

REP. SARA GIDEON
CHAIR
SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. TROY D. JACKSON
SEN. NATHAN L. LIBBY
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

**128th Legislature
Legislative Council**

**April 27, 2017
1:30 PM**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 23, 2017 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
11	<ul style="list-style-type: none">• Executive Director's Report (Mr. Pennoyer)	Information
12	<ul style="list-style-type: none">• Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">• Personnel Committee• State House Facilities Committee	
	OLD BUSINESS	
16	Item #1: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
❖ 18	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote

- | | | | |
|----|----------|--|-----------------|
| 21 | Item #2: | NCSL <ul style="list-style-type: none">• Staff Classification, Compensation and Job Specifications Review• Funding of Dues Shortfall | Decision |
| 27 | Item #3: | Proposed Amendments to Legislative Council Policies pending State House Facilities Committee Review <ul style="list-style-type: none">• <i>Policy on Security Screening Protocols for the Maine State House</i>• <i>Repeal of the Food & Beverages in Committee Rooms Policy</i>• <i>Policy on the Use of Legislative Committee Rooms & Other Meeting Space</i>• <i>Policy on the Use of the Legislative Conference Room</i>• <i>Policy on the Use of Capitol Park</i> | Decision |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. SARA GIDEON
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**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 23, 2017**

CALL TO ORDER

Speaker Gideon called the March 23, 2017 meeting of the Legislative Council to order at 1:47 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Mason, Senator Cushing and Senator Jackson

Absent: Senator Libby (arrived late)

Representatives: Speaker Gideon, Representative Herbig, Representative Golden and Representative Espling

Absent: Representative Fredette (arrived late)

Legislative Officers: Heather Priest, Secretary of the Senate
Robert Hunt, Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Jackie Little, Human Resources Director
Suzanne Gresser, Revisor of Statutes
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Chris Nolan, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology
Beth Ashcroft, Director, Office of Governmental Accountability and Program Evaluation

Speaker Gideon convened the meeting at 1:47 p.m. with a quorum of members present.

SUMMARY OF FEBRUARY 14, 2017 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 14, 2017 be accepted and placed on file. Motion by Senator Cushing. Second by Senator Mason. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. New Employee Orientation

On Wednesday, March 1st, we held an additional new employee orientation session for new employees that were not able to attend the last session in January. All seven of the new employees that missed the first opportunity were able to attend the March 1st session.

2. Benefits Fair – March 29th

We have scheduled a Benefits Fair on Wednesday, March 29th, from 12:30pm to 4:00pm in the Hall of Flags. Representatives from various organizations will be on hand to answer Legislator and employee questions on various state employee benefits.

3. Video of Legislative Process

We are working with the University of Southern Maine's Media Studies to update a video of the legislative process with the primary focus on the committee process. We will be working with the Marine Resources Committee and the Transportation Committee to pick some bills that would be interesting and be good examples of all aspects of the committee process.

4. Copper Reuse Project – Artist Selection Process

We have received 34 proposals as part of the call for artists to submit ideas to use the copper. The Artist Selection Committee will be meeting in a few weeks to begin the process of selecting the artist.

5. Electric Vehicle Charging Stations

Two electric vehicle charging stations in the Parking Garage have been installed, but remain inoperative pending the establishing of a merchant account to accept credit card payments for the use of the stations. This should be finalized in three weeks.

6. Health Insurance Vendor Changes

Anthem has been selected to provide health insurance and Express Scripts has been selected to provide prescription drug coverage beginning July 1, 2017. They will be replacing Aetna, the current provider. Additional information about the transition will be coming from the Department of Administrative and Financial Services once negotiations have been completed.

Fiscal Report

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

General Fund Revenue Update

Total General Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$161.3	\$155.4	(\$5.8)	-3.6%	\$139.5	11.4%
FYTD	\$2,178.4	\$2,208.4	\$30.0	1.4%	\$2,140.2	3.2%

General Fund revenue was under budget by \$5.8 million (3.6%) for the month of February but remains over budget by \$30.0 million (1.4%) for the fiscal year to date. Individual income tax revenues were under budget for the month by \$8.9 million but over budget for the fiscal year to date by \$7.2 million. Individual income tax withholding was under budget for February by \$5.0 million. For the fiscal year to date, withholding was under budget by \$17.9 million while estimated payments were over budget by \$16.6 million. Preliminary March withholding data look positive and could offset some of the February negative variance. Individual income tax refunds were under budget for the month (more refunded than budgeted) by \$6.0 million mainly due to timing between the months of January and February. Sales and use taxes for February (January sales) were over budget by \$1.7 million for the month and are over budget by \$4.4 million for the fiscal year to date. Corporate income tax revenue was over budget by \$1.2 million in February and by \$9.1 million for the fiscal year to date.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$26.8	\$25.3	(\$1.4)	-5.3%	\$27.3	-7.1%
FYTD	\$221.4	\$223.6	\$2.2	1.0%	\$222.7	0.4%

Highway Fund revenue was under budget by \$1.4 million (5.3%) for the month of February but over budget for the fiscal year to date by \$2.2 million (1.0%). Fuel taxes were under budget by \$0.1 million for the month but remain over budget for the fiscal year to date by \$0.9 million, while motor vehicle registrations and fees were under budget by \$1.1 million for the month but remain over budget by \$2.3 million for the fiscal year to date.

Cash Balances Update

The average balance in the cash pool for February was \$1,030.2 million, exceeding January's average of \$1,006.7 million and well above both last year's average balance for February and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in February. The average Highway Fund balance of \$28.7 million in February increased from January's average of \$26.9 million but was below last year's February average of \$40.0 million.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report

2. State House Facilities Committee

Representative Herbig, Chair, reported that the State House Facilities Committee met on March 21st to consider the following items.

1. State House Security

Mr. Pennoyer updated the committee on the status of a proposal in the Governor's Budget to eliminate funding for the security screeners at the State House. He also provided the

committee with an update of a review of State House access for consistency with the recently revised State House Security Policy. As a result of the effort, the Governor's Office and the Attorney General's Office suggested some amendments to the policy to continue access for certain staff. After the meeting, the Executive Director and the Attorney General's Office were unable to resolve the issues without having the committee revisit them. The Executive Director notified the members and the matter was reconsidered after the meeting. The Executive Director will report back to the next Facilities Committee meeting with some revised security policy language.

2. Review of Committee Room Food Policy

Mr. Pennoyer provided an overview of the policy regarding the serving of food in committee rooms. After some discussion of some of the issues with the difficulty in scheduling rooms where food can be served, the committee recommended that the Executive Director come up with some revisions to the policy based on the discussion and present those at the next Facilities Committee meeting.

3. Request of Furniture in the Hallways on the 2nd Floor of the Cross Office Building.

The committee discussed some requests to add some furniture in the hallways of the 2nd Floor of the Cross Office Building outside of some of the committee rooms and in the long hallways from the main lobby. The committee decided against the furniture outside of the committee rooms but did recommend that the Executive Director add some benches in the two long hallways from the main lobby.

4. Room for Nursing Mothers in the State House

The committee reviewed possible options for a non-bathroom space for nursing mothers in the State House. While the initial review of the existing rooms did not produce any good options, the committee decided to revisit this issue next time after some more research.

5. Postal Delivery Changes

Mr. Pennoyer presented an overview of the pending changes to postal delivery in the Cross Office Building that would be fully implemented in a few weeks. Office mailboxes were added on the first floor of the Cross Building near the Connector for pick and drop-off for all mail to offices in the Cross Office Building. He also noted that he had been approached by Central Services to do something similar in the State House. Given space limitations in the State House, implementation of this would be difficult in the State House. Central Services will present the concept at a future meeting of the Facilities Committee.

