One has put in a request to hold an off-site meeting which will be acted upon later in this agenda.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

President Thibodeau reported that the Personnel Committee held a meeting on July 12th to consider the following matters:

1. Work/Life Balance Project Update

The committee received an update from HR Director Little. No action was taken by the committee at this time.

2. Reclassification of a Position in the Executive Director's office

Mr. Pennoyer reviewed with the committee a request for a position reclassification in the Office of the Executive Director. The committee voted unanimously to recommend this request to the Legislative Council for approval. This request was subsequently approved by ballot by the Legislative Council.

3. Review of Revisions to the Personnel Policies

Mr. Pennoyer and Ms. Little reviewed potential changes to the personnel policies. The committee requested additional information. This item will be discussed at a future Personnel Committee meeting. No Legislative Council action is required.

4. 2016 Employee Engagement Survey

Ms. Little provided information to the committee about the 2016 nonpartisan employee engagement survey. No Legislative Council action is required.

2. State House Facilities Committee

No report

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2830 An Act to Fund Agreements with Bargaining Units for Certain Executive Branch Employees.

Submitted by: Senator Andre Cushing

Approved: April 28, 2016

Vote: 6-0-0-4 in favor (with Sen. Hill, Rep. Gideon, Rep. Fredette and Rep. Espling absent)

Decision by Legislative Council Ballot:

Motion: That the Legislative Council accept the Meeting Summary for April 28, 2016 and place it on file.

Motion by: President Thibodeau Second by: Speaker Eves
Approved: June 14, 2016
Vote: 9-0-0-1 in favor (with Rep. Fredette absent)

Motion: That the Legislative Council accept the funds contributed to fund the Task Force on Public-Private Partnerships to Support Public Education and further to authorize the study to convene.

Motion by: President Thibodeau Second by: Speaker Eves
Approved: June 15, 2016
Vote: 8-0-1-1 in favor (with Rep. Espling abstaining and Rep. Fredette absent)

Motion: That, upon the unanimous recommendation of the Personnel Committee, the Legislative Council approve the Executive Director's proposed reclassification of one position in the Office of the Executive Director.

Motion by: President Thibodeau Second by: Speaker Eves
Approved: July 15, 2016
Vote: 9-0-0-1 in favor (with Sen. Mason absent)

NEW BUSINESS

Item #1: Proposal to Replace the MELD Drafting System

Mr. Pennoyer presented a request to the Legislative Council to enter into a contract to replace the MELD Bill Production System. Mr. Pennoyer explained that we have been exploring options to replace our inefficient, aging system for a number of years, but haven't found any good options until recently. Tallan, Inc. has developed a system for the state of Delaware that has excellent potential to be adapted to what we need here in Maine. This request would be a divergence from the normal bidding process in which an agency first develops a requirements document and then seeks bids for the new system based on those requirements. While the Council expressed its support of procuring a replacement bill production system, it discussed the possibility of the Executive Director putting the request out to bid and having the development of the requirements be part of the bidding process. Mr. Pennoyer indicated that he would do some more research on this issue and this item will be reviewed at the next Legislative Council meeting.

Item #2: Review of Proposed Schedules for the Policy Leaders Academy and Bus Tour for the 128th Legislature

The Maine Development Foundation (MDF) submitted proposed schedules for the policy leaders academy and bus tour for the 128th Legislature. The first event would be the Legislative Policy Forum as part of the Pre-Legislative Conference on December 8th from 9 am to 1:30 pm at the Governor Hill Mansion. The 3 day bus tour would take place from January 11 through January 13, 2017. Another event would be a full day legislative summit at the Augusta Civic Center

tentatively scheduled for January 18th. This would be followed by several policy forums to be held throughout the legislative session. MDF requests permission from the Legislative Council to work with the Executive Director on finalizing these events for the 128th Legislature.

Motion: That the Legislative Council approve the request of the Maine Development Foundation to hold the Policy Leaders Academy and Bus Tour for the 128th Legislature and for the Maine Development Foundation to work with the Executive Director to finalize the schedule of these events. Motion by Senator Alford. Second by Representative Fredette. **Motion passed unanimous (6-0**, with Senators Mason and Cushing and Representatives Eves and McCabe absent).

Item #3: Request to hold offsite meeting by the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

The Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry requests permission to meet offsite for its August 30, 2016 meeting. The morning session would meet at the University of Maine at Farmington to hold discussions relating to its duties established in Resolve 2015, chapter 85. The afternoon session would consist of visits to a logging operation, Stratton Lumber, the ReEnergy biomass facility and the Linkletter combined heat and power facility in Athens.

Motion: That the Legislative Council approve the request of the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry to hold an offsite meeting on August 30, 2016. Motion by Senator Alford. Second by Representative Gideon. **Motion passed unanimous (6-0**, with Senators Mason and Cushing and Representatives Eves and McCabe absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 12:58 p.m.

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Legislative Council
Executive Director's Report
September 22, 2016

1. Status of Major Construction Projects for this Interim

- **State House Roof** - Work on both the State House roof has gone well and will be wrapping up very soon. The siding on the penthouses remains to be completed as well as the shelf on the south face.
- **House Chamber** - Plaster and molding repairs from water damage have been completed as well as the painting. Scaffolding was dismantled and removed on Tuesday, the 13th, ahead of the carpet installation scheduled to begin Monday, September 19th. Microphone replacements are the last part of the project to be completed shortly after the carpet is installed in early October.
- **State Street Sidewalk** - The replacement of the State Street sidewalk in front of the State House was largely completed on Monday, September 12th. Some sealing of the seams remain and will be completed soon.
- **Security Screening Changes** - The central kiosk at the State House main entrance has been removed and a temporary screening lane has been established. Some final electrical work is scheduled for Saturday, September 17th, leaving only some minor touch up work to do.

