

MAINE STATE LEGISLATURE

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MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL
August 24, 2006
1:00 p.m.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JULY 27, 2006 COUNCIL MEETING	Acceptance
	SUMMARY OF THE APRIL 24, 2006 COUNCIL MEETING	
	TECHNICAL CORRECTION TO APRIL 24, 2005 SUMMARY	
	Item #3: Council of State Government Request for CSG Government's Eastern Regional Conference, Northeast State Association: Maine's share of Agriculture Stewardship Funding in the Amount of \$10,000 for Fiscal Year 07; Motion recorded as unanimous was Motion to Table Item until further discussion; actual motion to authorize payment; Motion approved, (6-3).	
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
10	• Executive Director's Report (Mr. Boulter)	
11	• Fiscal Report (Mr. Pennoyer)	
12	• Information Technology Report (Mr. Mayotte)	
13	• Office of Policy and Legal Analysis (Mr. Norton)	

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEETING SUMMARY
July 27, 2006

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:48 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Absent: Sen. Davis,
Sen. Gagnon, Sen. Weston

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles,
Rep. Duplessie, Absent: Rep. Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Legislative Information Services
Lynn Randall, State Law Librarian

SUMMARY OF THE JUNE 19, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of June 22, 2006 be accepted and placed on file. (Motion to accept by President Edmonds, second by Rep. Duplessie, motion approved unanimous (6-0))

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**• Executive Director's Report**

David Boulter, Executive Director reported the following:

1. Union Street Project

All funding and approvals have been obtained to reconstruct Union Street and place utilities underground. Work will be completed by early fall. The State House and Capitol Park Commission expresses its appreciation to the Legislative Council for its financial support to this project.

2. Storm Damage

The violent storm that passed through Augusta on July 18, 2006 damaged a number of trees including a large oak tree immediately west of the State House. Several huge branches broke and damaged the wrought iron fence along the south entrance. The remaining portion of the tree presents a safety hazard and should be removed according to a licensed arborist. The tree is approximately 120 years old, probably having been planted about the time of the construction of the West Wing.

3. Building Repointing

Excellent progress is being made on cleaning and re-pointing the north wing of the State House. Work is scheduled to begin on the west side of the north wing next week, which will require some reduction in use of the north parking lot to prevent safety issues and vehicle damage. This progress will allow the renovations to the House Chamber to begin in early August.

4. South Access and Parking Lot Project

Work has begun on the south access and parking lot improvements. Site logistics have proceeded smoothly to date, and value management measures have been identified to keep the project cost-effective. The parking lot is scheduled to re-open by November. In the meantime, alternative parking spaces have been reserved for handicap parking and legislators, including Senate Leadership.

5. Introduction of New Staff

- A. Mark Deering, Programmer, Office of Legislative Information Services (hired June 19, 2006)
- B. Diane Vorpagel, Administrative Secretary, Law and Legislative Reference Library (hired June 5, 2006)

Speaker Richardson asked Beth Ashcroft to introduce her staff who were present to Council members.

6. NCSL Recognition of OPLA Staff Member Phillip McCarthy

Mr. Boulter announced that Phillip McCarthy was awarded the NCSL Legislative Education Staff Network (LESN) 2006 National Recognition Award for his high degree of professionalism and competence in service to the legislature and expertise in education policy.

OPLA Director Norton said that he was very pleased that Mr. McCarthy had received this national award as there were many other states participating. He said that Mr. McCarthy had traveled to Minneapolis to receive the award.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported the following:

1. **Revenue Update**

- General fund revenue was \$4.8 million over budget for the month of June, resulting in a final positive variance for FY06 of \$74.1 million (+2.6%). All major tax lines with the exception of the telecommunication personal property tax performed above expectations.
- Highway fund revenue was under budget in June by \$2.6 million, resulting in a final negative variance for FY06 of \$4.4 million (-1.3%). Fuel taxes were the major reason for the FYTD negative variance. This revenue category was under budget by \$5.2 million. High gasoline prices have affected gasoline consumption, unlike the national trends.
- Fund for a Healthy Maine (FHM) ended FY06 with a positive variance of \$3.9 million, largely a result of receipt of tobacco settlement payments being higher than anticipated. Racino revenue and interest earnings also contributed to the positive variance. This positive variance may reduce the amount of the Fund-wide deallocations that will be distributed to individual FHM programs in FY07.

2. **Cash Pool and Cash Balance Trends**

- Average balance of the Cash Pool was \$795.7 million in June. This is above the five-year average balances of \$604.7 million and above last June's balance of \$739.0 million.
- For the general fund, the positive revenue variances have continued to improve the cash position. Additions to general fund reserve balances as a result of the FY06 positive variance and lapsed balances will provide a sufficient reserve to significantly reduce cash flow borrowing for FY07.
- Highway fund cash balances has remained relatively stable in the last few months, although the trend based on this fiscal year's budget shortfall, is still heading downward.