6. Process of Bidding Out Projects

Mr. Pennoyer provided an overview of the requests of the Facilities Committee of the 127th Legislature to provide more opportunities for other contractors to bid on construction projects at the State House. The architect and construction manager had not been opened up to bid. Mr. Pennoyer indicated that the pending projects for the upcoming year were of a manageable scope that he and the recently hired Facilities Manager could handle the construction oversight in-house. The committee supported the notion of bidding out the individual projects for the upcoming construction season without an architect or overall construction manager.

7. Review of State House and Grounds Last 5-year Plan

Mr. Pennoyer provided an overview of the last 5-year plan and explained that they would be doing something similar, but developed in-house for the upcoming long-term plan. During his review of the projects that were in the last plan, but not approved, the projects to add video cameras in committee rooms once more opened up the discussion of the policy on recordings and archiving committee audio webcasts. Of particular concern was the recent use of a committee audio file for political purposes. Mr. Pennoyer and Clerk Hunt provided some background on the issue. The committee decided to defer a decision on the committee audio policy until a future meeting after some more research.

8. Funding for Blaine House Repairs and Renovations

Mr. Pennoyer presented some background on the recent transfer of \$151,000 in funding from the State House Preservation Fund to the Blaine House Renovations and Repairs Fund. Mr. Pennoyer noted the difficulty in meeting this transfer request given the sudden nature of the large request that wasn't factored into the long range plan that had already committed the significant resources towards major State House projects. The last Facilities Committee did express an interest in making sure that the Blaine House was maintained properly and interest in working with the Friends of the Blaine House and the Blaine House Director to be able to factor future needs into long-range plans. The committee recommended that the Friends of the Blaine House and the Blaine House Director be invited back to the next meeting of the committee to discuss future plans for the Blaine House maintenance and improvements.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2281 An Act to Provide Funds for Federal Training for First Responders

Submitted by: Representative Owen Casas
 Date: March 13, 2017
 Vote: 10-0-0-0 Passed

LR 2289 An Act to Ban the Burning of Marijuana Debris

Submitted by: Representative Eleanor Espling
 Date: March 21, 2017
 Vote: 5-5-0-0 Failed (with Sen. Jackson and Libby, and Rep. Gideon, Herbig and Golden opposed)

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 6 new bill requests, the council authorized 4 requests for introduction in the 1st Regular Session of the 128th Legislature, 1 failed and 1 was tabled. Of the 5 bill requests

previously tabled, 2 failed to be authorized, 1 was withdrawn by the sponsor, 1 was tabled and the council took no action on the remaining request. The council took no action on the 4 joint resolutions. The Legislative Council's actions on the requests are included on the attached list.

Item #2: Request for an exception to food service in the Hall of Flags Policy from the Maine Credit Union League

Mr. Pennoyer presented a request from the Maine Credit Union League that was asking for an exception to the food service limitation in the *Legislative Council Policy on the Use of the Hall of Flags*. They have an event scheduled for Thursday, March 30, 2017 during which they would like to offer luncheon items, such as sandwiches, cheese platters etc. that are currently prohibited under the policy.

Motion: That the Legislative Council approve the request from the Maine Credit Union League for an exception to the food service limitation in the *Legislative Council Policy on the Use of the Hall of Flags*. Motion by Senator Mason. Second by Senator Cushing.
Motion passed unanimous (9-0-0-1, with Representative Fredette absent).

Item #3: Presentation of the Annual Report by Beth Ashcroft, Director, OPEGA

Ms. Ashcroft presented OPEGA's Annual Report on Activities and Performance for 2016. She noted that the report is required by law to be submitted to the Legislature. She then proceeded to summarize key aspects of the report.

Ms. Ashcroft reminded members that OPEGA goals are to provide timely, relevant and useful information and recommendations, conduct all work with objectivity and accuracy, communicate regularly on OPEGA activities, results and impacts, and to utilize resources effectively, efficiently and economically. She briefly discussed OPEGA accomplishments, noting that two full-time positions dedicated to reviews of tax expenditures were added in 2015 bringing the total number of staff up to nine.

Ms. Ashcroft stated that OPEGA's GOC-approved work plan included 16 projects for 2015-2016. In 2016, the office completed 2 projects and conducted substantial work on 6 others. She drew members attention to a chart of cumulative recommendations found on page 29 of the agenda packet, totaling 221 recommendations, of those 62% (138 of 221) have been implemented or affirmatively addressed.

Motion: That the Legislative Council accept the OPEGA 2016 Annual Report on Activities and Performance. Motion by Senator Libby. Second by Representative Espling. **Motion passed unanimous (8-0-0-2, with President Thibodeau and Representative Fredette absent).**

Item #4: GOC Recommendation Regarding Oversight of the Office of Information Technology

Ms. Ashcroft presented the GOC suggestions for change in Legislative oversight of the Office of Information Technology to the Legislative Council for future consideration. Currently, OIT is under the jurisdiction of the Joint Standing Committee of the State and Local Government Committee. The GOC suggested some alternatives to this oversight including:

- Ensuring the SLG Committee includes legislators with IT expertise and experience and/or interest in IT matters and possibly providing authorization for meetings dedicated to IT during legislative interims

- Establishing a new legislative committee, or possibly a committee that also includes non-legislators, with members who have relevant backgrounds or interest in IT and assigning that committee jurisdiction over only OIT and IT matters
- Establishing a subcommittee of members from existing Joint Standing Committees who have relevant background and/or interest in IT and assign jurisdiction over OIT and IT matters to that subcommittee

There is a budget proposal to make the Office of Information Technology a cabinet-level agency. The Legislative Council will revisit the GOC's recommendations after July when the budget proposal has been addressed.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:52 p.m.

**128th Maine State Legislature
Legislative Council Action Taken on
Requests to Introduce Legislation
First Regular Session
3/23/2017**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2278	An Act To Encourage Support of the Tribal Government of the Houlton Band of Maliseet Indians through On-reservation Business Activity	TABLED

SPONSOR: Rep. Pinny Beebe-Center

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2298	Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator	PASSED

SPONSOR: Rep. Kenneth W. Fredette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2263	An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease	PASSED

SPONSOR: Rep. Stacey K. Guerin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2294	An Act To Relieve Overcrowding in County Jails	PASSED

SPONSOR: Sen. Kimberley C. Rosen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2280	An Act To Study the Negue Plymouth Trading Post in Orono	FAILED

SPONSOR: Rep. Deane Rykerson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2264	An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery	PASSED

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2283	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: **Rep. Seth A. Berry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2160	Resolve, To Require the Public Utilities Commission To Study the Security of Maine's Electric Grid	Tabled 01/31/17 FAILED

SPONSOR: **Rep. Stephanie Hawke**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2228	An Act To Ensure Proper Patient Care	Tabled 01/31/17 FAILED

SPONSOR: **Rep. John J. Picchiotti**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2192	An Act Regarding the Natural Resources Protection Act	Tabled 01/31/17 WITHDRAWN BY SPONSOR

SPONSOR: **Rep. Roger E. Reed**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2241	An Act To Require That Maine Taxpayer-subsidized Clean Election Funds Be Spent in the State	Tabled 02/14/17 TABLED

SPONSOR: **Rep. Nathan J. Wadsworth**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2209	An Act To Make Performing Arts Centers Exempt from Sales Tax	Tabled 01/31/17

JOINT RESOLUTIONS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1255	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/31/17

SPONSOR: Rep. Heidi E. Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1554	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	Tabled 02/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2201	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENDORSE THE AMERICAN RECOVERY AND REINVESTMENT ACT	Tabled 01/31/17

SPONSOR: Rep. Deane Rykerson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INITIATE A REVENUE-NEUTRAL FEE ON THE PRODUCTION OF CARBON	Tabled 02/14/17

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128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Executive Director's Report April 27, 2017

1. Updated Personnel Policies and Guidelines Handbooks

The comprehensive revision of the four Personnel Policies and Guidelines Handbooks that began at the end of 2015 has finally been completed with the final versions of these documents at the printer. They will be distributed to Legislative Staff as soon as they are available.

