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## LEGISLATIVE COUNCIL State House Facilities Committee

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Tuesday, May 23, 2017  
2:00 PM

Legislative Council Chamber  
(Room 334)

### REVISED AGENDA

#### Old Business

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- ❖ 1 Item #1: Funding for Blaine House Repairs and Renovations –  
William Lund, Friends of the Blaine House  
Barbara Claudel, Blaine House Director
  
- ❖ 8 Item #2: Discussion of audio recording of committee meetings

#### New Business

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- 12 Item #1: Construction Projects in Capitol Area – Approval Process  
Earle Shettleworth, Chair, Capitol Planning Commission
  
- 13 Item #2: New Proposed Projects for State House Facilities Plan
  
- 14 Item #3: Relocation request of “That Lady from Maine” portrait of Senator Margaret Chase Smith

# *Friends Of The Blaine House*

*c/o Barbara Claudel, P.O. Box 68, Augusta, ME 04332 (207) 624-7500*

**To: Legislative Council; Facilities Committee**

**From: Friends of the Blaine House (Andrew McKinnon, President; Will Lund, VP; Barbara Claudel, Blaine House Director)**

**Re: Request for funding; FY 2018**

**Date: Tuesday May 23, 2017**

## **Introduction**

The Blaine House was built in 1833, and was purchased by James G. Blaine in 1862. In 1919 it was donated to the state, and has served since 1920 as the residence of the Governor and the Governor's family.

In addition to being a residence, the Blaine House is a public building, and as such the building and grounds are subject to constant use. While basic upkeep of the building is handled by the Bureau of General Services (BGS), many of the expenses of maintaining and renovating the property have required additional funds.

These funds have been raised in a variety of ways:

- The volunteer Friends of the Blaine House board members have contributed monies and have held fundraisers. These funds are often used for planning and design costs. For example, over the past two years the Friends paid about \$18,000 for architectural plans and a survey in preparation for the major landscaping project that is now nearly complete.
- Last year, the Legislative Council assisted with the major expenses of landscaping the grounds, walkways, lighting and drainage to bring

the property back to the standards of the original 1920 Olmsted plan, with an appropriation of \$151,000.

- The Governor's office contributed more than \$20,000 toward detailed blueprints and unexpected expenses involved in completing the landscaping project; and
- BGS provides funds and personnel, and will continue to perform outside maintenance as well as covering utility costs (for example, water, sewer, stormwater FY '17 costs to date: \$4,417.41; natural gas FY '17 to date: \$2,893.37; and electricity FY '17 to date: \$9,576).

Following last year's appropriation, and at a recent April 25, 2017 meeting, the Legislative Council requested that the Friends of the Blaine House prepare a more comprehensive request for regular funding, to ensure proper levels of Blaine House capital improvement projects and to avoid the need for individual requests in the future.

### **Applicable Statutes**

Under Title 3 MRS §162, "Authority," sub-§12-A, the Legislative Council is given the responsibility to administer the "Reserve Fund for State House Preservation and Maintenance," and which under law can grow, non-lapsing, to the amount of \$1.5 million.

The same subsection of the law reads as follows:

*The State Controller is further authorized to transfer from the Reserve Fund for State House Preservation and Maintenance to the Blaine House Renovations and Repairs Fund the amounts recommended by the Legislative Council (underline added).*

The Blaine House Renovations and Repairs Fund is established under Title 5, §1516(1) as part of the Executive branch. The Fund can "receive and accept allocations, appropriations, grants and contributions of money to be used for capital improvements, renovations and repairs to

and general operations of the Blaine House.”

Title 5 MRS §321 *et seq.*, enacted in 1989, provides guidance for the Legislative Council in making its recommendations for Blaine House expenditures:

**§321. Declaration of policy**

*The Legislature, in view of the continuing importance which the State House and the Blaine House have for the people of Maine, declares that it is the policy of the State to preserve and develop the aesthetic and historical integrity of the State House and the Blaine House.*

The law established the Blaine House Commission, whose approval is required for “any architectural, aesthetic and decorative alterations to Blaine House grounds and public rooms” with the goal to “preserve and develop the aesthetic and historical integrity of the Blaine House and adjacent grounds.” The fact that BGS, the State Museum Director and the Historic Preservation Commission all participate actively in Friends of the Blaine House deliberations, ensures that the Friends’ decisions and recommendations are consistent with the principles guiding the Blaine House Commission.