3. **Fund Status Reports – Based on FY06 Actuals**

- General fund budgeted ending balance at the close of FY07 remains unchanged from prior report at \$18,747. Revenue surplus, lapsed balances and other net accounting adjustments increased unappropriated surplus by \$89.0 million, all of which was reserved or transferred by statute. Balances in the Budget Stabilization Fund and Reserve for Operating Capital now are nearly \$150 million.
- Highway fund budgeted ending balance at the close of FY07 increased slightly to \$1.1 million. A revenue shortfall was offset by an emergency financial order that increased lapsed balances by an additional \$2.1 million.

Sen. Brennan asked if the legislature was facing a \$4 million or \$8 million gap in the budget. Mr. Pennoyer responded that the \$3.9 million positive variance in the revenue will help reduce what needs to be distributed from the fund-wide deallocation. He said there would also be lapsed balances that will increase from the program accounts that were not spent that will lapse back to the Fund for a Healthy Maine. Speaker Richardson then asked Mr. Pennoyer to email Council members a summary of the status of the Fund for a Healthy Maine relative to the overall fund balance.

Rep. Cummings asked Mr. Pennoyer what impact the current tax amnesty program will have on general fund revenues. Mr. Pennoyer responded that \$1.5 million in revenues had already been budgeted because of the program. He said that the revenues from the last amnesty program were significantly above budgeted estimates at that time.

- **Office of Information Services' Report**

Bill Drafting System

Mr. Mayotte reported that there were 13 unresolved items on the bill drafting system warranty list as of July 26th. He stated that staff are working daily to close the items. In preparation for the session, staff have conducted an in-depth review of the features of the MELD software. A list of action items that need to be addressed has been developed and will be worked on prior to session. The WANG statute update will be the baseline for a conversion into the MELD database. LIS is working to assure the quality and accuracy of the conversion process from the WANG to MELD system.

Data Backup

All computer data backups are current and are being performed to established procedure. LIS is proceeding with standardizing the software used to create backup tapes.

SPAM Filtering

Incoming SPAM volumes continue to increase. LIS needs to be proactive and respond quickly to these issues before they become a problem.

- **Study Commissions Report**

Mr. Norton, Director, Office of Policy and Legal Analysis reported that studies are moving along well, appointments are being made quickly and study commissions are starting their meetings in good order. Mr. Norton said that about 2/3 of the appointments have been made. The majority of the appointments that have not yet been are appointments by the Executive Branch. He also stated that certain studies have not started because the enabling legislation is not in effect until August 23rd.

Mr. Norton then directed Council members' attention to the Bill Summaries document which summarizes all bills that were dealt with during the 2nd Regular Session. He reminded members that they had been mailed this session's "Enacted Law Digest." He stated that extra copies of both publications were available in the office and on OPLA's website.

Mr. Norton drew the Council members' attention to a memo announcing that OPLA was beginning the biennial update of the Legislators' Handbook. He invited members to suggest changes and indicated that the revised handbook should be available in September.

PERSONNEL COMMITTEE

The Personnel Committee did not meet so there was no report.

REPORTS FROM COUNCIL COMMITTEES

The State House Facilities Committee did not meet so there was no report.

OLD BUSINESS

Item #1: Maine Development Foundation proposal for training for members of 123rd Legislature

MDF President Laurie Lachance updated the Council on the progress made since the May meeting when she had requested assistance in forming a planning group to plan Legislative forums and bus tours. She stated that she had formed the working group that included six chiefs of staff and four legislators and that two meetings had been held since that time. Ms. Lachance stated that progress had been made and some information and recommendations on the scope, timing and broad topics had been made. She requested feedback in two or three areas. Speaker Richardson suggested that members take time to review MDF's recommendations, offer suggestions and be prepared to discuss them at the next meeting. Speaker Richardson asked Ms. Lachance to identify time sensitive issues to the Council.

Ms. Lachance said that it would be helpful to have Council feedback on the following items:

1. Scope

- Two, 3-day economic bus tours
- One, 1.5 to 2-day Policy Forum

2. Timing

The Planning Group felt that January is the best time to offer both the bus tours and the forums as committee work has not begun at that time. The following dates were suggested:

- Potential forum dates: Thursday and Friday, January 4th and 5th or 18th and 19th
- Potential bus tour dates: Wednesday through Friday, January 10th – 12th, 17th – 19th, or 24th – 26th

3. Broad Policy Areas (suggested topics)

- Tax/Fiscal
- Energy
- Healthcare
- Transportation
- Higher Education/Workforce Development
- K-12 Education
- Land Use/Sprawl

4. Budget

- Forums: Costs range from \$7,000 - \$20,000 depending on keynote speaker(s) and the number in attendance
- Bus Tours: Costs range from \$50,000 to \$80,000 (50 – 100 participants)

5. Stakeholder/Funding Group

Ms. Lachance requested permission to convene a meeting of a number of stakeholder organizations as soon as possible. The group would guide MDF and the Legislative Planning Group's planning efforts and help connect them to speakers and tour visitation sites and to raise money.