2. RFP for MELD Drafting System Replacement

As directed to do so by the Legislative Council of the 127th Legislature, we have posted a Request for Proposals (RFP) to solicit bids to replace the Legislature's antiquated bill drafting system, known as MELD. NCSL provided us with a list of firms that had done legislative information technology work in other states. In addition to sending the RFP to these firms, we also posted the RFP on the Executive Director's web page for "Bid Opportunities" and the State's site for RFP's. The proposals are due in mid-May.

3. Legislative Council's Budget Subcommittee

The Legislative Council's Budget Subcommittee is scheduled to meet immediately following this meeting of the Legislative Council. The subcommittee will review and present its recommendations on the provisional budget for the Legislature that was submitted to the Budget Office for inclusion in the 2018-2019 Biennial Budget Bill last September. The subcommittee's recommendations must then be adopted by the Legislative Council and transmitted to the Committee on Appropriations and Financial Affairs. Any changes regarding the Legislature's budget recommended by the Legislative Council must be included in the committee amendment to the Biennial Budget as submitted.

4. Copper Reuse Project – Artist Selection Process

The Artist Selection Committee is currently rating 30 proposals that met the requirements as part of the call for artists to submit ideas to reuse the copper from the State House Dome. The Artist Selection Committee is trying to schedule a meeting in June to advance the selection process to the finalist review phase.

5. Health Insurance Vendor Changes

The plan administrator for the State of Maine Health Plan is changing from Aetna to Anthem effective July 1, 2017. Printed communication should arrive in employee homes by the end of April. Annual open enrollment for health, dental and vision plans occurs May 1 through May 12. This is a time when employees may make changes to employee or dependent coverage without a qualifying event. Health plan premiums are increasing by 3% effective July 1. There is no change in dental or vision insurance premiums.

Fiscal Briefing

April 27, 2017

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
March	\$212.9	\$195.7	(\$17.2)	-8.1%	\$208.7	-6.2%
FYTD	\$2,391.3	\$2,404.1	\$12.8	0.5%	\$2,348.9	2.3%

General Fund revenue was under budget by \$17.2 million (8.1%) for the month of March but remains over budget by \$12.8 million (0.5%) for the fiscal year to date. Individual income tax revenues were under budget for the month by \$1.2 million but over budget for the fiscal year to date by \$5.9 million. Individual income tax withholding was over budget for March by \$6.6 million. For the fiscal year to date, withholding was under budget by \$11.3 million while estimated payments were over budget by \$18.1 million. Individual income tax refunds were under budget for the month (more refunded than budgeted) by \$12.0 million. Sales and use taxes for March (February sales) were under budget by \$2.7 million for the month and are over budget by \$1.7 million for the fiscal year to date. Corporate income tax revenue was under budget by \$14.3 million in March and by \$5.1 million for the fiscal year to date. This variance appears to be related to the timing of final corporate payments, with March's negative variance likely to be largely offset by a positive variance in April.

Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$24.5	\$25.5	\$1.0	4.1%	\$25.0	2.0%
FYTD	\$245.9	\$249.1	\$3.2	1.3%	\$247.8	0.6%

Highway Fund revenue was over budget by \$1.0 million (4.1%) for the month of March and over budget for the fiscal year to date by \$3.2 million (1.3%). Fuel taxes were slightly under budget for the month but remain over budget for the fiscal year to date by \$0.8 million, while motor vehicle registrations and fees were over budget by \$1.3 million for the month and over budget by \$3.6 million for the fiscal year to date. Some of this positive variance is likely a timing issue given this category was under budget by \$1.1 million in February.

2. Cash Balances Update

The average balance in the cash pool for March was \$931.3 million, down from February's average of \$1,030.2 million but well above both last year's average balance for March and the ten-year average for the month. Historically, March is the low point in the year for cash balances that are then usually replenished in April and May. General Fund internal borrowing from other funds was not needed in March. The average Highway Fund balance of \$36.9 million in March increased from February's average of \$28.7 million but was below last year's March average of \$46.6 million.

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

March 2017 Revenue Variance Report

Revenue Category	March '17			Fiscal Year-To-Date			FY 2017 Budgeted Totals	
	Budget	Actual	Variance	Budget	Actual	Variance		Variance %
Sales and Use Tax	84,980,873	82,244,599	(2,736,274)	1,021,252,806	1,022,946,579	1,693,773	0.2%	5.9%
Service Provider Tax	4,700,000	4,550,017	(149,983)	44,769,493	44,887,334	117,841	0.3%	27.5%
Individual Income Tax	44,224,011	42,984,008	(1,240,003)	1,022,786,760	1,028,727,410	5,940,650	0.6%	-3.3%
Corporate Income Tax	28,450,000	14,176,561	(14,273,439)	104,003,192	98,864,523	(5,138,669)	-4.9%	30.0%
Cigarette and Tobacco Tax	10,641,614	13,904,030	3,262,416	104,150,048	105,739,953	1,589,905	1.5%	0.0%
Insurance Companies Tax	15,190,283	14,207,169	(983,114)	29,323,357	31,353,065	2,029,708	6.9%	6.1%
Estate Tax	944,000	423,177	(520,823)	13,547,262	11,839,883	(1,707,379)	-12.6%	-30.6%
Other Taxes and Fees *	18,030,331	18,486,361	456,030	107,844,224	110,482,595	2,638,371	2.4%	3.9%
Fines, Forfeits and Penalties	1,841,351	2,526,589	685,238	15,535,934	14,327,650	(1,208,284)	-7.8%	-7.0%
Income from Investments	112,440	320,436	207,996	1,259,516	2,222,354	962,838	76.4%	174.6%
Transfer from Lottery Commission	4,223,073	4,262,144	39,071	41,175,003	41,765,695	590,692	1.4%	-6.3%
Transfers to Tax Relief Programs *	(1,110,000)	(3,805,974)	(2,695,974)	(64,160,000)	(62,045,591)	2,114,409	3.3%	1.1%
Transfers for Municipal Revenue Sharing	(2,835,201)	(2,714,075)	121,126	(46,510,456)	(46,886,135)	(375,679)	-0.8%	3.6%
Other Revenue *	3,501,476	4,116,402	614,926	(3,660,291)	(154,991)	3,505,300	95.8%	-125.4%
Totals	212,894,251	195,681,444	(17,212,807)	2,391,316,848	2,404,070,325	12,753,477	0.5%	2.3%