2. Heating and Cooling System Repairs

This interim we have repaired many leaks in the State House heating and cooling system and will be assessing what risk areas with the failing fittings still remain unaddressed to prepare for the replacement of those remaining problem areas. The most significant area unaddressed is in the ceiling of the Law and Legislative Reference Library. The State House Facilities Committee approved the replacement of these fittings this fall, the costs of which will be largely offset by some insurance recoveries for water damage caused by roof and heating system leaks.

3. Copper from the State House Dome

We still have a few mementos for sale and a small amount of rough copper from the dome still available, but sales have dropped off. We will do some additional marketing after the election to both parting and new Legislators. The Artist Selection Committee is holding its first meeting on September 21st to review possible locations for the art work using some of the rough copper and establish some guidelines for the artists that will submit proposals. This art work is the last phase of the copper reuse project.

4. Electric Vehicle Charging Stations

Two electric vehicle charging stations in the Parking Garage have been installed, but remain inoperative pending the resolution of some payment and accounting issues. The administration is hoping to work out these issues in the next couple of weeks so that the stations can become operational.

5. Blaine Landscapping Project

The major landscaping project for the Blaine House grounds to which the Legislative Council contributed \$151,000 is being reevaluated after the contractor bids received for the project came in significantly higher than the original estimate and the funds provided by the Legislative Council. The Legislature's contribution was the primary source of funding for the construction phase of the project.

Fiscal Briefing

September 22, 2016

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2017 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$278.4	\$297.3	\$18.9	6.8%	\$259.3	14.7%
FYTD	\$519.7	\$535.5	\$15.8	3.0%	\$505.6	5.9%

General Fund revenue was over budget by \$18.9 million (6.8%) for the month of August and over budget by \$15.8 million (3.0%) for the fiscal year to date. Individual income tax revenues were over budget for the month by \$1.1 million and over budget for the fiscal year to date by \$3.5 million. Withholding was the primary factor for the August variance. Sales and use taxes were over budget by \$3.2 million for the month and over budget by \$5.3 million for the fiscal year to date. July sales (August revenue) were 6.0% higher than the previous year. Corporate income tax revenue was over budget by \$4.3 million for the month of August and over budget by \$2.5 million for the fiscal year to date. The majority of this variance was due to estimated payments. Transfers for tax relief programs were over budget (less transferred than budgeted) by \$4.0 million due to timing of the BETR transfer.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$29.6	\$31.0	\$1.4	4.6%	\$1.2	2589.0%
FYTD	\$59.0	\$60.9	\$1.9	3.2%	\$30.2	101.4%

Highway Fund revenue was over budget by \$1.4 million (4.6%) for the month of August. Fuel taxes were over budget by \$0.5 million for the month. Motor vehicle registrations and fees were over budget by \$1.0 million for the month, with motor vehicle registrations and title fees accounting for the majority of the variance.

3. Cash Balances Update

The average balance in the cash pool in August of \$925.4 million was down from the July average of \$946.9 million but was well above both last year's average balance for August and the ten-year average for the month. General Fund internal borrowing from other funds was once again not needed in August. The average Highway Fund balance of \$56.1 million in August decreased from July's average of \$74.3 million. The State Controller transferred \$10 million to the Maine Budget Stabilization Fund (MBSF) on July 25, 2016, bringing the balance in the MBSF to just over \$122 million. The transfer was authorized to be made by October 30, 2016, in PL 2015, c.481, Part A (LD 1606).

General Fund Revenue
Fiscal Year Ending June 30, 2017 (FY 2017)

Updated 9/13/16

August 2016 Revenue Variance Report

Revenue Category	August '16 Budget	August '16 Actual	August '16 Variance	Fiscal Year-To-Date					FY 2017 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	130,739,443	133,919,277	3,179,834	256,897,704	262,219,151	5,321,447	2.1%	6.7%	1,317,511,722
Service Provider Tax	5,682,459	6,533,722	851,263	11,035,929	11,347,744	311,815	2.8%	44.2%	66,149,448
Individual Income Tax	115,050,000	116,134,751	1,084,751	200,050,000	203,575,418	3,525,418	1.8%	-7.7%	1,466,148,976
Corporate Income Tax	2,000,000	6,278,846	4,278,846	9,700,000	12,180,999	2,480,999	25.6%	260.8%	149,293,471
Cigarette and Tobacco Tax	12,340,896	12,913,944	573,048	26,223,564	24,705,766	(1,517,798)	-5.8%	-11.2%	135,279,000
Insurance Companies Tax	86,985	66,161	(20,824)	290,304	217,993	(72,311)	-24.9%	-34.8%	82,700,000
Estate Tax	2,050,000	3,874,422	1,824,422	4,100,000	5,210,837	1,110,837	27.1%	64.7%	18,378,323
Other Taxes and Fees *	10,674,810	11,685,080	1,010,270	21,443,375	22,815,184	1,371,809	6.4%	9.3%	140,091,830
Fines, Forfeits and Penalties	1,879,716	2,156,612	276,896	3,821,006	3,466,661	(354,345)	-9.3%	-1.4%	22,527,275
Income from Investments	129,616	241,977	112,361	129,616	241,977	112,361	86.7%	187.6%	1,744,002
Transfer from Lottery Commission	4,223,073	4,731,578	508,505	9,501,928	9,816,650	314,722	3.3%	14.4%	54,900,000
Transfers to Tax Relief Programs *	(4,000,000)	4,934	4,004,934	(4,050,000)	5,907	4,055,907	100.1%	100.2%	(65,948,340)
Transfers for Municipal Revenue Sharing	(4,484,234)	(4,529,134)	(44,900)	(10,398,547)	(10,385,856)	12,691	0.1%	23.6%	(64,326,883)
Other Revenue *	2,022,408	3,296,690	1,274,282	(9,068,931.00)	(9,968,079)	(899,148)	-9.9%	-24.8%	27,809,526
Totals	278,395,172	297,308,860	18,913,688	519,675,948	535,450,352	15,774,404	3.0%	5.9%	3,352,258,350

