

M.C.C.A.

Peter Baldacci, President
Penobscot County Commissioner

Thomas Coward, Vice President
Cumberland County Commissioner

Michael Cote, Secretary-Treasurer
York County Commissioner



Maine County Commissioners Association

4 Gabriel Drive, Suite 2
Augusta, ME 04330
207-623-4697
www.mainecounties.org

Rosemary Kulow
Executive Director

Lauren Haven
Office Manager

MCCA Board of Directors' Meeting Agenda 10:00 a.m., October 12, 2016

- I. Call to Order, Introductions, Attendance & Pledge of Allegiance**
- II. Approval of/Additions to the Agenda**
- III. Approval of September 30, 2016 Board of Directors' Meeting Minutes**
- IV. Old Business**
 - A. Consideration of Potential Legislation**
 - B. Consideration of Office Manager's Annual Salary**
- V. New Business**
 - A. Discussion of RFP for Legal Services**
 - B. LPC Conference Call with Colorado & Washington State Association Executive Directors about Their States' Experiences with Legalization of Marijuana**
- VI. Reports**
 - A. Executive Director's & Financial Reports**
 - B. Legislation Development Committee Report**
 - C. Professionalism in Management Committee Report**
 - D. Association Reports**
 - E. Corrections Report**
 - F. Annual Convention Report**
 - G. NACo Report**
- VII. Other Business**
- VIII. Executive Session per M.R.S. Title 1 Ch. 13 Subchapter 1 §405. 6.**

To discuss evaluation of the Executive Director's performance
- IX. Return to Open Session for Any Action on Executive Session Issue(s)**
- X. Adjourn**

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MAINE COUNTY COMMISSIONERS ASSOCIATION

MCCA Board of Directors' Meeting Minutes Draft 10:00 a.m., September 30, 2016

I. Call to Order, Introductions, Attendance and Pledge of Allegiance

President Peter Baldacci called the meeting to order at 10:12 a.m. The attendees recited the Pledge of Allegiance and all present introduced themselves.

DIRECTORS PRESENT: *Androscoggin* – Comm. Sally Christner proxy for Comm. Beth Bell; *Aroostook* – Comm. Norman Fournier; *Cumberland* – Comm. Steve Gorden proxy for Comm. Thomas Coward; *Franklin* – Comm. Gary McGrane; *Kennebec* – Comm. Nancy Rines proxy for Comm. George Jabar, II; *Knox* – Comm. Roger Moody; *Lincoln* – Comm. William Blodgett; *Penobscot* – Comm. Peter Baldacci; *Piscataquis* – County Manager Tom Lizotte proxy for Comm. Jim Annis; *Sagadahoc* – Pamela Hile proxy for Comm. Charles Crosby III; *Somerset* – Comm. Newell Graf; *Waldo* – Comm. Amy Fowler; *Washington* – Betsy Fitzgerald proxy for Comm. Chris Gardner; and *York* – Comm. Michael Cote.

OTHERS PRESENT: *Androscoggin* – Comm. Alfreda Fournier and Admin. Larry Post; *Aroostook* – Comm. Paul Adams; *Cumberland* – Judge of Probate Joseph Mazziotti, Comm. Susan Witonis, Comm. James Cloutier and Manager Peter Crichton; *Hancock* – Admin. Scott Adkins; *Knox* – Comm. Carol Maines; Administrator Andy Hart; *Lincoln* – Comm. Mary Trescott and Admin. Carrie Kipfer; *Penobscot* – Comm. Laura Sanborn and Admin. Bill Collins; *Somerset* – Comm. Robert Dunphy; *Waldo* – Comm. Betty Johnson; *York* – Comm. Sallie Chandler and Comm. Richard Dutremble; *EMAD* – Sean Goodwin; *MACT* – David Parkman; *MECCA* – Owen Smith; *MRDA* – Susan Bulay; *MSA* – Sheriff Troy Morton; and others.

DIRECTORS ABSENT: *Androscoggin* – Comm. Beth Bell; *Cumberland* – Comm. Thomas Coward; *Hancock* – Comm. Steven Joy; *Kennebec* – Comm. George Jabar II; *Oxford* – Comm. Steven Merrill; *Piscataquis* – Comm. James Annis; *Sagadahoc* – Comm. Charles Crosby III; and *Washington* – Comm. Chris Gardner.

STAFF PRESENT: Executive Director Rosemary Kulow, Risk Pool Manager Malcolm Ulmer, and Office Manager Lauren Haven.

II. Approval of/Additions to the Agenda

Administrator Bill Collins requested adding Judge of Probate Joe Mazziotti to the agenda to speak about the shift of guardianship cases to district court. Comm. Graf **moved** and Comm. Gorden **seconded** approving the agenda with the additional item as V.A. The **motion** was **approved** unanimously.

III. Approval of August 10, 2016 Board of Directors' Meeting Minutes

Comm. Cote **moved** and Comm. Dunphy **seconded** approving the minutes from the Board of Directors' meeting on August 10, 2016. The **motion** was **passed** unanimously.

IV. Old Business

A. Discussion about Ideas for Potential Legislation

Comm. Mike Cote reported that the Legislation Development Committee met to discuss ideas. Executive Director Rosemary Kulow said there was a handout included in the agenda packet and the ideas could be discussed in item VI. B.

V. New Business

A. Judge of Probate, Joe Mazziotti

Under the new law, LD 890, "An Act to Ensure a Continuing Home Court For Cases Involving Children," guardianship cases will be transferred to district court if any element of the case is already being heard in the district court. Judge Mazziotti believes this is a problem due to the high level of immediacy in these cases for families to find a quick resolution. Guardianship is needed to allow children to receive medical care and be placed in school. The district court system is already overtaxed and may not have enough judges to oversee the cases, especially in emergency situations. The governor is expected to appoint one additional District Court judge for the entire state which will not alleviate a long wait time for court case processing.

Another factor is the expense involved in district court cases. Unlike probate court, all parties need to obtain a lawyer in district court. Not only is this expensive, but it compounds the length of time needed to hear court cases.

The bigger picture depicts a slow shift of all cases eventually being reassigned to district court, completely eliminating probate court.

Recently, eleven judges met to collaborate on how to move forward. This is a first and demonstrates the gravity of the situation. Judge Mazziotti urged everyone to raise awareness about this issue with county employees and Maine legislators.

VI. Reports

A. Executive Director's & Financial Reports

Executive Director Rosemary Kulow presented her reports and invited questions. *Comm. Blodgett moved and Comm. McGrane seconded approving the reports as presented. The motion was unanimously approved.*

B. Legislation Development Committee Report

The ideas for Potential Legislation in 2017 submitted by the Legislation Development Committee (LDC) were reviewed. The group discussed pros and cons of the jail tax cap removal. Legislation to raise the 911 fee is an option. Maine currently has a lower fee than other states.

Comm. McGrane requested consideration of the development of legislation that would allow suspension rather than termination of health benefits during incarceration, or perhaps even the continuation of benefits. Currently, the state of Maine terminates all benefits for incarcerated individuals. The main advantage of suspension would be to alleviate the gap between an inmates release and their access to health care. As soon as the person is released, the benefits could be reactivated instead of forcing the individual to reapply and wait for the completion of the process. This gap in health care benefits can contribute to recidivism due to the lapse in the administration of necessary medications which can result in criminal behavior. Presently, veteran's benefits are also terminated upon incarceration including social security.

More ideas will be discussed at the Board of Directors' meeting on October 12.

C. Professionalism in Management Committee (PMC) Report

Comm. Cote reported the committee is working on a one day training course to occur before newly elected officials take office. The content will focus on duties and responsibilities including subjects such as the Freedom of Access Act, risk management, property tax abatement, etc. The content is being reviewed by Peter Crichton, Andy Hart, Tom Coward and Dawn DiBlasi and will be approved before training commences.

D. Association Reports

EMAD: No report was given.

MACCAM: Administrator Bill Collins reported the group would meet at the convention and would put in place a new slate of officers. Scott Cole was absent due to a work-related issue. MACCAM members are assisting with the development of the MCCA wage survey.

MACT: Six of the treasurers met at the convention prior to the Board of Directors' meeting. They discussed ways in which they could speed up the audit process.

MARP: No report was given.

MECCA: Owen Smith reported a training schedule is now in place for new fire protocols. All must attend the three day regional training. The first round will be in October. There is some concern over the cost of the interface. Administrator Bill Collins asked if there would be a quality assurance component. At this time there are no funds designated for that purpose.

MRDA: Administrator Bill Collins presented a report from President Susan Bulay:

“The Registers of Deeds Association is meeting today for the first time since June. It is expected that the meeting will take longer than the time scheduled and that no one will be able to attend the MCCA meeting.

The Registers are still in the process of examining our microfilm in storage at the Maine State Archives and determining the best method of repairing damaged film and procedures going forward to insure it does not happen again. Some counties have pulled their film and are having it repaired and stored elsewhere. No long term plan has been determined for the film left at Maine Archives. We will continue to work on the issue.

Maine Revenue Services has requested a meeting with the Registers of Deeds and have been scheduled to attend our next meeting in October in Augusta. They did not specify which issues they wish to discuss, but we are always happy to meet with them and try to keep good communication open.

If you have any questions on these issues, please let us know. The new president of the Deeds Association will be Register Julie Curtis from Hancock County.”

MSA – Administrator Bill Collins reported for Sheriff Troy Morton that 15 sheriffs met at the convention to work on the development of legislation for the coming session.

E. Corrections Report

Executive Director Rosemary Kulow spoke about CCAP, the Comprehensive Community Action Program which offers a full range of behavioral health counseling services to help individuals and families develop healthy ways of coping with adversity and resolve problems that have created obstacles to leading full lives.

Comm. Baldacci talked about the Stepping Up Program, a national initiative to help advance counties’ efforts to reduce the number of adults with mental and co-occurring substance use disorders in jails. One preventative measure would be to develop a protocol to assess arrested individuals rather than simply placing them in jail. In some cases hospitalization is more appropriate for mentally ill persons.

F. Annual Convention Report

Office Manager Lauren Haven reported there were 214 participants at the convention including attendees, guests, vendors and speakers. There were six paid advertisements in the convention program and at least ten event sponsors. Local businesses also contributed to the attendee gift bags. Ms. Haven urged participants to complete an evaluation form for continued improvement of future conventions.

G. NACo Report

President Baldacci invited Sallie Clark, NACo’s immediate past president and Commissioner of El Paso County Colorado to speak to the group.

Comm. Sallie Clark talked about the challenges of dealing with natural disasters such as fires and floods that have occurred in El Paso, and how local government had been instrumental in providing efficient and timely emergency services.

Comm. Gorden asked if there was a broadband issue in Colorado as it applies to emergency services. Ms. Clark responded that many areas were devoid of cell service and would not easily support the new system. However, the FirstNet effort is expected to encourage development of the overall network.

Administrator Bill Collins asked about issues concerning legalized marijuana in Colorado and if counties received funding as a result of sales. Ms. Clark said that medical marijuana had been in place for a number of years before a recreational use law passed. Some issues they have experienced include difficulty in taxing a mainly cash driven business, cannabis club zoning, transportation of marijuana across state lines and cities/towns opting out of marijuana related businesses within their boundaries. Her recommendation was to limit marijuana whenever possible.

Comm. Moody asked if Colorado counties could come to a consensus on issues they face. Ms. Clark responded that often it was possible to reach a consensus unless the issue involved gas or oil. Definitely some counties are more liberal and some are more conservative in their opinions.

Ms. Clark stated that Leon County, Fla. Commissioner Bryan Desloge was elected as NACo's 2016-2017 president at the 2016 Annual Conference in Long Beach, and closed with the thought that counties should, "keep telling the story."

VII. Other Business

No other business was brought before the Board of Directors.

Administrator Bill Collins requested that attendees not signed up for another educational session make an effort to go to the FirstNetME update on Saturday morning at 8:30 am in the Bangor Room.

Adjournment

Comm. McGrane made a motion to adjourn at 11:35 a.m.; Comm. Cote seconded the motion, which was unanimously approved. The group adjourned to other convention activities.

Respectfully submitted,

MCCA Office Manager, Lauren Haven

Attested:

MCCA Secretary-Treasurer, Michael Cote

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MCCA Legislation Development Committee

Ideas for Potential Legislation in 2017

Legislation should focus on circumstances beyond county control and those which cause fiscal impacts. –
Sheriff Morton

- Regulation of consecutive sentencing that places inmates in jails longer than 9 months – Mike Cote
- Formation of regional/county criminal justice committees – Peter Baldacci
- Automatic transfer of inmates to state prison if incarceration lasts longer than 9 months – Steve Gorden
- Violators of probation should return to state prison, rather than county jail – Troy Morton
- Legislation to regulate blood draws (phlebotomy) resulting from arrests – Newell Graf
- Greater discretion for law enforcement to issue summonses, rather than arrest and incarcerate – Steve Gorden
- Tax cap on jail funding – MSA will support County Commissioners' lead on this. – MSA
- Handling of people who turn themselves in. – MSA
- Change in probation – MSA
- Allow and clarify language to board inmates at other facilities. – MSA
- Raise fees to file civil papers & require them to be served by members of sheriffs' departments. – MSA
- Step up qualifications for those who will run for sheriff. – MSA
- Clarify duties and responsibilities of sheriffs. – MSA
- Revise the funding formula for Average Daily Prisoners (ADP). – MSA
- Increase fees to register sex offenders – MSA.
- Use of drones – MSA
- A few other ideas for legislation were offered from MSA, but no other legislative ideas from other county departments were brought before the committee at this time.

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Non-County Factors that Increase Jail Time & County Jail Costs

- Overcrowding due to opioid epidemic arrests
- Mental illness
- Substance abuse/addiction
- Medical conditions
- Lack of communication and understanding among criminal justice system stakeholders
- Delays in trial court and sentencing caused by:
 - prosecuting district attorneys
 - defendants/defense attorneys
 - scheduling by court clerks
 - types of sentences issued by judges
 - inability to pay bail
 - scheduling/conducting psychological evaluations
 - medical conditions
 - addiction/substance abuse treatment & counseling
 - inexperienced court-appointed attorneys who avoid unpleasant clients
- Sending probation violators to county jail, rather than to the state facility where their underlying sentence was imposed.
- Lack of discretionary authority on the part of county law enforcement personnel to issue summonses, rather than arrest and put law violators in jail in some cases
- Consecutive sentencing for more than one conviction and other judicial sentencing decisions
- Natural cost increases of goods and services due to changing economics

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MAINE COUNTY COMMISSIONERS ASSOCIATION

Ideas for Revised Jail Legislation

1. Return state funding to Community Corrections funds and Fines & Surcharge revenue and create a state funding share that correlates to state-mandated or responsible jail costs, (i.e., court-driven delays, probation violations, arrests for state law violations, etc.)
2. Remove property tax cap for county jail budgets and tie the local property tax levy to the "LD 1" growth factor as is the case for all other sectors of county budgets.
3. Remove restrictions on counties' charging inmate boarding fees from one county to another.
4. Remove DOC Commissioner authority to place inmates if overcrowding is an issue in county of arrest.
5. Any requirement for counties to report to the Legislature should remain narrowly tailored and relate directly and only to the portion of funding it receives from the State.
6. No more boarding state prisoners at county jails, except by mutual agreement.
7. Counties will work out boarding and transportation among themselves, with no State intervention or coordination.
8. Define how the State will help defray costs of inmates who have mental illness and/or substance abuse/addiction issues.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

S.P. 61 - L.D. 186

An Act To Reverse Jail Consolidation

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, for the continued stable and effective operation of the jails of this State, the transition from control by the State Board of Corrections to control by the sheriffs of the counties must occur on July 1, 2015; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§3, ¶Q, as amended by PL 2013, c. 339, §1, is further amended to read:

Q. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials; or the Department of Corrections ~~or members of the State Board of Corrections~~ under conditions that protect the information from further disclosure;

Sec. 2. 4 MRSA §1057, sub-§3-A, as amended by PL 2013, c. 598, §1, is further amended to read:

3-A. Reimbursement to counties. Monthly, the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the ~~State Board of Corrections~~

~~Operational Support Fund County Jail Operations Fund~~ program for the purpose of supporting the operation of the jails in an amount equal to 2% of the total fines, forfeitures and penalties, including the surcharge imposed pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund must be transferred on the last day of the month in which the collections are made to the ~~State Board of Corrections Operational Support Fund County Jail Operations Fund~~ program under Title 34-A, section 1805.

At the close of each month, the State Controller shall calculate the amount to be transferred to the ~~State Board of Corrections Operational Support Fund County Jail Operations Fund~~ program based on the collections made during the month. The State Controller shall transfer by journal entry the amount due to the ~~State Board of Corrections Operational Support Fund County Jail Operations Fund~~ program. This subsection takes effect July 1, 2009.

Sec. 3. 5 MRSA §1591, sub-§4, as amended by PL 2013, c. 598, §2, is repealed.

Sec. 4. 5 MRSA §12004-G, sub-§6-C, as enacted by PL 2007, c. 653, Pt. A, §3, is repealed.

Sec. 5. 14 MRSA §5545, 2nd ¶, as amended by PL 2007, c. 653, Pt. A, §4, is further amended to read:

Whenever, under this section or under any other section in this chapter, a court issues a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional institution under the control of ~~the Department of Health and Human Services or the~~ Department of Corrections, or confined in any county jail, its order as to the transportation of the prisoner to and from the court must be directed to the sheriff of the county in which the court is located. It is the responsibility of the sheriff or any one or more of the sheriff's authorized deputies pursuant to any such order to safely transport a prisoner to and from the court and to provide safe and secure custody of the prisoner during the proceedings, as directed by the court. At the time of removal of a prisoner from an institution, the transporting officer shall leave with the head of the institution an attested copy of the order of the court, and upon return of the prisoner shall note that return on the copy. ~~This paragraph as it relates to the responsibility for transportation is applicable to transfers from the county jail to any other county jail or to a state correctional facility under Title 34-A, section 1405.~~

Sec. 6. 30-A MRSA §101, sub-§6-B, as enacted by PL 2007, c. 653, Pt. A, §5, is repealed.

Sec. 7. 30-A MRSA §406, as amended by PL 2011, c. 374, §§1 to 3 and corrected by RR 2011, c. 1, §46, is repealed.

Sec. 8. 30-A MRSA §701, sub-§2, as repealed and replaced by PL 2009, c. 415, Pt. A, §14, is repealed and the following enacted in its place:

2. Preparation of estimates. In order to assess a county tax, the county commissioners, in accordance with the schedule established in the county charter or, if the county does not have a charter, by the end of the state fiscal year, shall prepare estimates of the sums necessary to pay the expenses that have accrued or may probably accrue for the coming year for correctional services. The estimates must be drawn so as to authorize the appropriations to be made for correctional services.

Sec. 9. 30-A MRSA §701, sub-§2-A, as amended by PL 2013, c. 598, §3, is repealed.

Sec. 10. 30-A MRSA §701, sub-§2-B, as enacted by PL 2007, c. 653, Pt. A, §9, is repealed.

Sec. 11. 30-A MRSA §701, sub-§2-C is enacted to read:

2-C. Tax assessment for correctional services beginning July 1, 2015. Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 3%, whichever is less. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be greater or less than the base assessment limit, which is:

- A. A sum of \$4,287,340 in Androscoggin County;
- B. A sum of \$2,316,666 in Aroostook County;
- C. A sum of \$11,575,602 in Cumberland County;
- D. A sum of \$1,621,201 in Franklin County;
- E. A sum of \$1,670,136 in Hancock County;
- F. A sum of \$5,588,343 in Kennebec County;
- G. A sum of \$3,188,700 in Knox County;
- H. A sum of \$2,657,105 in Lincoln County;
- I. A sum of \$1,228,757 in Oxford County;
- J. A sum of \$5,919,118 in Penobscot County;
- K. A sum of \$878,940 in Piscataquis County;
- L. A sum of \$2,657,105 in Sagadahoc County;

M. A sum of \$5,363,665 in Somerset County;

N. A sum of \$2,832,353 in Waldo County;

O. A sum of \$2,000,525 in Washington County; and

P. A sum of \$8,386,815 in York County.

Sec. 12. 30-A MRSA §706-A, sub-§1, as amended by PL 2007, c. 653, Pt. A, §10, is further amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Average real personal income growth" has the same meaning as under Title 5, section 1531, subsection 2.

B. "County assessment" means: total annual county appropriations reduced by all resources available to fund those appropriations other than the county tax.

~~(1) For the tax year of any county that began prior to January 1, 2009, total annual county appropriations reduced by all resources available to fund those appropriations other than the county tax; or~~

~~(2) For the tax year of any county that begins on or after January 1, 2009, total annual county appropriations for noncorrectional related services as established in section 701, reduced by all resources available to fund those appropriations other than the county tax.~~

C. "Forecasted inflation" has the same meaning as under Title 5, section 1531, subsection 6.

D. "Property growth factor" means the percentage equivalent to a fraction, established by a county, whose denominator is the total valuation of all municipalities, plantations and unorganized territory in the county, and whose numerator is the amount of increase in the assessed valuation of any real or personal property in those jurisdictions that became subject to taxation for the first time, or taxed as a separate parcel for the first time for the most recent property tax year for which information is available, or that has had an increase in its assessed valuation over the prior year's valuation as a result of improvements to or expansion of the property. ~~The State Tax Assessor shall provide to the counties forms and a methodology for the calculation of the property growth factor, and the counties shall use those forms and the methodology to establish the property growth factor.~~

E. "State and local tax burden" has the same meaning as under Title 5, section 1531, subsection 9.

Sec. 13. 30-A MRSA §709, as amended by PL 2011, c. 374, §4, is repealed.

Sec. 14. 30-A MRSA §710, as amended by PL 2013, c. 598, §§4 to 6, is repealed.

Sec. 15. 30-A MRSA §932, sub-§3, as amended by PL 2009, c. 391, §4, is repealed.

Sec. 16. 30-A MRSA §1557-B is enacted to read:

§1557-B. Transfer from a sending jail to a receiving jail

1. Transfer. A sheriff may transfer a prisoner from a jail to another jail upon the request of the sheriff of the sending jail and the approval of the sheriff of the receiving jail. A sheriff may transfer a prisoner to a correctional facility upon the request of the sheriff of the sending jail and the approval of the Commissioner of Corrections.

2. Transfer cost. The county of the sending jail shall pay the cost of the transfer or return of the prisoner under subsection 1.

3. Reimbursement. Reimbursement for the support of a prisoner who is transferred by a sending jail to a receiving jail or the Department of Corrections is subject to the provisions of this subsection.

A. During a state fiscal year in which at least \$12,202,104 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to that amount to the counties as required by Title 34-A, section 1210-D, the receiving jail or the department may not charge the sending jail a per diem rate for the transferred prisoner.

B. During a state fiscal year in which less than \$12,202,104 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to that amount to the counties as required by Title 34-A, section 1210-D, the following provisions apply:

(1) The receiving jail may charge the sending jail a per diem rate for the transferred prisoner.

(2) The rate charged by the receiving jail must equal the per diem per prisoner amount calculated by the department in making the disbursement to the counties under Title 34-A, section 1210-D, subsection 4; and

(3) The department may charge the sending jail an amount that has been negotiated between the department and the jail that does not exceed \$108 per diem per prisoner.

C. The sending jail shall reimburse the receiving jail or the department for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer.

D. Payment amounts provided for in this subsection may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the department.

4. Transferee subject to rules. A prisoner transferred under this section is subject to the general rules of the facility to which the prisoner is transferred, except that for a prisoner who has been sentenced:

A. The term of the original sentence remains the same unless altered by the court;

B. The prisoner becomes eligible for meritorious good time as provided in Title 17-A, section 1253 for a prisoner sentenced to imprisonment in a county jail;

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 1254 for a prisoner sentenced to imprisonment in a county jail;

D. The prisoner is entitled to have the time served in the facility under this section deducted from the sentence; and

E. The prisoner becomes eligible for furloughs, work or other release programs, participation in public works and charitable projects and home-release monitoring as authorized by sections 1556, 1605, 1606 and 1659-A and may apply pursuant to the rules governing the sending jail.

5. Return of prisoner. A prisoner transferred pursuant to this section must be returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff of the receiving jail or the Commissioner of Corrections.

6. Commissioner of Corrections to determine temporary housing assignments. If a county that does not have a jail, has a jail that is not fully certified or has a jail that is unfit for occupation is unable to locate space in any other county facility for an adult or juvenile, the sheriff of that county may contact the Commissioner of Corrections for approval to obtain temporary housing in a correctional or detention facility operated by the Department of Corrections. The sheriff of the sending jail shall contact each other county facility in a continuing effort to locate placement in a county facility. When the sheriff of the sending jail locates available space in a county facility, the sheriff of the sending jail shall transfer the prisoner from the department's correctional or detention facility and place the prisoner in the county facility.

Sec. 17. 30-A MRSA §1558-A is enacted to read:

§1558-A. Transfer from state correctional facilities

A sheriff may accept custody of a prisoner transferred to the sheriff's jail from state correctional facilities under Title 34-A, section 3063-C.

Sec. 18. 30-A MRSA §1659-A, first ¶, as enacted by PL 2009, c. 391, §6, is amended to read:

The sheriff of each county shall establish a program to permit certain inmates to serve a portion of their sentence of imprisonment in community confinement monitored by the county or a contract agency or another county or its contract agency. The county may contract only with a community confinement monitoring agency approved by the ~~State Board~~ Department of Corrections.

Sec. 19. 30-A MRSA §1659-A, sub-§2, ¶D, as enacted by PL 2009, c. 391, §6, is amended to read:

D. The inmate has a verified security classification level of "medium" or "minimum" and scores "moderate" or "less" on a validated risk assessment tool as defined by the ~~State Board~~ Department of Corrections;

Sec. 20. 30-A MRSA §1659-A, sub-§§6 and 7, as enacted by PL 2009, c. 391, §6, are amended to read:

6. Minimum standards supervision of inmates in the community confinement monitoring program. The ~~State Board~~ Department of Corrections shall establish minimum policy standards for the monitoring of inmates in the community confinement monitoring program.

7. Program funding. Funds collected pursuant to this section must be forwarded to an account designated by the ~~State Board~~ Department of Corrections for the purpose of supporting pretrial, diversion or reentry activities. Community confinement monitoring program funds must be accounted for by the county through the normal budget process.

Sec. 21. 30-A MRSA §1661 is enacted to read:

§1661. Collaboration among counties

A county may collaborate with another county or counties to seek grants or establish community corrections programs or initiatives.

Sec. 22. 34-A MRSA §1208-B is enacted to read:

§1208-B. Standards, policies and procedures applicable to jails

1. Establishment. The commissioner shall establish mandatory standards, policies and procedures for jails. The standards, policies and procedures must be established by rule and must be evidence-based and reflect best practices for the administration and operation of jails. The rules must include policies and procedures for assisting jails to achieve compliance and for imposing penalties for noncompliance.

A. The standards, policies and procedures must address record keeping and reporting of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition on contact with victims and other persons, pretrial assessments and services, evidence-based programming, literacy programs, mental health and substance abuse programs and correctional officer training.

B. In administering and distributing funding to the jails pursuant to section 1210-D, subsection 4, the commissioner shall:

(1) Require reporting of data that indicates average daily population of prisoners, that excludes federal prisoners, that indicates sending and receiving jails for transferred prisoners and that is useful in calculating the distributions to the counties pursuant to section 1201-D, subsection 4; and

(2) Consider the performance of each jail in meeting the standards established pursuant to this section. The commissioner shall work with the jails to assist them in achieving compliance with the standards. The commissioner shall enforce the standards by imposition of monetary penalties upon a county for noncompliance by the county jail or regional jail. A monetary penalty imposed under this subsection may not in any fiscal year exceed the County Jail

Operations Fund distribution payable to a county for a fiscal year pursuant to section 1210-D, subsection 4.

2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this section must take effect January 1, 2016.

Sec. 23. 34-A MRSA §1210-D is enacted to read:

§1210-D. County Jail Operations Fund

1. County Jail Operations Fund. Notwithstanding any provision of law to the contrary, at least \$12,202,104 in state funding must be appropriated annually and used for the purposes of the County Jail Operations Fund, as established pursuant to this section and referred to in this section as "the fund." The department shall administer the fund and shall distribute funds to the jails in accordance with this section for the purposes set forth in subsections 2 and 3.

2. Community corrections. The fund must be used for the purpose of establishing and maintaining community corrections. For purposes of this subsection, "community corrections" means the delivery of correctional services for adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crimes. The following provisions apply to community corrections funding.

A. Thirty percent of the funds distributed to the counties under this section must be used for the purpose of community corrections.

B. The county treasurer shall deposit 30% of the funds received under subsection 4 into an account for community corrections purposes.

C. Before distributing to a county that county's entire distribution under this section, the department shall require that county to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the purpose of community corrections.

D. If a county fails to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the purpose of community corrections under paragraph C, the department shall distribute to that county only 80% of its distribution. The department shall hold in escrow the 20% not distributed to a county to give the county jail an opportunity to comply with the requirement that 30% of the total distribution be used for community corrections purposes and qualify for disbursement of the withheld funds.

3. Prisoner support. The fund must be used to provide a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. The following provisions apply to prisoner support funding.

A. Up to 70% of the funds distributed to a county under this section may be used for the purpose of support of prisoners detained or sentenced to county jails and for such other jail operations and correctional services purposes as the sheriff determines to be appropriate.

B. The county treasurer shall deposit 70% of the funds received under subsection 4 into an account for prisoner support, jail operations and correctional services purposes.