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

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

March 2017 Revenue Variance Report

Revenue Category	March '17		March '17		Fiscal Year-To-Date			FY 2017 Budgeted Totals
	Budget	Actual	Actual	Variance	Budget	Actual	Variance	
								% Change from Prior Year
Detail of Other Taxes and Fees:								
- Property Tax - Unorganized Territory	0	0	0	0	12,771,589	11,500,982	(1,270,607)	-9.9%
- Real Estate Transfer Tax	961,606	679,964	(281,642)		14,077,621	13,386,044	(691,577)	-4.9%
- Liquor Taxes and Fees	1,419,787	1,562,758	142,971		15,578,918	16,559,754	980,836	6.3%
- Corporation Fees and Licenses	1,580,679	1,399,610	(181,070)		3,479,035	4,246,064	767,029	22.0%
- Telecommunication Excise Tax	6,500,000	6,205,397	(294,603)		6,500,000	6,248,478	(251,522)	-3.9%
- Finance Industry Fees	2,195,990	3,038,750	862,760		20,263,920	22,337,896	2,073,976	10.2%
- Milk Handling Fee	491,517	310,673	(180,844)		4,681,350	3,810,516	(870,834)	-18.6%
- Racino Revenue	674,087	830,852	156,765		6,369,046	6,398,104	29,058	0.5%
- Boat, ATV and Snowmobile Fees	168,522	105,031	(63,491)		2,597,409	2,358,216	(239,193)	-9.2%
- Hunting and Fishing License Fees	788,740	365,670	(423,070)		11,813,200	12,206,809	393,609	3.3%
- Other Miscellaneous Taxes and Fees	3,249,403	3,967,655	718,252		9,712,136	11,429,732	1,717,596	N/A
Subtotal - Other Taxes and Fees	18,030,331	18,486,361	456,030		107,844,224	110,482,595	2,638,371	N/A
Detail of Other Revenue:								
- Liquor Sales and Operations	2,446	5,970	3,524		18,790,000	29,349	10,559	N/A
- Targeted Case Management (DHHS)	231,295	69,710	(161,585)		1,655,357	1,333,736	(321,621)	-19.4%
- State Cost Allocation Program	1,600,509	1,546,932	(53,577)		13,249,626	14,504,289	1,254,663	9.5%
- Unclaimed Property Transfer	0	0	0		0	0	0	N/A
- Tourism Transfer	0	0	0		(14,601,204)	(14,590,665)	10,539	0.1%
- Transfer to Maine Milk Pool	(1,090,164)	(540,977)	549,187		(14,071,423)	(12,066,964)	2,004,459	14.2%
- Transfer to STAR Transportation Fund	0	0	0		(7,900,000)	(7,908,006)	(8,006)	-0.1%
- Other Miscellaneous Revenue	2,757,390	3,034,766	277,376		17,988,563	18,543,271	554,708	3.1%
Subtotal - Other Revenue	3,501,476	4,116,402	772,986		(3,660,291)	(154,991)	3,505,300	95.8%
Detail of Transfers to Tax Relief Programs:								
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	1,838	1,838		0	8,622	8,622	N/A
- BETR - Business Equipment Tax Reimb.	(1,000,000)	(3,817,560)	(2,817,560)		(30,500,000)	(29,693,321)	806,679	2.6%
- BETE - Municipal Bus. Equip. Tax Reimb.	(110,000)	9,748	119,748		(33,660,000)	(32,360,892)	1,299,108	3.9%
Subtotal - Tax Relief Transfers	(1,110,000)	(3,805,974)	(2,695,974)		(64,160,000)	(62,045,591)	2,114,409	3.3%
Inland Fisheries and Wildlife Revenue - Total	1,060,627	583,800	(476,827)		15,283,394	15,385,485	102,091	0.7%
Total	21,499,761	21,499,761	0		21,499,761	21,499,761	0	0.0%

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

March 2017 Revenue Variance Report

Revenue Category	March '17			Fiscal Year-To-Date			FY 2017 Budgeted Totals
	Budget	Actual	Variance	Budget	Actual	Variance	
Fuel Taxes:							
- Gasoline Tax	14,187,404	13,881,609	(305,795)	152,597,872	153,533,937	936,065	200,201,200
- Special Fuel and Road Use Taxes	3,847,445	4,113,240	265,795	36,335,882	36,433,643	97,761	47,086,700
- Transcap Transfers - Fuel Taxes	(1,326,005)	(1,323,578)	2,427	(13,883,832)	(14,031,217)	(147,384)	(18,171,111)
- Other Fund Gasoline Tax Distributions	(354,785)	(347,137)	7,648	(3,816,018)	(3,863,544)	(47,526)	(5,006,432)
Subtotal - Fuel Taxes	16,354,059	16,324,133	(29,926)	171,233,904	172,072,819	838,915	224,110,357
Motor Vehicle Registration and Fees:							
- Motor Vehicle Registration Fees	5,736,495	5,696,147	(40,348)	46,082,554	47,708,006	1,625,452	66,345,787
- License Plate Fees	356,433	392,863	36,430	2,459,298	2,645,455	186,157	3,458,710
- Long-term Trailer Registration Fees	2,163,473	3,274,204	1,110,731	8,339,908	9,536,082	1,196,174	9,884,523
- Title Fees	1,317,109	1,428,428	111,319	9,784,180	10,110,217	326,037	13,366,264
- Motor Vehicle Operator License Fees	870,382	954,110	83,728	6,173,237	6,701,109	527,872	8,499,545
- Transcap Transfers - Motor Vehicle Fees	(3,310,609)	(3,357,720)	(47,111)	(11,025,795)	(11,319,345)	(293,550)	(15,570,414)
Subtotal - Motor Vehicle Reg. & Fees	7,133,283	8,388,032	1,254,749	61,813,382	65,381,524	3,568,142	85,984,415
Motor Vehicle Inspection Fees	293,543	164,538	(129,005)	2,756,875	2,504,895	(251,981)	2,982,500
Other Highway Fund Taxes and Fees	100,248	103,664	3,416	908,687	988,410	79,723	1,280,229
Fines, Forfeits and Penalties	62,121	52,842	(9,279)	583,771	566,487	(17,284)	799,039
Interest Earnings	46,197	19,599	(26,598)	466,680	222,411	(244,269)	585,484
Other Highway Fund Revenue	541,561	484,871	(56,690)	8,165,130	7,406,416	(758,714)	9,959,100
Totals	24,531,012	25,537,678	1,006,666	245,928,429	249,142,962	3,214,533	325,641,124

**Legislative Council Actions
Taken by Ballot Since the
March 23, 2017 Council Meeting**

Requests for Introduction of Legislation:

LR 2305 Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a Late-filed Major Substantive Rule of the Department of Health and Human Services

Submitted by: Department of Health and Human Services
Date: March 29, 2017
Vote: 10-0-0-0 Passed

LR 2301 Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways

Submitted by: Representative Owen Casas
Date: March 30, 2017
Vote: 8-2-0-0 Passed (with Rep. Fredette and Espling opposed)

LR 2310 An Act Regarding Disclosure of Health Care Information of a Deceased Person

Submitted by: Senator Nathan Libby
Date: April 4, 2017
Vote: 8-2-0-0 Passed (with Rep. Fredette and Espling opposed)

LR 2282 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services

Submitted by: Department of Health and Human Services
Date: April 7, 2017
Vote: 10-0-0-0 Passed

LR 2311 An Act to Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

Submitted by: Representative Michael Devin
Date: April 13, 2017
Vote: 9-1-0-0 Passed (with Rep. Espling opposed)

LR 2331 Resolve, To Establish the Maine Health Advisory Committee

Submitted by: Senator Geoffrey Gratwick
Date: April 19, 2017
Vote: 8-2-0-0 Passed (with Rep. Fredette and Espling opposed)

LR 2315 An Act to Protect Online Privacy

Submitted by: Senator Shenna Bellows
Date: April 19, 2017
Vote: 7-3-0-0 Passed (with Sen. Thibodeau, Sen. Cushing and Rep. Fredette opposed)

**LR 2335 An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds
and Notes of Regional School Unit No. 5**

Submitted by: Speaker Sara Gideon
Date: April 20, 2017
Vote: 8-2-0-0 Passed (with Rep. Fredette and Espling opposed)

**LR 2338 An Act to Assist Individuals to Obtain a Permit to Grow and Sell Water ‘
Spinach**

Submitted by: Representative Mark Lawrence
Date: April 20, 2017
Vote: 8-2-0-0 Passed (with Rep. Fredette and Espling opposed)

**LR 2319 An Act to Restrict for a Specified Number of Years the Alteration in the
Identities of Principals of Corporations that are Authorized to Apply for
Casino Licenses**

Submitted by: Senator Ronald Collins
Date: April 20, 2017
Vote: 9-1-0-0 Passed (with Rep. Fredette opposed)

**128th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 4/27/2017 REVISED**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Sen. Catherine Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2307	An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program	

SPONSOR: Sen. Michael E. Carpenter

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2340	An Act Authorizing the Aroostook Band of Micmacs To Benefit from the Operation of an Existing Casino	

SPONSOR: Sen. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2336	An Act To Strengthen the Integrity of the Legislature	

SPONSOR: Rep. Janice E. Cooper

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2329	An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities	

2330	An Act To Allow Nonresidents To Serve on Volunteer Boards in Island Communities	
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SPONSOR: Rep. Margaret M. O'Neil