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

General Fund Revenue
Fiscal Year Ending June 30, 2017 (FY 2017)

Updated 9/13/16

August 2016 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2017 Budgeted Totals
	August '16 Budget	August '16 Actual	August '16 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	N/A	14,513,169
- Real Estate Transfer Tax	1,679,733	1,515,249	(164,485)	3,123,140	3,103,353	(19,787)	-0.6%	6.2%	15,294,043
- Liquor Taxes and Fees	2,246,660	2,079,480	(167,180)	4,509,960	4,433,666	(76,294)	-1.7%	-5.1%	21,415,688
- Corporation Fees and Licenses	252,959	280,996	28,037	655,516	841,932	186,416	28.4%	11.0%	9,088,649
- Telecommunication Excise Tax	0	0	0	0	0	0	N/A	N/A	7,500,000
- Finance Industry Fees	2,195,991	2,723,400	527,409	4,391,982	4,478,350	86,368	2.0%	5.4%	26,851,990
- Milk Handling Fee	422,947	765,625	342,678	845,894	1,659,171	813,277	96.1%	168.3%	5,075,362
- Racino Revenue	837,666	756,230	(81,436)	1,675,332	1,515,712	(159,620)	-9.5%	-9.1%	8,850,013
- Boat, ATV and Snowmobile Fees	366,851	305,615	(61,236)	910,760	831,596	(79,164)	-8.7%	-5.9%	4,523,561
- Hunting and Fishing License Fees	1,930,105	2,265,499	335,394	3,841,603	4,078,307	236,704	6.2%	7.3%	15,878,217
- Other Miscellaneous Taxes and Fees	741,898	992,987	251,089	1,489,188	1,873,097	1,873,097	N/A	43.5%	11,101,138
Subtotal - Other Taxes and Fees	10,674,810	11,685,080	1,010,270	21,443,375	22,815,184	1,371,809	N/A	9.3%	140,091,830
Detail of Other Revenue:									
- Liquor Sales and Operations	2,239	2,100	(139)	3,548.00	6,530	2,982	N/A	33.8%	9,845,500
- Targeted Case Management (DHHS)	267,640	182,614	(85,026)	535,280	318,547	(216,733)	-40.5%	-18.3%	2,560,000
- State Cost Allocation Program	1,142,836	1,984,313	841,477	2,795,789	3,569,303	773,514	27.7%	23.6%	18,296,832
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,000,000
- Tourism Transfer	0	0	0	(8,514,079)	(8,961,182)	(447,103)	-5.3%	-10.0%	(13,701,204)
- Transfer to Maine Milk Pool	(2,074,556)	(2,040,259)	34,297	(4,346,334)	(4,953,067)	(606,733)	-14.0%	-59.4%	(12,622,360)
- Transfer to STAR Transportation Fund	0	0	0	(4,287,346)	(5,192,801)	(905,455)	-21.1%	-12.7%	(6,800,000)
- Other Miscellaneous Revenue	2,684,249	3,167,922	483,673	4,744,211	5,244,592	500,381	10.5%	14.2%	23,230,758
Subtotal - Other Revenue	2,022,408	3,296,690	1,274,282	(9,068,931)	(9,968,079)	(899,148)	-9.9%	-24.8%	27,809,526
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	1,670	1,670	0	1,970	1,970	N/A	269.0%	0
- BETR - Business Equipment Tax Reimb.	(4,000,000)	0	4,000,000	(4,000,000)	0	4,000,000	100.0%	100.0%	(30,500,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	3,264	3,264	(50,000)	3,937	53,937	107.9%	N/A	(35,448,340)
Subtotal - Tax Relief Transfers	(4,000,000)	4,934	4,004,934	(4,050,000)	5,907	4,055,907	100.1%	100.2%	(65,948,340)
Inland Fisheries and Wildlife Revenue - Total	2,387,826	2,667,511	279,685	4,918,468	5,091,750	173,282	3.5%	N/A	21,499,761

Highway Fund Revenue
Fiscal Year Ending June 30, 2017 (FY 2017)