4. Formula; distribution. The department shall establish by rule a formula for the distribution of funds from the fund to the counties for jail operations. Beginning July 1, 2015 and annually thereafter, the department shall distribute to the counties from the fund amounts based on the formula. The formula must be based on the most recent fiscal year for which data is available and must:

A. Take into consideration total statewide county jail prisoner days for all jails;

B. Take into consideration and assign to a jail the number of county jail prisoner days attributable to each prisoner who was charged with committing a crime in that county or was committed to the custody of or detained by the sheriff of that county;

C. Determine the proportion of statewide county jail prisoner days attributable to each county;

D. Determine the per diem per prisoner reimbursement amount; and

E. Determine the reimbursement amount for each county based on the county's proportion of statewide county jail prisoner days multiplied by the per diem per prisoner rate.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the fund.

Sec. 24. 34-A MRSA §1402, sub-§§12 and 13 are enacted to read:

12. County and regional jails. The commissioner shall receive, administer and distribute to the county and regional jails funding provided through the General Fund, Other Special Revenue Funds and any federal and grant funds in accordance with section 1210-D and Title 30-A, section 1659-A. The department shall make distributions as required by section 1210-D to each jail on a quarterly basis and as may be adjusted pursuant to section 1208-B, subsection 1, paragraph B.

13. Report on jails. Beginning January 15, 2016 and annually thereafter, the department, in collaboration with a statewide association of sheriffs and a statewide association of county commissioners, shall submit a report to the joint standing

committee of the Legislature having jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails adopted pursuant to section 1208-B and the status of funding for the jails from the County Jail Operations Fund established in section 1210-D, county taxes and other sources. The department and representatives of the associations shall conduct a review of the funding provided to county jails pursuant to subsection 12 and section 1210-D and the distribution formula established by the department pursuant to section 1210-D, subsection 4. If the department and the associations find that changes are needed to the distribution method or procedures or the level of General Fund support, the department shall report that finding to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and shall recommend changes in the formula determined pursuant to section 1210-D, subsection 4 and the level of General Fund support. After reviewing the report, the joint standing committee is authorized to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

Sec. 25. 34-A MRSA §1404, as amended by PL 2013, c. 598, §7, is repealed.

Sec. 26. 34-A MRSA §1405, as amended by PL 2009, c. 142, §15 and c. 391, §10, is repealed.

Sec. 27. 34-A MRSA c. 1, sub-c. 5, as amended, is repealed.

Sec. 28. 34-A MRSA §3063-B and 3063-C are enacted to read:

§3063-B. Transfer from jails

The commissioner may accept custody of prisoners transferred to the department from county jails under Title 30-A, section 1557-B.

§3063-C. Transfer to jails

1. Transfer of prisoner. The commissioner may transfer a prisoner serving a sentence in a correctional facility to a county jail, upon the request of the chief administrative officer and the approval of the sheriff of the jail.

2. Cost of transfer. The department shall pay the cost of the transfer or the return of the prisoner.

3. Reimbursement. By agreement between the commissioner and the sheriff of the receiving jail pursuant to this section, the department shall pay directly to the jail reimbursement in accordance with this subsection.

A. During a state fiscal year in which at least \$12,202,104 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to the amount appropriated to the counties as required by section 1210-D, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the jail and the department that is no higher than \$25 per diem per prisoner.

B. During a state fiscal year in which less than \$12,202,104 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to that amount to the counties as required by section 1210-D, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the county jail and the department that is no higher than \$108 per diem per prisoner.

C. The department shall reimburse the receiving jail for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer.

D. Payment amounts provided for in this section may be adjusted or dispensed with upon terms mutually agreeable to the commissioner and the sheriff of the receiving jail.

4. Transferee subject to rules. A prisoner transferred under this section is subject to the general rules of the facility to which the prisoner is transferred, except that for a prisoner who has been sentenced:

A. The term of the original sentence remains the same unless altered by the court;

B. The prisoner becomes eligible for meritorious good time or deductions as provided in Title 17-A, section 1253 for a prisoner committed to the department;

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 1254 for a prisoner committed to the department;

D. The prisoner is entitled to have the time served in the jail under this section deducted from the sentence; and

E. The prisoner becomes eligible for furloughs, work or other release programs, and supervised community confinement as authorized by sections 3035 and 3036-A and may apply pursuant to the rules governing the correctional facility from which the prisoner was transferred.

5. Return of prisoner. A prisoner transferred pursuant to this section must be returned to the department upon the request of the commissioner or the sheriff.

Sec. 29. Balances. Notwithstanding any other provision of law, any balance remaining in the General Fund State Board of Corrections Operational Support Fund on June 30, 2015 may not lapse, but must be carried forward to the Department of Corrections, County Jail Operations Fund General Fund account to provide funds to county and multicounty jails.

Sec. 30. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund N220

Initiative: Transfers funds from the State Board of Corrections to the Department of Corrections.

GENERAL FUND	2015-16	2016-17
All Other	\$12,202,104	\$12,202,104
GENERAL FUND TOTAL	<u>\$12,202,104</u>	<u>\$12,202,104</u>

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$225,881	\$228,505
All Other	\$565,503	\$565,503
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$791,384</u>	<u>\$794,008</u>

CORRECTIONS, DEPARTMENT OF		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$12,202,104	\$12,202,104
OTHER SPECIAL REVENUE FUNDS	\$791,384	\$794,008
DEPARTMENT TOTAL - ALL FUNDS	<u>\$12,993,488</u>	<u>\$12,996,112</u>

CORRECTIONS, STATE BOARD OF

State Board of Corrections Operational Support Fund Z087

Initiative: Transfers funds from the State Board of Corrections to the Department of Corrections.

GENERAL FUND	2015-16	2016-17
All Other	(\$12,202,104)	(\$12,202,104)
GENERAL FUND TOTAL	<u>(\$12,202,104)</u>	<u>(\$12,202,104)</u>

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$225,881)	(\$228,505)
All Other	(\$565,503)	(\$565,503)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$791,384)</u>	<u>(\$794,008)</u>

**CORRECTIONS, STATE BOARD OF
DEPARTMENT TOTALS**

	2015-16	2016-17
GENERAL FUND	(\$12,202,104)	(\$12,202,104)
OTHER SPECIAL REVENUE FUNDS	(\$791,384)	(\$794,008)
DEPARTMENT TOTAL - ALL FUNDS	<u>(\$12,993,488)</u>	<u>(\$12,996,112)</u>

SECTION TOTALS

	2015-16	2016-17
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

**127th MAINE LEGISLATURE****LD 186****LR 378(09)****An Act To Reverse Jail Consolidation****Fiscal Note for Bill as Engrossed with:****C "A" (S-304)****S "B" (S-341) to C "A" (S-304)****Committee: Criminal Justice and Public Safety**

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

The bill moves General Fund appropriations of \$12,202,104 from the State Board of Corrections to the Department of Corrections in fiscal years 2015-16 and again in fiscal year 2016-17 and moves Other Special Revenue Funds allocations from the State Board of Corrections to the Department of Corrections of \$791,384 in fiscal year 2015-16 and \$794,008 in fiscal year 2016-17. It also provides that any remaining General Fund balance in the State Board of Corrections account on June 30, 2015 does not lapse, but is carried forward for use by the Department of Corrections, County Jail Operations Fund.

Purpose, Role and Characteristics of Jails

Excerpted from:
National Institute of Corrections
U.S. Department of Justice
Sheriff's Guide to Effective Jail Operations

Purpose of the Jail

The jail is integral to local government's public safety function and is an essential element of the local criminal justice system. It serves five basic purposes:

- To receive and process people arrested and taken into custody by law enforcement.
- To hold accused law violators to ensure their appearance at trial.
- To hold offenders convicted of lesser offenses, usually misdemeanors and low-level felonies, as a court-ordered sanction.
- To hold individuals remanded by the court for civil contempt.
- To hold offenders for other jurisdictions or those awaiting transfer to prison or other facilities.

To meet these objectives, jails are typically organized around two basic functions:

- Booking and intake
- Custody

The booking and intake function of the jail serves a vital public safety function by providing a place where individuals taken into custody can be safely processed and assessed to determine the risks they present. Individuals who are not released shortly after intake or following their initial court hearing generally are those charged with serious offenses, who represent a public safety risk; those likely to flee the jurisdiction before their cases can be adjudicated; and those unable to make bond or otherwise secure pretrial release. Pretrial inmates constitute more than half of the jail's population. The purpose of pretrial incarceration is not to punish, but to protect the public and/or ensure court appearance. In its custody function, the jail houses this pretrial population along with inmates sentenced to the jail. As a sanctioning option, the jail provides a means of holding convicted offenders accountable for their illegal acts. A central goal of incarceration as punishment in our system of justice is to discourage offenders from committing future criminal acts and to send a message to would-be offenders about the possible consequences of illegal behavior. Rehabilitation and reintegration have become significant goals of incarceration, and within the constraints of available resources, many local jails provide inmates with opportunities for self-help and change to deter future criminal behavior.

The Role of the Jail in the Local Criminal Justice System

The jail is a critical component of the local criminal justice system. It is used to address the need for detention at various points in the criminal justice process. Jails typically serve multiple law enforcement agencies in the community, including local law enforcement, the state police, conservation officers, and federal authorities. Jails also serve prosecutors, the courts, and probation and parole agencies. The jail serves these entities by holding the following groups in custody:

- New arrestees pending arraignment, trial, conviction, and sentencing.
- Offenders sentenced to jail time.
- Persons accused of probation, parole, or bail-bond violations pending revocation proceedings.
- Offenders sentenced as a sanction for probation or parole violations.
- Convicted offenders awaiting transfer to state or federal institutions.
- Illegal immigrants pending transfer to federal authorities.
- Offenders in the armed services awaiting transfer to military authorities.
- Offenders held for violations of court-ordered conditions such as failure to pay fines, contempt, failure to appear in court, violations of restraining orders, and failure to attend counseling.
- Juveniles charged as adults or pending transfer to juvenile authorities.
- Detainees held under contract for other local, state, or federal jurisdictions.
- Offenders held for state or federal authorities under a contractual arrangement with the local jurisdiction.

As evidenced by the list above, the jail responds to many needs in the criminal justice system and plays an integral role within that system. These needs are dynamic and influenced by the policies, practices, and philosophies of the various users of the jail.

Characteristics of the Jail Population

The jail serves a tremendously diverse population. Unlike prisons, where inmates generally are of the same gender, legal status, and custody level, jails are expected to manage a broad cross section of people. At any given time, the jail population may include males and females, juveniles and adults, the dangerous and the vulnerable, the minor offender and the serious offender, the physically fragile and the mentally ill, and the chemically addicted.

Inmates come to jail with varying degrees of medical, mental health, substance abuse, family, financial, and literacy issues. While in jail, they may display a wide range of emotions, including fear, anger, and anxiety, as well as violent, antisocial, and suicidal behaviors. The jail has a responsibility to appropriately house inmates and manage the behavior of this diverse population while they are in custody. The jail has little control over the number or types of inmates it holds or how long they stay. Rather, the various criminal justice agencies the jail serves—law enforcement, prosecutors, courts, probation, etc.—and the efficiency of case processing will largely determine who comes to jail and how long they stay. Laws establishing the role and function of the jail, criminal penalties for law violations, the incidence of crime, and public attitudes about crime also influence the use of the jail.

MEMO

TO: LDC

FROM: NEWELL GRAF, SOMERSET COUNTY COMMISSIONER

DATE: 09/19/16

RE: PROPOSED LEGISLATION (1)VIDEO CONFERENCING (2) BLOOD DRAW

Proposed legislation – Newell Graf- MCCA – Legislative Development Committee—September 2016

Title 15 §9 Hearings Using Audio or Video Equipment

The use of telephone, audio, or video conference equipment is encouraged (or mandated) for all proceedings before the Court. A party may request this use or the Court may act upon its own initiative.



Bernstein, Shur,
Sawyer & Nelson, P.A.
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PO Box 9720
Portland, ME 04104-5019

T: 207.774.1200
F: 207.774.1127

Memorandum

To: Dawn DiBlasi, Somerset County Administrator
From: Katherine R. Knox
Date: September 15, 2016
Re: Draft Legislation – Blood Testing

As outlined in our conversation last week, you asked us to provide some draft legislative language that would both require medical professionals to administer blood tests when requested by law enforcement officials and provide protection for medical professionals who administer tests from having to automatically appear in court to authenticate the test results during subsequent court proceedings.

Evidence Admissibility

As you may know, the legislature authorized the court system to promulgate the rules of evidence in 1974. That delegated authority from the legislature allows the courts to be the sole arbiters of any changes to the rules of evidence – including the rules related to hearsay and the admission of evidence.

Despite that broad delegation, and the legislature's traditional deference to the courts expertise, statutes can always be amended to provide for a more lenient standard than used in the rules.

The statute, as currently drafted, provides that test results are admitted as prime facie evidence if the person performing the test submits a sworn statement to that effect. We are assuming, based on your concerns, that testers are reluctant to even issue certificates. The proposed language below eliminates the certificate requirement and simply makes the test results prima facie evidence without further steps. This change will likely elicit strong objections from defense counsel so it would be worth further discussion to ascertain why the certificate system isn't working. Finally, we would advise before submitting this language that discussions be held with the courts lobbyist (Mary Anne Lynch) to determine if they will object to the language below and/or if they prefer a change be made through the

amending of the rules themselves. While you are not bound to defer to the courts preference on this, the legislature will take their concerns seriously – so it is always worth the time to consult with them before submission of any bill language.

Mandated Test Administration

We have also drafted the language to require that any trained professional who is asked to perform the test be required to do so. It is important to flag that this mandate would be a significant change in health care law. Currently, doctors in particular are not mandated to perform *ANY* treatment – even in life threatening situations. Federal law does require that hospital emergency rooms assess and stabilize and patient – but it does not require any individual physician to participate in that care.

This issue of doctors refusing to administer blood tests arose several years ago when one of the large health systems in Southern Maine was instructed by their legal department to not participate in requested blood draws. Their concern related to issues of patient consent and coercion. After law enforcement experienced frustration with the refusals, an informal group was put together to discuss the issue. The Maine Medical Association was a participant in the group and they report that after a few meetings, it was generally agreed that each law enforcement group would contract with an on-call phlebotomist – who would be available on request to do blood tests.

Whether or not you decide to move forward with a legislative fix, we suggest discussion again take place with the Maine Medical Association and Maine Health systems. Finally, we want to reiterate that this change would be adamantly and staunchly opposed by the medical community.

Below please find our suggested language:

Title 29-A/Motor Vehicles and Traffic

§2431. Evidentiary rules

1. Test results. Test results showing a confirmed positive drug or metabolite presence in blood or urine or alcohol level at the time alleged are admissible as prima facie evidence of the level of intoxication. Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result in the exclusion of evidence of alcohol level or confirmed positive drug or metabolite presence, unless the evidence is determined to be not sufficiently reliable.

2. Analysis of blood, breath and urine. The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence:

A. A person certified in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug or drug metabolite may issue a certificate stating the results of the analysis.

B. A person qualified to operate a self-contained breath-alcohol testing apparatus may issue a certificate stating the results of the analysis.

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

- (1) The person taking the specimen was authorized to do so;
- (2) Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results as determined by the Department of Health and Human Services;
- (3) Materials required to be approved by the Department of Health and Human Services were in fact approved;
- (4) The sample tested was in fact the same sample taken from the defendant, and
- (5) The alcohol level or the presence of a drug or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate.

D. With 10 days written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the test certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. ~~The certificate is not prima facie evidence of those matters. (1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).)~~

~~H. A person drawing a specimen of blood may issue a certificate that states that the person is in fact qualified under section 2524 and that the proper procedure for drawing a specimen of blood was followed. That certificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify. (2012, c. 459, §2 (AMD).)~~

F. Evidence that the urine sample was in a sealed carton bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. (2013, c. 459, §3 (AMD).)

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of an alcohol level. (2009, c. 447, §47 (AMD).)

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. (1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV).)

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Health and Human Services is prima facie evidence that the materials were of the composition and quality stated. (1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV).)

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence. (1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).)

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are

admissible, if sufficient evidence is offered to satisfy paragraphs II and I. (2001, c. 361, §32 (AMD) .)

§2432. Alcohol level; confirmed positive drug or metabolite test results; evidentiary weight

4. Confirmed presence of drug or drug metabolite. If a person has a trace amount of any drug or the metabolites of any drug within the person's blood or urine in accordance with the drug reporting rules, standards, procedures and protocols adopted by the Department of Health and Human Services, it is ~~admissible evidence, but not prima facie evidence, indicating whether that person is under the influence of intoxicants, to be considered with other competent evidence, including evidence of alcohol level.~~

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, registered physician's assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. Qualified personnel may not refuse to perform a blood test when that test is requested by a law enforcement officer.

§2525. Drug impairment assessment

2. Admissibility of evidence. If a law enforcement officer certified as a drug recognition expert by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Test results showing a confirmed positive drug or metabolite in the blood or urine are admissible as prima facie evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.

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MMA's 2016 – 2018 Legislative Policy Committee

LPC/Senate District 1:

Donald Guimond
Manager – Fort Kent

LPC/Senate District 1:

Vince Frallicciardi
Selectman – Madawaska

LPC/Senate District 2:

Martin Puckett
Manager – Presque Isle

LPC/Senate District 2:

Paige Coville
Chair of Selectboard – Island Falls

LPC/Senate District 3:

Matthew Pineo
Manager – Jackman

LPC/Senate District 3:

Tim Curtis
Manager – Madison

LPC/Senate District 4:

David Pearson
Chair of Appeals Board – Dexter

LPC/Senate District 4:

Jack Clukey
Manager – Dover-Foxcroft

LPC/Senate District 5:

Thomas Perry
Councilor – Orono

LPC/Senate District 5:

Charles Pray
Councilor – Millinocket

LPC/Senate District 6:

Harry Fish, Jr.
Selectman – Jonesport

LPC/Senate District 6:

Lewis Pinkham
Manager/Police Chief – Milbridge

LPC/Senate District 7:

Gary Fortier
Councilor – Ellsworth

LPC/Senate District 7:

James Schatz
Chair of Selectmen – Blue Hill

LPC/Senate District 8:

Susan Lessard
Manager – Bucksport

LPC/Senate District 8:

James Smith
Assistant Manager – Brewer

LPC/Senate District 9:

*Bangor appoints 1 member
Nelson Durgin, Councilor – Bangor

LPC/Senate District 9:

Roger Raymond
Manager – Hermon

LPC/Senate District 10:

Michael Crooker
Manager – Glenburn

LPC/Senate District 10:

Serena Bemis-Goodall
Manager – Corinna

LPC/Senate District 11:

Kathy Littlefield
Chair of Selectboard – Waldo

LPC/Senate District 11:

Galen Larrabee
Chair of Selectboard – Knox

LPC/Senate District 12:

William Chapman
Chair of Selectboard – Rockport

LPC/Senate District 12:

Jay Feyler
Manager – Union

LPC/Senate District 13:
Jonathan Duke
Administrator – Newcastle

LPC/Senate District 13:
Harry Lowd
Selectman – Bristol

LPC/Senate District 14:
Peter Nielsen
Manager – Winthrop

LPC/Senate District 14:
Curtis Lunt, Manager – Monmouth
Scott Morelli, Manager – Gardiner

LPC/Senate District 15:
Kelly Couture
Selectman – Sidney

LPC/Senate District 15:
*Augusta appoints 1 member
Anna Blodgett, Councilor – Augusta

LPC/Senate District 16:
*Waterville appoints 1 member
John O'Donnell, Councilor – Waterville

LPC/Senate District 16:
Aaron Rowden
Councilor – Fairfield

LPC/Senate District 17:
Richard Davis
Manager – Farmington

LPC/Senate District 17:
Ruth Cushman
Selectperson – Wilton

LPC/Senate District 18:
Arthur Harvey
Planning Board Member – Hartford

LPC/Senate District 18:
Amy Bernard
Manager – Newry

LPC/Senate District 19:
Derik Goodine
Manager – Oxford

LPC/Senate District 19:
Lenny Adler
Selectman – Otisfield

LPC/Senate District 20:
*Auburn appoints 1 member
Robert Stone, Councilor – Auburn

LPC/Senate District 20:
Stanley Tetenman
Selectman – Poland

LPC/Senate District 21:
*Lewiston appoints both members
Robert Macdonald, Mayor – Lewiston
Ed Barrett, Administrator – Lewiston

LPC/Senate District 22:
Aaron Chrostowsky
Manager – Wayne

LPC/Senate District 22:
Kasie Kolbe
Councilor – Lisbon

LPC/Senate District 23:
William Post
Manager – Bowdoinham

LPC/Senate District 23:
William "Bill" Giroux
Manager – Bath

LPC/Senate District 24:
Kristi Eiane
Administrator – Harpswell

LPC/Senate District 24:
*Brunswick appoints 1 member
Katherine Wilson, Councilor – Brunswick

LPC/Senate District 25:
Claudia King
Councilor – Falmouth

LPC/Senate District 25:
Steve Moriarty
Planning Board Member – Cumberland

LPC/Senate District 26:

David Nadeau
Councilor– Windham

LPC/Senate District 26:

Lou Stack
Assessment Review Bd. Mbr. – Standish

LPC/Senate District 27:

*Portland appoints both members
Jill Duson, Councilor – Portland
Justin Costa, Councilor – Portland

LPC/Senate District 28:

*Portland appoints 1 member
Ed Suslovic, Councilor – Portland

LPC/Senate District 28:

Jon Jennings, Manager – Portland

LPC/Senate District 29:

*South Portland appoints 1 member
Joshua Reny, Asst. Manager, So. Portland

LPC/Senate District 29:

*Cape Elizabeth appoints 1 member
Jessica Sullivan, Councilor – Cape Elizabeth

LPC/Senate District 30:

Shawn Babine
Councilor – Scarborough

LPC/Senate District 30:

David Cole
Manager – Gorham

LPC/Senate District 31:

Larry Mead
Manager – Old Orchard Beach

LPC/Senate District 31:

Kevin Sutherland
Administrator – Saco

LPC/Senate District 32:

*Biddeford appoints 1 member
John McCurry, Jr., Council Chair – Biddeford

LPC/Senate District 32:

James Bennett
Manager – Biddeford

LPC/Senate District 33:

*Sanford appoints 1 member
Steven Buck, Manager – Sanford

LPC/Senate District 33:

Gary Lamb
Administrator – Waterboro

LPC/Senate District 34:

Larissa Crockett
Chair, Warrant & Finance Comm. – Acton

LPC/Senate District 34:

Richard Morin
Selectman – Kennebunk

LPC/Senate District 35:

Perry Ellsworth
Manager – South Berwick

LPC/Senate District 35:

(vacant)

LPC Chair:

(Until 12/16)
Laurie Smith
Manager – Kennebunkport

(2017)

Linda Cohen
Councilor – South Portland



Maine Municipal Association

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IV. A.

To: MMA's Legislative Policy Committee
Fr: Laurie Smith, Chair
Re: Notice and Agenda for October 5, 2016 LPC Meeting in Bangor
Date: September 28, 2016

The second meeting of the 2016 – 2018 Legislative Policy Committee is scheduled for:

Wednesday, October 5, 2016
2:45 p.m. – 4:00 p.m.
Cross Civic Center, Bangor Maine

During the first day of Maine Municipal Association's annual October convention, the LPC will be convening in Ballroom 5 of the Cross Insurance Center in Bangor. Since we will be meeting in a "theater style" room, it would be appreciated if you could arrive at the meeting at least 10 minutes early. In order to facilitate the "meet and greet" element of this meeting, we are encouraging LPC members to sit in the front few rows.

The purpose of this meeting is two-fold.

The first goal is to provide MMA's general membership with the opportunity to meet the members of their newly elected LPC and to get a sense of how this Policy Committee operates and makes its decisions. As shown in the agenda that follows, the first part of this meeting will focus on providing the municipal officials who attend the session with a summary the LPC's work to date. This process will include an overview of the Issues Survey results, a summary of the legislative initiatives we are proposing to advance during the 2017-2018 legislative session and an opportunity for feedback.

The second purpose of this meeting is to provide the members of the LPC an opportunity to discuss the draft platform that was put into motion at the September 8th meeting (Overview at Attachment #1, with first drafts of some measures at Attachment #2). The LPC has discussed how the outcome of the November election, particularly Question 2, could impact the direction we take on several initiatives, including comprehensive tax reform, school funding and general property tax relief efforts. Because major elements of the LPC's draft agenda are contingent on the outcome of the November election, the LPC will be asked for direction on how to finalize the agenda.

I look forward to this opportunity to show our colleagues how decisions on important municipally-related legislative matters are determined. It is my hope that this membership

outreach meeting will help to enhance the grassroots relationship in every corner of this state necessary to advance our message and legislative agenda to the Maine Legislature. I look forward to working with you on the development of the Association's 2017-2018 legislative agenda.

Agenda

I. Welcome and Introductions (2:45 p.m. – 3:15 p.m.)

- Welcome and Introductions.
- Overview of LPC process, generally.
- Overview of legislative agenda development process.
 - Issues Survey
 - Review of LPC's September 8 meeting and draft legislative agenda (Attachment #1).
 - Review legislation drafted to date (Attachment #2).

II. Feedback (3:15 p.m. – 3:45 p.m.)

- LPC members and participating municipal officials to provide feedback on the proposed agenda.

III. Next Steps (3:45 p.m. – 4:00 p.m.)

- LPC to provide direction to staff on the following items:
 - Number and mix of bills in the draft agenda.
 - Add bills, subtract bills, amend their descriptions?
 - Essential components of education funding bills.
 - If Question 2 passes.
 - If Question 2 does not pass.
 - Essential components of bill giving county jails over to the state.
 - Property tax share (if any).
 - Ownership of jail facilities.
 - LPC meeting scheduled for November 17th.
 - If Question 2 passes?
 - If Question 2 does not pass?
 - Additional directions?

IV. Adjourn

DRAFT – For discussion purposes**The 2017-2018 Municipal Legislative Agenda****Revenue Sharing**

Background. After nearly 40 years as a stable state policy of tremendous municipal importance, the Legislature began raiding the municipal revenue sharing program in 2009. Each year since, the financial raids grew larger until nearly \$100 million each year was being diverted away from the dedicated municipal distribution and into the state government's budget. In 2015, the Legislature statutorily reduced the size of the municipal revenue sharing distribution by 60% – from 5% of all state sales and income taxes collected to just 2%. This reduction is scheduled to stay in place until Fiscal Year 2020, when the dedication would be returned to the 5% level, at least in theory.

MMA's legislation. *MMA's legislation provides a ramped-up restoration of the percentage of state sales and income tax revenue dedicated to the Local Government Fund from the temporary 2% level to the historical 5% level over a three-year period, beginning in 2018.*

Homestead Property Tax Exemption

Background. The Homestead property tax exemption was established in 1998 as a \$7,000 exemption for Maine's primary residents, with 100% of each municipality's lost tax revenue reimbursed by the state, thereby preventing a shift in tax burden to businesses and other non-homesteaders. The Homestead exemption was the target of extensive and annual legislative amendment from 2004 through 2010. The ultimate result was a \$10,000 exemption with only 50% of the municipal tax revenue losses reimbursed by the state, thereby shifting tax burden onto local businesses, farmland, etc. The shift from 100% to 50% reimbursement also decreases the effective value of the exemption for the homesteaders. Since 2010, the current Administration has regularly proposed to eliminate the Homestead exemption for homesteaders under the age of 65. In 2015, the Legislature increased the value of the Homestead exemption to \$15,000 (for tax year 2017) and \$20,000 (for tax year 2018), and also increased the reimbursement level from 50% to 62.5%, beginning in tax year 2018.

MMA's position. *MMA will oppose all attempts to weaken or repeal the Homestead exemption or reduce the newly-established municipal reimbursement rate as currently provided in law.*

Tax Exempt Property

Background. The state's Supreme Judicial Court has issued at least two decisions that allow corporations and institutions that are exempt from paying property taxes to use their

property for purposes not related to their charitable or educational mission and still retain their tax exempt status. These decisions seem to ignore an express “exclusive-use” requirement in Maine law. The Court relied on a finding that the alternative use of the property, and the revenue that alternative use generated, was “incidental” to the organization’s mission and therefore allowed.

MMA legislation. *The MMA legislation responds to recent Law Court decisions by affirming the requirement that tax exempt property be exclusively used for the charitable or “literary and scientific” purposes and expressly disallowing revenue-producing incidental use.*

Education

Background. Municipal officials believe very strongly that the Legislature should allocate substantially more financial resources to support K-12 public education than is currently allocated, both for the purpose of improving the equity of educational opportunity statewide and to protect Maine’s property taxpayers. To that end, Maine’s municipal leaders advanced the citizen initiative adopted by the voters in 2004 that directed the Legislature to fulfill the unfulfilled promise it made 32 years ago to cover 55% of the total cost.

Question #2 on the November ballot is a citizen initiative designed to achieve that goal. As strongly as municipal officials support the achievement of the 55% standard, MMA’s Legislative Policy Committee does not believe that the taxation proposal in the Question #2 initiative would implement either well balanced, carefully designed or comprehensive tax reform.