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2325	An Act To Protect Privacy of Internet Consumers	Withdrawn by Sponsor

SPONSOR: Rep. Jennifer Ellen Parker

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2306	An Act To Support Employment Opportunity in Maine	

SPONSOR: Rep. Matthew G. Pouliot

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2321	Resolve, To Amend Authorization To Sell Certain Property in Augusta	

SPONSOR: Rep. Roger E. Reed

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2241	An Act To Require That Maine Taxpayer-subsidized Clean Election Funds Be Spent in the State	Tabled 02/14/17 Withdrawn by Sponsor

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2278	An Act To Encourage Support of the Tribal Government of the Houlton Band of Maliseet Indians through On-reservation Business Activity	Tabled 03/24/17

SPONSOR: Rep. Nathan J. Wadsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2209	An Act To Make Performing Arts Centers Exempt from Sales Tax	Tabled 01/31/17

JOINT RESOLUTIONS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1255	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/31/17

SPONSOR: Rep. Heidi E. Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1554	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	Tabled 02/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2201	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENDORSE THE AMERICAN RECOVERY AND REINVESTMENT ACT	Tabled 01/31/17

SPONSOR: Rep. Deane Rykerson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INITIATE A REVENUE-NEUTRAL FEE ON THE PRODUCTION OF CARBON	Tabled 02/14/17

**128th Maine State Legislature
Addendum
Legislative Council
Requests to Introduce Legislation
First Regular Session
Actions Taken After April 21, 2017**

SPONSOR: Rep. Bradlee Thomas Farrin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2348	An Act To Strengthen Maine Legislative Ethics Standards	
2349	An Act To Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials	

SPONSOR: Rep. Margaret M. O'Neil

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2346	An Act To Enhance Funds for Opiate Treatment	



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Maine Legislative Council: Review of Staff Classification, Compensation and Job Specifications

A Study Proposal Submitted to the Maine
Legislative Council

March 2017

Denver
7700 East First Place
Denver, Colorado 80230
Phone 303.364.7700 Fax 303.364.7800

Washington
444 North Capitol Street, N.W. Suite 515
Washington, D.C. 20001
Phone 202.624.5400 Fax 202.737.1069

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Review of Staff Classification, Compensation and Job Specifications

Project Overview

The National Conference of State Legislatures (NCSL) proposes to work with the Maine Legislative Council staff to review the classification, compensation and job specifications for legislative staff employed by the Legislative Council and its offices. The NCSL study team will begin this project in October 2017 and submit a final report with recommendations on or before March 15, 2018.

NCSL will recommend necessary changes to the classification system and compare the current pay plan and other compensation to what is offered by other branches of Maine state government as well as comparable private sector employers, and to other states where appropriate.

The proposed study has the following objectives:

1. Review job descriptions and specifications to insure that they accurately reflect the duties, expectations and minimum qualifications for each title.
2. Compare current pay ranges of jobs subject to the study to the relevant job market to determine the competitiveness of the pay plan.
3. Compare current pay levels for titles of equal value to determine the internal equity of the pay plan.
4. Make recommendations, as appropriate, on study objectives outlined in items 1-3 and on other, related staff compensation issues that may arise during the course of the study.

The NCSL study team will complete the following tasks as it reviews the current classification plan and related policies. NCSL will recommend revisions where appropriate.

Job Classification, Specifications and Internal Equity

1. Create and distribute a job content questionnaire to gather detailed information about the current duties, functions, responsibilities and qualifications for all legislative staff titles covered by the study.
2. Interview an appropriate sample of employees to gather information about current duties, functions, responsibilities and qualifications.
3. Review and analyze current job descriptions using information from staff questionnaires, interviews and observation of legislative staff activities.
4. Recommend changes to job descriptions if necessary.
5. Determine if positions are properly assigned in the current classification structure and, if necessary, apply a point factor analysis (developed by the U.S. Office of Personnel

Management and modified by NCSL for use in legislatures) to assess titles subject to the study.

Compensation and Market Competitiveness

1. Review and analyze the current compensation system and policies of the Maine Legislative Council offices.
2. Gather salary data for positions comparable to the legislative positions covered by the study. The NCSL study team will gather data from the executive branch, judicial branch, local government, private sector employers and comparable offices in other states (making necessary adjustments to insure that the salary data is comparable to the relevant job market in Maine).
3. Study hiring, turnover and retention data and practices to identify specific positions where challenges exist.
4. Consult with senior staff and appropriate legislators to determine the Legislature's philosophy on competitiveness for employee compensation within the current job market.

Project Time Line

This project can begin in October 2017 with a final report including recommendations submitted in March 15, 2018. This timeline is flexible depending on the demands of the Maine legislative session and related legislative activities.

OCTOBER 2017

- Travel to Augusta and meet with legislative staff managers and appropriate legislators to clarify goals of the project and begin developing an understanding of the unique aspects of the compensation system currently in place.
- Develop a job content analysis questionnaire.
- Gather information on current classification and compensation plans and policies.
- Review information on current classification and compensation plans and policies.
- Meet with appropriate staff to explain the project methodology and timeline.
- Conduct initial job content interviews with Division staff.
- Distribute job analysis questionnaires to all legislative staff covered by this study along with a memo that describes the project, its goals and the steps that will be taken to complete it.

NOVEMBER 2018

- Legislative staff complete job content analysis questionnaires and return them to NCSL
- Review completed job content analysis questionnaires.
- Prepare for the first round of on-site interviews and schedule interviews with a broad cross section of Division staff.
- Conduct the on-site visit and complete job content interviews with legislative staff.
- Collect information about current job duties, responsibilities and functions.
- Begin to identify comparable positions in the market for salary comparisons and identify sources of comparative salary data.
- Identify classification and compensation issues raised during the interviews and potential changes in job classifications.

DECEMBER 2018

The study will largely be on hold during December to accommodate NCSL staff responsibilities at the NCSL Capital Forum and time off during the holiday season.

JANUARY 2018

- Review current job descriptions and develop change recommendations.
- Conduct point factor analysis to legislative positions if necessary.
- Review classification hierarchy for possible changes.
- Gather comparable market salary data.
- Analyze comparable salary data and compensation and compare it to the current legislative compensation.

FEBRUARY 2018

- Complete the analysis of comparable salary data.
- Prepare preliminary report containing preliminary findings and recommendations related to the study objectives.
- Share preliminary report with Maine senior staff for review and discussion.
- Begin preparation of final report.

MARCH 2018

- Complete final report and submit to the Maine Legislature. The proposed budget includes travel to Augusta to present the report.

Study Team

NCSL will assign three senior staff to this project:

Brian Weberg, Director, NCSL Center for Legislative Strengthening.
Two NCSL analysts to be determined.

Project Budget

The National Conference of State Legislatures charges a separate fee for conducting these kinds of studies for state legislatures. NCSL asks the legislatures to pay a portion of the salary costs for the personnel assigned to the project based on the amount of time required to complete the work. NCSL will contribute a portion of the staff's salaries and miscellaneous operating costs. NCSL also asks legislatures to pay for the direct costs incurred in completing the project such as travel and the costs for any published salary survey data that may be necessary.

The attached spreadsheet contains a breakdown of all the costs associated with conducting this project. The cost to the Maine Legislature for conducting this project is \$25,359. The National Conference of State Legislatures will contribute \$23,179 in in-kind support for this project.

A detailed budget for the study is presented on the following page.