Updated 9/13/16

August 2016 Revenue Variance Report

Revenue Category	August '16 Budget	August '16 Actual	August '16 Variance	Fiscal Year-To-Date					FY 2017 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	19,479,597	19,084,420	(395,177)	36,697,379	36,733,034	35,655	0.1%	1.1%	200,201,200
- Special Fuel and Road Use Taxes	3,295,839	4,135,860	840,021	7,685,498	8,101,554	416,056	5.4%	2.2%	47,086,700
- Transcap Transfers - Fuel Taxes	(1,671,623)	(1,705,728)	(34,105)	(3,259,889)	(3,293,700)	(33,811)	-1.0%	-1.3%	(18,171,111)
- Other Fund Gasoline Tax Distributions	(487,126)	(477,244)	9,882	(917,692)	(918,583)	(891)	-0.1%	-1.1%	(5,006,432)
Subtotal - Fuel Taxes	20,616,687	21,037,308	420,621	40,205,296	40,622,305	417,009	1.0%	1.3%	224,110,357
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,124,831	5,651,161	526,330	11,207,175	12,530,689	1,323,514	11.8%	7.0%	66,345,787
- License Plate Fees	367,491	422,247	54,756	728,434	802,549	74,115	10.2%	1.0%	3,458,710
- Long-term Trailer Registration Fees	554,559	585,876	31,317	1,018,300	1,109,814	91,514	9.0%	-7.0%	9,884,523
- Title Fees	1,107,440	1,315,389	207,949	2,385,218	2,428,955	43,737	1.8%	-2.8%	13,366,264
- Motor Vehicle Operator License Fees	712,354	851,294	138,940	1,402,586	1,595,688	193,102	13.8%	15.1%	8,499,545
- Transcap Transfers - Motor Vehicle Fees	0	0	0	0	0	0	N/A	N/A	(15,570,414)
Subtotal - Motor Vehicle Reg. & Fees	7,866,675	8,825,967	959,292	16,741,713	18,467,695	30,880	0.2%	5.0%	85,984,415
Motor Vehicle Inspection Fees	296,875	381,724	84,849	593,750	522,163	(71,587)	-12.1%	-5.5%	2,982,500
Other Highway Fund Taxes and Fees	96,290	116,868	20,578	234,639	250,323	15,684	6.7%	0.8%	1,280,229
Fines, Forfeits and Penalties	55,847	74,508	18,661	114,715	133,303	18,588	16.2%	7.5%	739,039
Interest Earnings	39,028	45,628	6,600	78,056	45,628	(32,428)	-41.5%	193.9%	468,341
Other Highway Fund Revenue	646,041	505,668	(140,373)	1,035,769	873,908	(161,861)	-15.6%	-13.1%	9,962,600
Totals	29,617,443	30,987,672	1,370,229	59,003,938	60,915,324	1,911,386	3.2%	2.9%	325,527,481

2016 Interim Legislative Studies and Committee Meetings

Updated September 15, 2016

Study/Committee	Citation	<u>2016</u> Meetings Authorized	<u>2016 Meetings</u> Held	<u>Scheduled Next</u> Meeting Date(s)	Report Date	Chair(s)	Status/Notes
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NEW STUDIES

Working Group to Study Child Care Background Checks	H.P. 1167	4	9/14/16	9/28/16 10/14/16	11/2/2016	Sen. Roger Katz Rep. Aaron Frey	Appointments completed (5/5); work ongoing
(Feasibility Study)/Implementation Committee to Determine Feasible Options for Preventing TANF Program Benefits, through EBT Cards, from Being Used to Purchase Prohibited Products or Services	PL 2015 c. 484	4			12/15/2016	Sen. Earle McCormick Rep. Drew Gattine	Appointments not completed (4/8; legislative appointments are completed); study to be convened and staffed by DHHS
York County Court House Site Selection Committee	PL 2015 c. 468	4	8/1/16 9/1/16		1/1/2017	Hon. Thomas Humphrey	Appointments completed (19/19); convened and staffed by State Court Administrator; work ongoing
Commission to Reform Public Education Funding and Improve Student Performance in the State	PL 2015 c. 389	6 per year (12 total)	4/25/16 8/29/16	9/26/16 10/17/16 10/31/16 11/28/16 12/12/16	1/10/2017	Representative of the DOE (appointed by Governor)	Appointments completed (15/15); study convened and staffed by DOE; work ongoing
Task Force on Public-private Partnerships to Support Public Education	Resolve 2015 c. 89	4		9/22/16	1/15/2017	Sen. Kimberley Rosen Rep. Teresa Pierce	Appointments completed (12/12)
Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry	Resolve 2015 c. 85	4	8/2/16 9/6/16 9/13/16		12/6/2016	Sen. Thomas Saviello Rep. Jeff McCabe	Appointments completed (13/13); work ongoing
Maine Health Exchange Advisory Committee	S.P. 533 as amended by H-501	2			11/5/2016	Rep. Linda Sanborn	Appointments not completed (8/19); may begin as soon as appointments are completed

ON-GOING LEGISLATIVE STUDIES

State Education and Employment Outcomes Task Force	20-A MRSA Sec. 12901	no more than 4 times per year			11/1 annually	Sen. Brian Langley Rep. Richard Farnsworth	Appointments not completed (11/15; legislative appointments are completed)
Task Force To End Student Hunger in Maine	20-A MRSA Sec. 6663	at least 2 and no more than 4 per year	6/2/16 9/13/16		1/10 annually	Sen. Justin Alfond Rep. Phyllis Ginzler	Appointments completed (17/17); staffed by DOE; work ongoing
Right to Know Advisory Committee	1 MRSA Sec. 411	not fewer than 4 times per year	6/22/16 7/20/16 8/17/16 9/14/16	10/5/16	1/15 annually	Sen. David Burns	Appointments not completed (16/17); work ongoing
Citizen Trade Policy Commission	10 MRSA Sec. 11	at least 2 times per year	6/21/16 9/15/16		annually	Sen. Amy Volk Rep. Robert Saucier	Appointments not completed (18/22); work ongoing
Judicial Compensation Commission	4 MRSA Sec. 1701	n/a funded by court system			12/15 of each even numbered year		Appointments not completed (0/3)

2016 Interim Legislative Studies and Committee Meetings

Updated September 15, 2016

<u>Study/Committee</u>	<u>Citation</u>	<u>2016 Meetings Authorized</u>	<u>2016 Meetings Held</u>	<u>Scheduled Next Meeting Date(s)</u>	<u>Report Date</u>	<u>Chair(s)</u>	<u>Status/Notes</u>
AUTHORIZED COMMITTEE MEETINGS							
TRA Committee (study of transportation funding reform per letter from President and Speaker)		4					
TAX Committee (tax expenditure review per PL 2015, c. 344)		3	7/19/16 8/30/16				
ENR Committee (briefings)		1	9/7/16				

GRANT T. PENNOYER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEMO

To: President Michael Thibodeau, Chair
Speaker Mark Eves, Vice Chair
Members, Legislative Council
From: Grant T. Pennoyer, Executive Director

Date: September 22, 2016

Re: Request for Proposals (RFP) to Replace the MELD Drafting System

Based on the discussion at the last Legislative Council meeting, I am seeking your approval to develop a Request for Proposals (RFP) and solicit bids from contractors to replace our bill drafting system. Our plan will be to edit the RFP that was developed 18 years ago in 1998, when we were migrating off the WANG information system. That RFP was developed by a contractor and was well done. However, it was developed for a much more extensive project beyond just the bill drafting system replacement. It will need to be edited to focus solely on the drafting system replacement and it will also need to be updated for our current Information Technology infrastructure as a lot has changed in the last 18 years. We hope to finish the editing and distribute the RFP later this fall. The RFP will include a planning phase to refine the drafting system's requirements in addition to the actual system development.