MMA legislation. *As a consequence, if Question #2 is adopted by the voters on November 8th, MMA will advance a bill that would: (1) implement the funding element of the initiative differently and along the lines of comprehensive tax reform proposals MMA and others have advanced in the past, and (2) adjust the Essential Programs and Services school funding distribution model in order to more equitably distribute the additional state revenue.*

Additional background. Regardless of the level of state funding for public education the Legislature chooses to support, municipal officials are concerned about the year-to-year volatility of the school subsidy distribution (General Purpose Aid for Local Schools, or GPA) as controlled by the Essential Programs and Services (EPS) school funding model. This issue came dramatically to light in early 2016 when the spreadsheets detailing the GPA distribution showed significant year-to-year reductions for over 100 school systems, even as the state contribution (at that time) was essentially flat from the previous year. There are at least three intertwined “volatilities” at play: (1) the EPS model can produce big swings in distribution even though little has changed at the local level, (2) sudden reductions in municipal fiscal capacity can occur without the distribution system adjusting for several years; and (3) sudden increases in the demand for special education services and the regionalized delivery of specialized educational services can occur in real time without being recognized by the model for several years.

MMA legislation. *In response, MMA's legislation amends the Essential Programs and Services school funding model with the goal of reducing year-to-year volatility in distribution and, at the same time, improving the ability of the system to adjust to sudden real-time changes in either municipal fiscal capacity or demands in services. Elements of the legislation could include: addressing any lags in subsidy response to accurate, real-time costs for special education and regionalized "Career and Technical" education services; re-designing the "fiscal capacity" calculation to more consistently deal with sudden and significant changes in state valuation; otherwise reducing year-to-year volatility associated with valuation changes, perhaps through a circuit-breaker mechanism; establishing an account within the overall GPA allocation that is designed to distribute supplementary subsidy in response to unanticipated increases in special education services identified after the beginning of the school year, etc.*

Additional background. Finally on the education front, municipal officials are becoming increasingly frustrated with the statutorily required school budget adoption process that mandates the "school budget validation referendum." The process that requires the ratification of an earlier vote of the legislative body creates a disconnect in the budget adoption process and can easily result in multiple expensive and poorly attended referenda elections that fail to result in budget approval deep into the school year.

MMA legislation. *In response, MMA's legislation would restore home rule, charter-based authority to the municipal school systems regarding their school budget adoption process and also authorize the Regional School Units to implement alternative procedures governing the adoption of the school budget, contingent upon district voter approval.*

County Jail Management and Funding

Background. Legislation enacted in 2008 was designed to provide state-level oversight with respect to the management of the county jails in order to maximize the efficient use of the 15 jails' collective capacity and ensure that individual jail facility business models were coordinated and not resulting in excessive incarceration costs. That experiment in "jail consolidation" suffered from a lack of buy-in from the direct participants and clear direction on jurisdictional issues, and was repealed in 2015.

A central component of the jail "consolidation" initiative was the establishment of a cap on the amount of property taxes that could be assessed for the purposes of jail operations. In 2008, \$62.5 million was assessed for jail operation purposes and that became the established cap, with each county capped at its proportional share of the \$62.5 million total.

When the Legislature repealed the consolidated jail management system, it amended the property tax cap by allowing each county's assessment for jail operation purposes to increase by up to 3% each year. The current Administration and certain legislative leaders have made it clear that they believe the limited property tax cap should be repealed. Now that the management of the county jails has been returned to the counties, the thinking goes, the counties should be required to obtain the revenue to support those jails through property taxation without statutory limitation.

MMA legislation. *MMA will advance three legislative initiatives to respond to the issues central to the management and funding of the county jails:*

- *One bill shifts all jail management authority and financial responsibility over to state government.*
- *One bill establishes an express authority for each county's budget or finance committee to have final authority with respect to the jail operation components of the county budget.*
- *One bill protects the current property tax cap, implements a consistent methodology for charging inmate boarding fees and establishes the mechanics governing an objective and accurate state funding obligation.*

Economic Development: Broadband Access.

Background. From the municipal perspective, high-quality and high-speed broadband infrastructure reaching throughout the state is a necessary infrastructure in order to attract and support economic development as well as demographic in-migration. Work is being done in a handful of communities that have the resources to expand access to high speed internet, but it is not the average municipality that can afford to make these investments without any financial assistance from the state. Two years ago, MMA advanced a proposed \$10 million bond issue to capitalize the programs that allow for municipalities to invest in broadband expansion in unserved and underserved regions of the state. Among those in the Legislature who make the decisions about state borrowing, however, expanding broadband was not a high-enough priority and the bond proposal was killed.

MMA legislation. *MMA's legislation would send to the voters a proposed \$10 million bond issue for the purpose of providing resources for the expansion of high-speed internet infrastructure on the condition that recipients may only use the funds to install fiber optic transmission lines, and that the publicly-funded infrastructure must be made available to service providers in an open access, non-discriminatory manner.*

Marijuana Facilities and Local Land Use Regulation

Background. The implementation of the Medical Marijuana Act has not been well integrated with the municipal land use regulatory system, particularly with respect to the marijuana growing and dispensing systems in caregiver facilities. In some cases the owners and operators of those facilities believe they are immune from land use regulation of any kind and may legally operate entirely underground. Undeniably, however, caregiver facilities present the same land use and incompatibility issues that may apply to any other commercial operation, including traffic and parking management, security, fire and public safety, building and electric code compliance, etc. These land use management issues are magnified when multiple caregivers combine their operations under one roof.

MMA legislation. *MMA's bill clarifies the municipal authority to adopt and enforce land use regulations that apply to facilities that grow, process, package, distribute, sell or provide marijuana in the same manner as any other commercial activities generating the same land use and compatibility impacts, closing the loopholes that might currently exist which allow certain facilities to evade local regulatory oversight.*

DRAFT – For discussion purposes**An Act To Incrementally Restore Municipal Revenue Sharing**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §5681 sub-§5, as amended by PL 2015, c. 267, Pt. K, §1, is further amended to read:

5. Transfers to funds. No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred ~~is 2%~~ must be 2% for fiscal years 2015-16 and 2016-17, 3% for fiscal year 2017-18, and 4% for fiscal year 2018-19 of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

- A.
- B.
- C. For months beginning on or after July 1, 2009 but before July 1, 2010, 15%;
- D. For months beginning on or after July 1, 2010 but before July 1, 2011, 16%;
- E. For months beginning on or after July 1, 2011 but before July 1, 2012, 17%;
- F. For months beginning on or after July 1, 2012 but before July 1, 2013, 18%;
- G. For months beginning on or after July 1, 2013 but before July 1, 2014, 19%; and
- H. For months beginning on or after July 1, 2014, 20%.

Summary: This bill incrementally restores the percentage of state sales and income tax revenue allocated to the State-Municipal Revenue Sharing program over a period of three years. As proposed, the percentage of state sales and income tax revenue dedicated to the fund increases from 2% to 3% in fiscal year 2017-18, from 3% to 4% in 2018-19 and is fully restored to 5% in 2019 and subsequent fiscal years.

DRAFT – For discussion purposes

An Act Regarding the Exclusive Use of Tax Exempt Property

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §652 sub-§C-A, is amended to read:

1. Property of institutions and organizations. The property of institutions and organizations is exempt from taxation as provided in this subsection.

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State are exempt from taxation. Such an institution may not be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit the funds are applied.

For the purposes of this paragraph, "benevolent and charitable institutions" includes, but is not limited to, nonprofit nursing homes licensed by the Department of Health and Human Services pursuant to Title 22, chapter 405, nonprofit residential care facilities licensed by the Department of Health and Human Services pursuant to Title 22, chapter 1663, nonprofit community mental health service facilities licensed by the Commissioner of Health and Human Services pursuant to Title 34-B, chapter 3 and nonprofit child care centers incorporated by this State as benevolent and charitable institutions. For the purposes of this paragraph, "nonprofit" refers to an institution that has been determined by the United States Internal Revenue Service to be exempt from taxation under Section 501(c)(3) of the Code. [2007, c. 627, §20 (AMD).]

B. The real estate and personal property owned and occupied or used solely for their own purposes by literary and scientific institutions are exempt from taxation. If any building or part of a building is used primarily for employee housing, that building, or that part of the building used for employee housing, is not exempt from taxation. [2007, c. 627, §20 (AMD).]

C. Further conditions to the right of exemption under paragraphs A and B are that:

(1) Any corporation or institution claiming exemption under paragraphs A or B must be organized and conducted exclusively for benevolent and charitable or literary and scientific purposes, as applicable, and may not use or engage the exempt property in incidental uses not directly related to and necessary for the benevolent and charitable or literary and scientific purposes that involve the provision of goods, services or materials in exchange for any amount, type or form of remuneration;

Source: The state's Supreme Judicial Court has issued at least two decisions that allow corporations and institutions that are exempt from paying property taxes to use their property for purposes not related to their charitable or educational mission and still retain tax exempt status. This bill amends existing law to affirm the requirement that tax exempt property be exclusively used for the charitable or "literary and scientific" purposes by expressly disallowing revenue-producing incidental use.

DRAFT – For discussion purposes

**An Act To Clarify the Municipal Authority To Adopt and Enforce Land Use Regulations
for Marijuana Facilities**

Sec. 1. 30-A MRSA, §4362, is enacted to read:

1. **§4362. Marijuana facilities.** Municipal ordinances or regulations may not conflict with or be more restrictive than state law with respect to an individual's use, possession or transportation of medical or recreational marijuana. Pursuant to and in accordance with the authorities established by this chapter and municipal home rule authority not expressly limited by this subsection, municipalities are authorized to adopt and enforce land use regulations that apply to marijuana facilities that grow, process, package, distribute, sell or provide medical or recreational marijuana in the same manner as any other commercial activities generating similar land use and compatibility impacts may be regulated. Such facilities include, without limitation, facilities owned or operated by a marijuana "collective" as defined in 22 M.R.S.A. 2422(1), "registered dispensary" as defined in 22 M.R.S.A. 2422(6), "primary caregiver" as defined in 22 M.R.S.A. 2422(8-A), "registered nonprofit dispensary" as defined in 22 M.R.S.A. 2422(10), and "registered primary caregiver" as defined in 22 M.R.S.A. 2422(11).

Summary. This bill clarifies the extent to which municipal home rule authority may be applied with respect to the otherwise lawful use, possession, transportation, growing, manufacture, testing, transfer or sale of marijuana under state law. The bill preempts municipal home rule authority with respect to the otherwise lawful personal use, possession, or transportation of medical or recreational marijuana under state law. The bill establishes and clarifies the home rule authority of municipal governments to adopt and enforce land use regulations that apply to the various types of medical or recreational marijuana facilities in the same manner as any other commercial activities generating similar land use and compatibility impacts may be regulated.

DRAFT – For discussion purposes

An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. A-2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

CONNECTME AUTHORITY

Provides funds to the Municipal Gigabit Broadband Network Access Fund to be used for grants to municipalities for high-speed broadband infrastructure development and improvement.

Total

\$10,000,000

Sec. A-6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. A-9. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$10,000,000 bond issue to financially assist municipalities and multi-municipal regions in the expansion and enhancement of high-speed broadband internet infrastructure?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

Sec. 1. Bond Funding

1. The authority shall utilize revenues collected pursuant to a general fund bond issue to support entrepreneurial activity, attract business and enhance demographic in-migration by investing in high-speed broadband infrastructure solely for implementation grants established in Title 35-A chapter 93.
2. Such bond-funded grants must be used solely for open-access non-discriminatory fiber-optic-based infrastructure. Applicants may include proposals that utilize public-private partnership arrangements with existing internet service providers.

3. **Contingent effective date.** This Part takes effect only if the General Fund Bond issue proposed in Part A is approved by the voters of this State.

SUMMARY

This bill provides for a bond issue in the amount of \$10,000,000 to be used to expand high-speed broadband internet infrastructure.

Maine Revised Statutes
Title 35-A: PUBLIC UTILITIES HEADING:
PL 1987, c. 141, Pt. A, §6 (new)
Chapter 93: ADVANCED TECHNOLOGY
INFRASTRUCTURE HEADING: PL 2005, c. 665, §3 (new)

§9211-A. MUNICIPAL GIGABIT BROADBAND NETWORK ACCESS FUND

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Applicant" means a community, regional partnership or municipality that applies for a grant under this section. [2015, c. 323, §1 (NEW) .]

B. "Community" means a municipality with a population of at least 1,200 people, as determined by the authority in accordance with the United States Census data, or a municipality that has received a waiver from this population requirement from the authority upon a determination that the municipality is in an unserved or underserved area. [2015, c. 323, §1 (NEW) .]

C. "Fund" means the Municipal Gigabit Broadband Network Access Fund established in this section. [2015, c. 323, §1 (NEW) .]

D. "Regional partnership" means 2 or more municipalities that do not, on their own, meet the requirements of paragraph B and have joined together with one or more contiguous municipalities in the region to achieve the population requirements of paragraph B. [2015, c. 323, §1 (NEW) .]

[2015, c. 323, §1 (NEW) .]

2. Fund established. The Municipal Gigabit Broadband Network Access Fund is established as a nonlapsing, revolving fund administered by the authority for the purposes of supporting the activities and projects of the authority under this section. All money in the fund must be continuously applied by the authority to carry out this section. The authority may receive and deposit in the fund funds from the following sources:

A. Federal funds and awards that may be used for the purposes of this section; [2015, c. 323, §1 (NEW) .]

B. The proceeds of bonds issued for the purposes of this section; and [2015, c. 323, §1 (NEW) .]

C. Any other funds from public or private sources received in support of the purposes for which the fund is established. [2015, c. 323, §1 (NEW) .]

[2015, c. 323, §1 (NEW) .]

3. Purpose of the fund. The fund is established to address the need in the State for access to ultra high-speed broadband infrastructure that will enhance the State's competitiveness in national and international economies. To the extent funds are available, the fund must be used to provide grants to communities, regional partnerships and municipalities to support public-private partnerships to support a municipal gigabit fiber-optic broadband network in their regions with the following goals:

A. Provide high-speed broadband access to attract, create and grow the State's economy and market the products and services of businesses in the State in national and international markets with ultra high-speed symmetric connectivity and address challenges in geography; [2015, c. 323, §1 (NEW) .]

B. Provide expanded health care services by facilitating access to telemedicine, as defined in Title 24-A, section 4316, subsection 1, and state and local services for senior citizens and persons with disabilities; [2015, c. 323, §1 (NEW) .]

C. Expand educational opportunities for students across the State through virtual and distance learning; [2015, c. 323, §1 (NEW) .]

D. Facilitate broader access for the public to services provided by municipal and county governments, including, but not limited to, law enforcement entities, the judicial system and child, youth and family social services; and [2015, c. 323, §1 (NEW) .]

E. Provide expanded residential services to support employment opportunities. [2015, c. 323, §1 (NEW) .]

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, definitions of "gigabit fiber-optic broadband network" and "ultra high-speed broadband infrastructure."

[2015, c. 323, §1 (NEW) .]

4. Implementation grants; maximum awards. To the extent funds are available, the authority shall award implementation grants to achieve the purpose of the fund as described in subsection 3 as follows.

A. An implementation grant to an applicant may not exceed \$200,000 for each eligible project selected for funding. [2015, c. 323, §1 (NEW) .]

B. An implementation grant may be awarded only to an applicant that has demonstrated to the satisfaction of the authority that it has participated in a planning grant process as described in subsections 5, 6 and 7. [2015, c. 323, §1 (NEW) .]

C. Municipalities selected for funding must be required to provide a 25% cash match. [2015, c. 323, §1 (NEW) .]

[2015, c. 323, §1 (NEW) .]

5. Planning grants; requirements for applicants. In order to assist applicants with completion of the planning process necessary to achieve the goals of this section, to the extent funds are available, the authority shall award planning grants of up to \$20,000 for community applicants and up to \$25,000 for regional partnerships and municipalities, which require a cash match. The authority shall establish application requirements for planning grants for community and regional applicants that require an applicant to demonstrate to the satisfaction of the authority participation with public and private institutions and local businesses in the development of the grant process. Municipal applicants must provide the authority with the following information:

A. A plan that identifies how the municipality will use ultra high-speed broadband access to fulfill the economic goals of the municipality; [2015, c. 323, §1 (NEW) .]

B. A written commitment to nondiscriminatory open access to the broadband infrastructure by all parties involved in the grant; [2015, c. 323, §1 (NEW) .]

C. A written summary of public forums used to gather information from the public in establishing the goals for the grant that serve the goals of this section; [2015, c. 323, §1 (NEW) .]

D. Information gathered from local public and private institutions that identifies how the broadband services will expand access to state and local services identified under subsection 3; and [2015, c. 323, §1 (NEW) .]

E. A summary of input received from the business community to identify the services that will be used in planning the implementation grant application. [2015, c. 323, §1 (NEW) .]

[2015, c. 323, §1 (NEW) .]

6. Planning grant requirements. An applicant awarded a planning grant under subsection 5 must provide to the authority:

A. Identification of the local broadband needs and goals; [2015, c. 323, §1 (NEW) .]

B. An inventory of existing broadband infrastructure assets within the municipality, municipalities or region; [2015, c. 323, §1 (NEW) .]

C. The results of a gap analysis that defines the additional broadband infrastructure necessary to meet identified needs and goals; [2015, c. 323, §1 (NEW) .]

D. One or more potential network designs, cost estimates, operating models and potential business models, based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution, to address any broadband gaps identified in the analysis described in paragraph C; and [2015, c. 323, §1 (NEW) .]

E. An assessment of all existing municipal procedures, policies, rules and ordinances that may have the effect of delaying or increasing the cost of broadband infrastructure deployment. [2015, c. 323, §1 (NEW) .]

[2015, c. 323, §1 (NEW) .]

7. Cash match for planning grants; restrictions. The cash match required from the applicant for a planning grant under subsection 5 may consist of municipal appropriations, private funds, funding from economic development entities and funding from nonprofit entities. The cash match for planning grants may not consist of funds provided by a vendor or private business that proposes to build, operate or provide retail services using the gigabit fiber-optic broadband network.

[2015, c. 323, §1 (NEW) .]

8. Technical assistance; contract for services. The authority may provide technical assistance to applicants that request assistance with the grant application process. The authority may contract for services to assist in the administration, management and evaluation of the fund.

[2015, c. 323, §1 (NEW) .]

9. Rules; application procedure. The authority shall adopt rules to implement this section, including rules governing the application process for the fund. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2015, c. 323, §1 (NEW) .]

10. Report. Beginning December 15, 2016, the authority shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters on the grants distributed from the fund and an analysis of the fund's activities that have addressed the need for expansion of ultra high-speed broadband access in the State.

[2015, c. 323, §1 (NEW) .]

SECTION HISTORY

2015, c. 323, §1 (NEW) .

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DRAFT – For discussion purposes

An Act To Restore Home Rule Authority to the Process of Adopting School Budgets

Section 1. 20-A MRSA §2307, first ¶, as amended by PL2011, c. 655, Pt. E, §1, is further amended to read:

§2307. School budgets

Notwithstanding any other law, municipal school budgets developed after January 1, 2008 and before January 1, 2018 must follow the same school budget requirements as regional school units pursuant to chapter 103-A, except as described in subsections 1 and 2. Municipal school budgets developed after January 1, 2018 must conform to the format procedures for regional school units as set forth in section 1485 and may conform to the referendum procedures for regional school units as set forth in section 1486. The procedures to effect the final approval of a municipal school budget by the appropriate local legislative authority may be entirely controlled by the municipality's charter or ordinances adopted pursuant to the municipality's home rule authority. A municipal school unit is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to chapter 103-A. A municipality has the same authority to commit property taxes as provided in section 1487.

Summary. Since 2008, state law has required municipal school systems to adopt their school budget through the "school budget validation referendum process" that is required of multi-municipal Regional School Units. Beginning with school budgets developed after January 1, 2018, this bill restores to the municipal school systems their home rule authority to establish by charter or ordinance the procedures to adopt their school budgets. The bill retains the requirement in current law that the school budget for municipal school systems be formatted in the same way as currently required for all school budgets.

DRAFT – For discussion purposes

An Act To Authorize the Voters in Regional School Units To Adopt Alternative School Budget Adoption Procedures

Sec. 1. 20-A MRSA, §1486, as amended by PL 2011, c. 678, Pt. B, §1, is further amended to read:

§1486. Budget validation referendum

After January 31, 2008, the procedure for approval of the annual budget of a regional school unit must be in accordance with this section and section 1485.

1. Budget validation. Unless the voters of the regional school unit have adopted an alternative budget adoption procedure in accordance with section 5, ~~Following after the~~ development of the annual regional school unit budget and approval at a regional school unit budget meeting as provided in section 1485, a referendum must be held in the regional school unit as provided in this section to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative unit may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

An article to consider reinstatement of the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the regional school unit board or a written petition filed with the regional school unit board by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative unit. The regional school unit board shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the regional school unit board. If adopted by the voters, the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the budget validation referendum process may not be changed for 3 years.

2. Validation referendum procedures. The budget validation referendum must be held on or before the 30th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article

under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5.

3. Budget validation referendum voting. The method of calling and voting at a budget validation referendum is as provided in sections 1502 and 1503, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

A. A public hearing is not required before the vote.

B.

C. The warrant and absentee ballots must be delivered to the municipal clerk no later than the day after the date of the regional school unit budget meeting.

D. Absentee ballots received by the municipal clerk may not be processed or counted unless received on the day after the conclusion of the regional school unit budget meeting and before the close of the polls.

E. All envelopes containing absentee ballots received before the day after the conclusion of the regional school unit budget meeting or after the close of the polls must be marked "rejected" by the municipal clerk.

F. The article to be voted on must be in the following form:

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest (name of regional school unit) budget meeting?

Yes No"

4. Failure to approve budget. If the voters do not validate the budget approved in the regional school unit budget meeting at the budget validation referendum vote, the regional school unit board shall hold another regional school unit budget meeting in accordance with this section and section 1485 at least 10 days but no longer than 45 days after the referendum to vote on a budget approved by the regional school unit board. The budget approved at the regional school unit budget meeting must be submitted to the voters for validation at referendum in accordance with this section. The process must be repeated until a budget is approved at a regional school unit budget meeting and validated at referendum. If a budget is not approved and validated before July 1st of each year, section 1487 applies.

5. Alternative school budget adoption procedure. A regional school unit board is authorized to present to the voters of the regional school unit by referendum a school budget adoption procedure to be implemented as an alternative to the procedure established by this section, provided the alternative complies with the requirements of this section.

A. The alternative school budget adoption procedure must conform with the school budget preparation procedures of section 1482 and the school budget formatting requirements of sections 1483 and 1485.

B. The alternative school budget adoption procedure may replace the annual budget meeting procedures of section 1482-B and the school budget validation referendum procedures of this section with an annual meeting referendum budget adoption process.

C. The method of calling and voting at the annual meeting referendum budget adoption process is as provided in sections 1502 and 1503 except as otherwise provided in this subsection.

1. The annual meeting referendum budget adoption process must include at least one public hearing on the budget is held by the regional school unit board no less than 10 days before the referendum election and the detailed budget document required by section 1482, subsection 2, must be made available and thoroughly explained by the regional school unit superintendent at the public hearing or hearings.

[Note: More procedural requirements governing how the budget is formatted on the referendum ballot, what procedures need to be followed in the case of a budget failing adoption, etc. need to be filled in. The question to the LPC is whether this bill is going in the right direction?]

Summary. Current law requires the school budgets of regional school units (RSUs), and all other school systems by reference, to be developed according to a uniform format, adopted by the appropriate local legislative body in an open meeting, and then ratified through the "school budget validation referendum process". The validation process involves a referendum election where the voters are asked: "Do you favor approving the (name of the school unit) budget for the upcoming school year that was adopted at the latest (name of the school unit) budget meeting?" Current law also requires that the validation referendum voters be provided a chance every three years to discontinue the validation referendum process and revert back to a single, open-meeting budget adoption system that does not require a validation referendum.

This bill allows a regional school unit, and therefore all other school systems by reference, to submit to the voters a proposed alternative school budget adoption process that effectively replaces the school budget validation referendum with a budget adoption process at the annual meeting that is conducted by referendum rather than open meeting. Direct budget adoption by referendum was formerly done by a number of school administrative districts, or SADs. The annual meeting school budget adoption by referendum would require at least one public hearing before the referendum vote and the school budget would have to be placed on the referendum ballot in substantially the same format as it is voted on at the open meeting. If the proposed alternative budget adoption process is adopted by the voters, the need for a validation referendum would be eliminated.

DRAFT – For discussion purposes

An Act To Protect Property Taxpayers From Increasing Jail Costs

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §911, is enacted to read:

§911. Budget and Finance Committee Authority Over Jail Operations Funding.

Notwithstanding any other provision of law or county charter to the contrary, each Budget Committee, Budget Advisory Committee, and Finance Committee established in subchapter 1 of this chapter shall have final approval authority over the respective county's jail operations budget.

Summary: This bill establishes final authority over county jail operations budgets with each respective county's Budget Committee, Budget Advisory Committee or Finance Committee.

DRAFT – For discussion purposes

Resolve, Directing the Department of Corrections To Develop a Cost of Jail Incarceration Model to Calculate the Total Amount of State and Local Resources to Adequately Operate the State's 15 Jails

Whereas, the cost of operating county jail facilities are expenditures appropriately shared between local property tax resources and the state's broad base tax resources; and

Whereas, provided under Maine Revised Statutes, Title 30-A, section 701, the Legislature has committed to limiting annual increases in the property taxpayer share of county jail expenditures; and

Whereas, absent the objective assessment and calculation of total statewide county jail costs it is difficult to accurately assess the state's share of these costs; now, therefore, be it

Sec. 1 Resolved: That the Commissioner of the Department of Corrections develop a cost of jail incarceration model designed to calculate the statewide cost of operating and maintaining county jails as required under the Maine Revised Statutes, Title 30-A, Chapter 13. Without limitation, the model must take into consideration the costs associated with jail maintenance, general operations, capital improvements, inmate remediation programs and services, inmate boarding, inmate medical, and all employee salary and benefit expenditures. The commissioner is authorized to seek information and feedback from, and otherwise consult with, municipal, county and other state officials. The cost of jail incarceration model developed by the commissioner must be submitted to the Joint Standing Committee on Criminal Justice and Public Safety no later than February 15, 2018. The Joint Standing Committee on Criminal Justice and Public Safety is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 128th Legislature.

Summary: This resolve directs the Commissioner of the Department of Corrections to develop a model designed to calculate the statewide costs of operating county jail facilities to ensure adequate operations. The model must include components that evaluate the costs of the costs of jail maintenance, general operations, capital improvements, remediation programs, inmate boarding, inmate medical, employee salaries and benefits. The commissioner is directed to present the model to the Second Regular Session of the 128th Legislature.

2016 Issues Survey Results

- On July 5, 2016 MMA sent out an “issues survey” to over 2,100 selectmen, selectwomen, town and city councilors and municipal managers. The survey instrument was an updated version of a survey MMA conducted nearly 30 years ago, in 1988. The survey identified 39 specific subject areas, asked the respondents to prioritize those subjects by assessing them a rating, and also asked the respondents to choose the top 3 subject areas that MMA should attempt to address legislatively.
- 412 municipal officers and managers participated in the 2016 Legislative Issues survey.
- The average priority rating for each of the 39 subject areas included in the survey are found in Appendix A. When the results are sorted by average rating (5 being the highest priority to 1 the lowest priority), the 12 issues of greatest priority are:

Survey Results - Sorted by Rating

Topic	Rating
Cost of public education	4.5
Municipal Revenue Sharing	4.3
Quality of public education	4.2
Distribution of school subsidy (GPA)	4.1
Road maintenance/construction	4.1
Local Road Assistance Program	4.1
General property tax relief	4.0
Economic development	3.9
State mandates	3.9
Comprehensive tax reform/restructuring code	3.8
The aging community, needs of the elderly	3.8
School budget adoption process	3.7

- A sorting of the survey participants’ top legislative priorities for the upcoming session are found in Appendix B. When the results are sorted by participant choice, the top 12 issues of highest priority are:

Survey Results - Sorted Top Choices

Topic	Top Choices
Cost of public education	167
Municipal Revenue Sharing	105
Economic development	76
Distribution of school subsidy (GPA)	71

Broadband/expansion of high-speed internet	62
General property tax relief	56
Road maintenance/construction	50
Comprehensive tax reform/restructuring code	44
Quality of public education	40
Local Road Assistance Program	40
The aging community, needs of the elderly	32
State mandates	31

- The pages that follow include the legislative ideas, feedback and comments that were provided by the survey participants, sorted according to three clusters of jurisdictional areas.
- Suggestions for legislative initiatives falling in the “education, elections, labor and transportation” categories are found on page 4. The proposed legislation and comments found in this category address:
 - K-12 education administration, costs, state aid distribution, governance and quality;
 - Workers’ compensation, benefit and retirement costs, employee workforce preparedness, training and recruitment, and the aging municipal work force;
 - Affordable housing, the needs of an aging community, General Assistance program and welfare reform;
 - Municipal regulation of medical marijuana facilities; and
 - Road and bridge infrastructure funding, both at the state and local levels.
- Suggestions for legislative initiatives falling in the “appropriations, taxation and criminal justice” categories are found on page 10. The proposed legislation and comments found in this category address:
 - Funding for the Revenue Sharing program;
 - Comprehensive tax reform and relief;
 - Tax exempt property policies;
 - Property Tax Homestead Exemption and Tree Growth Tax programs;
 - Tax Increment Financing (TIF); and
 - County jail funding.
- Suggestions for legislative initiatives falling in the “energy, utilities, environment, judiciary and state and local government” categories are found on page 14. The suggestions for legislation and comments found in this category address:
 - Broadband/expansion for high speed internet;
 - Comprehensive planning, land use and shoreland zoning;
 - Solid waste disposal, recycling and composting;

- Drinking water, wastewater and stormwater;
 - General environmental quality;
 - Renewable energy systems;
 - Intergovernmental relationships; and
 - State mandates.
- Finally, comments and the ideas for legislative initiatives that did not clearly fall into one of the above mentioned categories are found on page 18.
- When a comment is followed by a number in parenthesis that indicates the number of respondents who made essentially the same comment.