**Funding Request for Fiscal Year Starting July 1, 2017**

The Friends of the Blaine House requests an allocation of \$100,000 for the upcoming fiscal year. The major landscaping project is nearing completion, and now the Friends is coordinating efforts on the following additional projects:

- 1) **Front gate:** We request funds for engineering and constructing a modern electric gate for the main driveway, that complies with the need for security, while at the same time maintaining consistency of design with the rest of the fence. The state has a current bid of \$20,955, and in

the next few weeks we will work with Gary Tibbetts, Lock Shop manager at BGS's Property Management division, in an effort to obtain at least one additional bid, including, if possible, a bid from a Maine-based company.

In a recent e-mail to the Friends, Tibbetts made clear the complexity of the effort that will be needed, and the importance of starting the job as soon as possible:

*"This project will not be a quick specify, design and install project. The foundation work for the gate posts will require engineering, and the gate fabrication will all take several weeks themselves."*

**2) Fencing around the grounds.** As illustrated in the April 25 memo, the white wooden fence around the grounds is in need of extensive repair or even replacement. The current fence requires annual repainting and replacement of broken wood. The Friends are exploring whether non-wood (composite) replacement is feasible. Such a decision will require an evaluation of the aesthetic and durability of such products, and will also involve communication with, and permission from, the Blaine House Commission, the Historic Preservation Commission and the Capital Planning Commission. Expenditures for security, safety and integrity of the fence will need to be made this summer regardless of whether new materials are used. The Friends does not yet have a formal estimate for the work, but will obtain those if funds are appropriated. Fencing authorities predict the cost will be \$60,000 - \$70,000.

**3) Bathrooms, both outside (garage) and inside.** The Friends' most recent report to the Council (April 25, 2017) identified the work needed on both the garage bathroom (used by the public for outdoor events), as well as the bathrooms inside the Blaine House, which are not ADA-compliant.

In the time since that report was presented, and given the

importance of getting that job started to prepare for increased public use this summer as visitors utilize the newly-landscaped grounds, Barbara Claudel identified a portion of the Blaine House operating budget, and has received approval from the Governor's office to spend funds on new fixtures for the garage bathroom. Jeff Belanger and a BGS crew will begin the carpentry work in late June or early July, and Wes Peaco and a crew will handle the plumbing. The \$3,000 available will get the project started, but initial work may reveal more carpentry and plumbing that must be completed in order to make the facilities fully usable.

**4) Safety and convenience features for new driveway.** The Bureau of General Services is putting out to bid the job of rebuilding and repaving the circular driveway. Extra features may need to be purchased (*e.g.*, connecting walkways; parking apron) as part of that task. While BGS will cover the primary cost of the design and repaving (which will cost in the neighborhood of \$60,000), they are authorized only to replace the driveway as it was before, and extra design features are not covered in that amount. Various members of the Friends group have also committed to assisting financially with the extras, to supplement funds appropriated by the Legislative Council.

**5) Tree service and maintenance.** Ongoing work on gardens and trees is paid for through a variety of methods, including BGS (\$1,800 is being paid to Bartlett Tree Services over the next month, for example, to revitalize the large sugar maple on the Olmstead side of the Blaine House), and funds appropriated by the Council would supplement those available from other sources. In addition, not all the effects of the landscaping could be predicted, and some future repositioning of trees and plantings will be required.

### **Additional Considerations**

Throughout this project, the Friends of the Blaine House will

continue to contribute toward the needs of the Blaine House. The Friends will raise money from its own Board and through two fundraisers planned for this summer and fall. A Council appropriation of \$100,000 for FY '18 will permit the Friends to work with the various interested parties on a careful budget and future plan to ensure the continued maintenance of the Blaine House.