Funds for the bill drafting system replacement have been reserved in the Legislature's balance forward for a number of years. As I noted in my memo presented at the last Legislative Council meeting, staff from the Office of Legislative Information Technology (LIT) have been researching options to replace our aging bill drafting system by talking with other states and meeting potential contractors at various events and conferences. We also received some very encouraging demonstrations from Tallan, Inc. that is in the midst of developing a Legislature-wide system project in Delaware that includes a new bill drafting system.

We are hoping to award the contract for this system replacement project to the successful bidder no later than January so that we can schedule intensive planning and system development work to begin immediately after the conclusion of the 128th Legislature's First Regular Session.

Thank you for your consideration of this proposal.

SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. JUSTIN L. ALFOND
SEN. DAWN HILL
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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 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 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 who have a regular and necessary need to enter the State House;
- B. State House Press Corps members who lease offices in the Legislature's State House Press Corps suite, and other members of the media 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. 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 specific, short-term Legislative operational or business.
- E. Persons who 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, upon documentation from a qualified medical provider that the person may not be subjected to magnetometer screening; 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 initial application fee of ~~\$100~~ \$75 to offset the processing and security card costs, and a renewal fee of ~~\$30~~ \$25 per legislature. State agency personnel that already have been issued an access card by their respective state agency are subject to a \$25 initial application fee and a \$25 renewal fee.

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.
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, 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. 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
2. 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 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 SEPTEMBER 24, 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: June 24, 2015
September 24, 2015
September 22, 2016



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEMO

To: President Michael Thibodeau, Chair
Speaker Mark Eves, Vice Chair
Members, Legislative Council

From: Grant T. Pennoyer, Executive Director

Date: September 22, 2016

Re: Proposal to Relocate Legislative Information Office and Legislative Conference Room

On September 7th, the State House Facilities Committee discussed the proposal to switch the locations of the Legislative Information Office (LIO) and the Legislative Conference Room and voted to move this discussion forward to the Legislative Council.

With the recent removal of the kiosk at the main entrance of the State House and the reworking of the security screening lanes, we need to relocate the LIO receptionist from the main lobby. Due to the heavy foot traffic from the public, there is a strong need to make information services easily accessible from the State House lobby. By relocating the LIO office to the current Legislative Conference room a number of needs will be met and improved. Frequently visitors go through the screening process only to discover that their meeting is in the other building. By placing LIO before security screening visitors will be able to get the information they need without tying up the screeners unnecessarily. Recently we have been approached by several disability rights groups about improving information about building access. LIO is currently in the process of compiling information that will improve available information for persons with disabilities to be included on the web site and in LIO. Relocation to the more accessible Legislative Conference Room would also enhance LIO's function as a source of information for those in need.

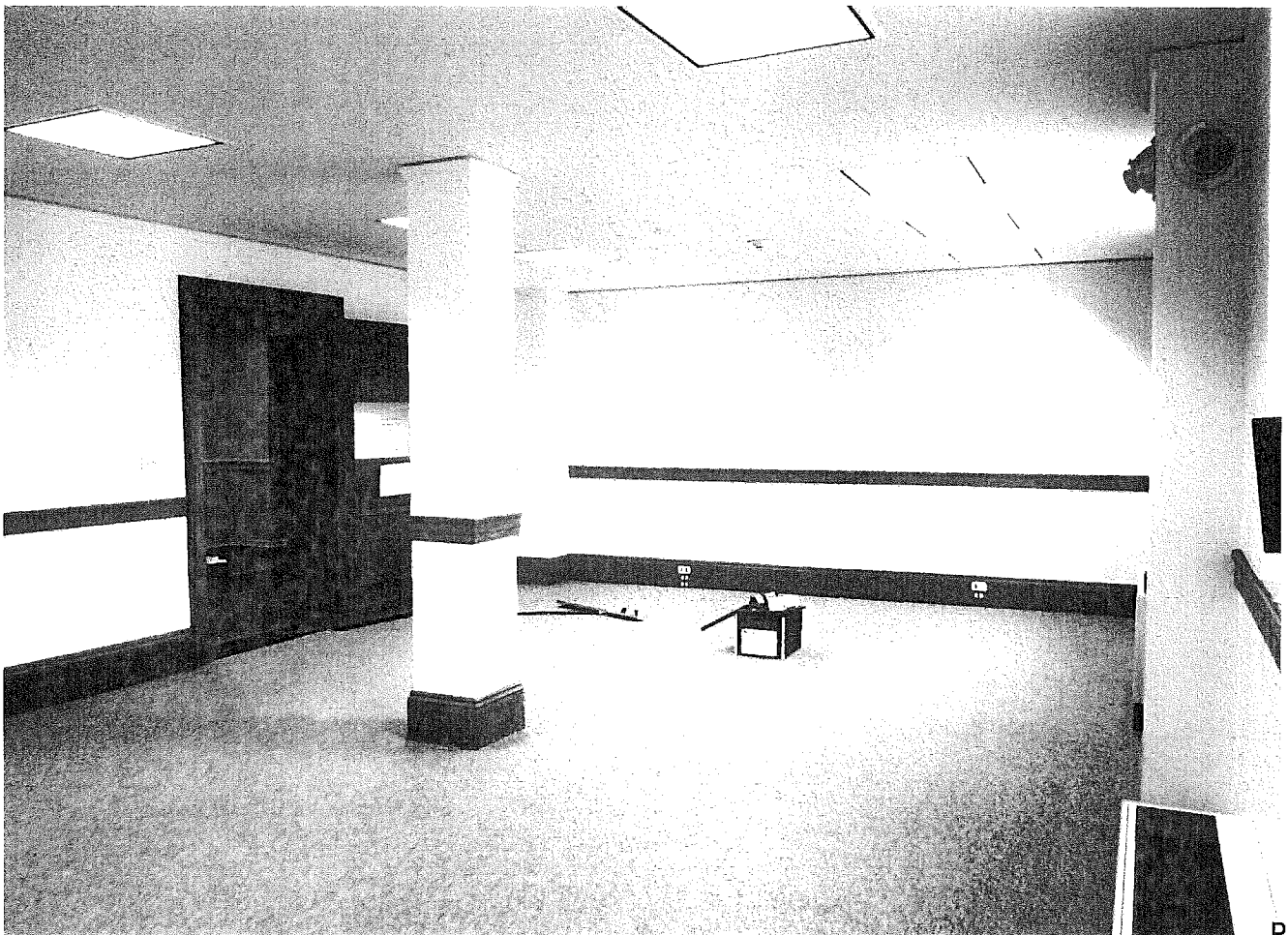
There were some initial concerns about the move from the members of the Senate caucus that regularly use the Legislative Conference Room. Since that time, the carpeting has been replaced in room 121 making it a much brighter and more inviting space. Additionally, the frosted glass door would give the caucus and other legislative groups increased privacy for their meetings, as opposed to the glass doors located in both the lobby and Welcome Center. Two additional meeting rooms are available in the Cross Office Building that do not require security screening for use. Add to this list a reduction in noise and chaos from those entering the building during busy times and we believe moving the Legislative Conference Room to room 121 would be