Legislative Ideas and Comments
Education, Elections, Labor and Transportation Initiatives

EDUCATION

Administration

- Require school districts to send out their own tax bills. (4)
- A student population based salary cap for superintendents and other high level administrators. (2)
- Stricter requirements for hiring superintendents. It's sad that a person making twice the salary that I do, with a better education, does not have the knowledge to get things done.
- Reduce the number of superintendents, prohibit double-dipping, and reduce administrative costs and requirements. Overkill!
- Demand that the RSU be accountable to the city/town residents. RSUs are way too autonomous.
- We need to reduce overspending on administrative costs. Work together with the state and municipalities to help ensure that the quality of education does not continue to suffer.

Budget Adoption

- Require school budgets to be voted on by secret ballot at the town meeting.
- Transparency of school/budget procedure and discussions. Currently school boards generally ignore bylaws and other considerations such as posting meeting minutes. Very sloppy.
- Require school budgets to be itemized, easily understood and available to the public.
- The budget committee for the RSU is made up of school board directors. I believe that there should be another set of eyes overseeing the budget. On the county side, the budget committee is made up of municipal officials from the towns in the county. Why can't there be legislation requiring a school budget committee represented by the municipal officials from each community in the RSU.
- Requiring that the budget approved at the budget meeting is in place until finally passed by the referendum vote is bad public policy. Why not keep it at the previous year's budget? Last week I received the town's tax assessment from the RSU and the assessment was based on the budget meeting vote of May 31, 2016 which passed, but which failed at the polls on June 14. Why should we be required to pay for a budget that failed?
- Decisions to continue to vote on the school budget via referendum should require a certain level of voter participation in that election. If the participation threshold is not met, the question fails and the process ends.
- School and town cooperation/collaboration over the budget process leads to "turf" wars, which are neither healthy nor productive.

Costs

- Fully fund education at the 55% level, as mandated by referendum. (28)
- Fully fund special education or do away with this No Child Left Behind foolishness. It really means no teacher left behind.
- Abolish the U.S. Department of Education, shrink the size of Maine DOE and encourage competition for public schools.
- "School choice" should be paid for by parents.
- Create a law prohibiting the Legislature or the governor from changing funding level.
- A few years ago Katahdin schools were highly ranked, and now I doubt if they are even ranked. The cost of education is killing us.
- As a plantation we are paying a large amount to the school district and have only three children going to school.
- The cost of our school is sinking the town.
- Somerset County is still in need of significant economic development. How do towns effectively mitigate high growth in school spending and decreases in state support for education?
- School budget issues continue to plague fixed income communities. School budget increases continue to far exceed national and state economic inflation. In what way can distance learning and virtual academies/schools help keep costs down.

Distribution of School Subsidy (GPA)

- Subsidy should be as simple as each student gets the same amount of state aid. That subsidy should be adjusted each month. The EPS formula lags too much and has caused huge swings in small town budgets.
- Raise minimum school subsidy amount so all communities get at least 5% of the cost of running schools.
- Flat tax rate for school assessment.
- Distribute state aid according to the number of students per municipality.
- I would like to see the formula calculated more fairly by moving toward a "per child" rather than "valuation" based calculation.
- Scrap the current school funding formula and devise a realistic approach based on more community involvement.
- Increase reimbursement for special education costs.
- The state needs a more fair school subsidy distribution methodology. Our community received \$1,367 last year.
- We need equity. Rome pays over \$12,000 per pupil, while other RSU towns pay \$6,700 per pupil.
- As a small town in a two-town district, we have no say. We have 2 representatives on the board, while the other town has 3. We always lose. We pay \$16,000/student while the other town pays \$14,000.
- State subsidies for each RSU should be based on the total value of all the member towns and the remaining cost to run the RSU assessed to each community on a per student basis. No

town should have to subsidize other communities. Towns join RSUs for cost savings and when you have to subsidize, there are no cost savings for some towns. Every town should pay the same price per student for the same education, not more. A 3% increase in our RSU roughly equals a 9% increase for our town. Look at U.S. Census, our residents are just as poor as, and in some cases poorer than, residents in the other 4 towns.

- 75% of property tax dollars are used to fund schools. This puts a strain on property taxpayers and funding for other town services.
- Towns, especially small ones, just don't get enough help with education.
- School systems that can fund their own schools should not receive the same amount of state aid as rural schools that need the funding.
- Funding is needed to allow licensed professional counselors, and not school counselors, to help K-5 students. This is the point where children can be helped before becoming harder to work with.
- More equitable distribution of state aid for education. (2)
- Support increase in state funding formula for rural towns.
- Change/review school subsidy formula.
- Distribution of school subsidy.
- Help achieve school equality, rather than allowing the rich to get richer.

Governance

- Legislation that would allow a one-member RSU to withdraw and return to town governance.
- We need to tighten/clarify the "residency" definition to ensure that people who want to tuition their children actually live in a town. We also need to ensure that those who choose to tuition to private schools do not do so at the cost or support for public schools.

Quality

- Adopt better evaluation systems for assessing teacher quality. (2)
- Deal with the Title 1 deduction from funding formula issue.
- Hold "youth in government" workshops at schools. Better pay for teachers. After school tutoring.
- Increase pay for higher education and public school faculty.
- Amend regulations prohibiting teachers from collecting Social Security and Maine State Retirement. Many teachers are stuck in the system, which effects the quality. Others are not joining the profession for this reason.
- Control over adoption of "new products" and "programs", which cost money. It is the teaching of curriculum and the smaller class sizes that are important.
- Quality of education is now poor.
- Stop common core. It does not tailor itself to individual children.

Other

- Stop the DOE from overriding negative superintendent agreements. It's destroying local schools.

- Early education; ages 0-5.
- School consolidation.
- Fix problems with school choice.
- School building construction.
- Some of our schools are older than I am and are falling apart or need big bucks for fixes. We need help!
- Lower the cost of education. When you charge someone \$500,000 to \$750,000 to be a doctor we are discouraging people we need.

ELECTIONS

- Change the citizen initiative petition signature policy to remove signature collectors from the polling area.
- Review state laws governing town elections. Allowing nominations from the floor is random and often leads to unproductive outcomes. Candidates, in my view, should decide well in advance, gather signatures in support, and discuss what their priorities and concerns are.
- Gubernatorial run-off election – require 50% of the voters to seat the governor.

LABOR

Employment Readiness/Preparedness & Youth Retention

- Offer free or low cost job training.
- Jobs and training for what is left of our youth population.
- Incentivize economic development by inviting parents and contractors to visit and inquire about possibilities of hiring from technical schools.

Workers' Compensation Costs

- Stop ruling in favor of the personnel in nearly all workers' compensation cases.
- Enforcement of worker compensation violations...assessment of penalties.

Employee Benefits/Retirement Costs

- Have MMA return all profits from their captive health insurance program to towns and cities.
- The cost of healthcare is an issue for every town and a concern for most in the community.

Recruiting/Training Employees & Volunteers

- 30% of our voters attend and vote at town meeting. Most are over 50 years of age. Requests are made for young volunteers for Fire Department, municipal officials, etc., few respond. Perhaps encouragement at the state level, via media, would bring fresh talent to our communities. Many small towns face this issue.
- If the younger generations are so "socially minded" where are they? How do we get them involved?
- Exempt municipalities from state rules while training people.
- Incentives to attract firefighters. (2)
- Recruitment of town clerk, fire chief, and other skilled, but low paid jobs.

Aging Municipal Workforce

- Work on funding recruitment efforts (e.g., wages, benefits, etc.).

HEALTH & HUMAN SERVICES

Affordable Housing

- Affordable housing is always a problem. Perhaps we should convert foreclosed homes into rooming houses.
- Need additional funding via bonds.

Aging Community, Needs of the Elderly

- If you are retired, have a good income, live in a small town and have no children in this state to help you, you are on thin ice. There are few senior centers where seniors can get help from each other. In addition, taxing company pensions and IRAs says to me...don't live here year round.

General Assistance Administration/Welfare Reform

- Make the state administer the GA program.
- Urinalysis drug testing for all GA applicants.
- Get drugs and General Assistance program under control.
- Stop welfare and MaineCare fraud.
- Let's put people back to work and not in the welfare lines.
- Make those on welfare work.
- Cut Maine social service department budgets.
- Welfare reform. (2)
- General Assistance is mentioned in this survey but welfare reform, as a whole, is not. If it isn't broke, don't fix it.
- As the GA administrator, I support Gov. LePage and his attempts to control the run-away welfare expenses and feel the legislative agenda should support him.

Regulation of Medical Marijuana Facilities

- There needs to be a comprehensive review, re-write of the medical marijuana rules. The secrecy behind who is growing it, where and if they are legitimate is placing public safety workers at risk, eroding the quality of life of neighborhoods and an absolute abomination. The law was written by the industry, is a failure and we need comprehensive reform.
- Need more guidance on how to deal with caregivers and dispensaries.
- Let communities impose a 5% tax on all marijuana sales.
- Develop comprehensive rules for regulating possession and distribution of marijuana and increase taxes on the product.
- Turn the law around on marijuana. It is still illegal and should be same in the state.
- Potential marijuana legislation.

TRANSPORTATION

Financing Infrastructure & Road Maintenance/Construction

- Raise gas tax for road and bridge repairs. (2)
- Provide funding to municipalities when returning state roads.
- State must make the necessary infrastructure repairs or provide the needed financial support.
- More road funding. (2)
- More DOT funding for paving and road repair that could be used to assist municipalities to bring roads that have deteriorated back into good condition.
- Inadequate state maintenance of category 4 and 5 roads. Not a question of allocation of existing funds, DOT needs more funding for this purpose.
- Towns impacted by tourism should get preference on road widening projects when improvements are necessary to enhance public safety.
- Our town's major problem is a divided understanding of the appropriate funding mechanism for implementing infrastructure improvements/investments.
- Approach a group of local legislators to sponsor a bill that combines all road/infrastructure needs/etc. as one bill to ensure passage.
- Washington County roads are some of the worst in the state.
- Towns and the state need to increase investments in roads, bridges and stormwater.
- Privatize DOT, twice as much work for ½ the cost.
- Our town roads are in need of repair, and we don't have the funds to do much.
- Maintenance of rail and highway systems.
- Provide for high-speed rail throughout the state and improve highway maintenance.
- Recreation. Bike and pedestrian paths (not ATV paths), sports fields, bicycle lanes on highways. Without these amenities, it makes economic development more difficult.
- Bicycle fees. If they want to "share the road", they should share the costs.

Local Road Assistance Program

- Need state funds to help local road construction and maintenance. (6)
- Increase LRAP by pooling all truck (30,000+ pounds) registrations and distributing revenue equally to all municipalities.

Other

- Require proof of insurance for all ATV registrations. This is needed due to the increased ATV traffic on highways.
- Either amend or repeal the MUBEC law 4,000 population threshold.
- Stronger enforcement of distracted driving laws.
- Need safety regulations for horse-drawn carriages.

Legislative Ideas and Comments
Appropriations, Taxation & Criminal Justice Initiatives

APPROPRIATIONS

Revenue Sharing

- Fund Revenue Sharing at 5% and stop raiding the fund. (21)
- High valuation equals less revenue sharing. Consider new formula to factor in high valued seasonal homes.
- We have to show the Legislature the many functions of public service we carry out in part on their behalf. Without their support and without our efforts, they would be left with only one ox in the yoke. You can't starve one without making the other suffer.

Other

- Ideally, increased local subsidies. Practically, just protect from more thieving.
- Need to direct more assistance to the towns.

TAXATION

Comprehensive Tax Reform

- Local option sales tax. (2)
- Increase consumption taxes for seasonal periods.
- Flat tax.
- Broaden the taxable sales base, increase sales tax rate and restructure income tax.
- Repeal the income tax and increase the sales tax.
- Reduce state income tax and replace lost revenue with an increase in real estate transfer tax from .0044 to .066. On average, this change will generated an estimated \$350 million/year.
- Increase graduated income tax to pay for needed services.
- Increase tax rate on higher incomes and increase property tax rate on residences that are not primary homes.
- Lower corporate tax and regulation.
- Repeal LD 1. (2)
- LD 1. Abolish or allow property growth factor to include tax exempt property.
- Reform tax codes to create more jobs.
- State needs to take the lead on tax reform, don't use it as MMA's legislation.
- Comprehensive tax reform legislation probably won't go anywhere. Look at protecting municipalities and make efforts for small gains.
- The tax problem – unbalanced and negative for municipalities – needs to be addressed.
- Start over with comprehensive tax reform.
- Address the shift of government costs from broad based state taxes to property taxes.
- From a legislative standpoint, I am not sure what can be done. In order to finance infrastructure, spending must increase. The challenge is to reduce spending in other areas to

accomplish property tax relief. School spending would also have to be reduced to lower property taxes.

- Simplify, mimic federal government. Equity for the middle class.
- Restructure Maine's tax code.
- Tax incentives to attract businesses.

Motor Vehicle Excise Tax

- Calculate the tax on the basis of sales price rather than the list price. (2)
- Reduce excise taxes so it doesn't cost an arm and a leg to register vehicles.
- Motor vehicle registration software costs are being passed onto municipalities.

Property Tax Relief. Generally

- Push to phase-in a restoration of revenue sharing with goal of restoring to full funding. Support expansion of Homestead Exemption with full state reimbursement.
- Property taxes should be assessed on the original value of the home, and adjusted annually by a cost of living or other inflationary index. When property is sold or transferred, a tax would be paid directly to the municipality and assessed on the "profit" margin. This would be in lieu of annual tax increases, and would enable families to more readily budget for new ownership. For example, someone purchases a home for \$200,000 knowing they can afford it. Through no fault of their own the value increases to \$350,000 even though their income remains stagnant. They did not buy the home for \$350,000 because they couldn't afford it. Now they are stuck paying property tax on it.
- I would like to see some taxing authority shifted to municipalities, including generating additional revenue from as a local sales tax. Or, alternatively, provide municipal authority to institute property tax caps or local circuit breaker programs for low income or elderly folks on fixed incomes.
- Support to communities through subsidies. Need to hold property taxes down.
- The state has been balancing their budget by shifting more costs onto municipalities, at the same time other municipal revenue sources have been cut. All this puts more pressure on the property taxes.
- Need more property tax relief.
- It is about the money/property tax. Augusta makes a move – revenue sharing, GPA, etc. - the municipality must make up the difference. The only way we can pay the school bill or replace the money not shared by the state is to raise the mil rate with only 60 days planning before the tax bills go out. People need more time to plan for a property tax increase. I would rather the shortfalls in the state budget be funded with a state sales tax increase. I see that as a more fair and equitable distribution of the tax burden. The property owners are being held hostage to state spending. They have no choice and they have to pay. If the sales tax goes up more people, lots of summer visitors, are helping the state pay its bills.
- Shifting burden onto property taxpayers has to stop.

- More is not better!! Keeping residents in homes they cannot afford will not help. The property will not be maintained and will be gone. A move to rental property is better for all taxpayers in the long run. Governments should continue to help, but temporarily.

Property Tax Relief, Homestead Exemption

- Increase homestead exemption. (4)
- Increase state homestead exemption funding.
- Increasing the homestead amount, without state subsidy, only shifts the tax burden and increases the mil rate. Stop doing it, or fund it.
- Homestead exemption is a scam. Money needs to be raised to run the town, if not on homes, it is on land, businesses, etc. It is not fair to other property taxpayers. Also, to only reimburse for 50% of the lost tax revenue is totally irresponsible.
- Homestead Exemption going from \$15K this year to \$20 K next year has forced our municipality to raise the mil rate.
- There are no heroes when the state ups the Homestead Exemption, but does not fund it. Mil rate increases as the value decreases.

Property Tax Relief, Elderly & Low Income

- A 3 to 5% discount on the school tax assessment should be provided to residents 65 years of age and older, with the lost property tax revenue reimbursed with state sales tax revenues.
- Give seniors a tax break on education assessment if they have lived in the same town for more than 12 years.
- Reduce property tax burden especially for seniors and low income residents.
- Property taxes should be lower for low income residents, especially if they can't work.

Tax Exempt Property

- Only the immediate campus of a hospital should be eligible for the property tax exemption. Colleges, etc. should be exempt, but as they expand the newly acquired property and buildings should be taxed.
- Some tax exempt entities use town roads, schools, public programs at the taxpayers' expense. This is not fair to the taxpayers.
- We have a very high amount of exempt property. Some direct relief would help.

Tax Increment Financing (TIF)

- Revisit school funding and how the use of TIFs hurt smaller towns by sheltering value. (2)
- Remove school tax sheltering from TIF programs. 2015 data shows \$3.5 billion in property value sheltered by TIFs or \$62 million in revenues.
- Reduce the restrictions on how TIF revenue can be used.

Tree Growth Tax Law

- Eliminate Tree Growth program eligibility for land in shoreland areas. (4)

- Allow towns to oversee Tree Growth plans and assess penalties if plan is not followed. (2)
- Offer an amnesty program. Provide those who want out of the Tree Growth program to do so during a period of time, set by the state, without penalty.
- The Tree Growth program needs to be completely rebuilt. The mills are going downhill and it is high time we stop blowing potential revenue on land that is only being used as a tax haven.

CRIMINAL JUSTICE

County Jail Funding

- State takeover of all jail funding and control.
- Get the state out of the jail business. Let private corporations run for-profit jails.
- Fully fund county jails. Local police are arresting people on state charges, not local.
- Do not pass this onto the property taxpayers/municipalities.

Other

- Ban firearms in municipal buildings. (2)
- State funding for equipment for drug enforcement (e.g., body wires, etc.).
- A plan to combat the drug problem in Maine.
- Drug abuses, rehab and drug court.
- The rising cost of police protection in rural communities, which are quickly becoming the transit routes of choice for drug trafficking.
- Plea bargains, deferred sentences, very lenient sentences.

Legislative Ideas and Comments
Energy, Utilities, Environment, Judiciary & State and Local Government Initiatives

ECONOMIC DEVELOPMENT

Broadband/Expansion of High Speed Internet

- Increase Connect ME funding by including a surcharge on cell phone service providers.
- State bond to make broadband affordable.
- Broadband expansion funding; grants or low interest loans.
- Broadband access should be treated like the rural electrification program.
- Force the state to pay for what has been promised.
- Implement a long term financing program, at low rates, to encourage broadband expansion.
- Realizing that funding is a challenge, we firmly believe that one of the state's greatest priorities is providing broadband internet access to all, including more rural areas of Maine. This presents a major economic development disadvantage to those of us in rural Maine.
- The ability to have state interest in providing high speed internet to all communities would probably be a multi-year approach, but would make funding more easily obtainable.
- Reliable high speed internet does not exist in most rural communities.
- Online classes and jobs are expanding. Access to broadband would help the handicapped and people without vehicles/transportation.
- High speed internet – no choice –Time Warner Cable only. We need another cable company.
- Rural development grants for broadband, decreased cost of energy and economic development.
- Broadband legislation regarding municipally-owned networks.
- In five years, the need for broadband to conduct business will be near as important to us as the ferry.
- Expansion of broadband high speed internet.
- Help municipalities expand access to high speed internet. It goes hand-in-hand with economic development.

Comprehensive Planning/Land Use Management

- No comments submitted.

Economic & Community Development, Generally

- Urge the state to adopt policies to grow our workforce and increase its skill level.
- Economic development geared at youth retention through entrepreneurship support.
- Industrial use compliance assurance upon property vacation.
- CDBG funding for downtown revitalization.
- Increased state aid anytime two new businesses open shop in a community.
- Legislation focused on increasing economic development beyond coastal regions. More emphasis on supporting central Maine.

- Get out of the way and let small businesses prosper. The state and federal governments are the problem.
- Population growth – we need to attract more people who can contribute to the local economy and remain in our rural communities long enough to prosper.
- Cost of doing business in Maine, i.e., taxes, government regulation.
- Define economic development, then do it.
- Get government out of business. Regulations and costs are hurting economic development.

Technology. Keeping Pace

- No comments submitted.

ENERGY & ENVIRONMENT

Conservation/Renewable Energy Systems

- LD 1649 (2016 solar energy bill) with agriculture amendment. Municipalities of all types and in all locations would benefit as there would be an option for participation under commercial/industrial, community solar, grid sale or agricultural. (2)
- Municipal rights to water power in an effort to lower cost of municipal utilities.
- Wind power is very important to the state.
- Industrial wind turbines.
- Support “waste-to-energy” plants.
- More subsidy for renewable energy and conservation efforts.
- Make solar affordable for everyone, not just the rich.
- Enhanced support for alternatives through tax incentives.
- Utility responsiveness. Require a quick response to streetlight replacement, pole relocation requests, etc.
- Renewable energy is critical.

Drinking Water, Wastewater, Stormwater

- Watch the environmental regulations on stormwater so that it does not get cost prohibitive for towns to comply.
- Strategic recovery of our water resources and best way to utilize resources to benefit the state and its taxpayers.
- Stormwater costs are looming.
- Keeping Maine drinking water safe.
- Managing the level of runoff that pollutes the oceans.

Environmental Quality

- Mandate that the currently required environmental impact studies include an assessment of the project’s effects on human health and direct and indirect costs.

- Strengthen protection of shoreland, lakes and rivers efforts, protect forests from unsustainable exploitation.
- Health threats from pollution. The state has paid about \$7.1 million to clean up the Callahan Mine.
- Put the environment first.
- Lake preservation – milfoil.

Solid Waste Disposal/Recycling/Composting Programs

- Provide property tax relief/incentives or school budget incentives/ rewards to communities that implement successful recycling and waste disposal practices.
- Help municipalities initiate composting programs through their transfer stations.
- Put together a recycling focused PSA to be aired on towns' local channels.
- More control on recycling.
- Every time we buy tires we are required to pay a disposal fee, yet we have piles of tires at our disposal site. I am wondering where this money goes and why we can't use the money to keep disposal sites free of tires. Same thing goes for asphalt shingles. We have to pay a fee, yet our property taxes increase due in part to waste disposal fees. This is another mishandling of funds at the government level.
- Very concerned with the biomass industry.
- Recycling rate of 55% is too high to obtain. I have worked hands on and brokered recyclables for fifteen years. Markets play a large role and the need for energy may outstrip recycling practices (e.g., incineration). We should rethink this issue.

Shoreland Zoning

- Stricter standards are necessary.

JUDICIARY

Right to Know Law, Administration

- No comments submitted.

STATE, COUNTY & MUNICIPAL RELATIONSHIPS

Collaboration/Regionalization

- Provision of regional fire districts through the counties.
- Regional police districts.
- Regional CEO and assessing services.
- We need coordinated, proactive, fearless support for regional cost saving measures, as that leadership is not happening at the municipal level. Our individual carrying costs are increasingly and insidiously becoming unsustainable, especially as state government has been unsuccessful with economic development and job creation/workforce development.

County Government

- Eliminate county government.
- State needs to take over county functions, including jails, probate, and deeds for a major personnel savings potential.
- Get the state out of local county politics.
- Equity at the county level for services, especially police protection.
- The communities that host county government offices should be exempt from the county tax assessment. This would help to distribute the burden of county government facilities among all municipalities in the county.
- County tax assessment.

State Agency Cooperation

- Whatever happened to the “state/municipal partnership”?
- State agencies need to get off the towns’ backs.
- State agencies no longer listen. Top-down style of enforcement.
- State agencies need to work together.

State Mandates

- Develop funding sources for unfunded mandates. (9)
- Repeal unfunded mandates. (5)
- More detailed focus on potential local costs and increase in local property taxes.
- Eliminate stringent requirements on tiny municipalities (e.g., ACO, LHO, etc.).
- No more unfunded mandates, including the unfunded portion of the homestead exemption.
- The state issues laws and can’t find funding for the programs. They pass on the costs locally, but do not reduce the revenue stream going to Augusta. There has to be caps on what can be spent on mandated programs.
- State needs to let us know sooner what effect its decisions are going to have on our budgets.
- Focus on the economic impact unfunded mandates have on small rural communities.

Other

- Town authority over private roads.
- The state needs to provide the towns with more home rule authority.

Legislative Ideas and Comments

Other Legislative Initiatives & General Comments

- Focus on rural areas instead of just Portland, Lewiston and Bangor. We are all Mainers, even us little towns.
- Recognition that Maine is 85% rural. Consequently services provided and needed are hampered due to geographic isolation that leads to excessive costs and poor services.
- The rebuilding of small rural communities.
- Let the towns get more involved. Provide information and help with grants.
- Opposition to national park or monuments.
- Vote on issues within your area/county. Residents in southern Maine should not be voting on issues that impact northern Maine, such as national parks.
- Reduction in state spending.
- Reduction in new legislative activity.
- Reduction and simplification of all regulatory processes.
- Real judges.
- Limit out of state money in Maine's political process.
- Real people giving testimony rather than lobbyists.
- Do away with the lobbyists.
- We need ideas on how to control spending while achieving what needs to be done.
- MMA should publish and distribute to members of the Legislature position papers showing how their decisions impact schools, the elderly and municipalities.
- Back bone, boldness. MMA isn't the voice in the Legislature that it used to be.
- MMA is the expert on legislative approach.
- What good will this do?!
- This is not a particularly good survey as it does not say why we think issues are important. MMA often does not represent our views, abandoned/discontinued roads and opposition to building and energy codes come to mind.
- We need people with common sense working for the people, not politicians working to benefit themselves.
- Both parties need to work together to get things accomplished and address problems.
- It would be so nice to see our elected officials work to benefit us.
- Work together, please!
- Working together as a community to solve the problems we face today.
- We are of a time where the country is so divided. We cannot be afraid to work together as human beings for the better of our state and nation. Democrat or Republican, black or white, we must not be afraid to reach across the aisle and work together for the betterment of our society. To progress forward we must be proactive in our efforts to work together.
- We need to overturn the current administration.
- Communicate with industry professionals –become educated and determine best approach.

Survey Results - Sorted by Rating

Topic	Rating
Cost of public education	4.5
Municipal Revenue Sharing	4.3
Quality of public education	4.2
Distribution of school subsidy (GPA)	4.1
Road maintenance/construction	4.1
Local Road Assistance Program	4.1
General property tax relief	4.0
Economic development	3.9
State mandates	3.9
Comprehensive tax reform/restructuring code	3.8
The aging community, needs of the elderly	3.8
School budget adoption process	3.7
Cooperation from state agencies	3.7
Solid waste disposal	3.6
Property tax relief for low income residents	3.6
Energy conservation/renewable systems	3.6
Environmental quality	3.6
County jail funding	3.5
Broadband/expansion of high-speed internet	3.5
Employee benefits/retirement costs	3.4
Workers' Compensation costs	3.4
Recruiting/retaining employees & volunteers	3.4
Keeping pace with technology	3.4
Recycling/composting programs	3.4
Motor vehicle excise tax	3.4
Financing infrastructure	3.4
Environmental Regulations, generally	3.3
Collaboration/regionalization with other munis	3.3
Affordable housing	3.3
Aging municipal workforce	3.2
Tax exempt property	3.2
County government, generally	3.2
Shoreland zoning administration	3.2
Drinking Water/Wastewater/Stormwater	3.1
Comprehensive planning/land use mgt.	3.0
Tree Growth tax law	3.0
General Assistance administration	2.9
Administration of Right to Know law	2.6
Regulation of medical marijuana facilities	2.3
Total Respondents	412

Survey Results - Sorted Top Choices

Topic	Top Choices
Cost of public education	167
Municipal Revenue Sharing	105
Economic development	76
Distribution of school subsidy (GPA)	71
Broadband/expansion of high-speed internet	62
General property tax relief	56
Road maintenance/construction	50
Comprehensive tax reform/restructuring code	44
Quality of public education	40
Local Road Assistance Program	40
The aging community, needs of the elderly	32
State mandates	31
Financing infrastructure	29
Solid waste disposal	28
County jail funding	26
Affordable housing	25
School budget adoption process	23
Energy conservation/renewable systems	22
Regulation of medical marijuana facilities	17
Collaboration/regionalization with other munis	16
Property tax relief for low income residents	15
Employee benefits/retirement costs	13
Cooperation from state agencies	12
Tax exempt property	12
Workers' Compensation costs	11
Drinking Water/Wastewater/Stormwater	10
Tree Growth tax law	10
Environmental quality	6
Keeping pace with technology	6
Recycling/composting programs	6
Aging municipal workforce	6
County government, generally	6
General Assistance administration	5
Comprehensive planning/land use mgt.	4
Recruiting/retaining employees & volunteers	3
Motor vehicle excise tax	3
Environmental Regulations, generally	2
Shoreland zoning administration	1
Administration of Right to Know law	1



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The LPC Handbook: MMA's Legislative Policy Committee

The Legislative Policy Committee (LPC) is a representative body made up of 70 members plus MMA's Vice President, who serves as the Chair. The primary role of the Chair is to call and facilitate all LPC meetings, moderate LPC discussions, and ensure the proper application of all the procedures established in this *Handbook*. The Chair is not a voting member of the LPC, except to break a tie. As described in detail below, all members of the LPC are elected or appointed municipal officials who, with the exception of the Chair, are elected to the position of LPC Representative by the municipal officers within their district.

Role of the LPC. MMA's 12-member Executive Committee is the Board of Directors of the Association and is responsible for its control and management. In the 1970's, the Executive Committee created the Legislative Policy Committee (LPC). The LPC serves a critical function as the advocacy arm of the Maine Municipal Association. The purpose of the LPC is to define municipal interests and to maximize those interests through effective participation in the legislative process. Specifically, in consultation with the Executive Committee, the LPC is responsible for:

- Developing and coordinating MMA's legislative policy process;
- Identifying MMA's advocacy priorities and developing a legislative program;
- Providing direction on legislative strategy to achieve these objectives; and
- Taking positions on legislative proposals affecting municipalities.