Proposed Budget : Maine Staff Compensation Study

		NCSL	Maine	Total
			Legislature	
Staff costs	Days on Project			
(1 senior manager @ \$585/day)	20	\$6,435	\$5,265	\$11,700
(1 senior analyst @ \$325/day)	18	\$3,218	\$2,633	\$5,850
(1 senior analyst @ \$325/day)	2	\$358	\$293	\$650
(1 analyst @ \$250/day)	16	\$2,200	\$1,800	\$4,000
(1 clerical support @ \$150/day)	2	\$165	\$135	\$300
Benefits (35% of staff salaries)		\$4,331	\$3,544	\$7,875
Subtotal		\$16,706	\$13,669	\$30,375
Travel costs (three trips)				
3 flights @ \$575 ea x 3		\$0	\$5,175	\$5,175
8 nights hotel @ \$150 ea. x 3		\$0	\$3,600	\$3,600
11 days rental car @ \$40/day		\$0	\$440	\$440
11 days meals & misc @ \$75 ea x 3		\$0	\$2,475	\$2,475
Subtotal		\$0	\$11,690	\$11,690
Miscellaneous costs				
Supplies		\$50	\$0	\$50
Printing		\$125	\$0	\$125
Photocopy		\$75	\$0	\$75
Freight		\$50	\$0	\$50
Telephone		\$380	\$0	\$380
IT (\$950 per FTE per month)		\$2,755	\$0	\$2,755
Rent (10% of Salaries)		\$3,038	\$0	\$3,038
Subtotal		\$6,473	\$0	\$6,473
Total costs		\$23,179	\$25,359	\$48,538



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NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Daniel T. Blue, JR
*Senate Democratic Leader
North Carolina
President, NCSL*

Raúl E. Burciaga
*Director
Legislative Council Service
New Mexico
Staff Chair, NCSL*

William T. Pound
Executive Director

March 31, 2017

Grant T. Pennoyer
Executive Director of the Legislative Council
115 State House Station
Augusta, ME 04333

Dear Grant:

I want to inquire if it might be possible for the Maine Legislature to pay the shortfall of \$9,867 in the FY'17 NCSL dues assessment of \$131,618. We have continued to provide full services to Maine and hope that you may resume full payment. We are also prepared to work with you to resolve any issues around the proposed staff compensation study that has been discussed. If you have any questions, please contact me.

Sincerely,

William Pound
Executive Director

DRAFT

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. TROY D. JACKSON
SEN. NATHAN L. LIBBY
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
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 as a result of the State House being their principal work location or that need access to the State House outside of normal business hours to consult with the Governor 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; and
 - 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, Director of Human Resources, Director of the Governor's Office of Energy, Director of the Office of Policy and Management, State Budget Officer and the Deputy State Budget Officer.
- VII. Persons excepted. The following persons who possess a valid access card are not required to undergo the building security measures upon presentation of the access card to the security screening personnel as a result of their positions.
- A. Constitutional Officers and the State Auditor;
 - B. State Court Administrator;
 - C. Chair of the State House and Capitol Park Commission; and
 - D. Staff of the Office of the Attorney General submitted for approval to the Legislative Council's executive director by the Attorney General with a justification based on their role as attorney advising the Legislature or Legislative Committees or their need for frequent access to the State House to meet with Legislative Committees or to use the resources of the Law and Legislative Reference Library.
- VIII. 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.
- E. State House maintenance, property management and State Postal Service personnel who have a regular and necessary need to enter the State House;
 - F. 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;
 - G. 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;
 - H. Persons authorized by the Legislative Council's executive director, for specific, short-term Legislative operational or business;

- I. 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
- J. 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 \$75 to offset the processing and security card costs, and a renewal fee of \$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.

IX. 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.
- X. 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.
- XI. 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.
- XII. 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.
- XIII. 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.

- XIV. 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.
- XV. 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.
- XVI. 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

GRANT T. PENNOYER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEMO

To: State House Facilities Committee Members

From: Grant T. Pennoyer, Executive Director

Date: April 25, 2017

Re: Food & Beverages in Committee Rooms Policy

In 2001, the Legislative Council of the 120th Legislature adopted the attached policy on Food & Beverages in Committee Rooms. This very strict policy on food and beverages in committee rooms was adopted immediately following the extensive renovations to make sure that the newly renovated committee rooms were well-maintained. After the adoption of this policy, subsequent Legislative Councils have adopted several other policies providing general guidance use of specific types of Legislative rooms. Each of these policies includes guidance on food and beverage use.

We have been unable to locate any specific motion of the Legislative Council to repeal the 120th Legislature's initial policy on food and beverages when any of the subsequent policies on the use of Legislative space were adopted. I am recommending that the Legislative Council address this oversight so that we can remove this outdated policy from the Legislative Council's website where its Policies and Procedures are posted.

I am also including the subsequent policies on Legislative rooms with some proposed amendments for consideration by the State House Facilities Committee as part of its discussion on the use of food and beverages in Legislative rooms.

Thank you for your consideration of this issue.

MAINE STATE LEGISLATURE

FOOD & BEVERAGES IN COMMITTEE ROOMS

February 7, 2001

I. Statement of Intent

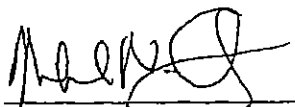
It is the intent of the Legislative Council to develop and preserve the aesthetic and historical integrity of the State House. To that end, this policy will help ensure that the public's investment in those facilities under the auspices of the Legislative Council is protected. There are opportunities for members of the general public and others to use on-site cafeteria services for meals and snacks. However, the scheduling of legislative sessions and committee meetings often limits the amount of time Legislators have to eat. This policy attempts to balance the desire for well-maintained legislative committee rooms with the time constraints placed on Legislators.

II. Committee Rooms

In accordance with Title 3, §162, sub §12 and the model "rules of procedure" provided to each committee, eating and drinking in the State House and Cross Office Building are governed as follows:

- A. Only Committee members and committee staff may consume food and beverages in committee rooms. Water is permitted by others as long as the container is properly disposed of after use;
- B. Committee members shall refrain from eating in committee rooms during public hearings;
- C. Caucus meetings held in committee rooms are exempt from these provisions;
- D. Rooms 228 and 334 in the State House are available for use by any group interested in holding a meeting during which food or beverages are desired. Permission to use these rooms for this purpose must be granted in advance by the Chair of the Legislative Council; and
- E. There may be rooms available on the first floor of the Cross Office Building in the future to host legislative functions, non-legislative study committees and other groups for which food and drink is desired. Please contact the Executive Director's Office for more details.

Adopted by the 120th Legislative Council:


on: February 7, 2001

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
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REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

Legislative Council Policy on the Use of Legislative Committee Rooms & Other Meeting Space During the Legislative Session

The Legislative Council makes legislative committee rooms available (through the Legislative Information Office) to State of Maine governmental entities for official business purposes on an intermittent basis during periods when the Legislature is **not** in session. During the legislative session, Committee Chairs ~~may~~ must authorize the use of their respective committee rooms for any non-committee purpose. The Legislature and its committees have **priority at all times**, and may pre-empt or move meetings scheduled by non-legislative entities, with or without advance notice.

Rooms are available only under the following circumstances:

- The hearing rooms must be left in the same condition as when you arrived. This includes arrangement of furniture and removal of non-recyclable trash. Failure to meet this requirement will result in denial of permission to reserve legislative rooms in the future.
- Food and beverages, with the exception of water, are generally not allowed in committee rooms, except as established by the committee rules adopted by each committee and approved by the Presiding Officers. The only exceptions are Rooms 334 and 228 in the State House (see below to reserve these rooms) are rooms designated for legislative events that involve food and beverages. If neither Room 228 nor Room 334 is available, the Presiding Officers may allow food and beverages in another committee room for a legislative meeting or event.
- The Legislature ~~does not~~ may provide limited equipment or services for legislative events of any kind; non-legislative users are responsible for making arrangements for all meeting aids.
- Committee rooms may not be reserved on an on-going basis for regular meetings of any non-legislative commission, board or council. Separate room arrangements outside of the Legislature should be made for those meetings.
- Room use, when authorized, is generally limited to regular business hours of the Legislature. After hours use is generally not allowed.
- Posters, signs or paper may not be affixed to walls or the ceiling.

- o Video recordings or broadcasting equipment may not be used without prior permission.
- o Any spillage or damage to the room must be reported immediately.
- o If security services are required, a room fee may be charged.