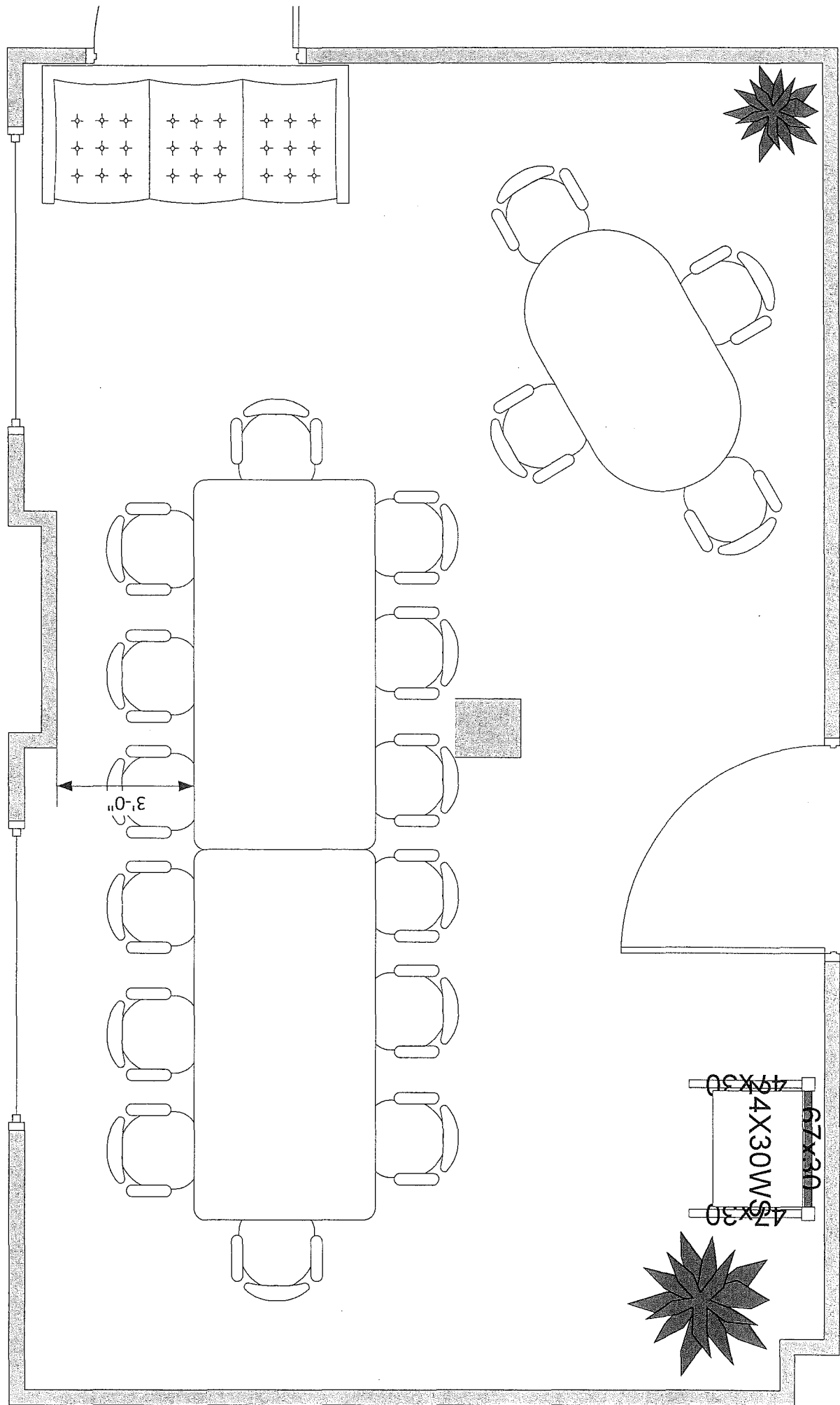
mutually beneficial to groups using the conference room space and to the Legislative Information Office.