In addition, LPC Representatives are expected to assist MMA staff by acting as municipal advocates at the local level. LPC members are expected to:

- Establish ongoing communication with legislators in their Senate districts and inform those legislators about LPC positions;
- Act as liaisons with municipal officials in their districts; and
- Keep MMA staff informed of issues of concern.

Districts. Representation on the LPC is based on the State Senate districts. Two members are elected from each of the 35 State Senate Districts.

In districts where a municipality represents more than half of the district's population, the municipal officers of that municipality are allowed to appoint one member to the LPC, and the remaining LPC Representative shall be elected by all the municipalities in the district. In Senate districts located entirely within one municipality, the municipal officers of that municipality appoint its two LPC Representatives.

Nominations. A new LPC is elected every two years. Elections are held the same year as legislative elections (even-numbered years), although months earlier than the statewide election in November. Shortly after the conclusion of the second session of the Legislature (in April or May of the even-numbered years) an announcement is sent to the Key Municipal Official in all municipalities, informing them of the LPC election and asking for nominations of a candidate from their municipality or any other municipality within their district.

Elections. Once nominations are received, ballots containing the names of all nominees received by the specified deadline are mailed to all municipalities. The ballot also contains a space for write-in candidates. The boards of selectmen or councils of each municipality within the Senate district make their preference known on the ballot and return it to the Maine Municipal Association by a date certain. The nominees or write-in candidates receiving the most votes are elected to the Legislative Policy Committee and so-notified.

In the case of a tie vote, the Chair shall contact the winning candidates and attempt to obtain a negotiated resolution. The negotiated resolution could involve establishing: (1) a run-off election; (2) an agreement among the winning candidates to share the position by serving as each other's alternate for the duration of the term, or (3) some other mutually agreeable solution. In the event a negotiated resolution to the tie vote cannot be obtained, the MMA President is authorized to resolve a tie vote by appointment.

Terms. The LPC members serve for a two-year term, running from July 1st of each even-numbered year to June 30th of the next subsequent even-numbered year.

Alternates. Each LPC member may designate one or more alternates who can serve in the place of that LPC member at any meeting of the LPC. The designation must be submitted in writing to the Executive Director for filing at the MMA offices. An alternate may participate as a member at any LPC meeting only in the absence of the elected LPC member.

Vacancies. Vacancies occur when an LPC member resigns, is no longer qualified to serve because he or she is no longer a local official in his or her district, or when the member (or the member's designee) fails to attend three consecutive meetings. If a member or the member's designee does not attend the LPC for three consecutive meetings, the Executive Director must contact the member to find out if he or she wants to continue to serve on the LPC. If the member resigns or fails to attend the next LPC meeting, the Executive Director then notifies the President that a vacancy exists.

In the case of any vacancy which occurs in a district falling entirely within a single municipality (see *Districts*, above), the President or the President's designee shall notify the Key Municipal Official of that municipality and the municipal officers of that municipality may appoint a new LPC Representative. In the case of any vacancy that occurs in a multi-municipal LPC district, the President is authorized to appoint a replacement, with consideration given to the criteria provided herein.

Criteria for Appointment. In the event of a vacancy with respect to which the President is authorized to appoint a replacement, the President shall consider the following equally-weighted criteria before making the appointment:

- The level of interest in the position that might be held by those municipal officials on that district's ballot at the immediately previous LPC election;
- In the case of vacancies created because the former LPC member is no longer qualified to serve in that district, the level of interest in the position that might be held by the municipal official immediately filling the office formerly held by the LPC member;
- The demographic and geographic representational needs of the district created by the vacancy; and
- Any recommendations or nominations offered by municipal officers or the remaining LPC member within the district.

Without exception the replacement must be from the district. Upon making the appointment and so-notifying the appointee, the President or the President's designee shall notify the Chair of the LPC.

Meetings

Calling a meeting. LPC meetings are called by the Chair on an as-needed basis. During the summer and fall of the even-numbered years, the LPC shall convene for the purpose of developing, in consultation with the Executive Committee, the Association's legislative strategy for the first legislative session. During the legislative session, the LPC meets an average of once a month.

Quorum. At least one-third of the full membership must be present in order to conduct any formal business of the LPC.

Subcommittees. For any reason deemed necessary, the Chair may appoint, or the LPC may direct the Chair to appoint, one or more subcommittees. Each subcommittee shall carry out the charge provided to it by the Chair or the LPC, as the case may be, and report the results of its efforts back to the full LPC in the form of a recommendation. Every subcommittee shall serve only for the duration necessary to fulfill the charge given to it by the Chair or LPC. Each subcommittee shall be dissolved upon transmitting its final report or recommendation to the LPC.

Participation. LPC meetings are open to all municipal officials and others who may be interested in observing the LPC's deliberative process. The several Presidents of MMA's affiliate groups (assessors, tax collectors, clerks, welfare directors, etc.) are provided notice of all LPC meetings.

That being said, the LPC is a deliberative body and its meetings are organized and conducted so that the LPC members may discuss the various issues affecting municipal government among themselves and act upon them accordingly. In order to maintain the integrity of the LPC's deliberative process, the Chair will take whatever actions are necessary to ensure that all persons attending a meeting who are not LPC members (or alternates authorized to act as members) are distinguished from the voting members and prohibited from voting, and otherwise informed that their right to attend the LPC meeting is not an entitlement to participate.

Subject to any direction provided by the LPC pursuant to its rules of procedure, the Chair may take any action to reasonably restrict or control the active participation of non-members during LPC meetings.

Agenda and Minutes. The Chair shall call each LPC meeting by issuing the notice and agenda of that meeting at least a week before its scheduled date. The Chair shall endeavor to prepare the agenda so that the issues placed before the LPC for consideration are matters: (1) that are of a legislative or regulatory nature and timely or immediate in that regard; (2) possessing a direct and significant relationship to the operation of municipal government; (3) of statewide concern or, there being no objection in writing in advance or at the meeting, of significant regional concern; and (4) positioned on the agenda insofar as possible according to a priority of LPC action. Each agenda shall provide as an initial order of business an opportunity for the full LPC to make such deletions, additions, or adjustments to the agenda as it feels necessary. Each agenda shall also enclose the minutes of the previous meeting, as recorded by MMA staff, so that the LPC will have a record of its previous actions.

Rules of Procedure. With regard to any issue that comes before it, the LPC may act by consensus and forego a formal vote when no formal motion or voting process appears necessary. The Chair or any designee of the Chair will articulate the proposed consensus position and the full LPC will be provided an opportunity for debate. During the period of discussion with respect to the proposed consensus position, any LPC Representative may move an alternative position. If no such alternative position is moved, and absent any objection by any member, the Chair will declare the position to have been taken by the LPC "by consensus." Any motion made by any member of the LPC shall be addressed according to the rules of procedure adopted by the LPC. With regard to all procedural matters not specifically addressed in the *Handbook*, the LPC shall operate according to the rules of procedure established by MMA's *Maine Moderator's Manual*.

Amendments to the Handbook. The LPC, by majority vote, may make any amendments to this *Handbook* as it believes are warranted, except that no vote on an amendment to the *Handbook* may be taken unless the actual proposed amendment has been given proper notice by being included as an agenda item and distributed at least a week before the scheduled LPC meeting. Each newly constituted LPC shall review the Handbook at its initial convention and adopt it with or without amendments, as that LPC feels necessary.

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Lauren's Time Tracker							Percentage of Total Weekly Hours by Category											Total Weekly Hours by Category												
Week Number	Timeframe for Hours Worked	Subtotal in Hours	+ 1/2 Hour per Day if Lunch	Benefit Time	Hours Minus Benefit Time	TOTAL Hours for the Week	Office Management	Communication	Event Planning	Website/Facebook	Bookkeeping	Mtg/Train/Conf Att	Newsletter	Data Management	Documentation	Convention	ME County Data Bank	Benefit/Holiday Time	Office Management	Communication	Event Planning	Website/Facebook	Bookkeeping	Mtg/Train/Conf Att	Newsletter	Data Management	Documentation	Convention	ME County Data Bank	Benefit/Holiday Time
1	June 13-19	45.5	2.5	0	48	48	18%	16%	2%	10%	13%	19%	3%	1%	3%	13%	2%	0%	8.25	7.25	0.75	4.50	6.00	8.50	1.50	0.50	1.25	6.00	1.00	0.00
2	June 20-26 Vacation	43		40	3	43	0%	3%	0%	0%	0%	0%	2%	1%	0%	1%	0%	93%	0.00	1.25	0.00	0.00	0.00	0.00	0.75	0.50	0.00	0.50	0.00	40.00
3	June 27 - July 3	50.25	1.5	4.5	47.25	51.75	5%	23%	0%	5%	7%	10%	11%	9%	8%	7%	5%	9%	2.50	11.50	0.00	2.75	3.75	5.00	5.50	4.50	4.00	3.50	2.75	4.50
4	July 4-10 Holiday	46.75	2.5	8	41.25	49.25	6%	28%	10%	9%	15%	0%	1%	0%	2%	5%	7%	17%	3.00	13.25	4.75	4.00	7.00	0.00	0.25	0.00	0.75	2.50	3.25	8.00
5	July 11-17	47.75	2.5	0	50.25	50.25	8%	31%	13%	6%	10%	17%	3%	3%	3%	6%	0%	0%	4.00	14.75	6.00	3.00	4.75	8.00	1.50	1.25	1.50	3.00	0.00	0.00
6	July 18-24	48.25	2.5	0	50.75	50.75	7%	37%	0%	8%	15%	6%	3%	3%	7%	15%	0%	0%	3.25	18.00	0.00	4.00	7.25	2.75	1.25	1.25	3.25	7.25	0.00	0.00
7	July 25-31	50.75	2.5	0	53.25	53.25	11%	33%	11%	5%	9%	1%	14%	1%	7%	6%	0%	0%	5.50	17.00	5.75	2.50	4.50	0.75	7.00	0.75	3.75	3.25	0.00	0.00
8	August 1-7	48.75	2.5	0	51.25	51.25	9%	35%	0%	7%	14%	3%	1%	1%	1%	29%	2%	0%	4.25	17.00	0.00	3.50	6.75	1.25	0.25	0.50	0.25	14.25	0.75	0.00
9	August 8-14	50.75	2.5	0	53.25	53.25	6%	29%	9%	2%	14%	23%	1%	0%	0%	17%	0%	0%	3.00	14.50	4.50	1.00	7.00	11.50	0.50	0.00	0.00	8.75	0.00	0.00
10	August 15-21 Vacation	44.75	2.5	8	39.25	47.25	3%	12%	0%	0%	4%	52%	0%	0%	3%	7%	0%	18%	1.50	5.50	0.00	0.00	2.00	23.25	0.00	0.00	1.50	3.00	0.00	8.00
11	August 22-28	49	2.5	0	51.5	51.5	5%	37%	0%	5%	20%	0%	4%	3%	8%	19%	0%	0%	2.25	18.25	0.00	2.25	9.75	0.00	1.75	1.50	4.00	9.25	0.00	0.00
12	Aug 29 - Sept 4	48.5	2.5	0	51	51	4%	38%	0%	4%	15%	3%	14%	0%	1%	22%	0%	0%	1.75	18.25	0.00	2.00	7.50	1.25	6.75	0.00	0.50	10.50	0.00	0.00
13	Sept 5-11 Holiday	49.75	2.5	8	44.25	52.25	6%	28%	1%	2%	12%	4%	1%	0%	3%	29%	0%	16%	3.00	13.75	0.50	0.75	6.00	2.00	0.25	0.00	1.25	14.25	0.00	8.00
14	Sept 12-18	49.25	2.5	0	51.75	51.75	3%	31%	1%	2%	11%	11%	1%	0%	4%	37%	0%	0%	1.50	15.50	0.50	1.00	5.25	5.50	0.25	0.00	1.75	18.00	0.00	0.00
15	Sept 19-25	52.75	2.5	0	55.25	55.25	6%	29%	0%	3%	13%	1%	3%	0%	0%	44%	0%	0%	3.00	15.50	0.25	1.75	6.75	0.75	1.50	0.00	0.00	23.25	0.00	0.00
16	Sept 26 - Oct 2	59.25	2.5	0	61.75	61.75	3%	20%	0%	0%	5%	1%	8%	0%	0%	64%	0%	0%	1.75	12.00	0.00	0.00	2.75	0.50	4.50	0.00	0.00	37.75	0.00	0.00
17	October 3-9	47	2.5	8	41.5	49.5	8%	15%	0%	1%	12%	37%	0%	0%	9%	2%	0%	17%	3.75	7.00	0.00	0.25	5.75	17.50	0.00	0.00	4.00	0.75	0.00	8.00
Totals		832.00	39.00	76.50	794.50	871.00	6%	26%	3%	4%	11%	11%	4%	1%	3%	20%	1%	9%	52.25	220.25	23.00	33.25	92.75	88.50	33.50	10.75	27.75	165.75	7.75	76.50

United States Department of Labor

Wage and Hour Division

IV. B.

Wage and Hour Division

Fact Sheet: Final Rule to Update the Regulations Defining and Delimiting the Exemption for Executive, Administrative, and Professional Employees **May 2016**

(PDF)

In 2014, President Obama directed the Department of Labor to update and modernize the regulations governing the exemption of executive, administrative, and professional ("EAP") employees from the minimum wage and overtime pay protections of the Fair Labor Standards Act ("FLSA" or "Act"). The Department published a notice of proposed rulemaking on July 6, 2015, and received more than 270,000 comments. On May 18, 2016, the Department announced that it will publish a Final Rule to update the regulations. The full text of the Final Rule will be available at the Federal Register Site.

Although the FLSA ensures minimum wage and overtime pay protections for most employees covered by the Act, some workers, including bona fide EAP employees, are exempt from those protections. Since 1940, the Department's regulations have generally required each of three tests to be met for the FLSA's EAP exemption to apply: (1) the employee must be paid a predetermined and fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed ("salary basis test"); (2) the amount of salary paid must meet a minimum specified amount ("salary level test"); and (3) the employee's job duties must primarily involve executive, administrative, or professional duties as defined by the regulations ("duties test"). The Department last updated these regulations in 2004, when it set the weekly salary level at \$455 (\$23,660 annually) and made other changes to the regulations, including collapsing the short and long duties tests into a single standard duties test and introducing a new exemption for highly compensated employees.

This Final Rule updates the salary level required for exemption to ensure that the FLSA's intended overtime protections are fully implemented, and to simplify the identification of overtime-protected employees, thus making the EAP exemption easier for employers and workers to understand and apply. Without intervening action by their employers, it extends the right to overtime pay to an estimated 4.2 million workers who are currently exempt. It also strengthens existing overtime protections for 5.7 million additional white collar salaried workers and 3.2 million salaried blue collar workers whose entitlement to overtime pay will no longer rely on the application of the duties test.

*** Key Provisions of the Final Rule ***

The Final Rule focuses primarily on updating the salary and compensation levels needed for EAP workers to be exempt. Specifically, the Final Rule:

1. Sets the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South, which is \$913 per week or \$47,476 annually for a full-year worker;
2. Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally, which is \$134,004; and

3. Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level. The Final Rule makes no changes to the duties tests.

Effective Date

The effective date of the Final Rule is December 1, 2016. The initial increases to the standard salary level (from \$455 to \$913 per week) and HCE total annual compensation requirement (from \$100,000 to \$134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

Standard Salary Level

The Final Rule sets the standard salary level at the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region, currently the South (\$913 per week, equivalent to \$47,476 per year for a full-year worker).

The standard salary level set in this Final Rule addresses our conclusion that the salary level set in 2004 was too low given the Department's elimination of the more rigorous long duties test. For many decades the long duties test—which limited the amount of time an exempt employee could spend on nonexempt duties and was paired with a lower salary level—existed in tandem with a short duties test—which did not contain a specific limit on the amount of nonexempt work and was paired with a salary level that was approximately 130 to 180 percent of the long test salary level. In 2004, the long and short duties tests were eliminated and the new standard duties test was created based on the short duties test and was paired with a salary test based on the long test.

The effect of the 2004 Final Rule's pairing of a standard duties test based on the short duties test (for higher paid employees) with a salary test based on the long test (for lower paid employees) was to exempt from overtime many lower paid workers who performed few EAP duties and whose work was otherwise indistinguishable from their overtime-eligible colleagues. This has resulted in the inappropriate classification of employees as EAP exempt who pass the standard duties test but would have failed the long duties test.

The Final Rule's salary level represents the most appropriate line of demarcation between overtime-protected employees and employees who may be EAP exempt and works appropriately with the current duties test, which does not limit non-EAP work.

The Department also is updating the special salary level for employees in American Samoa (to \$767 per week) and the special "base rate" for employees in the motion picture industry (to \$1,397 per week).

HCE Total Annual Compensation Requirement

The Final Rule sets the HCE total annual compensation level equal to the 90th percentile of earnings of full-time salaried workers nationally (\$134,004 annually). To be exempt as an HCE, an employee must also receive at least the new standard salary amount of \$913 per week on a salary or fee basis and pass a minimal duties test. The HCE annual compensation level set in this Final Rule brings this threshold more in line with the level established in 2004 and will avoid the unintended exemption of large numbers of employees in high-wage areas who are clearly not performing EAP duties.

Automatic Updating

The Final Rule includes a mechanism to automatically update the standard salary level requirement every three years to ensure that it remains a meaningful test for distinguishing between overtime-protected white collar workers and bona fide EAP workers who may not be entitled to overtime pay and to provide predictability and

more graduated salary changes for employers. Specifically, the standard salary level will be updated to maintain a threshold equal to the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region. Similarly, the Final Rule includes a mechanism for automatically updating the HCE compensation level to maintain the threshold equal to the 90th percentile of annual earnings of full-time salaried workers nationally.

The Final Rule will also automatically update the special salary level test for employees in American Samoa and the base rate test for motion picture industry employees. The Department will publish all updated rates in the Federal Register at least 150 days before their effective date, and also post them on the Wage and Hour Division's website.

Regularly updating the salary and compensation levels is the best method to ensure that these tests continue to provide an effective means of distinguishing between overtime-eligible white collar employees and those who may be bona fide EAP employees. Experience has shown that these earning thresholds are only effective measures of exempt status if they are kept up to date.

Inclusion of Nondiscretionary Bonuses and Incentive Payments

For the first time, employers will be able to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the standard salary level. Such payments may include, for example, nondiscretionary incentive bonuses tied to productivity and profitability. For employers to credit nondiscretionary bonuses and incentive payments toward a portion of the standard salary level test, the Final Rule requires such payments to be paid on a quarterly or more frequent basis and permits the employer to make a "catch-up" payment. The Department recognizes that some businesses pay significantly larger bonuses; where larger bonuses are paid, however, the amount attributable toward the standard salary level is capped at 10 percent of the required salary amount.

The Final Rule continues the requirement that HCEs must receive at least the full standard salary amount each pay period on a salary or fee basis without regard to the payment of nondiscretionary bonuses and incentive payments, and continues to permit nondiscretionary bonuses and incentive payments (including commissions) to count toward the total annual compensation requirement. The Department concludes that permitting employers to use nondiscretionary bonuses and incentive payments to satisfy the standard salary amount for HCEs is not appropriate because employers are already permitted to fulfill almost two-thirds of the total annual compensation requirement with commissions, nondiscretionary bonuses, and other forms of nondiscretionary deferred compensation.

Duties Tests

The Final Rule is not changing any of the existing job duty requirements to qualify for exemption. The Department expects that the standard salary level set in this Final Rule and automatic updating will work effectively with the duties test to distinguish between overtime-eligible workers and those who may be exempt. As a result of the change to the salary level, the number of workers for whom employers must apply the duties test to determine exempt status is reduced, thus simplifying the exemption. Both the standard duties test and the HCE duties test remain unchanged.

For additional information, visit our Wage and Hour Division Website: www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

02/20/16 Questions and Answers - U.S. Department of Labor - Wage and Hour Division (WHD)

United States Department of Labor

Wage and Hour Division

Questions and Answers

1. What is the purpose of the "Overtime" Final Rule?
2. What is "overtime"?
3. What determines if an employee falls within one of the white collar exemptions?
4. Why is the Department revising its overtime regulations for white collar workers now?
5. When did the Department last revise its overtime regulations for white collar workers?
6. What are the significant changes to the overtime regulations for white collar salaried workers?
7. How does the final rule differ from the NPRM?
8. How do the current regulations, proposed rule and final rule compare?
9. How will employers implement the updated salary level requirement established in this Final Rule?
10. When will these changes take effect?
11. Is the Department making any adjustments to the standard duties tests?

GENERAL

1. Who is covered by the FLSA? Are employees of small businesses covered?
2. Is there an exemption for non-profit organizations from either the FLSA or the Department's overtime regulations governing white collar workers?
3. Is there an exemption for schools and institutions of higher education from either the FLSA or the Department's overtime regulations governing white collar workers?
4. Who is entitled to the minimum wage and overtime pay under the FLSA?
5. How is overtime pay determined?
6. What is the interaction between overtime and compensatory time?
7. What are the white collar exemptions to the FLSA?
8. I'm paid a salary. Am I exempt from overtime pay?
9. My job title is manager. Am I exempt from overtime pay?
10. Must employees earning below the new level be converted to hourly pay?

11. Will newly overtime-eligible employees have to record their hours on a daily basis or "punch a time clock"?
12. Does the FLSA allow for a flexible schedule for overtime eligible employees? Can employers still allow employees to work from home or have flexible schedules?
13. Doesn't having to punch a clock restrict the ability of an employee to work flexibly?
14. Won't this rule be difficult for employers because they will have to track workers' hours?
15. What if a State has its own overtime laws?
16. How many white collar workers will become overtime-eligible as a result of this Final Rule?
17. How does the Final Rule help workers who already are entitled to overtime - and their employers?
18. Where can I review comments submitted in response to the Department's Notice of Proposed Rulemaking (NPRM)?

SALARY LEVEL

1. What are the new salary and compensation levels under this Final Rule?
2. Why does the 2004 standard salary level need to be increased?
3. How did the Department determine the new standard salary level?
4. Why is the Department setting the standard salary level at the 40th percentile of weekly earnings for full-time salaried workers in the lowest wage Census Region and not on national data as proposed?
5. Why didn't the Department set the salary threshold at a lower amount?
6. How did the Department determine which Census Region is the lowest wage Census Region?
7. How did the Department determine the new total annual compensation requirement for highly compensated employees (HCEs)?

NONDISCRETIONARY BONUSES AND INCENTIVE PAYMENTS

1. May employers use bonuses to satisfy part of the new standard salary level test?
2. What's the difference between a discretionary bonus and a nondiscretionary bonus?
3. May employers make a catch-up payment in the event that an employee doesn't receive enough in nondiscretionary bonuses and incentive payments (including commissions) in a given quarter to remain exempt?
4. Does the Final Rule change how employers may use bonuses to satisfy the salary level for highly compensated employees (HCEs)?

AUTOMATIC UPDATING

1. Why is the Department changing the regulations to automatically update the salary level and HCE total annual compensation level?
2. How often will the Department update the standard salary level and HCE total annual compensation requirements?
3. How will the Department automatically update the standard salary level and HCE total annual compensation requirement?

ECONOMICS

1. What are the costs and benefits of the Final Rule?
2. How many employees does the Department estimate will be impacted by the salary level increases?
3. How can I find information on the economic impacts of the Final Rule on a specific industry?
4. Where can I find the earnings information the Department used in setting the salary and total annual compensation levels?

1. Q. What is the purpose of the "Overtime" Final Rule?

This Final Rule updates the regulations for determining whether white collar salaried employees are exempt from the Fair Labor Standards Act's minimum wage and overtime pay protections. They are exempt if they are employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in the Department of Labor's regulations at 29 CFR part 541. This exemption from the FLSA is sometimes referred to as the "white collar" or "EAP" exemption.

2. Q. What is "overtime"?

Unless specifically exempted, employees covered by the FLSA must receive pay for hours worked in excess of 40 in a workweek at a rate not less than one and one-half their regular rates of pay. This is referred to as "overtime" pay.

3. Q. What determines if an employee falls within one of the white collar exemptions?

To qualify for exemption, a white collar employee generally must:

1. be salaried, meaning that they are paid a predetermined and fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed (the "salary basis test");
2. be paid more than a specified weekly salary level, which is \$913 per week (the equivalent of \$47,476 annually for a full-year worker) under this Final Rule (the "salary level test"); and
3. primarily perform executive, administrative, or professional duties, as defined in the Department's

regulations (the "duties test").

Certain employees are not subject to either the salary basis or salary level tests (for example, doctors, teachers, and lawyers). The Department's regulations also provide an exemption for certain highly compensated employees ("HCE") who earn above a higher total annual compensation level (\$134,004 under this Final Rule) and satisfy a minimal duties test.

4. Q. Why is the Department revising its overtime regulations for white collar workers now?

On March 13, 2014, President Obama signed a Presidential Memorandum directing the Department to update and modernize the regulations defining which white collar workers are protected by the FLSA's minimum wage and overtime standards. The salary level test is supposed to help identify salaried workers who are entitled to overtime pay when they work long hours. The current salary level is outdated and no longer does its job of helping to separate salaried white collar employees who should get overtime pay for working extra hours from those who should be exempt. Through this Final Rule, the Department is updating these regulations to ensure that the FLSA's intended overtime protections are fully implemented, and to simplify the identification of overtime-eligible workers, thus making the exemption easier for employers and workers to understand and apply. These revisions will also help ensure that in the future the regulations continue to appropriately separate workers who are entitled to overtime protections and those who may be exempt.

5. Q. When did the Department last revise its overtime regulations for white collar workers?

The Department last updated the white collar overtime regulations in 2004. That update set the standard salary level at \$455 per week (\$23,660 annually for a full-year worker).

6. Q. What are the significant changes to the overtime regulations for white collar salaried workers?

To restore the effectiveness of the salary level test, the Department is setting the new standard salary level equal to the 40th percentile of weekly earnings for full-time salaried workers in the lowest-wage Census Region, currently the South. The Final Rule increases the standard salary level from \$455 per week (\$23,660 for a full-year worker) to \$913 per week (\$47,476 for a full-year worker).

In order to prevent the salary level requirements from again becoming outdated and ineffective, the Department is establishing mechanisms for automatically updating the salary and compensation levels every three years to maintain them at the levels set in this rulemaking.

Finally, for the first time, employers will be able to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the standard salary level, provided these payments are made on a quarterly or more frequent basis.

The Department is also setting the annual compensation level for certain HCEs equal to the annualized value of the 90th percentile of earnings for full-time salaried workers nationally (\$134,004).

7. Q. How does the final rule differ from the NPRM?

After considering the public comments, the Department made several key changes to the proposed rule.

- First, the Final Rule sets the standard salary level equal to the 40th percentile of earnings of full-time salaried

workers in the lowest-wage Census Region, rather than based on national data as proposed. The Department modified the standard salary level in response to commenters' concerns that the proposed rule did not adequately account for the lower salaries paid in certain regions.

Second, the Final Rule provides for automatic updates of the salary levels every three years rather than for annual updates as proposed. The Department made this change in response to commenters' concerns about the burdens associated with updating the salary level on an annual basis.

- Third, the Final Rule permits employers to count nondiscretionary bonuses, incentives, and commissions toward up to 10 percent of the required salary level for the standard exemption, so long as employers pay those amounts on a quarterly or more frequent basis. In the proposal, the Department said it was considering permitting nondiscretionary bonuses, incentives, and commissions to count toward 10 percent of the salary level, but only if employers paid them on a monthly or more frequent basis. The Final Rule also allows employers to make a "catch-up" payment at the end of each quarter.

8. Q. How do the current regulations, proposed rule and final rule compare?

	Current regulations (2004 until effective date of Final Rule, 2016)	NPRM	Final Rule
Salary Level	\$455 weekly	\$970 weekly (if finalized as proposed) 40th percentile of full-time salaried workers nationally.	\$913 weekly 40th percentile of full-time salaried workers in the lowest-wage Census region (currently the South)
HCE Total Annual Compensation Level	\$100,000 annually	\$122,148 90th percentile of full-time salaried workers nationally	\$134,004 90th percentile of full-time salaried workers nationally
Automatic Adjusting	None	Annually, with requests for comment on a CPI or percentile basis	Every 3 years, maintaining the standard salary level at the 40th percentile of full-time salaried workers in the lowest-wage Census region, and the HCE total annual compensation level at the 90th percentile of full-time salaried workers nationally.
Bonuses	No provision to count nondiscretionary bonuses and commissions toward the standard salary level	Request for comment on counting nondiscretionary bonuses and commissions toward standard salary level	Up to 10% of standard salary level can come from non-discretionary bonuses, incentive payments, and commissions, paid at least quarterly.

Standard Duties Test	See WHD Fact Sheet #17A for a description of EAP duties.	No specific changes proposed to the standard duties test. Request for comment on whether the duties tests are working as intended.	No changes to the standard duties test.
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9. Q. How will employers implement the updated salary level requirement established in this Final Rule?

Employers have a range of options for responding to the updated standard salary level. For each affected employee newly entitled to overtime pay, employers may:

- increase the salary of an employee who meets the duties test to at least the new salary level to retain his or her exempt status;
- pay an overtime premium of one and a half times the employee's regular rate of pay for any overtime hours worked;
- reduce or eliminate overtime hours;
- reduce the amount of pay allocated to base salary (provided that the employee still earns at least the applicable hourly minimum wage) and add pay to account for overtime for hours worked over 40 in the workweek, to hold total weekly pay constant; or
- use some combination of these responses.