**Respectfully submitted, Board of Directors; Friends of the Blaine House:**

*President/Treasurer - Andrew McKinnon*

*Vice President - Will Lund*

*Secretary - Donna McNeil*

*First Lady Ann LePage*

*Barbara Claudel - Director of the Blaine House*

*Donald McCormack - Director Bureau of General Services*

*Bernard Fishman - Director Maine State Museum*

*Kurt Mohny - Maine State Historian and Executive Director of Maine Historic Preservation Commission.*

*Advisor to the Board - Laurie LaBar, Maine State Museum*

*Genie Gannett Quist*

*Earle Shettleworth, Jr.*

*Brooks Stoddard*

*Joan Woodcock Nestler*

*Moira Hastings Fuller*

*J. Surran Pyne*

*Bill Bridgeo*

*Phyllis Siebert*

*JR Philips*

*Barbara Harvey*

*Rowan Morse*

*Sarah Smiley*

*Sandra Leonard*

*Susan Grover*

*Julie Richard*

*Sharon Miller*



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REP. ELEANOR M. ESPLING

MEMO

To: Members of the Legislative Council

From: Grant T. Pennoyer, Executive Director

Date: November 30, 2016

Re: State House Facilities Committee – Committee Audio Recommendation

The State House Facilities Committee met on October 27<sup>th</sup> to once again discuss a policy regarding recording and archiving of committee audio files. The committee realizes that it is important to have a policy in place or some guidance about the recording and archiving of audio files of committee hearings, work sessions and other public meetings so that it can be clearly communicated and understood by the next Legislature. At its meeting on the 27<sup>th</sup>, the State House Facilities Committee was unable to reach consensus and recommended that the Executive Director prepare a memo to the Council summarizing the discussion and referring the final decision on the policy regarding the recording and archiving of committee audio files to the full Legislative Council.

As background, at the beginning of the Second Regular Session, the Maine Legislature entered into a contractual arrangement with Sliq Media Technologies, Inc. to upgrade the Legislature's webcasts of Senate and House videos and committee audio to improve accessibility across devices and update outdated hardware. As part of Sliq's standard implementation, webcasts of video and audio signals are recorded and archived and the streamed version is actually played from the recorded version of the files. There was some confusion about the process of broadcasting and recording committee audio webcasts. Some members were very concerned about recording committee proceeding and the potential adverse impact on the public testifying at committees, particularly as it was initially unclear that the proceedings were being recorded.

At the Legislative Council's April 28th meeting, the Council approved the posting of the historical archived files of House and Senate session videos. However, the Council asked the State House Facilities Committee to further discuss the recording of committee audio webcasts and report back with a recommendation.

The State House Facilities Committee's last discussion ended similarly to its previous discussions with some members feeling that committee audio webcasts should not be recorded due to concerns about the public even with adequate notice of the recordings. Others did not have the same concerns as once something is broadcast to the internet it can be recorded by anyone and, in fact, Maine Public

Broadcasting records most committee audio broadcasts. Maine Public Broadcasting also recorded and broadcast many committee meetings, while it was operating Maine Capitol Connection during the 126<sup>th</sup> Legislature. Other members also felt that there was some educational and research value to having an archive of the recorded committee audio files. It was also noted that it has been a very useful backup for manual digital recorders that failed during a meeting.

Currently, Sliq has not been directed to make any changes to their standard process until the Legislative Council reaches a decision on the committee recordings. The Legislature has recorded files of committee proceedings during the 2<sup>nd</sup> Regular Session of the 127<sup>th</sup> Legislature and interim meetings after the 2<sup>nd</sup> Regular Session. They are only available upon request. The Office of Legislative Information Technology is working on making the archived files of Senate and House videos of the 2<sup>nd</sup> Regular Session available through the Legislature's web page.

At the request of the committee, I am presenting some options for the future of audio broadcasts of committee proceedings to be considered by the full Legislative Council. They are as follows:

1. Implement a policy similar to the Legislative Council's policy of the Senate and House video recordings, recording and archiving the audio of committee proceedings and making it available through links on the Legislature's web page;
2. Maintain the current process of recording committee proceedings, but not making the files readily available to the public, except by request to the Executive Director; or
3. Pay Sliq to change its normal process to immediately delete the audio files of committee proceedings once broadcast.