We have worked with LIO staff on a tentative floor plan that we believe will work well for the staff, provide noise buffers when the lobby is busy, and provide a welcoming reception area. This will have a long-term benefit of improving information services to both Legislators and the public and provide a much needed resource for persons with disabilities.

I would encourage the Legislative Council to approve this proposed switch of locations to provide a better more accessible public information resource and a more private location for the Legislative Conference Room in the State House.

Thank you for your consideration of this proposal.









MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEMO

To: Members of the 127th Legislative Council

From: Grant Pennoyer, Executive Director 
Jackie Little, HR Director 

Date: September 22, 2016

Subject: Proposed Changes to Personnel Policies and Guidelines

Process Overview

It has been several years since the Personnel Policies and Guidelines have been thoroughly reviewed to ensure compliance with current law and optimum effectiveness from both the employee and management perspectives. There are four separate handbooks which apply to Legislative employees, all of which fall under the purview of the Legislative Council. Upon approval by the Personnel Committee and Legislative Council, the changes outlined in this document would be applied to all four handbooks, if applicable. The four handbooks include:

- Personnel Policies and Guidelines for Legislative Council Employees
- Personnel Policies and Guidelines for Legislative Committee Clerks
- Personnel Policies and Guidelines for Legislative Leadership Employees
- Personnel Policies and Guidelines for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House

During this review process, we:

- Solicited feedback and input from all Legislative employees;
- Invited discussion from chiefs of staff, nonpartisan office directors, the Clerk of the House and Secretary of the Senate;
- Received guidance from NCSL and the Attorney General's Office;
- Reviewed proposed changes with Personnel Committee;
- Completed a thorough review by legal proofreaders from the Revisor's office; and
- Conducted employee informational meetings to discuss proposed changes.

In addition to the proposed changes identified in the sections below, we are exploring possible options for recognizing long-term employees who have reached the top salary step and have limited opportunities for promotion, yet possess significant institutional knowledge and demonstrate strong commitment to the work of the legislature. Some possibilities were discussed with the Personnel Committee. We expect to further refine our recommendations and review these options with the next Personnel Committee.

Substantive Changes

1. Work Performance and Discipline (pages 25-26) – separated these two sections, better outlined the work performance plan process and improved clarity.
2. Performance Evaluation (pages 51-52) – In November 2014, the Legislative Council instituted a process for nonpartisan office directors which required input from employees and peers. While the process itself was received favorably and is supported by office directors, the timing of the input may be more productive and effective during the interim and approached as a professional development conversation as opposed to a performance conversation.
3. Professional Development and Training (pages 75-76) – broadened language about what professional development and training may qualify for reimbursement while at the same time providing the executive director with guidance and discretion when reviewing requests for reimbursement. Also increased maximum license or certification renewal reimbursement to \$300 and removed a confusing sentence about continuing education because reimbursement for continuing education is determined by the professional development criteria listed in the preceding paragraph.

Smaller Changes

1. Grammar, Punctuation and Readability – seemingly hundreds of edits were recommended by the Revisor's office.
2. Introduction (page 8) – added a sentence to clarify that for employees covered by personnel policies and a collective bargaining agreement, the CBA governs.
3. Organizational Chart (page 12) – Office of Program Evaluation and Accountability was missing from previous chart.
4. Nondiscrimination (page 13) – added genetic information (recent federal law) to list of protected classes.
5. Probationary Period (page 16) – clarified the probationary period for a promoted or transferred employee.

6. Alternative Work Schedules (page 18) – added the word “generally” to provide some flexibility in determining an employee’s alternative work schedule where appropriate.
7. Voice Mail (page 20) – removed outdated language with respect to voice mail and calling trees now that we use LENS.
8. Early Closure (page 22) – attempted to clarify timekeeping guidelines regarding accrual of compensating time in relation to early closure.
9. Resignation from Employment (pages 24-25) – added language to encourage employees to provide at least 30 days’ notice of resignation if resignation is received less than 60 days before the beginning of session.
10. Smoking in the Workplace (page 30) – added e-cigarettes to our smoking policy.
11. Release of Authorized Information (page 34) – removed outdated reference to 124th Legislature and more clearly articulated the current practice of releasing bill summary and amendment information to certain individuals.
12. Political Activity (page 37) – added social media to the list of media potentially used in prohibited political activities and added greater detail to some sections to reflect our current restrictions (lawn signs, citizen initiative petitions, supporting or opposing political causes).
13. Personal Behavior and Dress (page 38) – clarified that standards for professional attire are determined by each employee’s office director.
14. Harassment (page 38) – added marital status and genetic information to list of unacceptable and unlawful intimidation to remain in compliance with the law. Also specifically stated and defined the role of human resources in receiving and investigating harassment complaints.
15. Nursing Mothers (page 42) – added a policy regarding nursing mothers in the workplace.
16. Reasonable Accommodation (page 42) – added a policy regarding reasonable accommodation (ADA).
17. Overtime (pages 45-48) – clarified that the use of compensating time during the legislative session is considered under the same provisions as the request for vacation leave. Also removed unnecessary requirements around use of compensating time in one hour increments.
18. Comp Time Pilot Project (page 46) – per discussion with management, extended the comp time pilot project one more year, to October 1, 2017.
19. Step Increases (page 49) – eliminated outdated language regarding the lump sum performance payment.
20. Sick Leave (page 57) – specified that the misuse of sick leave may be subject to discipline.