The circumstances of each affected employee will likely impact how employers respond to this Final Rule. For example, employers may be more likely to give raises to employees who regularly work overtime and earn slightly below the new standard salary level, in order to maintain their overtime-exempt status so that the employer does not have to pay the overtime premium. For employees who rarely or almost never work overtime hours, employers may simply choose to pay the overtime premium whenever necessary. The Department accounted for these (and other) possible employer responses in estimating the likely costs, benefits, and transfers of the Final Rule.

Nothing in the rule requires employers to change employees' pay to hourly from salaried, even if the employees' classification changes from exempt to overtime eligible. Employers may choose options #2-#4 above while continuing to pay newly overtime eligible employees on a salaried basis.

10. Q. When will these changes take effect?

The effective date of this Final Rule is December 1, 2016. On that day, the new standard salary level (\$913 per week or \$47,476 per year) and HCE total compensation requirement (\$134,004 per year) will take effect. Future automatic updates to these thresholds will occur every three years, beginning on January 1, 2020.

11. Q. Is the Department making any adjustments to the standard duties tests?

The Department is not making any changes to the standard duties test. The Department believes that the increase to the standard salary level, coupled with automatic updating in the future, will address concerns that some workers who satisfy the standard duties test should be entitled to overtime pay because they are performing substantial amounts of overtime-eligible work (e.g., operating cash registers, stocking shelves, etc.). The Department also heard concerns from many employers, both in pre-rulemaking outreach and in comments on the proposal, that changes to the standard duties test would be disruptive to employers.

GENERAL

1. Q. Who is covered by the FLSA? Are employees of small businesses covered?

The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards covering employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a federal minimum wage of not less than \$7.25 per hour currently. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

Generally, employees of enterprises that have an annual gross volume of sales made or business done of \$500,000 or more are covered by the FLSA. In addition, employees of certain entities are covered by the FLSA regardless of the amount of gross volume of sales or business done. These entities include: hospitals; businesses providing medical or nursing care for residents; schools (whether operated for profit or not for profit); and public agencies.

Even if an employer is not covered on an enterprise-wide basis, employees may be individually covered by the FLSA if their work regularly involves them in commerce between States ("interstate commerce"). The FLSA covers individual workers who are "engaged in commerce or in the production of goods for commerce." For more information on enterprise and individual coverage under the FLSA, see [Fact Sheet 14: Coverage Under the Fair Labor Standards Act \(FLSA\)](#).

2. Q. Is there an exemption for non-profit organizations from either the FLSA or the Department's overtime regulations governing white collar workers?

Neither the FLSA nor the Department's regulations provide an exemption from overtime requirements for non-profit organizations. Thus, the Final Rule may impact non-profit organizations having an annual dollar volume of sales or business done of at least \$500,000, or those with employees individually covered by the FLSA. Non-profit charitable organizations are not covered enterprises under the FLSA unless they engage in ordinary commercial activities that result in a sufficient amount of sales made or business done, such as operating a gift shop or providing veterinary services for a fee. However, employees of employers that are not covered by the FLSA on an enterprise basis may still be entitled to its protections if they are individually engaged in interstate commerce. For more information on enterprise and individual coverage for non-profit organizations, see [Fact Sheet 14A: Non-Profit Organizations and the Fair Labor Standards Act \(FLSA\)](#).

3. Q. Is there an exemption for schools and institutions of higher education from either the FLSA or the Department's overtime regulations governing white collar workers?

Schools and institutions of higher education are generally covered by the FLSA's minimum wage and overtime provisions. Several provisions apply, however, to many employees at these institutions that exempt them from the Final Rule. Teachers are exempt if their primary duty is teaching, tutoring, instructing or lecturing. "Teachers" include, for example, regular academic teachers, kindergarten or nursery school teachers, teachers of gifted or disabled children, professors, adjunct instructors, teachers of skilled and semi-skilled trades and occupations,

home economics teachers, vocal or instrument music teachers, and under certain circumstances, athletic coaches and assistant coaches. Although a preschool may engage in some educational activities, preschool employees whose primary duty is to care for the physical needs of the facility's children would not meet the requirements for the exemption as a bona fide teacher. Generally, the Department views graduate and undergraduate students who are engaged in research under a faculty member's supervision in the course of obtaining a degree to be in an educational relationship and not an employment relationship with the school or with a grantor. As such, the Department will not assert such workers are entitled to overtime. In addition, the administrative personnel that help run higher education institutions and interact with students outside the classroom, such as department heads, academic counselors and advisors, intervention specialists and others with similar responsibilities are subject to a special salary threshold that does not apply to white-collar employees outside of higher education. Instead, they are not eligible for overtime if they are paid at least as much as the entrance salary for teachers at their institution. Finally, public universities or colleges that qualify as a "public agency" under the FLSA may compensate overtime-eligible employees through the use of compensatory time off in lieu of cash overtime premiums.

Postdoctoral researchers in the sciences are not covered by the teaching exemption. These employees are generally considered professional employees and are subject to the salary threshold for exemption from overtime. DOL has been working closely with NIH and NSF regarding their mutual interest in this area.

4. Q. Who is entitled to the minimum wage and overtime pay under the FLSA?

Most employees covered by the FLSA must be paid the minimum wage (currently \$7.25 per hour) and at least one and one-half times their regular rate of pay for any hours they work beyond 40 in a workweek. An employer who requires or permits an employee to work overtime is generally required to pay the employee premium pay for such overtime work.

The FLSA does, however, exempt certain kinds of covered employees from the minimum wage and overtime requirements, including bona fide executive, administrative, and professional employees who qualify for the so-called white collar (or "EAP") exemptions.

5. Q. How is overtime pay determined?

Unless covered by an exemption, employees covered by the FLSA must receive overtime pay for all hours worked over 40 in a workweek at a rate not less than one and one-half times their regular rate of pay.

6. Q. What is the interaction between overtime and compensatory time?

The FLSA provides that most covered employees must receive overtime pay for hours worked over 40 in a workweek at a rate not less than one and one-half times their regular rate of pay. The use of compensatory time ("comp time") instead of overtime pay is limited by the FLSA to a public agency that is a state, a political subdivision of a state, or an interstate governmental agency, under specific circumstances. Private employers cannot satisfy their overtime obligations by providing comp time and must pay overtime-eligible employees an overtime premium for hours over 40 in a workweek.

7. Q. What are the white collar exemptions to the FLSA?

The FLSA's white collar exemptions exclude "bona fide" executive, administrative, and professional employees from federal minimum wage and overtime requirements. Certain computer professionals and outside sales employees are also included in the exemption and therefore excluded from the minimum wage and overtime requirements.

8. Q. I'm paid a salary. Am I exempt from overtime pay?

The fact that an employee is paid on a salary basis is not alone sufficient to exempt that employee from the FLSA's minimum wage and overtime requirements. For the EAP exemption to apply, a white collar employee's specific job duties and salary must meet all of the applicable requirements provided in the Department's regulations. Accordingly, the duties test must be met even if the employee's salary exceeds the standard salary level. See Fact Sheet 17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA).

9. Q. My job title is manager. Am I exempt from overtime pay?

The fact that an employee is paid on a salary basis is not alone sufficient to exempt that employee from the FLSA's minimum wage and overtime requirements. For the EAP exemption to apply, a white collar employee's specific job duties and salary must meet all of the applicable requirements provided in the Department's regulations. Accordingly, the duties test must be met even if the employee's salary exceeds the standard salary level. See Fact Sheet 17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA).

10. Q. Must employees earning below the new level be converted to hourly pay?

No. Nothing in the FLSA or in the regulations governing the white collar exemptions requires employers to pay overtime-eligible employees on an hourly basis. There are millions of salaried employees (white and blue collar alike) who are legally entitled to overtime pay under the current regulations.

11. Q. Will newly overtime-eligible employees have to record their hours on a daily basis or "punch a time clock"?

No. Overtime-eligible workers are not required to punch a time clock. The FLSA requires that employers keep certain records for each nonexempt worker. That's so workers can be sure that they get paid the wages that they earn and are owed. Employers have options for accounting for workers' hours - some of which are very low cost and burden. There is no particular form or order of records required and employers may choose how to record hours worked for overtime-eligible employees. For example, where an employee works a fixed schedule that rarely varies, the employer may simply keep a record of the schedule and then indicate the changes to the schedule that the worker actually worked when the worker's hours vary from the schedule ("exceptions reporting"). See Fact Sheet 21: Recordkeeping Requirements under the Fair Labor Standards Act (FLSA).

For employees with a flexible schedule, an employer does not need to require an employee to sign in each time she starts and stops work. The employer must keep an accurate record of the number of daily hours worked by the employee, not the specific start and end times. So an employer could allow an employee to just provide the total number of hours she worked each day, including the number of overtime hours, by the end of each pay period.

The Department has material available to help employers figure out what method of recording hours works best for their workforce.

12. Q. Does the FLSA allow for a flexible schedule for overtime eligible employees? Can employers still allow employees to work from home or have flexible schedules?

Yes. The FLSA does not require minimum or maximum hours for a shift, or prohibit split shifts. There is no requirement that a worker must have a predetermined schedule or restrictions on where the work is performed. There is also no restriction on when the work may be performed. See Fact Sheet 22: Hours Worked Under the FLSA.

13. Q. Doesn't having to punch a clock restrict the ability of an employee to work flexibly?

The FLSA does not require workers to punch a clock. Moreover, the recordkeeping requirements of the FLSA do not limit the flexibilities that an employer can afford to its workers. These recordkeeping requirements provide that an employer must keep an accurate record of the total number of hours worked for each day in a pay period to ensure that an employee is fully compensated for all hours worked. An employer does not need to require an employee to record what time they started or finished, only the total number of hours worked each day. There is no particular form or order of records required and employers may choose how to document or record hours worked for overtime-eligible employees. Employers can continue to permit their employees to work flexible hours as long as their total hours each day are accurately recorded.

For example, an overtime eligible employee has a flexible schedule that does not require that the employee work particular hours but requires that she work at least 40 hours per week. In a particular week, the employee might leave early on Monday to go to her daughter's soccer game, finish some work from home late Monday night, stay late on Tuesday and Wednesday to catch up on a priority project, leave on Thursday midafternoon to attend a gym class and then return to work. Her employer does not require her to "clock in or out" each time she comes to work or leaves. The employer must keep an accurate record of the number of daily hours worked by the employee. By the end of each pay period, the employee provides her employer with the total number of hours she worked each day, including the number of her overtime hours.

14. Q. Won't this rule be difficult for employers because they will have to track workers' hours?

No. Almost every employer already has systems and policies in place for dealing with overtime eligible employees so the rule isn't introducing any new obligations for employers or requiring them to adopt new systems. These existing systems can be used for newly overtime-protected employees impacted by the Final Rule.

There is no requirement that employees "punch in" and "punch out." Employers and employees have flexibility in designing systems to make sure appropriate records are kept to track overtime hours. As long as records are complete and accurate as to the number of hours worked each day, employers may use any method they choose.

For an employee who works a fixed schedule, an employer need not track the employee's exact hours worked each day; rather, the employer and employee can agree to a default schedule that reflects daily and weekly hours, and indicate that the employee followed the agreed-upon schedule. Only when the employee deviates from the schedule is the employer required to record the changes to the hours worked.

For employees with a flexible schedule, an employer does not need to require an employee to sign in each time she starts and stops work. The employer must keep an accurate record of the number of daily hours worked by the employee. So an employer could allow an employee to just provide the total number of hours she worked each day, including the number of overtime hours, by the end of each pay period.

Many employees, both exempt and non-exempt, who maintain flexible work schedules track their daily and weekly hours by simply recording their hours worked for the employer. Wage and Hour has material available to help employers figure out what system works best for them and their employees. See [Fact Sheet 21: Recordkeeping Requirements under the Fair Labor Standards Act \(FLSA\)](#).

15. Q. What if a State has its own overtime laws?

The FLSA provides minimum wage and hour standards, and does not prevent a state from establishing more protective standards. If a State establishes a more protective standard than the provisions of the FLSA, the higher standard applies in that State.

16. Q. How many white collar workers will become overtime-eligible as a result of this Final Rule?

Absent employer action, an estimated 4.2 million white collar workers will become newly entitled to overtime protection because of the increase in the salary level. As a result, many of these workers will be able to work fewer hours, will receive additional compensation when they work overtime, or will receive a salary increase to remain exempt.

7. Q. How does the Final Rule help workers who already are entitled to overtime - and their employers?

The Final Rule will clarify the overtime requirements for 8.9 million currently overtime-eligible salaried employees- 5.7 million salaried white collar employees and 3.2 million salaried blue collar employees-because their pay will fall below the new threshold and no assessment of their duties, which can result in misclassification, will be necessary. An estimated 732,000 white collar, salaried workers making between \$455 and \$913 do not meet the duties test and are already overtime, eligible but their employers do not recognize them as such.

18. Q. Where can I review comments submitted in response to the Department's Notice of Proposed Rulemaking (NPRM)?

On July 6, 2015, the Department published an NPRM proposing changes to the regulations governing the FLSA's exemption for white collar workers. We received over 270,000 comments from the public before the comment period closed on September 4, 2015. Those comments are viewable at www.regulations.gov under docket ID WHD-2015-0001.

SALARY LEVEL

1. Q. What are the new salary and compensation levels under this Final Rule?

When this Final Rule takes effect on December 1, 2016, the "standard" salary level will increase to \$913 per week (equivalent to \$47,476 annually for a full-year worker), up from \$455 per week (\$23,660 annually). The total annual compensation requirement for highly compensated employees will increase to \$134,004 per year, up

from \$100,000 per year. These levels will update automatically every three years, beginning on January 1, 2020, to maintain the earnings percentiles set in this Final Rule.

2. Q. Why does the 2004 standard salary level need to be increased?

The Department has concluded that the standard salary level of \$455 weekly (\$23,660 annually for a full-year employee) set in 2004 was too low to adequately account for the elimination of the former "long" duties test that ensured that employers could not avoid paying overtime by assigning lower-paid employees a minimal amount of exempt work. Furthermore, the real value of the salary level has fallen significantly since it was set 12 years ago. Today, the annualized equivalent of the standard salary level is below the 2015 poverty threshold for a family of four, making it inconsistent with Congress' intent to exempt only "bona fide" EAP workers, who typically earn salaries well above those of workers they supervise and presumably enjoy other privileges of employment such as above average fringe benefits, greater job security, and better opportunities for advancement.

3. Q. How did the Department determine the new standard salary level?

The Department considered several alternatives for setting the standard salary level to determine which method would work most effectively with the current duties test to effectively distinguish between overtime-eligible white collar employees and those who are bona fide EAP employees. Because the Department decided not to revise the current standard duties test, it set a salary threshold at a level reflective of employees who historically have received overtime protections from those who have not. Specifically, because the current standard duties test is substantially similar to the former "short" duties test, which before 2004 had been associated with a higher salary threshold, the Department looked at the historical ratios between the short and long test salary levels in order to assure that we restored the historical relationship between having a less rigorous duties test and an appropriately high salary threshold. The Department set the standard salary level at the 40th percentile of weekly earnings of full-time salaried workers in the lowest wage Census Region (currently the South), because it was at the low end of the historical range of short test salary ratios and would be appropriate across all areas and industries. The new salary amount will be \$913 per week (which is \$47,476 annually for a full-year worker) when this Final Rule takes effect on December 1, 2016.

4. Q. Why is the Department setting the standard salary level at the 40th percentile of weekly earnings for full-time salaried workers in the lowest wage Census Region and not on national data as proposed?

The Department has concluded that the 40th percentile of weekly earnings for full-time salaried workers in the lowest wage Census Region represents the most appropriate line of demarcation between exempt and overtime-eligible white collar employees. This amount effectively distinguishes between employees who are overtime-protected and those who may meet the duties requirements of the white collar exemption, without necessitating a return to a more rigorous duties test, such as the pre-2004 "long" duties test that imposed a cap on nonexempt work. In the absence of a return to a more rigorous duties test, the salary level needed to be set higher (resulting in the exclusion of more employees performing EAP duties) in order to perform more of the screening function previously performed by the long duties test. Accordingly the salary level set in this Final Rule corrects for the mismatch in the 2004 Final Rule between a low salary level and a less rigorous duties test. In addition, switching to the lowest wage Census region addresses concerns raised by commenters that setting the salary level based on national data, as under the proposed rule, would unduly impact certain industries or certain parts of the country.

5. Q. Why didn't the Department set the salary threshold at a lower amount?

The Department believes that the standard salary level set in this Final Rule effectively distinguishes between employees who are overtime eligible and those who may be bona fide executive, administrative, or professional employees, without necessitating a return to a duties test that sets specific limits on the performance of nonexempt work, like the more detailed "long" duties test that existed before 2004. Setting a salary level significantly below the level proposed by the Department would have required a more rigorous duties test than the current standard duties test. The Department modified the proposed salary level to account for the fact that salaries are lower in some regions than others. By adjusting the Final Rule salary level to focus on the lowest-wage Census Region instead of a national level, we have removed the effect of the three higher earnings Census Regions on the salary level, ensuring the salary level is not driven by earnings in high- or even middle-wage regions of the country. This lower final salary level will also provide relief for employers in low-wage industries.

6. Q. How did the Department determine which Census Region is the lowest wage Census Region?

Census Regions are groupings of states and the District of Columbia that subdivide the United States for the presentation of data by the United States Census Bureau. The current Census Regions are: the Northeast, the Midwest, the South, and the West. The Department determined the "lowest-wage Census Region" by examining the 40th percentile of weekly earnings of full-time salaried workers based on data in each region. The "40th percentile" means that, according to the Census Bureau and Bureau of Labor Statistics' figures, 40 percent of the full-time salaried workers in that region earn at or below that amount.

The lowest wage Census region currently is the South. Based on the fourth quarter of 2015 Current Population Survey data, the 40th percentile for the South Census Region is \$913 per week.

7. Q. How did the Department determine the new total annual compensation requirement for highly compensated employees (HCEs)?

Under this Final Rule, the Department is setting the HCE annual compensation level equal to the annual equivalent of the 90th percentile of earnings for full-time salaried workers nationally (\$134,004). To be exempt as an HCE, an employee must also receive at least the standard salary amount of \$913 per week on a salary or fee basis. Like the new standard salary level, the new HCE total annual compensation level will take effect on December 1, 2016 and will update automatically every three years, beginning on January 1, 2020.

NONDISCRETIONARY BONUSES AND INCENTIVE PAYMENTS

1. Q. May employers use bonuses to satisfy part of the new standard salary level test?

Yes. The Department is changing the regulations to allow nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the standard salary test requirement. Such bonuses include, for example, nondiscretionary incentive bonuses tied to productivity or profitability (e.g. a bonus based on the specified percentage of the profits generated by a business in the prior quarter). The Department recognizes that some businesses pay significantly larger bonuses; where larger bonuses are paid, however, the amount attributable toward the EAP standard salary level is capped at 10 percent of the required salary amount.

For employers to credit nondiscretionary bonuses and incentive payments (including commissions) toward a portion of the standard salary level test, such payments must be paid on a quarterly or more frequent basis.

2. Q. What's the difference between a discretionary bonus and a nondiscretionary bonus?

Nondiscretionary bonuses and incentive payments (including commissions) are forms of compensation promised to employees to induce them to work more efficiently or to remain with the company. Examples include bonuses for meeting set production goals, retention bonuses, and commission payments based on a fixed formula.

By contrast, discretionary bonuses are those for which the decision to award the bonus and the payment amount is at the employer's sole discretion and not in accordance with any preannounced standards. An example would be an unannounced bonus or spontaneous reward for a specific act.

3. Q. May employers make a catch-up payment in the event that an employee doesn't receive enough in nondiscretionary bonuses and incentive payments (including commissions) in a given quarter to remain exempt?

Yes, if an employee does not earn enough in nondiscretionary bonuses and incentive payments (including commissions) in a given quarter to retain their exempt status the Department permits a "catch-up" payment at the end of the quarter. The employer has one pay period to make up for the shortfall (up to 10 percent of the standard salary level for the preceding 13 week period). Any such catch-up payment will count only toward the prior quarter's salary amount and not toward the salary amount in the quarter in which it was paid. If the employer chooses not to make the catch-up payment, the employee would be entitled to overtime pay for any overtime hours worked during the quarter.

4. Q. Does the Final Rule change how employers may use bonuses to satisfy the salary level for highly compensated employees (HCEs)?

No, the Department has not made changes to how employers may use bonuses to meet the salary level component of the HCE test. To claim the HCE exemption under the Final Rule, employers must pay workers at least the standard weekly salary level of \$913 per week on a salary or fee basis, while the remainder of the total annual compensation may include commissions, nondiscretionary bonuses, and other nondiscretionary compensation. Because employers may fulfill almost two-thirds of the HCE total annual compensation requirement with commissions, nondiscretionary bonuses, and other forms of nondiscretionary deferred compensation, the Department determined that it would not be appropriate to permit employers to also use nondiscretionary bonuses and incentive payments to satisfy the standard salary amount.

AUTOMATIC UPDATING

1. Q. Why is the Department changing the regulations to automatically update the salary level and HCE total annual compensation level?

The Department is establishing mechanisms to automatically update the standard salary and HCE total annual compensation requirements to ensure that they remain meaningful tests for distinguishing between bona fide executive, administrative, and professional and overtime-protected white collar workers and to provide predictability and incremental salary changes for employers. Experience has shown that the salary level test is a strong measure of overtime-eligibility only if it is up to date. Left unchanged, a fixed salary level becomes substantially less effective at distinguishing between exempt and nonexempt workers as wages for overtime-protected workers increase over time. Automatically updating the salary level and HCE total annual compensation requirement using the most recent data will ensure that these tests continue to accurately reflect current economic conditions, while also making increases more predictable and gradual.

2. Q. How often will the Department update the standard salary level and HCE total annual compensation requirements?

The Department will update the standard salary and HCE total annual compensation requirements every three years, with the first update taking effect on January 1, 2020. Future automatic updates will take effect on January 1 of 2023, 2026, etc. The Department will publish a notice of the new updated thresholds in the Federal Register at least 150 days before those updated amounts take effect, and also publish these updated rates on the Wage and Hour Division's website.

3. Q. How will the Department automatically update the standard salary level and HCE total annual compensation requirement?

The Department will automatically update the standard salary and HCE total annual compensation levels by applying the exact same method used to set those levels in this Final Rule. Specifically, the Department will update the standard salary level to maintain it at the 40th percentile of weekly earnings of full-time salaried workers in the lowest wage Census Region, and the Department will update the HCE total annual compensation level to maintain it at the annual equivalent of the 90th percentile of earnings of full-time salaried workers nationwide.

ECONOMICS

1. Q. What are the costs and benefits of the Final Rule?

This Final Rule will transfer income from employers to employees in the form of higher earnings, whether in the form of overtime premium payments for newly overtime-eligible workers or raises for some workers to maintain their exempt status. Average transfers are estimated to be approximately \$1.2 billion per year over the first ten years.

The Department estimates that average annualized direct employer costs will total approximately \$295 million per year over the first ten years, including regulatory familiarization costs, adjustment costs, and managerial costs. Regulatory familiarization costs are the costs incurred to read and become familiar with the requirements of the rule. Adjustment costs are the costs accrued to determine workers' new exemption statuses, notify employees of policy changes, and update payroll systems. Managerial costs associated with this Final Rule occur because hours of workers who are newly entitled to overtime may be more closely scheduled and monitored to minimize or avoid overtime hours worked.

The Final Rule is also expected to create new jobs due to the financial incentive for employers to spread overtime hours of employees newly entitled to overtime pay; however, the Department did not attempt to quantify the number of new jobs created due to data limitations. Other benefits of the Final Rule including strengthening overtime protections for workers currently misclassified as overtime-exempt and those at risk of misclassification as overtime-exempt; improved work-life balance; and improved worker health and productivity.

2. Q. How many employees does the Department estimate will be impacted by the salary level increases?

In the first year after the Final Rule becomes effective, the Department estimates that 4.2 million currently exempt workers who earn at least the 2004 salary level of \$455 but less than the new salary level of \$913 per week would, without some intervening action by their employers, become newly entitled to overtime protection.

Of those, an estimated 65,000 currently exempt workers who earn at least \$100,000 but less than \$134,004, and who meet the minimal HCE duties test but not the standard duties test, would also become eligible for minimum wage and overtime in the first year. The Department also estimates that 5.7 million salaried white collar workers and 3.2 million salaried blue collar workers who are currently entitled to overtime will have their overtime protection strengthened because their status as overtime-eligible will be clear based on the salary test alone without the need to examine their duties. This includes an estimated 732,000 salaried white collar workers who the Department estimates are currently misclassified as exempt who will now receive greater overtime protection.

3. Q. How can I find information on the economic impacts of the Final Rule on a specific industry?

This information is provided in Tables 14, 30, 38 - 46, and B1 of the economic analysis of the Final Rule.

4. Q. Where can I find the earnings information the Department used in setting the salary and total annual compensation levels?

The Department set these levels using Bureau of Labor Statistics (BLS) data available at http://www.bls.gov/cps/research_series_earnings_nonhourly_workers.htm.

M.C.C.A.

Peter Baldacci, President
Penobscot County

Thomas Coward, Vice President
Cumberland County

Michael Cote, Secretary-Treasurer
York County

Rosemary Kulow
Executive Director

Lauren Haven
Office Manager



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MAINE COUNTY COMMISSIONERS ASSOCIATION

MCCA Board of Directors' Meeting Minutes 10:00 a.m., June 8, 2016

I. Call to Order, Introductions, Attendance and Pledge of Allegiance

President Peter Baldacci called the meeting to order at 10:25 a.m. The attendees recited the Pledge of Allegiance and all present introduced themselves.

DIRECTORS PRESENT: *Androscoggin* – Comm. Beth Bell; *Aroostook* – Comm. Norman Fournier; *Cumberland* – Comm. Thomas Coward; *Franklin* – Comm. Gary McGrane; *Kennebec* – Administrator Bob Devlin proxy for Comm. George Jabar II; *Knox* – Administrator Andy Hart proxy for Comm. Roger Moody; *Lincoln* – Comm. William Blodgett; *Oxford* – Administrator Scott Cole proxy for Comm. Steven Merrill; *Penobscot* – Comm. Peter Baldacci; *Piscataquis* – Comm. James Annis; *Sagadahoc* – Administrator Pamela Hile proxy for Comm. Charles Crosby III; *Somerset* – Comm. Newell Graf; *Waldo* – Comm. Amy Fowler; and *York* – Comm. Michael Cote.

OTHERS PRESENT: *Cumberland* – Comm. Steve Gordon, Manager Peter Crichton; *Lincoln* – Administrator Carrie Kipfer; *Somerset* – Administrator Dawn DiBlasi; *MACT* – David Parkman; and *MSA* – Sheriff Troy Morton and Sheriff Dale Lancaster.

DIRECTORS ABSENT: *Hancock* – Comm. Steven Joy; *Kennebec* – Comm. George Jabar II; *Knox* – Comm. Roger Moody; *Oxford* – Comm. Steven Merrill; *Sagadahoc* – Comm. Charles Crosby III; and *Washington* – Comm. Chris Gardner.

STAFF PRESENT: Executive Director Rosemary Kulow, Risk Pool Manager Malcolm Ulmer, and Office Manager Lauren Haven.

II. Approval of/Additions to the Agenda

Comm. Fournier moved and Comm. Fowler seconded approving the agenda as written. The motion was approved unanimously.

III. Approval of May 11, 2016 Board of Directors' Meeting Minutes

Comm. Cote moved and Comm. Fowler seconded approving the minutes from the Board of Directors' meeting on May 11, 2016. The motion was passed unanimously.

IV. Old Business

A. Host County for 2017 MCCA Conference

Comm. Bell reported that Androscoggin County Administrator Larry Post is concerned that he does not have the staff he thinks is necessary to host the convention. However, the final decision will be made at the next meeting on June 15th. If the commissioners choose not to host the convention in 2017, they may offer to do so in 2018. This matter will be brought back for consideration at the July Board of Directors' meeting.

B. Consideration of Nominations for NACo Steering Committees

The group reviewed the NACo Steering Committee rosters and the nomination forms for Comm. McGrane and Comm. Baldacci. Comm. Fournier made a motion to nominate Comm. Baldacci to serve on NACo's Justice and Public Safety Steering Committee and Comm. McGrane to serve on the Community, Economic and Workforce Development Committee and the Environment, Energy and Land Use Committee. Comm. Blodgett seconded the motion and it was approved unanimously.

V. New Business

A. Discuss How the USDOL Final Overtime Rule Affects MCCA

The group reviewed the fact sheet of the final rule to update the exemption for executive, administrative, and professional employees provided by the Wage and Hour Division of the U.S. Department of Labor. Executive Director Rosemary Kulow explained that MCCA qualifies as a government agency. The rule factors in regular increases and increases the base salary for exempt workers. The MCCA administrative position held by Lauren Haven fits the criteria for overtime eligibility and is affected by the rule change, effective December 1st, 2016. There are several ways to meet the requirement, but Ms. Kulow recommends increasing the salary for the position which is currently \$727 per week, to the minimum \$913 per week, making the annual salary \$47,476.

The group discussed whether or not the duties performed in the MCCA administrative position required exceeding 40 hours in a work week. Ms. Kulow stated that MCCA is expanding the services it provides and the administrative position is expanding to accommodate the work necessary to accomplish the goals. Comm. Baldacci suggested that MCCA staff document the hours being worked and the topic would be revisited at a later date with the proposal for the change.