Procedures for Scheduling Rooms

All requests to reserve a committee room during the legislative session should be made through the appropriate committee clerk, with the following exceptions:

- o To reserve **Room 334**, the Legislative Council Chamber: during odd numbered legislative sessions, contact the President’s Office at 287-1500 and during even numbered legislative sessions, contact the Speaker’s Office at 287-1300.
- o To reserve, the **Legislative Conference Room** or the **Welcome Center**, contact the Executive Director’s Office at 287-1615.
- o To reserve **Room 228**, the Appropriations Committee room, contact the Office of Fiscal and Program Review at 287-1635.
- o To reserve **Conference Rooms 201 and 221** in the Cross Building, contact the Legislative Information Office at 287-1692.

The following information must be provided when reserving a room:

- o Name of group or department
- o Purpose of meeting and time required
- o Name and phone number of contact person
- o Anticipated # of attendees

Note: To reserve the Hall of Flags, contact the Clerk’s Office at 287-1400

This policy is adopted by the Legislative Council on April 27, 2017.

By: _____
Executive Director of the Legislative Council

Authority: 3 MRSA §162

Adopted: April 27, 2017

Effective Date: April 27, 2017

DRAFT

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
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REP. ELEANOR M. ESPLING

Legislative Council Policy on the Use of the Legislative Conference Room

~~Persons not abiding by the conditions of use will
not be allowed to use the room.~~

1. The Legislative Conference room is available for use by advance reservation only. Ad hoc or other unreserved use is not permitted. Reservations may be made by contacting the Office of the Executive Director, Legislative Council at 287-1615 or stopping by Room 103. The room may be reserved for up to a maximum of 2 hours daily when the legislature is in session, unless otherwise approved by the Executive Director's office. Use must end by the close of business. Use must be for legislative purposes, or other related governmental purposes if approved by the Executive Director's office.
2. No food or beverages, except for water, are allowed in the conference room, unless special permission is received by the Executive Director's office. Spills or damage must be reported immediately.
3. For security reasons, the windows may not be opened without prior approval of the Executive Director's office. Each window is equipped with an alarm.
4. Persons reserving the conference room are responsible for ensuring that the room is kept in a clean and orderly condition. Papers and other materials must be removed and the chairs and shades returned to their pre-existing locations before leaving. Materials and any personal belongings remaining after the scheduled time of the event will be removed and not be retained. No personnel belongings may be left in the room.

HVAC units must be returned to their pre-existing settings, and the lights turned off upon leaving.

5. No papers or other materials may be taped, tacked or otherwise or fastened to the walls, doors or furnishings.
6. ~~The door to the lobby or to the Welcome Center may not be held in or left in an open position.~~

7. The room is for use as a conference room only. Press conferences, other media events or public hearings are not allowed in the conference room.
8. No other tables, chairs, podiums, or microphone systems may be requested or brought into the room. LCD projectors, laptops, and flip charts on easels should be provided by the person holding the reservation, or for legislative purposes are arranged for through the Executive Director's office.
9. Persons not abiding by the conditions of use for this room may have future requests to use the room denied.

This policy is adopted by the Legislative Council on March 24, 2016.

By: _____
Executive Director of the Legislative Council

Authority: 3 MRSA §162

Adopted: March 24, 2016

Effective Date: March 24, 2016

Amended: April 27, 2017

DRAFT

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



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**Legislative Council Policy on the
Use of Capitol Park
Augusta, Maine**

1. Authority

Pursuant to 3 MRSA §162, Capitol Park is State-owned land that is under the jurisdiction of the Maine Legislative Council, Maine Legislature. The Maine Legislative Council ("Legislative Council") is authorized to establish and enforce standards and guidelines that govern all uses of Capitol Park. Pursuant to this authority and as provided in section 5 below, the Legislative Council designates the Chief of the Bureau of the Capitol Police as the Legislative Council's agent for issuing activity permits, and enforcing the standards and guidelines established for Capitol Park by authority delegated to the Chief of Capitol Police by the Commissioner of Public Safety.

2. Location

Capitol Park is located within the municipality of Augusta, immediately east of the Maine State House Grounds. It is bordered on the west by State Street, on the north by Capitol Street, on the south by Union Street and on the east by the Kennebec River. A State-owned road, so-called Gage Street Extension, and a railroad right-of-way cross a portion of the east end of the park. Several residences are in close proximity to the park.

3. Park purpose

Capitol Park was designed to enhance the State House Grounds, and the City of Augusta as Maine's Capital. Capitol Park ("the park") is established and maintained for the passive use and enjoyment of the natural environment and as an area of reflection by residents of the State and visitors. In keeping with its pastoral setting, Capitol Park is intended for non-intensive, non-commercial and non-exclusive use by individuals and groups.

4. Standards and guidelines established

The Maine Legislative Council establishes these standards and guidelines in order to promote the general purposes and the peaceful use of Capitol Park and to protect the public health, safety and welfare.

5. Administration and enforcement

- a. The Legislative Council authorizes and directs the Chief of the Bureau of Capitol Police to enforce the standards and guidelines contained in this policy, and to adopt such measures as may be necessary to enforce them. The Chief of Capitol Police shall not issue an activity permit or take any action that is inconsistent with these standards and guidelines. The Chief of Capitol Police shall deliver a copy of all activity permits issued or denied immediately upon their issuance or denial to the Executive Director of the Legislative Council.
- b. An Activity Permit is required for activities occurring in the park as provided in this policy. Such permit may establish reasonable conditions and limitations of use, including without limitation, period of use, activities permitted, maximum occupancy, use of sanitation facilities, limitations based on weather or condition of park grounds, and designation of areas where activity is permitted or prohibited.
- c. The Activity Permit holder is liable for any damage to the park that is attributable to the permit holder's use of the park or violation of the terms and conditions of any Activity Permit.
- d. An application for an Activity Permit may be turned down if:
 - i. The proposed use would conflict with other permitted uses or be inconsistent with purposes or authorized uses of the park;
 - ii. The applicant has egregiously or repeatedly violated the standards and guidelines for the park within the prior 24 months, failed to make restoration of any previous damage to the park or fails to meet all applicable permit application requirements; or
 - iii. The application is filed less than three (3) work days prior to the start of the proposed activity even if it would otherwise be in compliance with the standards and guidelines.
- e. The Chief of Capitol Police is authorized to issue and enforce criminal trespass orders to enforce the standards and guidelines established under this policy and activity permits issued pursuant to this policy.

6. Activity permit

- a. A person seeking a use of the park that requires a permit must apply for an Activity Permit by filing an application and supporting information, and applicable park use fee. The application must state with specificity the legal name and address of the person or organization conducting, sponsoring or affiliated with the activity, contact information, anticipated attendance, the activity for which approval is sought and the date and time of the activity.
- b. The application form must be the form approved for use by the Legislative Council.
- c. An applicant must provide evidence of liability insurance if required under section 8 of this policy.
- d. An Activity Permit is non-transferrable and is valid only for the approved uses, dates and times.

7. Park use fee and security deposit

- a. An applicant shall be required to tender a refundable security deposit of \$250 for every 500 participants after the first 200. However, the total amount of the deposit required may not exceed \$2,000. The security deposit shall be released within 3 work days following the permitted activity provided that the deposit is not needed to repair any damage, clean up the park or correct any noncompliance that arises directly or indirectly from the activity.
- b. An applicant shall pay a nonrefundable park use fee as follows. If a use is applicable to more than one category of fee, the larger fee applies. Fees are not cumulative.
 - I. Use that includes placement or use of a tent or other structure: \$50
 - II. Use that includes placement or use of 2 or more tents or other structures: \$100
 - III. Use where the anticipated or actual number of participants is between 100 and 200: \$50
 - IV. Use where the anticipated or actual number of participants is between 201 and 1,000: \$100
 - V. Use where the anticipated or actual number of participants is between 1,001 and 2,500: \$200
 - VI. Use where the anticipated or actual number of participants is between 2,501 and 4,000; \$400
 - VII. Use where the anticipated or actual number of participants more than 4,000; \$500
 - VIII. For all other activities: \$0.
- c. The fee or security deposit may be reduced or waived only upon written petition and a clear and convincing demonstration of financial hardship by the applicant for a permit such that the applicant is unable to pay all or a portion of the fee or deposit. That an applicant is a nonprofit organization or unit of government does not constitute a "financial hardship." No fee or deposit may be required for park use by the Legislative Council.