21. Holidays (page 61) – clarified how holiday pay is pro-rated for part time employees and when holidays are observed.
22. Group Life Insurance Coverage (pages 65-67) – provided additional information about dependent life insurance plans.
23. Family Medical Leave (pages 80-81) – included a reporting process for supervisors to notify HR in the event of extended employee absence. Also added qualifying exigency leave and military caregiver leave as required by updated federal law.
24. Expense Reimbursement (pages 92-93) – removed outdated language regarding telephone expenses. Clarified reimbursement amounts for extended day meals to provide consistency and clarity. Also added language about timely submission of expense vouchers.
25. Long-Term Care Insurance (page 101) – this benefit is no longer offered to state employees.
26. State Telephone System (page 103-105) – removed outdated language regarding state telephone system and added reference to appropriate and incidental use of state telephones to the section about email and internet.
27. Appendix (pages 108-126) – updated with new salary schedules (effective October 2016) and current insurance rates.

Maine Legislative Council Policy On Sexual Harassment

SEXUAL HARASSMENT

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation and harassment, including sexual harassment, hostility and offensiveness. Intimidation or harassment based on race, color, sex, sexual orientation, marital status, physical or mental disability, religion, age, ancestry or national origin, genetic information, whistleblower activity or a previous assertion of a claim or right under the Maine Workers' Compensation Act is a violation of Legislative Council policy. Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assist in an investigation is a violation of this policy. Sexual harassment in the workplace is unlawful, and it is also unlawful to retaliate against an employee for making a complaint of sexual harassment or for cooperating in an investigation of such a complaint. The Legislative Council prohibits sexual harassment of any employee by a supervisor, co-worker, Legislator, lobbyist, contractor or vendor and prohibits retaliation against any employee for making a complaint or cooperating in the investigation of a complaint of sexual harassment. The Legislative Council has adopted this policy to provide a work environment that is free from sexual harassment.

Office directors and supervisors have special responsibility for assuring compliance with this policy with respect to those employees who report to the director or supervisor. It is incumbent upon directors and supervisors to take prompt action to eliminate sexual harassment; employees may perceive that directors or supervisors condone sexually harassing behavior if a director or supervisor fails to intervene and take appropriate corrective action to eliminate sexual harassment. All supervisory and managerial employees are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities of the position.

~~Sexual H~~arassment is unacceptable conduct and will not be condoned or tolerated in the workplace. It undermines the integrity of the employment relationship, destroys morale, interferes with performance and demeans its victims. ~~Sexual h~~arassment by an employee is grounds for disciplinary action, in accordance with the Legislative Council's policies on employee discipline.

1. Definition; Sexual Harassment

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that employee; or (3) such conduct has the

purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is unwelcome.

Examples of sexual harassment may include, but are not limited to: (1) repeated offensive sexual flirtations, advances or propositions; (2) continued or repeated verbal abuse of a sexual nature, (3) graphic or degrading verbal comments about an individual or his or her appearance; (4) the display of sexually suggestive objects or pictures; and (5) any offensive or abusive physical conduct.

2. Complaint Procedure

An employee who believes that he or she is being or has been subjected to sexual harassment prohibited by this policy must report the harassment to his or her supervisor, or, if the sexual harassment involves the supervisor, report the matter to the employee's office director, the human resources director or the executive director if the sexual harassment involves an office director. The Legislature has established the following procedures to facilitate a prompt resolution of complaints of sexual harassment.

Upon receipt of a written or oral complaint, the person notified shall immediately notify the human resources director person's office director who shall then notify the executive director. The executive director, in consultation with the office director, who shall investigate the complaint. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions are general in consultation with the employee's office director and the executive director, and take appropriate corrective actions. Any employee who is determined, after investigation, to have harassed another employee in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.

Employees have the right to file a complaint of sexual harassment with the Maine Human Rights Commission and the Equal Employment Opportunity Commission as prescribed by law or rule, and are protected by law from retaliation for exercising this right.

This policy is adopted by the Legislative Council on this _____ day of _____, 200__.

BY: _____
David E. Boulter Grant Pennoyer, Executive Director
Legislative Council

DRAFT

This policy of the Legislative Council is codified in the Personnel Policies and Guideline handbooks for
Legislative employees, 2008 edition.

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Robert Cleaves
Steve Hanington
Robert Linkletter
Ryan McAvoy
Stephen Shaler



STATE OF MAINE

**Commission to Study the Economic, Environmental and
Energy Benefits of the Maine Biomass Industry**

TO: Senator Michael D. Thibodeau, President of the Senate, Chair
Representative Mark W. Eves, Speaker of the House of Representatives, Vice-Chair
Legislative Council
c/o Grant Pennoyer, Executive Director, Legislative Council

FROM: Senator Thomas B. Saviello, Senate Chair TS
Representative Jeff M. McCabe, House Chair JM

DATE: September 16, 2016

RE: Request for a fifth meeting of the Commission to Study the Economic, Environmental
and Energy Benefits of the Maine Biomass Industry

The Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry would like permission to hold an additional meeting to complete its work. Resolve 2015, chapter 85 gives the Commission the authority to meet at least four times; however, our understanding is the Commission has been budgeted to meet only four times.

The Commission held its third meeting on September 13, 2016, and it was clear at the conclusion of that meeting that an additional meeting would be needed to further discuss recommendations and better understand the laws and potential conflicts that exist. Some of the areas of law the Commission has been discussing are very complicated and we want to ensure that our recommendations are correctly targeting the areas where changes can be effective.

The report is not due until December 6, 2016, so an additional meeting will not pose any issues with meeting our deadline.

Thank you for your consideration of our request. Please contact us if you have any questions.