With either options 1 or 2, the Legislative Council could consider copyrighting the files.



## Maine Freedom of Information Coalition

*ENSURING THE RIGHT OF MAINE'S PEOPLE TO ACCESS GOVERNMENT RECORDS AND MEETINGS.*

P.O. Box 232 • Augusta, ME 04332-0232 • [info@mfoic.org](mailto:info@mfoic.org)

May 19, 2017

Members of the State House Facilities Committee,

Thank you for allowing the Maine Freedom of Information Coalition and other public access advocates an opportunity to be heard on the policy question before you regarding recording, archiving and accessing legislative committee audio files. We urge the Committee to oppose destruction of important records reflecting the people's business before the Maine Legislature.

Keeping legislative committee meetings open for public review is critical for an informed citizenry to maintain trust in its government. Any attempt to limit access to testimony about matters of public concern is a dangerous precedent toward government secrecy, regardless of whether the deliberations and testimony were yesterday or five years ago.

Members of the public who offer testimony do so in a public forum, where they can be clearly seen and heard, and that testimony is streamed live to be heard by untold numbers of people. Preserving information that has already been made public does no harm.

In fact, quite the opposite.

Preservation and access eliminates any question about what was said in committee rooms, including by those offering testimony and by elected officials, many of whom ask questions for more information and clarity.

Testimony offered at public hearing is enormously important because information and arguments presented are designed to persuade committees to act, including moving legislation forward — amended and not — to decide laws to be imposed across the state.

While we understand there is a worry that not everyone may be aware they are being recorded when offering testimony, that issue can be easily resolved by an announcement at the start of each hearing, by signs posted in hearing rooms, and with notices on committee websites which already contain rules for testifying.

In addition to the above, there are other important factors to consider:

- Research value of archived audio recordings;
- Educational value of the same; and
- Legal value of having a record — not just a recollection — of committee dialogue.

Adding to that, from the media's perspective, is the plain fact that these recordings are often used for news reports in situations where reporters are not able to attend committee meetings, either because of schedule or geography. Media companies, upon which the public relies for information, often access these files for background material, to confirm facts and report on current legislation. It's an invaluable tool to aid with accuracy and immediacy, and one that is in the public's great interest.

There's yet another compelling reason to preserve these recordings: The public often veers from written testimony to make a point, and often offers information beyond written testimony (which *is* archived) when questioned by committee members. That information, which is currently captured and preserved in an audio recording, would be lost without continued archive and ready access. That loss may include information vital to the public's understanding of the Legislature, which is harmful to our collective interest.

Also harmful is the idea that the state move to copyright recordings of public proceedings produced with public funds in order to protect them from the people, which is without precedent as far as we're aware. These are unquestionably public records which the public has an absolute right to access.

Maine's citizens have a constitutional right to know about public deliberations that impact their lives.

Audio recordings of committee proceedings are of essential current-day and historic value and we ask you to make the files readily available, in the public interest.

Thank you.

**The Maine Freedom of Information Coalition**  
**Sun Media Group**  
**Maine Today Media**  
**New England First Amendment Coalition**  
**Maine Press Association**  
**Maine Association of Broadcasters**  
**Hearst Communications**  
**Maine Pro Chapter, Society of Professional Journalists**

## Maine Revised Statutes

### Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

#### Chapter 14-A: CAPITOL PLANNING COMMISSION

##### §304. APPROVAL OF CONSTRUCTION PROJECTS

A construction project may not be initiated in the Capitol Area for the development of state buildings and grounds following the adoption of the plan or amendments and additions thereto by the Legislature without the approval of the Legislative Council, the Bureau of General Services and the commission of the proposals and plans for the project. [2011, c. 691, Pt. B, §6 (AMD).]

##### SECTION HISTORY

1967, c. 458, §1 (NEW). 1969, c. 590, §76 (AMD). 1971, c. 615, §14 (AMD). 1973, c. 622, §4 (AMD). 1973, c. 788, §15 (AMD). 1975, c. 647, §5 (AMD). 2011, c. 691, Pt. B, §6 (AMD).