B. Discussion about the Value of County Charters

The group discussed the pros and cons of county charters. Some points included the importance of charters to define and strengthen county government. The makeup and authority of the budget committee outlined in the county charter is critical to the success of county government

operations. The majority expressed that benefits outweigh the issues involved and recommend supporting county charters.

C. Nomination of NACo Board of Directors Voting Representative(s)

Comm. Baldacci will not be attending the next NACo conference in July with Comm. McGrane and Executive Director Rosemary Kulow due to other commitments. Comm. Cote made a motion, seconded by Comm. Graff to nominate Comm. McGrane as MCCA's voting member at on the annual NACo conference. The motion passed with a unanimous vote.

VI. Reports

A. Executive Director's & Financial Reports

Executive Director Rosemary Kulow presented her reports. (See attached.) Ms. Kulow touched on her schedule including visits to county commissioners meetings around the state, and the MainePERS employee contribution increase from 7.5% to 8%. Ms. Kulow invited questions. Comm. McGrane made a motion to place the reports on file. Comm. Cote seconded the motion which was passed unanimously.

B. Legislation Development Committee Report

The Legislation Development Committee met at the MCCA offices on May 25th and voted Comm. Gordon to serve as chair for the committee. The group reviewed the mission of the committee and worked to develop a timeline and strategy to achieve their set goals. A questionnaire will be created for counties to submit ideas for legislation. The next committee meeting is scheduled for June 20th.

C. Professionalism in Management Committee Report

Comm. Cote reported that the group would be meeting after the Board of Directors' meeting. One idea is to develop a manual for newly elected commissioners and other county officials, and a basic booklet outlining duties and responsibilities could be developed by this committee and MCCA staff. In addition, the committee will develop appropriate training programs for county officials.

D. Association Reports

EMAD: No report was given.

MACCAM: Oxford County Administrator Scott Cole reported the group is in favor of the development of a data bank by MCCA staff that will reduce redundancy of data collection performed by individual counties throughout the year.

MACT: David Parkman reported the group met with representatives of the IRS has been requested for clarification on the details of W9, 1099, 1094 & 1095 forms. The group believes it will be beneficial to have MEHT representative Anne Wright speak at the convention to clarify the Affordable Care Act updates.

MARP: No report was given.

MECCA: Owen Smith reported via MCCA staff that the class sponsored by MECCA in May had 27 county dispatchers attend out of a total of 44 attendees. Other attendees were from state agencies. Nine attendees were from Bowdoin College communications and security. It was a good training at a great price.

MRDA: No report was given.

MSA: No report was given.

E. Corrections Report

Comm. Cote reported revisions to the Jail Standards glossary of terms have been completed leaving no further issues. The group expects to wrap up the project within one month.

F. Annual Convention Report

MCCA Office Manager Lauren Haven reported that vendor registration opened on June 1st. The Convention Planning Committee met on May 20th and continued to develop the educational session lineup for the convention. The group will meet next on June 17th at Penobscot Commissioners' Office in Bangor. Attendee registration is expected to open in July.

G. NACo Report

NACo's Annual Conference will be in Long Beach, CA in July. Travel arrangements have been made. Registration fees for this conference have been waived for both Comm. McGrane and Executive Director Rosemary Kulow.

D. Other Business

No other business was brought before the board.

VII. Adjournment

Comm. Fowler made a ***motion*** to adjourn at 11:27 a.m.; Comm. McGrane seconded the ***motion***, which was ***unanimously approved***. The group adjourned to lunch.

Respectfully submitted,

MCCA Office Manager, Lauren Haven

Attested:

MCCA Secretary-Treasurer, Michael Cote

M.C.C.A.

Peter Baldacci, President
Penobscot County

Thomas Coward, Vice President
Cumberland County

Michael Cote, Secretary-Treasurer
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Rosemary Kulow
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Lauren Haven
Office Manager



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DRAFT Request for Proposals - Legal Services

The Maine County Commissioners Association, hereinafter referred to as MCCA, hereby solicits proposals from legal firms to represent the MCCA as its Attorney. The firm selected would serve as Chief Legal Advisor to the MCCA Board of Directors, Executive Director, and officers for a contract term beginning November 14, 2016, and concluding November 13, 2018.

MCCA's selection will be based on its evaluation of the written proposal, the firm's qualifications and experience, client references, and overall fee structure.

Proposals will be received by the Executive Director, Maine County Commissioners Association, 4 Gabriel Drive, Suite 2, Augusta, Maine, 04330, until 2:00 p.m. on Monday, October 31, 2004. Proposals received after that time will not be considered. Proposals must be sealed and clearly marked, "**MCCA Legal Services.**"

Respondents must submit a written proposal. Written Requests for Proposals are available at the MCCA office.

The MCCA Board of Directors reserves the right to reject any or all proposals and to select the legal firm deemed to have submitted a qualified proposal (fee and other factors considered), when in the judgement of the MCCA Board of Directors such an award is in the best interest of the general public.

Request for Proposal

Legal Services for the Maine County Commissioners Association

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(A) INTRODUCTION

The MCCA has a Board of Directors as its governing body, with the Executive Director operating as the Chief Administrative Officer. The association represents the county commissioners of all sixteen counties in Maine.

The MCCA is involved in a variety of activities which require a diversity of legal services, including the drafting of legislation. MCCA may retain separate counsel for special issues.

(B) SCOPE OF WORK

The services rendered shall incorporate an array of legal work: advising Board of Directors, preparing legislation, rendering legal opinions, preparing legal instruments, defending officials, and settling of claims.

(C) GENERAL REQUIREMENTS

Hold Harmless Clause: The Legal Firm shall indemnify the MCCA from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person in consequence of any negligence in performing contract work, or on account of any act of commission by the attorney or the firm or its employees, or from any claims or amounts arising or uncovered under any law, bylaw, ordinance, regulation, or decree, violated by such attorney or firm. The legal firm shall be required to carry Professional Liability Insurance. Proposals must specify the carrier and the coverage limits of no less than \$1,000,000.

Collusive Agreements: Each legal firm submitting a proposal to the MCCA shall state that the proposal is made without any connection with any other service agent making any proposal for the same service and that no violation of the conflict-of-interest provisions will occur if the applicant firm is selected.

Compensation: In the matter of compensation, the MCCA will entertain either a lump sum retainer, payment on an hourly basis, and/or with an upset limit, or any combination thereof. Request for payments must be submitted to the Executive Director and will be paid within thirty days.

(D) QUALIFICATION OF LEGAL COUNSEL

The legal firm shall incorporate within its proposal an outline of the size and experience of the law firm to include resumes of legal staff, as well as a listing of clients and references (with addresses and phone numbers). The legal firm should make particular note of the firm's expertise in county and municipal law.

The proposal must indicate those key personnel who will be assigned to handle the required services and include copies of their resumes. The proposal must also indicate the approximate percentage of her/his time the principal Attorney will be able to donate to the MCCA's legal affairs.

(E) ADDITIONAL INFORMATION AND REQUIREMENTS

Termination: Subject to the provisions below, the contract may be terminated by either party upon sixty (60) days advance written notice to the other party; but if any work or services hereunder is in progress, but not completed as of the date of termination, then the contract may be extended upon approval by the Board of Directors until said work or services are completed and accepted.

Termination for Convenience: In the event that this contract is terminated or cancelled upon request and for the convenience of the MCCA, without the required sixty (60) days advance written notice, then the MCCA shall negotiate reasonable termination costs, if applicable.

Termination for Cause: Termination by MCCA for cause, default or negligence on the part of the attorney or firm shall be excluded from the foregoing provision; termination cost, if any, shall not apply. The sixty (60) days advance written notice requirement is waived in the event of Termination for Cause.

Miscellaneous Requirements: The MCCA will not be responsible for any expenses incurred by an attorney or firm in preparing and submitting a proposal. All proposals shall provide a straightforward, concise delineation of the attorney's or firm's capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content.

Any attorney or firm who submits a proposal in response to this RFP may be required to make an oral presentation of their proposal upon notification of such request by the MCCA Executive Director.

The contents of the proposal submitted by the successful attorney or firm and this RFP will become part of any contract awarded as a result of these specifications. The successful attorney or firm will be expected to sign a contract with the MCCA. Additional terms and provisions may be included in the contract.

The MCCA reserves the right to reject any or all proposals received by reason of this request, or to negotiate separately in any manner necessary to serve the best interests of the MCCA. Attorneys or firms whose proposals are not accepted will be notified in writing.

The selected attorney or firm will be prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this agreement or its rights, title or interest therein or its power to execute such agreement to any other person, company or corporation without the previous consent and approval of the MCCA Board Directors.

The attorney or firm must also provide advance notification to the Executive Director of times when counsel will be unavailable (e.g. vacations, professional conferences, etc.), and the name(s) of legal counsel who will handle MCCA legal affairs in their absence.

The MCCA shall not be restricted from appointing specialized counsel when the need arises.

APPENDIX A

The Legal Department shall consist of the MCCA Attorney who shall be appointed by the MCCA Board of Directors, and shall be an attorney and counselor at law of the courts of the State of Maine. He/she will enforce all laws and act to protect the interests of the MCCA, and who shall:

(1) **Advise the Executive Director and Board of Directors:** Advise the Executive Director, Board of Directors, or its Committees or any Officer, when thereto requested, upon all legal questions arising in the conduct of MCCA business.

(2) **Prepare Legal Documents:** Prepare or revise legal documents or legislation when so requested by the Executive Director or Board of Directors or any Committee thereof. Annually prepare an up-to-date index of the ordinances of the MCCA.

(3) **Give Opinions:** Give opinion upon any legal matter or question submitted to him/her by the Board of Directors, or any of its Committees, or by the Executive Director.

(4) **Attend Board of Directors' and Committee Meetings:** Attend Board of Directors, committee, or other related meetings when so requested for the purpose of giving the Board of Directors and Executive Director legal advice.

(5) **Prepare Legal Instruments:** prepare for execution, contracts and instruments to which the MCCA is party.

(6) **Prosecute Offenders and Defend Officials:** Prepare, when authorized by the Board of Directors, all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a law or any regulation adopted under authority of State Statute, or with the commission of misdemeanor as declared by State Statute. In any prosecution for violation of any regulation adopted by any Board or Commission created under the authority of the MCCA, the attorney shall act under the directions of the Board of Directors or Executive Director.

Defend MCCA officials in any prosecution for violation of any law or regulation while action, cause of action, accounts, debts, claims, demands, disputes arise while under the direction of the Executive Director.

(7) **Settlement of Claims:** Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters of favor of or against the MCCA or in which the Association is concerned as debtor or creditor, now existing or which may hereafter arise, under the direction of the MCCA Executive Director.

(8) **Make Reports:** Immediately report the outcome of any litigation in which the MCCA has an interest to the Executive Director and Board of Directors. Submit quarterly reports to the Executive Director and Board of Directors of all pending litigation, new and outstanding claims, and closed claims in which the MCCA has an interest and the condition thereof.

(9) **Control Legal Services Incidental to Board of Directors Action:** Have charge of all legal services auxiliary to Board of Directors action in connection with the appropriation of property to public use and in the levying of assessments.

(10) **Collections:** Collect unpaid bills when directed by the Executive Director.

(11) **Keep Records:** Keep a complete record of all suits in which the MCCA had or has an interest, giving the names of the parties, the Court where brought, the nature of the action, the disposition of the case, or its condition, if pending, and the briefs of counsel. Keep a complete record of all written opinions furnished by him/her to MCCA or any department or official thereof.

(12) **Deliver Records to Successor:** Deliver all records, documents and property of every description in his/her possession, belonging to his/her office or to the MCCA, to his/her successor in office, who shall give him/her duplicate receipts therefore, one of which he/she shall file with the MCCA Auditor.

It may be understood that added to this list of formal responsibilities are the informal activities expected of the MCCA Attorney, including counseling department heads and elected officials, instructing officers and employees in the elements of public law, examining intergovernmental activities, and answering inquiries from the public in general. It is understood that the proposed Legal Firm will supply clerical services, telephone, stationery, postage, supplies, library, and equipment required to provide a satisfactory level of service. The MCCA shall agree to reimburse court costs, and other similar out-of-pocket expenses.

CONTRACT FOR LEGAL SERVICES

The Maine County Commissioners Association (hereinafter referred to as "MCCA") and _____, located at _____, _____, _____ (hereinafter referred to as _____") hereby mutually contract as follows:

1. _____ hereby agrees to provide legal services to the MCCA for the period November 14, 2016 to November 13, 2018. The MCCA agrees to pay for such services at the following rates:
2. In the performance of legal services for MCCA, _____ will perform all such services as may be required in representing the MCCA other than those which are recognized as specialized legal services which _____ does not presently have the competence to perform. The MCCA shall have the right to contract separately for legal services which _____ is not able to perform in a competent manner.
3. In the performance of legal services for MCCA, _____ will supply clerical services, telephone, supplies, library, and equipment required to provide a satisfactory level of service. The MCCA agrees to provide stationery and postage, and to reimburse court costs and other similar out-of-pocket expenses. Travel on MCCA business will be reimbursed at the current IRS rate per mile. The MCCA will reimburse the cost of photocopying where more than a nominal number of copies are involved at _____'s customary rates. The MCCA will reimburse the expense of attendance at seminars and meetings relevant to the MCCA's legal business which have been approved in advance by the Executive Director.
4. During the term of this contract, _____ will maintain liability insurance in force providing insurance against claims out of the negligent acts of the attorneys or employees of the firm in the amount of at least \$1,000,000. _____ will, in any event, indemnify the MCCA against any claims arising out of its negligent performance of legal services for the MCCA during the term of this contract.
5. _____ certifies that its proposal to perform legal services for the MCCA was made without connection with any other service agent making a proposal for the same services. It further certifies that its performance of such legal services will not, in general, involve its attorneys in any conflict of interest as defined either by state law or by the ethical standards established by the Maine Supreme Judicial Court. Where, in specific cases, conflicts of interest are presented because a member of the firm has an interest in a legal matter which is adverse to that of the MCCA or the firm is not free to take a matter on behalf of the MCCA because of a previous or existing relationship with an adversary party, _____ will so notify the MCCA and will assist the MCCA in finding competent counsel to represent it in that matter. Outside counsel in such cases will be compensated at rates to be negotiated between the MCCA and such outside counsel.

6. The Attorney will attend Board of Directors' meetings, as requested. No less frequently than annually, the Attorney shall meet with the Executive Director to review performance and discuss legal issues facing the MCCA.

7. Either party to this contract may terminate it by giving at least 60 days advance notice in writing to the other. In the event of such termination, the parties will negotiate the cost of concluding cases or other matters already in progress. Advance notice of termination on the part of the MCCA shall not be required where such termination is for good cause. If neither party gives notice of termination prior to the expiration of the contract term, the contract shall be automatically extended for an additional year on the same terms and conditions set forth above, except that the hourly rates of compensation and charges for reimbursement of expenses shall be negotiated for the ensuing year. At the termination of the contract, the Board of Directors may, at its option, seek proposals for legal services.

DATED: _____ MCCA
By _____
Its President
By _____

M.C.C.A.

Peter Baldacci, President
Penobscot County

Thomas Coward, Vice President
Cumberland County

Michael Cote, Secretary-Treasurer
York County

Rosemary Kulow
Executive Director

Lauren Haven
Office Manager



4 Gabriel Drive, Suite 2
Augusta, ME 04330
207-623-4697
www.maine counties.org

Executive Director's Report October 7, 2016

Issues & Activities:

MCCA Annual Convention

Lauren will present a convention report at the Board of Directors' meeting under agenda item VI. F.

Budget Process

I continue to work on a budget proposal for 2017 within parameters defined by the Budget and Finance Committee, and the committee will submit a proposed 2017 budget to the full board at the December meeting.

NACo's Nationwide Deferred Compensation Program

Representatives from Nationwide, the NACo sponsored company that provides retirement programs to counties around the country, will attend the November Board of Directors' meeting to explain their deferred compensation products and programs.

NCCAE Executive Directors Annual Conference

After our annual convention last weekend, NACo offered me a scholarship to attend the NCCAE annual conference in Alaska the third week of this month. Unfortunately, the offer came too late for me to attend, but I have been assured that the scholarship will again be available next year. The scholarship is for state association executive directors who have not yet attended an NCCAE conference. I realize tremendous value from these conferences, especially the time spent with fellow state association executive directors, as many pertinent county governance topics, experiences, and approaches to problems are discussed.

Other Meetings/Events since the September 30, 2016 Board of Directors' Meeting

Oct. 4

Hancock County Commissioners' Meeting in Ellsworth

The commissioners and staff welcomed Lauren and me most warmly and expressed positive comments about the annual convention. We witnessed an awards presentation to members of the Sheriff's Department for their outstanding service at this meeting.

Oct. 5-6

MMA Convention in Bangor

I attended the convention the first day and listened to presentations about (1) *Medical Marijuana in the Workplace*, (2) *Making Good Employee Leave Decisions*, and most importantly, (3) *Setting MMA's 2017 Legislative Priorities*. I have included several handouts from the legislative session in the Oct. 12th Board of Directors' agenda packet for your information. Most interesting to us county folks are the positions MMA members are considering about county jails.

Lauren attended the convention the second day to hear what they had to say about the *Impact of New Overtime Rules* and *Demonstrating the 2016 Municipal Salary Survey*. She also attended sessions about *The Future of the University of Maine System*, a potential *Lewiston-Auburn Merger*, and *An Active Shooter in Your Community*.

Oct. 11

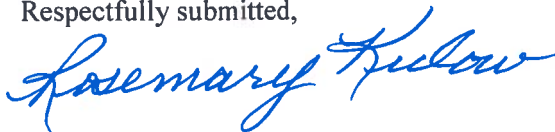
Sagadahoc County Commissioners' Meeting in Bath

Upcoming Planned Meetings/Events (as of this writing):

Oct. 13	Annual meeting of Maine Municipal Employees Health Trust in Augusta at 11:00 a.m.
	Conference call meeting of NACo Agriculture & Rural Affairs Committee at 3:00 p.m.
Oct. 14	LPC conference call meeting (tentative until participation is confirmed) with Executive Directors of the Colorado and Washington state associations to discuss the impacts of legalized marijuana in those states.
Oct. 17	Franklin County Commissioners' meeting in Farmington at 9:00 a.m.
Oct. 18	Kennebec County Commissioners' meeting in Augusta at noon
Oct. 19	NCCAE Webinar on the Pitfalls of Decision Making at 2:00 p.m.
Oct. 25	MCCA Budget & Finance Committee conference call meeting at 10:00 a.m.
Oct. 26	NACo Northeast Region conference call meeting at 8:00 a.m.
Oct. 27-28	Vacation
Nov. 8	ELECTION DAY
Nov. 9	MCCA Board of Directors' Meetings

As always, if you have any questions or comments about my activities or reports, please don't hesitate to let me know.

Respectfully submitted,



Rosemary Kulow
Executive Director

MAINE COUNTY COMMISSIONERS ASSOCIATION

September 2016 Financial Report

Attached please find the monthly financial reports for the month September 2016. The Balance Sheet shows total assets, including the money market account for MainePERS, and liabilities at \$198,597.65. Debits to the bank account in September totaled \$19,423.15; and \$17,323.30 income was deposited in the checking account. The bank balance on September 30th was \$159,271.95, as some transactions had not yet cleared the bank by the end of the month.

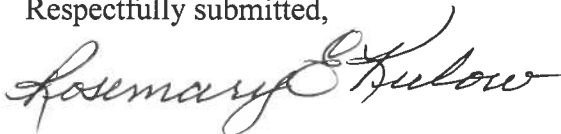
Convention sponsor, exhibitor, and attendee registration receipts account for most of the revenue received in September but as of the end of the month, we had received only 78% (\$36,863) of the \$47,500 convention revenue estimated in the budget. Even though projections for Vendor and Sponsor revenue were exceeded this year, revenue from *Registrations* fell short. Keep in mind that the numbers may not yet be final, so stay tuned to next month's financial report for an update.

With **75%** of the year complete, \$203,190 (81%) of the \$252,150 budgeted revenue had been received by September 30th. On the expenditure side, \$18,514 (8% of the total budget) was expended in September; and a total of \$155,610 (62%) had been expended year-to-date.

Additional details of financial transactions appear in the *Profit & Loss Budget vs. Actual* report. Finances are within budget, and there are no problems at this time.

Please don't hesitate to let me know if you have any questions or would like to see anything different in the financial reports.

Respectfully submitted,



Rosemary E. Kulow
Executive Director

Accepted by:

Date: _____

Peter Baldacci, President

Thomas Coward, Vice-President

Michael Cote, Secretary-Treasurer

Maine County Commissioners Association
Reconciliation Summary
Money Market Account, Period Ending 09/19/2016

	Sept 19 2016
Beginning Balance	38,766.62
Cleared Transactions	
Deposits and Credits - 1 item	3.07
Total Cleared Transactions	3.07
Cleared Balance	38,769.69
Register Balance as of 09/19/2016	38,769.69
Ending Balance	38,769.69

Maine County Commissioners Association
Balance Sheet (accrual)
As of September 30, 2016

	September 2016
ASSETS	
Current Assets	
Checking/Savings	
MCCA Checking-Savings Bank	158,647.96
Money Market Account	38,769.69
Petty Cash Account	200.00
Total Checking/Savings	<u>197,617.65</u>
Accounts Receivable	
Receivables	980.00
Total Accounts Receivable	<u>980.00</u>
Total Current Assets	<u>198,597.65</u>
TOTAL ASSETS	<u><u>198,597.65</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	-725.28
Total Accounts Payable	<u>-725.28</u>
Other Current Liabilities	
1000-00 · Employee Health Insurance Contr	-730.57
1001-00 · MainePERS Employee Contribution	478.11
Total Other Current Liabilities	<u>-252.46</u>
Total Current Liabilities	<u>-977.74</u>
Total Liabilities	-977.74
Equity	
3200-00 · Fund Balance to Current Yr Inc	-59,216.00
3900-00 · Earnings	211,209.23
Net Income	47,582.16
Total Equity	<u>199,575.39</u>
TOTAL LIABILITIES & EQUITY	<u><u>198,597.65</u></u>

Maine County Commissioners Association
Reconciliation Summary
MCCA Checking-Savings Bank, Period Ending 09/30/2016

	September 2016
Beginning Balance	161,371.80
Cleared Transactions	
Checks and Payments - 20 item:	-19,423.15
Deposits and Credits - 22 items	17,323.30
Total Cleared Transactions	<u>-2,099.85</u>
Cleared Balance	<u><u>159,271.95</u></u>
Uncleared Transactions	
Checks and Payments - 2 items	-623.99
Total Uncleared Transactions	<u>-623.99</u>
Register Balance as of 09/30/2016	<u><u>158,647.96</u></u>
Ending Balance	158,647.96

Maine County Commissioners Association
Reconciliation Detail
MCCA Checking-Savings Bank, Period Ending 09/30/2016

	<u>Date</u>	<u>Name</u>	<u>Amount</u>	<u>Balance</u>
Beginning Balance				#####
Cleared Transactions				
Checks and Payments - 20 items				
	8/23	Maine Farm Bureau	-1,497.17	-1,497.17
	9/2	Bangor Payroll	-1,851.83	-3,349.00
	9/8	Time Warner Cable	-167.66	-3,516.66
	9/8	Maine Municipal Association	-141.00	-3,657.66
	9/8	Capitol Computers	-103.46	-3,761.12
	9/8	Maine Municipal Association	-102.21	-3,863.33
	9/8	MCCA Petty Cash	-13.14	-3,876.47
	9/9	Bangor Payroll	-1,851.83	-5,728.30
	9/9	MainePERS	-556.46	-6,284.76
	9/12	Great Falls Insurance Company	-139.00	-6,423.76
	9/13	Camden National Bank	-717.88	-7,141.64
	9/16	Bangor Payroll	-1,851.83	-8,993.47
	9/19	Square	-36.22	-9,029.69
	9/21	Maine Farm Bureau	-1,497.17	-10,526.86
	9/21	Haven, Lauren	-283.85	-10,810.71
	9/21	US Bank	-275.00	-11,085.71
	9/21	American Awards	-249.70	-11,335.41
	9/23	Bangor Payroll	-1,851.83	-13,187.24
	9/27	MCCA Petty Cash	-300.00	-13,487.24
	9/30	Bangor Payroll	-5,935.91	-19,423.15
Total Checks and Payments				##### -19,423.15
Deposits and Credits - 22 items				
	9/1	Square	79.52	79.52
	9/1	Square	293.02	372.54
	9/1		2,143.00	2,515.54
	9/2	National Association of Counties	87.60	2,603.14
	9/2		1,056.00	3,659.14
	9/2	Square	1,107.53	4,766.67
	9/6	Square	448.67	5,215.34
	9/6		2,060.00	7,275.34
	9/7	Square	90.49	7,365.83
	9/9		942.00	8,307.83
	9/9		1,589.00	9,896.83
	9/13		1,500.00	11,396.83
	9/14	Square	459.04	11,855.87
	9/16		1,598.00	13,453.87
	9/19	Square	165.41	13,619.28
	9/19		1,009.00	14,628.28

Maine County Commissioners Association
Reconciliation Detail
MCCA Checking-Savings Bank, Period Ending 09/30/2016

	Date	Name	Amount	Balance
	9/22		800.00	15,428.28
	9/23	Square	1,474.24	16,902.52
	9/26	Square	185.28	17,087.80
	9/27	Square	35.62	17,123.42
	9/28	Square	192.67	17,316.09
	9/30		7.21	17,323.30
Total Deposits and Credits			17,323.30	17,323.30
Total Cleared Transactions			-2,099.85	-2,099.85
Cleared Balance			-2,099.85	#####
Uncleared Transactions				
Checks and Payments - 2 items				
	9/27	Leon Souweine	-600.00	-600.00
	9/27	Staples Credit Plan	-23.99	-623.99
Total Checks and Payments			-623.99	-623.99
Total Uncleared Transactions			-623.99	-623.99
Register Balance as of 09/30/2016			-2,723.84	#####
Ending Balance			-2,723.84	#####

Maine County Commissioners Association
Profit & Loss Budget vs. Actual
January through September 2016

	Budget	Sept	Jan to Sept 2016	\$ Over Budget	% of Budget
Income					
4100-00 · Convention Income					
4120-00 · Registration	28,000	8,744	15,511	-12,489	55%
4130-00 · Sponsorship	8,000	3,300	3,800	-4,200	48%
4140-00 · Vendor	11,500	5,949	17,552	6,052	153%
Total 4100-00 · Convention Income	47,500	17,992	36,863	-10,637	78%
4200-00 · Meeting Income					
4300-00 · Dues	140,240		140,240		100%
4400-00 · Other Income	1,100	88	487	-613	44%
4500-00 · NACo Roster	500		500		100%
4600-00 · MCCA Risk Pool Assessment	25,000		25,000		100%
4800-00 · MainePERS Surplus Funds	6,500			-6,500	
4810-00 · Interest Earned	45	10	100	55	222%
4920-00 · Transfer in from Fund Balance	31,265			-31,265	
Total Income	252,150	18,090	203,190	-48,960	81%
Expense					
5000-00 · Payroll Expenses					
5020-00 · Payroll Fees	1,850	172	1,332	-518	72%
5030-00 · FICA	7,800	730	5,669	-2,131	73%
5040-00 · MainePERS Contributions	6,500	556	4,848	-1,652	75%
5050-00 · Salary-Office Manager	38,000	3,640	28,389	-9,611	75%
5060-00 · Salary-Executive Director	74,500	7,062	55,080	-19,420	74%
Total 5000-00 · Payroll Expenses	128,650	12,159	95,318	-33,332	74%
5100-00 · Insurance					
5110-00 · Health Insurance	21,000	1,740	15,663	-5,337	75%
5120-00 · Commercial, Crime, D&O Ins	2,100		1,911	-189	91%
5130-00 · Workers Comp	650	139	286	-364	44%
5140-00 · Unemployment Comp Ins	500	102	409	-91	82%
Total 5100-00 · Insurance	24,250	1,982	18,269	-5,981	75%
6010-00 · Prof. Services					
6012-00 · Prof Services - Legal Services	500			-500	
6013-00 · Financial Audit	4,800			-4,800	
Total 6010-00 · Prof. Services	5,300			-5,300	
6030-00 · Lobbying					
6031-00 · Lobbying Reg	200		200		100%
Total 6030-00 · Lobbying	200		200		100%

**Maine County Commissioners Association
Profit & Loss Budget vs. Actual
January through September 2016**

	Budget	Sept	Jan to Sept 2016	\$ Over Budget	% of Budget
6040-00 · NACO Expenses					
6041-00 · Conferences	8,500	513	8,445	-55	99%
Total 6040-00 · NACO Expenses	8,500	513	8,445	-55	99%
6050-00 · Education and Training	500	141	386	-114	77%
6100-00 · Bank Charges	50			-50	
6110-00 · Convention Expense					
6113-00 · Entertainment/Speakers	6,500	900	900	-5,600	14%
6114-00 · MCCA Staff Registration Expense	1,000			-1,000	
6118-00 · Meeting Exp.	25,000		200	-24,800	1%
6121-00 · Supplies	2,500	73	153	-2,347	6%
6124-00 · Commissioner Retirement Plaque	500	250	250	-250	50%
Total 6110-00 · Convention Expense	35,500	1,223	1,503	-33,997	4%
6140-00 · Copies-Printing					
6142-00 · Directory	825		69	-756	8%
6143-00 · Other Copying or Printing	150			-150	
Total 6140-00 · Copies-Printing	975		69	-906	7%
6145-00 · Dues Expense	1,400		1,423	23	102%
6150-00 · Equipment - Office					
6151-00 · Computer Hardware & Software	1,500		339	-1,161	23%
6152-00 · IT Services	2,800	103	1,146	-1,654	41%
6153-00 · Photocopier Lease	2,000	275	2,406	406	120%
6154-00 · Printer & Supplies	1,200		447	-753	37%
6155-00 · Telephone System	200			-200	
6156-00 · Other	500		304	-196	61%
Total 6150-00 · Equipment - Office	8,200	378	4,642	-3,558	57%
6160-00 · Fees	100		36	-64	36%
6170-00 · Meeting Expense					
6171-00 · Annual Meeting	1,500		1,325	-175	88%
6172-00 · County Officials' Workshop	250			-250	
6173-00 · Monthly	3,250		2,138	-1,112	66%
6174-00 · Retreat Meeting	800			-800	
6175-00 · Meetings - Other	800	10	239	-561	30%
Total 6170-00 · Meeting Expense	6,600	10	3,702	-2,898	56%
6180-00 · Mileage & Travel Expense	5,200	279	4,645	-555	89%
6195-00 · Office Space Rental	18,375	1,497	13,475	-4,900	73%
6215-00 · Postage-Shipping	250	3	130	-120	52%