Speaker Richardson opened discussion among the members. President Edmonds recommended that bus tours and forums be held earlier in the session rather than later because the need for legislative sessions and committee work will increase by the end of January. Senator Brennan then suggested that it might be possible to hold the forums in December and bus tours in early January, to free up more legislator time in January.

After discussion, Speaker Richardson said there was consensus among members that early in January was the best time for the tours so the dates of January 3rd, 4th, and 5th and January 10th, 11th and 12th would be best. Rep. Bowles suggested simultaneous bus tours where people would sign up for the bus tour they were interested in or the possibility of a southern Maine bus tour in one legislative session and a northern Maine bus tour in the next legislative session. Speaker Richardson said the problem with simultaneous bus tours would be limited staff. He asked Ms. Lachance for feedback on the challenge of having north and south bus tours on the same day. She explained that the northern Maine tour included eastern Maine. The southern Maine tour included western Maine territories. She explained that it was also helpful for legislators from a certain area to be included in the tour so that they have the opportunity to explain what is going on in their region. Rep. Cummings concurred that the bus tours should be condensed because that many days away from the Legislature can be problematic. He went on to explain that the policy discussions would be better sooner. Once elected, a legislator needs to know the problems facing the state, thus the broad policy overview should happen in December.

President Edmonds said the Council was in agreement with two 3-day bus tours and 1 ½ to 2 days Policy Forum training. She suggested that 1 or more policy forums might be incorporated into the Pre-Legislative Conference in December and suggested working with Executive Director Boulter.

President Edmonds made a motion that Ms. Lachance return to Council in August with a final proposal, second by Sen. Brennan.

Sen. Brennan suggested the following topics might be helpful to provide information to legislators: racino, childrens' policy matters and conflict resolution.

Ms. Lachance said MDF would put a list of resources with contact information together.

Motion by President Edmonds (amending her previous motion) that MDF present a final proposal for legislative policy forums and bus tours to the Legislative Council at its August meeting, and further that MDF be authorized to begin necessary fund raising, second by Sen. Brennan. Motion approved, unanimous (6-0).

NEW BUSINESS

Item #1: Certification Relating to Contributions for Task Force to Study Cervical Cancer Prevention, Detection and Education

Speaker Richardson asked if this was an advisory matter. Mr. Boulter responded that Legislative Council policy requires that any outside contributions for legislative studies be reviewed and accepted by the Council. Mr. Boulter explained that this was the second year that the American Cancer Society had contributed to this study.

Motion by Rep. Bowles to accept the proposed contribution of \$1,251.84 from the American Cancer Society, second by Sen. Brennan. Motion approved, unanimous (6-0).

Item #2: Request by Joint Standing Committee on Judiciary Regarding Website Posting of Public Records Exceptions

Mr. Boulter explained the request by the Joint Standing Committee on Judiciary to modify the Legislative website to provide a link to lists of statutory exceptions to "public records" under the Freedom of Access Law.

Motion by President Edmonds to approve the request for website posting, second by Rep. Duplessie. Motion approved, unanimous (6-0).

Addendum to Revised Agenda

Speaker Richardson asked that an Addendum to the Revised Agenda be distributed. The addendum concerned the request by Rep. William Smith to receive special session pay for the 121st Legislature. Speaker Richardson explained that the Attorney General has indicated that since Rep. Smith was not a named party to the lawsuit, he would not be entitled to be paid; however, if he were to file a lawsuit seeking payment, it is likely the court would find in his favor.

Sen. Brennan inquired of the Legislature's financial exposure if others were to request payment. Mr. Boulter stated that the statute of limitations was for a period of six years and explained that the Legislature was into the second year (April 30, 2004). Sen. Brennan asked how many legislators would fall into Rep. Smith's category and Mr. Boulter responded that there were few. Mr. Boulter stated that there were approximately 56 that did not receive payment, the majority of that number had affirmatively refused payment.

Motion by Rep. Bowles to authorize the Executive Director to make payment to Rep. Smith in the amount appropriate for his attendance during the Special Session of the 121st Legislature, second by President Edmonds. Motion approved, unanimous (6-0).