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## **New Proposed Projects for State House Facilities Plan**

### **Filtered Water Dispensers**

Based on the popularity of the filtered water dispenser and drinking fountain on the 1<sup>st</sup> floor of the State House, this project would add two more similar water dispensers, one on the 2<sup>nd</sup> floor and one on the 3<sup>rd</sup> floor. They would replace two existing water fountains, one near the Law and Legislative Reference Library and the other near the Senate Chamber.

Estimated Cost: \$5,000

### **Appropriations Committee – Inner Horseshoe**

This project would replace the tables that are now used for the visiting committees for joint public hearings on budget bills with a more finished partial horseshoe. The intent would be to keep the finished inner horseshoe inside the upper horseshoe and to use the removal tables to seat the remainder of the visiting committee. Initially, the tables were designed to fold up and be stored to give that room greater flexibility. Those tables have never been removed. The end tables, closest to the audience have been rearranged at times, but never completely removed.

Estimated Cost: \$32,000

### **Appropriations Committee – Audio Visual Upgrade**

The Appropriations Committee room is the largest committee room and it was designed to have joint hearings with visiting committee and be flexible enough to hold a large audience for presentations. Since the renovation of the South Wing in 1999, there have been multiple discussions of providing a better means of making presentations in that room and showing budget spreadsheets and presenting a more finished look for the Audio Visual equipment (rather than having a large blank wall and a projector on a small file cabinet on a window sill). The proposed new setup would have a double projector setup to project to two screens, one for audience viewing and one for the committee members sitting around the two horseshoes. The screens would be retractable as would the projector setup (depending on the cost).

Estimated Cost: To be determined

### **Legislative Information Office – Rework Entry**

The Legislative Information Office (LIO) was relocated last year to the location of the old Legislative Conference Room immediately to the right before security screening at the main entrance of the State House. As part of this move, we did not make any adjustments to the space to make sure that the space would work well for LIO and the general public. We have found that this space has been a good fit for LIO and for the public and with some modifications to the entry way, the space would be significantly improved.

This project would either remove the glass door that opens into the priority security screening lane or at least recess it and have it open into the office. To improve security for the staff, an interior wall with a card-access door would be added. The interior wall would include a window for receptionist to greet the public and answer questions. Additionally, the redesign of an LIO lobby area before screening would encourage more of the public to use this information resource (instead of the Tour Guide) and have additional monitor with the calendar of events and other information resources available before security screening.

Estimated Cost: To be determined

Robert Bruce Acheson c/o Maine Veterans Home Room B-1, 310 Cony Rd. Augusta, ME 04330

The Honorable Paul LePage  
Governor of the State of Maine  
Office of the Governor  
#1 State House Station  
Augusta, ME 04333-0001

Dear Governor LePage,

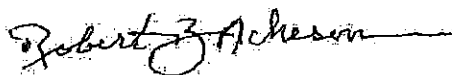
As a professional Maine artist I began an oil portrait of Senator Margaret Chase Smith titled "That Lady from Maine" to honor both her and my parent's friendship with her. My dad was owner and manager of the Acheson Hotel chain in Maine and very active in Republican politics. I showed the painting at her funeral commemoration in Skowhegan after her passing. When then Governor Angus King saw it, he told me that if her foundation didn't want it he would find a place for it in the State House; which he did - in the Governor's Office. When Democrat John Baldachi was elected Governor he had it moved to the Republican Room upstairs office, high on a dark wall where it is hard to see.

Although I feel honored to have my portrait of her anywhere in the State House, given this cherished lady's achievements for Maine and the nation (especially in the McCarthy era), Senator Smith is clearly one of the greatest Mainers who ever served this state and any image of her deserves a more respectful position. I appeal to you to have it displayed in a more public place in the building, so more citizens can view, enjoy, and remember her high integrity for posterity.

I request this not as an ego driven artist, rather as a citizen of Maine who believes that her image should be available for more people to view and enjoy. This, lest we forget, the renowned integrity Maine Republicans like Senator Smith and my father left us as their legacy.

I hope this meets with your approval and support.

Sincerely,



Robert Bruce Acheson  
Augusta Maine Veteran's Home  
207-622-2454