8. Liability insurance requirement

An applicant shall be required to file a Certificate of Liability Insurance naming the State of Maine as Insured that provides general liability insurance in an amount commensurate with the proposed activities but not less than \$100,000 general aggregate, when such activities include use of energy such as electricity or propane, sale of food, an animal show or competition, or is otherwise required by the State of Maine's insurance policies.

9. Sanitation Facilities

For any activity involving more than 50 but less than 100 people and having a scheduled duration of more than four (4) hours or for an activity involving 100 or more people and having a scheduled duration of more than two (2) hours, the Activity Permit holder must arrange for, at his or her own expense, portable toilets or similar sanitation stations, in a quantity sufficient to accommodate the number of participants, to be on-site at an authorized location for the duration of the event.

10. Park hours

The customary hours when the park is open to the public are from ½ hour after sunrise to ½ hour after sunset, local time. However, the Legislative Council or its designee may close all or portions of the park at any time without prior notice for reasons of safety, weather, park conditions or maintenance.

11. Allowed activities ~~without a permit~~

- a. The following activities are allowed **without an Activity Permit** issued by the Legislative Council or its designee:
 - i. Walking, sitting and noncompetitive running or jogging;
 - ii. Photography, bird watching and nature walking;
 - iii. Reading, talking, singing, individual and family picnicking and sunbathing;
 - iv. Dog walking provided the dog is on a leash and under the direct control of the person possessing the dog at all times;
 - v. Bicycling, if the bicycle is equipped with on-road tires;
 - vi. Holding a picnic or birthday party or providing a meal to a group where the reasonably anticipated attendance is 25 or fewer individuals; and
 - vii. Gathering in the park for lunch or other similar purpose of brief duration that is part of a pre-arranged tour of the Capitol or the Maine State Museum by an organized Maine school group of elementary, middle or high school youth;
- b. The following activities are allowed **upon issuance of an Activity Permit**:
 - i. Making any public speech or holding any rally or protest;
 - ii. Parade or march;
 - iii. Concert;
 - iv. Distribution of any printed matter as provided herein, or the carrying of signs or bill boards. When permitted, distribution of printer matter may be confined to one or more entrances to Capitol Park;
 - v. Holding a picnic or birthday party or providing a meal to a group where the reasonably anticipated attendance is more than 25 individuals;
 - vi. operation of a propane grill or other food preparation equipment;
 - vii. Performing a wedding ceremony or memorial service, holding a dedication, holding an awards or any other similar service or ceremony, or holding a wedding or similar reception, whether or not catered;
 - viii. Holding an animal show involving 25 or fewer animals;
 - ix. Erection or placement of tents, canopies or other similar structures, tables, chairs, platforms or podiums;
 - x. Operation of a sound amplification system. For the purposes of this policy, a megaphone is not considered sound amplification equipment;
 - xi. Any group gathering of more than 25 individuals for whatever reason;

12. Prohibitions

The following are prohibited:

a. Activities

- i. Overnight use, or habitation on a temporary or permanent basis;
- ii. Fires or other open flames, including charcoal grills
- iii. Organized sporting events, scrimmages, or team training;
- iv. Ball playing or ball games except that informal, noncompetitive individual or family ball tossing that is not disruptive of others is allowed;
- v. Golfing or hitting golf balls;
- vi. Kite-flying except in designated open areas in the park, or balloon release;
- vii. Operation of drones and gas-powered model aircraft;
- viii. Races, human or animal;
- ix. Animal shows or competitions involving more than 25 animals;
- x. Placement of political campaign signs or banners;
- xi. Commercial activities, including offering or solicitation of goods or services, except that the sale of beverages and food items that is ancillary to and occurs in conjunction with an authorized on-site festival sponsored by the city of Augusta or the Legislative Council may be permitted by special exception;
- xii. Climbing, standing or laying on or affixing objects to any monument, gate, fence, bench, table or tree ;
- xiii. Digging or other disturbance of soil or sod;
- xiv. Skateboarding, roller blading or roller skating;
- xv. Construction of monuments or memorials;

b. Behaviors

- i. Defacing or destroying any natural feature or built structure in the park;
- ii. Accosting any person or interfering with another person's use or enjoyment of the park;
- iii. Public indecency;
- iv. Panhandling or begging;
- v. Physical or verbal abuse of others;
- vi. Noise-making, including drumbeating or use of horns that is disruptive to another person's use or enjoyment of the park or to area residents;
- vii. Urinating or defecating except within authorized sanitation stations;
- viii. Allowing defecation by animals under a person's control except when the person immediately collects and properly disposes of the animal's feces. Notwithstanding the above, defecation is prohibited on any walking path;
- ix. Disturbing any bird's nest or eggs or damaging or removing any tree, bush, plant, flower or stone;
- x. Smoking except in clearly designated areas established by the Legislative Council;
- xi. Littering or breaking any bottle or other article of glass;
- xii. Entering or remaining in the park whenever the park is closed;

- xiii. Possession or consumption of alcoholic beverages;
- xiv. Possession or use of illegal drugs or substances;
- c. Equipment and animals
 - i. Possession or use of fireworks, firecrackers, sparklers or other explosive or incendiary devices;
 - ii. Possession or use of paint guns, ammunition or weapons, including firearms, knives, swords or Tasers. 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 park 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 is in uniform with the officer's badge displayed or an officer who is in plainclothes so discloses possession of the weapon to the Chief of Capitol Police;
 - iii. Possession or use of any combustible or compressed gas, except that bottled propane in an approved 100 pound or less container and used in connection with an outdoor grill may be allowed by permit; if a grill is permitted, the permit holder shall have one or more serviceable fire extinguishers on-site and in close proximity to the grill at all times.
 - iv. Animals, except service dogs and dogs allowed under section 11B above;
 - v. Motor vehicles, except for authorized service vehicles and equipment used for maintenance and improvement of the park, and if permitted, to transport equipment into or out of the park. In no event, however, may such permitted vehicles travel on or cross any stone-dust path or alley;
 - vi. Mechanical amusement rides;
 - vii. Animal-driven wagons;
 - viii. Electrical or fuel-powered heating or cooling equipment;
 - ix. Electrical generators;
 - x. Cleated footwear
- d. Other

Any other activities, behaviors, equipment or animals not otherwise specified herein if they may damage the park or pose a threat to public health or safety or enjoyment of the park by others.

13. Special Uses

Upon approval of the director of the Maine Historic Preservation Commission, the Legislative Council authorizes use of the park, subject to appropriate conditions, for historic re-enactments or commemorations of significant historical events related to Capitol Park, the State House, the State of Maine or the United States of America.

14. Modification

The Legislative Council reserves all rights to modify this policy at any time as it deems necessary or appropriate. Furthermore that Legislative Council grants authority to its Executive Director to authorize the Chief of Capitol Police to take an action that may be inconsistent with these standards and guidelines in an emergency or unusual circumstance provided that such action is in keeping with the intent of this policy and such action is limited to the duration of the emergency or unusual circumstance.

15. Effective Date

July 9, 2012

This policy is adopted by the Maine Legislative Council on June 28, 2012 ~~at augusta, maine.~~

BY: _____
Executive Director of the Legislative Council

Authority: 3 MRSA § 162

Adopted: June 28, 2012

Effective date: July 9, 2012

Amended: April 27, 2017