Maine County Commissioners Association
Profit & Loss Budget vs. Actual
January through September 2016

	Budget	Sept	Jan to Sept 2016	\$ Over Budget	% of Budget
6230-00 · Advertising	750			-750	
6235-00 · Supplies	2,500	113	814	-1,686	33%
6240-00 · Telephone, Fax & Internet					
6241-00 · Cell Phone	1,600	49	1,036	-564	65%
6243-00 · Phone, Fax & Internet	2,000	168	1,505	-495	75%
Total 6240-00 · Telephone, Fax & Internet	3,600	217	2,541	-1,059	71%
6250-00 · Website	250		12	-238	5%
6260-00 · Contingency	1,000			-1,000	
Total Expense	252,150	18,514	155,610	-96,540	62%

Maine County Commissioners Association Transaction Detail by Account September 2016

MCCA Checking-Savings Bank

Date	Num	Name	Memo	Amount	Balance
9/1			Deposit	2,143.00	2,143.00
9/1	EFT	Square	Deposit	79.52	2,222.52
9/1	EFT	Square	Deposit	293.02	2,515.54
9/2			Deposit	1,056.00	3,571.54
9/2	EFT	Bangor Payroll	Payroll for week 8/22 to 8/28/16	-1,851.83	1,719.71
9/2	EFT	Square	Deposit	1,107.53	2,827.24
9/2	EFT	National Association of Counties	Deposit	87.60	2,914.84
9/6			Deposit	2,060.00	4,974.84
9/6	EFT	Square	Deposit	448.67	5,423.51
9/7	EFT	Square	Deposit	90.49	5,514.00
9/8	3711	MCCA Petty Cash		-13.14	5,500.86
9/8	3712	Capitol Computers		-103.46	5,397.40
9/8	EFT	Time Warner Cable		-167.66	5,229.74
9/8	3713	Maine Municipal Association		-102.21	5,127.53
9/8	3714	Maine Municipal Association		-141.00	4,986.53
9/9			Deposit	1,589.00	6,575.53
9/9			Deposit	942.00	7,517.53
9/9	3715	MainePERS		-556.46	6,961.07
9/9	EFT	Bangor Payroll	Payroll for week 8/29 to 9/4/16	-1,851.83	5,109.24
9/12	3716	Great Falls Insurance Company	Policy WCD0809690016	-139.00	4,970.24
9/13			Deposit	1,500.00	6,470.24
9/13	3719	Camden National Bank		-717.88	5,752.36
9/14	EFT	Square	Deposit	459.04	6,211.40
9/16			Deposit	1,598.00	7,809.40
9/16	EFT	Bangor Payroll	Payroll for week 9/5 to 9/11/16	-1,851.83	5,957.57
9/19			Deposit	1,009.00	6,966.57
9/19	EFT	Square		-36.22	6,930.35
9/19	EFT	Square	Deposit	165.41	7,095.76
9/21	3717	US Bank		-275.00	6,820.76
9/21	3718	Maine Farm Bureau	Office Rent	-1,497.17	5,323.59

Maine County Commissioners Association Transaction Detail by Account September 2016

Date	Num	Name	Memo	Amount	Balance
9/21	3720	American Awards		-249.70	5,073.89
9/21	3721	Haven, Lauren		-283.85	4,790.04
9/22			Deposit	800.00	5,590.04
9/23	EFT	Bangor Payroll	Payroll for week 9/12 to 9/18/16	-1,851.83	3,738.21
9/23	EFT	Square	Deposit	1,474.24	5,212.45
9/26	EFT	Square	Deposit	185.28	5,397.73
9/27	3722	MCCA Petty Cash		-300.00	5,097.73
9/27	3723	Leon Souweine		-600.00	4,497.73
9/27	3724	Staples Credit Plan		-23.99	4,473.74
9/27	EFT	Square	Deposit	35.62	4,509.36
9/28	EFT	Square	Deposit	192.67	4,702.03
9/30	EFT	Bangor Payroll	Payroll for week 9/19 to 9/25/16	-5,935.91	-1,233.88
9/30			Interest	7.21	-1,226.67
				-1,226.67	-1,226.67
Total MCCA Checking-Savings Bank					
Money Market Account					
9/19			Interest	3.07	3.07
				3.07	3.07
Total Money Market Account					
Receivables					
9/12	1995	J&B Diversified Associates, Inc		800.00	800.00
				800.00	800.00
Total Receivables					
Accounts Payable					
9/2	2016-36	Bangor Payroll	Payroll for week 8/22 to 8/28/16	-1,851.83	-1,851.83
9/2	EFT	Bangor Payroll	Payroll for week 8/22 to 8/28/16	1,851.83	0.00
9/8		MCCA Petty Cash		-13.14	-13.14
9/8	3711	MCCA Petty Cash		13.14	0.00
9/8		Capitol Computers		-103.46	-103.46
9/8	3712	Capitol Computers		103.46	0.00
9/8		Time Warner Cable		-167.66	-167.66

Maine County Commissioners Association Transaction Detail by Account September 2016

Date	Num	Name	Memo	Amount	Balance
9/8	EFT	Time Warner Cable		167.66	0.00
9/8		Maine Municipal Association		-102.21	-102.21
9/8	3713	Maine Municipal Association		102.21	0.00
9/8		Maine Municipal Association		-141.00	-141.00
9/8	3714	Maine Municipal Association		141.00	0.00
9/9		MainePERS		-556.46	-556.46
9/9	3715	MainePERS		556.46	0.00
9/9		Great Falls Insurance Company	Policy WCD0809690016	-139.00	-139.00
9/9	2016-37	Bangor Payroll	Payroll for week 8/29 to 9/4/16	-1,851.83	-1,990.83
9/9	EFT	Bangor Payroll	Payroll for week 8/29 to 9/4/16	1,851.83	-139.00
9/12	3716	Great Falls Insurance Company	Policy WCD0809690016	139.00	0.00
9/13		Camden National Bank		-717.88	-717.88
9/13	3719	Camden National Bank		717.88	0.00
9/16	2016-38	Bangor Payroll	Payroll for week 9/5 to 9/11/16	-1,851.83	-1,851.83
9/16	EFT	Bangor Payroll	Payroll for week 9/5 to 9/11/16	1,851.83	0.00
9/21		Maine Farm Bureau	Office Rent	-1,497.17	-1,497.17
9/21		US Bank		-275.00	-1,772.17
9/21	3717	US Bank		275.00	-1,497.17
9/21	3718	Maine Farm Bureau	Office Rent	1,497.17	0.00
9/21		American Awards		-249.70	-249.70
9/21	3720	American Awards		249.70	0.00
9/21		Haven, Lauren		-283.85	-283.85
9/21	3721	Haven, Lauren		283.85	0.00
9/23	2016-39	Bangor Payroll	Payroll for week 9/12 to 9/18/16	-1,851.83	-1,851.83
9/23	EFT	Bangor Payroll	Payroll for week 9/12 to 9/18/16	1,851.83	0.00
9/27		MCCA Petty Cash		-300.00	-300.00
9/27	3722	MCCA Petty Cash		300.00	0.00
9/27		Leon Souweine		-600.00	-600.00
9/27	3723	Leon Souweine		600.00	0.00
9/27		Staples Credit Plan		-23.99	-23.99
9/27	3724	Staples Credit Plan		23.99	0.00

Maine County Commissioners Association Transaction Detail by Account September 2016

Date	Num	Name	Memo	Amount	Balance
9/30	2016-40	Bangor Payroll	Payroll for week 9/19 to 9/25/16	-5,935.91	-5,935.91
9/30	EFT	Bangor Payroll	Payroll for week 9/19 to 9/25/16	5,935.91	0.00
				0.00	0.00

Total Accounts Payable

1000-00 - Employee Health Insurance Contr

9/2	2016-36	Bangor Payroll	EE Health Insurance Contributions	-290.68	-290.68
9/9	2016-37	Bangor Payroll	EE Health Insurance Contributions	-290.68	-581.36
9/16	2016-38	Bangor Payroll	EE Health Insurance Contributions	-290.68	-872.04
9/23	2016-39	Bangor Payroll	EE Health Insurance Contributions	-290.68	-1,162.72
9/30	2016-40	Bangor Payroll	EE Health Insurance Contributions	1,162.65	-0.07
9/30	2016-40	Bangor Payroll	EE Health Insurance Contributions	0.07	0.00
				0.00	0.00

Total 1000-00 - Employee Health Insurance Contr

1001-00 - MainePERS Employee Contribution

9/2	2016-36	Bangor Payroll	Employee Contribution	-171.21	-171.21
9/9	2016-37	Bangor Payroll	Employee Contribution	-171.21	-342.42
9/16	2016-38	Bangor Payroll	Employee Contribution	-171.21	-513.63
9/23	2016-39	Bangor Payroll	Employee Contribution	-171.21	-684.84
9/30	2016-40	Bangor Payroll	Employee Contribution	-171.21	-856.05
9/30	2016-40	Bangor Payroll	EE MEPERS Retirement Contributions	856.05	0.00
				0.00	0.00

Total 1001-00 - MainePERS Employee Contribution

4100-00 - Convention Income

4120-00 - Registration

9/1	22797	Waldo County	M.Saucier	-162.00	-162.00
9/1	EFT	Square	Deposit	-79.52	-241.52
9/1	EFT	Square	Deposit	-293.02	-534.54
9/1		Flaherty, Bruce	Sat Buffet	-31.00	-565.54
9/2	EFT	Square	Deposit	-657.53	-1,223.07
9/6	91391	Knox County	J.Allen & L.Simmons	-85.00	-1,308.07
9/6	226945	York County	10 CtyEmp & 4 Guests	-1,975.00	-3,283.07

Maine County Commissioners Association Transaction Detail by Account September 2016

Date	Num	Name	Memo	Amount	Balance
9/7	EFT	Square	Deposit	-90.49	-3,373.56
9/9	897	Marilyn Saucier	Guest	-56.00	-3,429.56
9/9	16253	Franklin County	Black, Barker, McGrane, Braley, Morton	-792.00	-4,221.56
9/9	17651	Sagadahoc County	Lynn Moore	-110.00	-4,331.56
9/9	27321	Lincoln County	R. Wotton, C. Moore	-131.00	-4,462.56
9/9	63805	Androscoggin Bank	Meals	-42.00	-4,504.56
9/14	EFT	Square	Deposit	-459.04	-4,963.60
9/16	17707	Sagadahoc County	Joel Merry	-76.00	-5,039.60
9/16	64548	Androscoggin County	Reg & Meals	-722.00	-5,761.60
9/19	227027	York County Office	Amoroso, Kern, Nadeau, Lovejoy	-559.00	-6,320.60
9/19	EFT	Square		36.22	-6,284.38
9/19	EFT	Square	Deposit	-165.41	-6,449.79
9/22	77244	Kennebec County	Comm. Jabar, Rines, Crockett	-668.00	-7,117.79
9/22	1483	Haven, Lauren	Guest Kalina Kaminski	-132.00	-7,249.79
9/23	EFT	Square	Deposit	-24.24	-7,274.03
9/26	EFT	Square	Deposit	-185.28	-7,459.31
9/27	EFT	Square	Deposit	-35.62	-7,494.93
9/28	EFT	Square	Deposit	-192.67	-7,687.60
Total 4120-00 · Registration				-7,687.60	-7,687.60
4130-00 · Sponsorship					
9/1	43614	Wheeler & Arey, PA	Golf	-500.00	-500.00
9/1	43613	Wheeler & Arey, PA	Sponsor	-1,000.00	-1,500.00
9/12	1995	J&B Diversified Associates, Inc	Sponsorship of Convention	-800.00	-2,300.00
9/23	EFT	Square	Deposit	-1,000.00	-3,300.00
Total 4130-00 · Sponsorship				-3,300.00	-3,300.00
4140-00 · Vendor					
9/1	26222261	Ararmark Correctional Services	Exhibit	-450.00	-450.00
9/2	EFT	Square	Deposit	-450.00	-900.00
9/6	EFT	Square	Deposit	-448.67	-1,348.67

Maine County Commissioners Association
Transaction Detail by Account
September 2016

Date	Num	Name	Memo	Amount	Balance
9/9	11183	Browntech, Inc.	Sponsor	-500.00	-1,848.67
9/9	8236	Cyberlock/TEC Solutions	Exhibit	-450.00	-2,298.67
9/9	63805	Androscoggin Bank	Exhibit	-450.00	-2,748.67
9/13	22803	Kofile Preservation	Sponsor	-1,500.00	-4,248.67
9/16	6193	J&B Diversified Associates, Inc	Sponsor	-800.00	-5,048.67
9/19	303757	Satellite Tracking of People	STOP	-450.00	-5,498.67
9/23	EFT	Square	Deposit	-450.00	-5,948.67
Total 4140-00 · Vendor				-5,948.67	-5,948.67
Total 4100-00 · Convention Income				#####	#####
4200-00 · Meeting Income					
4210-00 · Annual Mtg					
Total 4210-00 · Annual Mtg					
9/2	27296	Lincoln County	Trescott, Blodgett, Meserve, Kipfer, Tibbett:	-1,056.00	-1,056.00
Total 4200-00 · Meeting Income				-1,056.00	-1,056.00
4400-00 · Other Income					
Total 4400-00 · Other Income				-87.60	-87.60
4810-00 · Interest Earned					
9/19			Interest	-3.07	-3.07
9/30			Interest	-7.21	-10.28
Total 4810-00 · Interest Earned				-10.28	-10.28
5000-00 · Payroll Expenses					
5020-00 · Payroll Fees					
9/2	2016-36	Bangor Payroll	Processing fee	32.00	32.00
9/9	2016-37	Bangor Payroll	Processing fee	32.00	64.00
9/16	2016-38	Bangor Payroll	Processing fee	32.00	96.00

Maine County Commissioners Association Transaction Detail by Account September 2016

Date	Num	Name	Memo	Amount	Balance
9/23	2016-39	Bangor Payroll	Processing fee	32.00	128.00
9/30	2016-40	Bangor Payroll	Processing fee	44.00	172.00
Total 5020-00 · Payroll Fees				172.00	172.00
5030-00 · FICA					
9/2	2016-36	Bangor Payroll	Taxes	141.48	141.48
9/9	2016-37	Bangor Payroll	Taxes	141.48	282.96
9/16	2016-38	Bangor Payroll	Taxes	141.48	424.44
9/23	2016-39	Bangor Payroll	Taxes	141.48	565.92
9/30	2016-40	Bangor Payroll	Taxes	163.74	729.66
Total 5030-00 · FICA				729.66	729.66
5040-00 · MainePERS Contributions					
9/9		MainePERS	EmployER Retirement Contribution	556.46	556.46
Total 5040-00 · MainePERS Contributions				556.46	556.46
5050-00 · Salary-Office Manager					
9/2	2016-36	Bangor Payroll	Administrative Assistant Salary	727.93	727.93
9/9	2016-37	Bangor Payroll	Administrative Assistant Salary	727.93	1,455.86
9/16	2016-38	Bangor Payroll	Administrative Assistant Salary	727.93	2,183.79
9/23	2016-39	Bangor Payroll	Administrative Assistant Salary	727.93	2,911.72
9/30	2016-40	Bangor Payroll	Office Managers Salary	727.93	3,639.65
Total 5050-00 · Salary-Office Manager				3,639.65	3,639.65
5060-00 · Salary-Executive Director					
9/2	2016-36	Bangor Payroll	Executive Directors Salary	1,412.31	1,412.31
9/9	2016-37	Bangor Payroll	Executive Directors Salary	1,412.31	2,824.62
9/16	2016-38	Bangor Payroll	Executive Directors Salary	1,412.31	4,236.93
9/23	2016-39	Bangor Payroll	Executive Directors Salary	1,412.31	5,649.24
9/30	2016-40	Bangor Payroll	Executive Directors Salary	1,412.31	7,061.55
Total 5060-00 · Salary-Executive Director				7,061.55	7,061.55

Maine County Commissioners Association Transaction Detail by Account September 2016

	Date	Num	Name	Memo	Amount	Balance
Total 5000-00 · Payroll Expenses					12,159.32	12,159.32
5100-00 · Insurance						
5110-00 · Health Insurance						
Total 5110-00 · Health Insurance	9/30	2016-40	Bangor Payroll	ER Health Insurance Contributions	1,740.37	1,740.37
					1,740.37	1,740.37
5130-00 · Workers Comp						
Total 5130-00 · Workers Comp	9/9		Great Falls Insurance Company	Workers Comp	139.00	139.00
					139.00	139.00
5140-00 · Unemployment Comp Ins						
Total 5140-00 · Unemployment Comp Ins	9/8		Maine Municipal Association	4th Installment	102.21	102.21
					102.21	102.21
Total 5100-00 · Insurance					1,981.58	1,981.58
6040-00 · NACO Expenses						
6041-00 · Conferences						
Total 6041-00 · Conferences	9/13		Camden National Bank	Hotel	478.60	478.60
	9/13		Camden National Bank	Meals	34.04	512.64
					512.64	512.64
Total 6040-00 · NACO Expenses					512.64	512.64
6050-00 · Education and Training						
Total 6050-00 · Education and Training	9/8		Maine Municipal Association	MMA Convention	141.00	141.00
					141.00	141.00
6110-00 · Convention Expense						
6113-00 · Entertainment/Speakers						

Maine County Commissioners Association Transaction Detail by Account September 2016

	Date	Num	Name	Memo	Amount	Balance
Total 6113-00 · Entertainment/Speakers	9/27		MCCA Petty Cash	John Ford/Mark Nickerson	300.00	300.00
	9/27		Leon Souweine	Conv Entertain-Retrockerz	600.00	900.00
					900.00	900.00
6121-00 · Supplies						
Total 6121-00 · Supplies	9/13		Camden National Bank	Badge Supplies	73.00	73.00
					73.00	73.00
6124-00 · Commissioner Retirement Plaques						
Total 6124-00 · Commissioner Retirement Plaques	9/21		American Awards	Plaques	249.70	249.70
					249.70	249.70
					1,222.70	1,222.70
6150-00 · Equipment - Office						
6152-00 · IT Services						
Total 6152-00 · IT Services	9/8		Capitol Computers		103.46	103.46
					103.46	103.46
6153-00 · Photocopier Lease						
Total 6153-00 · Photocopier Lease	9/21		US Bank		275.00	275.00
					275.00	275.00
6170-00 · Meeting Expense						
6175-00 · Meetings - Other						
Total 6175-00 · Meetings - Other	9/21		Haven, Lauren	Other Meeting	9.59	9.59
					9.59	9.59
6170-00 · Meeting Expense						
Total 6170-00 · Meeting Expense					9.59	9.59

Maine County Commissioners Association
Transaction Detail by Account
September 2016

	Date	Num	Name	Memo	Amount	Balance
6180-00 · Mileage & Travel Expense	9/13		Camden National Bank	Lauren DC	60.08	60.08
	9/21		Haven, Lauren	Conv Plan Mtg, Sag Cty Mtg	219.08	279.16
					279.16	279.16
Total 6180-00 · Mileage & Travel Expense						
6195-00 · Office Space Rental	9/21		Maine Farm Bureau	Rent	1,497.17	1,497.17
					1,497.17	1,497.17
Total 6195-00 · Office Space Rental						
6215-00 · Postage-Shipping	9/8		MCCA Petty Cash	1 Roll of Stamps from USPS	2.62	2.62
					2.62	2.62
Total 6215-00 · Postage-Shipping						
6235-00 · Supplies	9/8		MCCA Petty Cash	Office Supplies	10.52	10.52
	9/13		Camden National Bank	Misc.	72.16	82.68
	9/21		Haven, Lauren	Office Supplies	5.95	88.63
	9/27		Staples Credit Plan	Office Supplies	23.99	112.62
					112.62	112.62
Total 6235-00 · Supplies						
6240-00 · Telephone, Fax & Internet	9/21		Haven, Lauren	Cell Phone Reimbursement	49.23	49.23
					49.23	49.23
Total 6241-00 · Cell Phone						
6243-00 · Phone, Fax & Internet	9/8		Time Warner Cable	Phone Fax & Internet	167.66	167.66
					167.66	167.66
Total 6243-00 · Phone, Fax & Internet						
Total 6240-00 · Telephone, Fax & Internet					216.89	216.89

Maine County Commissioners Association Expenses by Vendor Detail September 2016

Date	Memo	Account	Amount	Balance
American Awards				
9/21	Plaques	6124-00 · Retirement Plaques	249.70	249.70
			249.70	249.70
Bangor Payroll				
9/2	Office Manager Salary	5050-00 · Salary-Office Manager	727.93	727.93
9/2	Taxes	5030-00 · FICA	141.48	869.41
9/2	Processing fee	5020-00 · Payroll Fees	32.00	901.41
9/2	Executive Directors Salary	5060-00 · Salary-Executive Director	1,412.31	2,313.72
9/9	Office Manager Salary	5050-00 · Salary-Office Manager	727.93	3,041.65
9/9	Taxes	5030-00 · FICA	141.48	3,183.13
9/9	Processing fee	5020-00 · Payroll Fees	32.00	3,215.13
9/9	Executive Directors Salary	5060-00 · Salary-Executive Director	1,412.31	4,627.44
9/16	Office Manager Salary	5050-00 · Salary-Office Manager	727.93	5,355.37
9/16	Taxes	5030-00 · FICA	141.48	5,496.85
9/16	Processing fee	5020-00 · Payroll Fees	32.00	5,528.85
9/16	Executive Directors Salary	5060-00 · Salary-Executive Director	1,412.31	6,941.16
9/23	Office Manager Salary	5050-00 · Salary-Office Manager	727.93	7,669.09
9/23	Taxes	5030-00 · FICA	141.48	7,810.57
9/23	Processing fee	5020-00 · Payroll Fees	32.00	7,842.57
9/23	Executive Directors Salary	5060-00 · Salary-Executive Director	1,412.31	9,254.88
9/30	Office Managers Salary	5050-00 · Salary-Office Manager	727.93	9,982.81
9/30	Taxes	5030-00 · FICA	163.74	10,146.55
9/30	Processing fee	5020-00 · Payroll Fees	44.00	10,190.55
9/30	Executive Directors Salary	5060-00 · Salary-Executive Director	1,412.31	11,602.86
9/30	ER Health Insurance Contributions	5110-00 · Health Insurance	1,740.37	13,343.23
			13,343.23	13,343.23
Camden National Bank				
9/13	Badge Supplies	6121-00 · Supplies	73.00	73.00
9/13	Hotel	6041-00 · Conferences	478.60	551.60

Maine County Commissioners Association Expenses by Vendor Detail September 2016

Date	Memo	Account	Amount	Balance
9/13	Lauren DC	6180-00 · Mileage & Travel Expense	60.08	611.68
9/13	Misc.	6235-00 · Supplies	72.16	683.84
9/13	Meals	6041-00 · Conferences	34.04	717.88
Total Camden National Bank			717.88	717.88
Capitol Computers				
9/8		6152-00 · IT Services	103.46	103.46
Total Capitol Computers			103.46	103.46
Great Falls Insurance Company				
9/9	Workers Comp	5130-00 · Workers Comp	139.00	139.00
Total Great Falls Insurance Company			139.00	139.00
Haven, Lauren				
9/21	Cell Phone Reimbursement	6241-00 · Cell Phone	49.23	49.23
9/21	Other Meeting	6175-00 · Meetings - Other	9.59	58.82
9/21	Office Supplies	6235-00 · Supplies	5.95	64.77
9/21	Conv Plan Mtg, Sag Cty Mtg	6180-00 · Mileage & Travel Expense	219.08	283.85
9/22	Guest Kalina Kaminski	4120-00 · Registration	-132.00	151.85
Total Haven, Lauren			151.85	151.85
Leon Souweine				
9/27	Conv Entertain-Retro rockerz	6113-00 · Entertainment/Speakers	600.00	600.00
Total Leon Souweine			600.00	600.00
Maine Farm Bureau				
9/21	Rent	6195-00 · Office Space Rental	1,497.17	1,497.17
Total Maine Farm Bureau			1,497.17	1,497.17
Maine Municipal Association				

Maine County Commissioners Association Expenses by Vendor Detail September 2016

Date	Memo	Account	Amount	Balance
9/8	4th Instalment	5140-00 · Unemployment Comp Ins	102.21	102.21
9/8	MMA Convention	6050-00 · Education and Training	141.00	243.21
			243.21	243.21
Total Maine Municipal Association				
MainePERS				
9/9	EmployER Retirement Contribution	5040-00 · MainePERS Contributions	556.46	556.46
			556.46	556.46
MCCA Petty Cash				
9/8	1 Roll of Stamps from USPS	6215-00 · Postage-Shipping	2.62	2.62
9/8	Office Supplies	6235-00 · Supplies	10.52	13.14
9/27	John Ford/Mark Nickerson	6113-00 · Entertainment/Speakers	300.00	313.14
			313.14	313.14
Total MCCA Petty Cash				
Staples Credit Plan				
9/27	Office Supplies	6235-00 · Supplies	23.99	23.99
			23.99	23.99
Total Staples Credit Plan				
Time Warner Cable				
9/8	Phone Fax & Internet	6243-00 · Phone, Fax & Internet	167.66	167.66
			167.66	167.66
Total Time Warner Cable				
US Bank				
9/21		6153-00 · Photocopier Lease	275.00	275.00
			275.00	275.00
Total US Bank				
York County Office				
9/19	Amoroso, Kern, Nadeau, Lovejoy	4120-00 · Registration	-559.00	-559.00
			-559.00	-559.00
			17,822.75	17,822.75
Total York County Office				
TOTAL				

M.C.C.A.

Peter Baldacci, President
Penobscot County

Thomas Coward, Vice President
Cumberland County

Michael Cote, Secretary-Treasurer
York County

Executive Director
Rosemary Kulow

Lauren Haven
Office Manager



Maine County Commissioners Association

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MAINE COUNTY COMMISSIONERS ASSOCIATION

Convention of Maine Counties

~ Update ~

October 11, 2016

1. 2016 Convention Numbers

214 people were registered as attendees, guests, vendors or speakers. There were 23 exhibits purchased for the event and six paid advertisements in the convention program. Ten sponsors helped pay for the activities as well as county offices and local vendors who donated items for the attendee bags and raffle prizes.

2. Convention Evaluation Forms

Thirty three attendee evaluation forms were collected at the convention and more are being submitted online. Vendor evaluation forms were distributed, perhaps for the first time this year. Eight completed forms were received at the event and more are being submitted online.

Before the next meeting the evaluation forms will be tabulated and the results will be included for review.

3. Thank You Notes

Thank you notes are being sent out to county offices, sponsors and vendors.

4. Convention Pictures

Please send any convention pictures to Lauren at lauren.haven@mainecounties.org be included in a slideshow on the MCCA website. Hannah Dickinson took many pictures with the MCCA camera, but other photos would be appreciated as well.

5. Finances

a. Hilton Garden Inn Bill

The final bill from the convention venue has been received and has been created for payment processing. The total amount due is slightly less than my calculated estimate and well within the 2016 budgeted amount for that line item.

b. Financial Update

Following is a profit and loss snapshot as of 9-30-16, however several bills are outstanding including charges on the MCCA Visa card. Next month we should have a more accurate picture of all convention income and expenses.

Maine County Commissioners Association Convention Profit and Loss January through September 2016

	◇ TOTAL ◇
Income	
4100-00 · Convention Income	
4120-00 · Registration	▶ 15,511.08 ◀
4130-00 · Sponsorship	3,800.00
4140-00 · Vendor	<u>17,551.84</u>
Total 4100-00 · Convention Income	<u>36,862.92</u>
 Total Income	 <u>36,862.92</u>
 Gross Profit	 36,862.92
 Expense	
6110-00 · Convention Expense	
6113-00 · Entertainment/Speakers	900.00
6114-00 · MCCA Staff Registration Expense	0.00
6118-00 · Meeting Exp.	200.00
6121-00 · Supplies	153.17
6124-00 · Commissioner Retirement Plaques	<u>249.70</u>
Total 6110-00 · Convention Expense	<u>1,502.87</u>
 Total Expense	 <u>1,502.87</u>
 Net Income	 <u><u>35,360.05</u></u>

6. Kickoff to 2017 Convention Planning

A meeting is being scheduled to discuss the results of the 2016 convention and begin sketching out the plan for 2017. As you may know, the host will be Waldo County, and the event is scheduled for October 13, 14 and 15 at Point Lookout in Northport. As the dates were determined prior to this year's convention, every vendor who attended received a, "save the date" card with the 2017 information.

Respectfully submitted,

Lauren Haven
MCCA Office Manager