Item #3: OPEGA

Ms. Ashcroft began by introducing Diana Friou, principal analyst in OPEGA. Ms. Ashcroft then discussed the following items:

1. OPEGA's first annual report on its activities and accomplishments.

Ms. Ashcroft submitted OPEGA's annual report which is required by statute and summarized what OPEGA had accomplished. Speaker Richardson commended Ms. Ashcroft on her ability to confront a new challenge within state government and be able to produce a result.

Sen. Brennan asked about how OPEGA establishes priorities for reviewing programs. For example, how does the guardian ad litem rise to a priority when it is a small, very narrow subset in the child welfare system, a much bigger issue? He also asked how the policy committees participate and receive information

on OPEGA reviews; for example, how does the ad litem finding get transmitted to the Health and Human Services Committee?

Ms. Ashcroft explained that OPEGA staff reports to the Government Oversight Committee and that committee directs OPEGA's reviews. Ms. Ashcroft stated that when OPEGA develops its annual plan it notifies the joint standing committees of jurisdiction of the topic. It also does so when the GOC holds a hearing and issues reports. Ms. Ashcroft explained that the GOC sees its role as being supportive of the work of the other committees. Ms. Ashcroft said that OPEGA really sees itself as performance auditors. She stated that as OPEGA moves forward it is their intent that the GOC have a process so that when a topic comes up there is a ranking and scoring mechanism about the key risk factors to help with decisions on which are the priority topics. Speaker Richardson said that the Council needs to know when someone is acting in a manner that prevents OPEGA from doing its job, but that the Legislative Council does not have direct oversight over OPEGA's reviews. The GOC has that oversight.

Sen. Edmonds complimented OPEGA on producing a report that is readable.

Ms. Ashcroft then turned to the second topic, OPEGA's recommendations for Legislative action.

Speaker Richardson clarified that Ms. Ashcroft was asking the council to ratify the Legislative Council actions recommended by OPEGA (report attached). In particular, Ms. Ashcroft is seeking a motion to accept the recommendations of OPEGA that those matters which are closed are acceptable and those matters requiring some action are acceptable. Ms. Ashcroft explained that a "closed" item means that the issue is closed and OPEGA no longer continues to track it.

Ms. Ashcroft stated that there was nothing of real concern for the Legislative Council in the recommendations other than one of the actions related to business continuity. She stated that Executive Director Boulter and Mr. Mayotte are working on a business continuity plan which typically takes time and resources. This is an action item.

Motion by Rep. Cummings to accept the recommendations of OPEGA, to close those matters which are closed and to take no further legislative action matters on those where action has been taken, second by President Edmonds. Motion approved, unanimous (6-0).

Ms. Ashcroft then opened a discussion on the relationship between the Legislative Council, OPEGA, the GOC and joint standing committees. Speaker Richardson said that it was important for OPEGA to maintain its independent status and appear before the Council only when necessary. Sen. Brennan asked if there was a difference in having OPEGA or the chairs of the GOC report to the Council. Speaker Richardson said that GOC chairs could attend as necessary. President Edmonds stated that she felt a report from OPEGA once a year was sufficient.

Sen. Brennan raised a concern about potential conflict with joint standing committees and their work and an OPEGA agenda. He encouraged better communication with the GOC. As examples, he used the Riverview facility and MECMS reviews that have parallel OPEGA/committee activity. Ms. Ashcroft explained the quick track requests process and hoped that OPEGA and the joint standing committees could work even closer in the future.

Speaker Richardson suggested that OPEGA may want to be included in a Legislative training session so legislators can understand what OPEGA does.

Rep. Cummings pointed out that OPEGA has two broad goals:

1. Cost savings for government – are we using every dollar the best way possible?

2. Efficiency – is government delivering the services that it is supposed to in an efficient manner?

He said he would like to see OPEGA develop and focus on a broader list of recommendations to save money in state government, and maybe local government if there is an interaction. OPEGA's role is to find efficiencies and savings in state government. He said he felt school construction is a program where there could be huge savings; and that is something that should be looked into. He explained he would like to see a list of recommendations of what can be done to save money, and how much money would be saved. It is important for the Legislature to have a nonpartisan office to look for maximum efficiency and that is why OPEGA was established.

Rep. Bowles suggested OPEGA come before the Council if departments, agencies and other committees were not cooperating with them.

Ms. Ashcroft inquired as to the best way to distribute the report to all legislators. Speaker Richardson suggested letting legislators know the report was online and a paper copy available if they wanted one. Sen. Brennan suggested sending the Executive Summary to legislators. Members generally agreed with that approach.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:00 p.m. Motion by Rep. Cummings to adjourn, second by Sen. Brennan. Motion was approved unanimous (6-0).

DAVID E. BOULTER
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OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report
August 24, 2006**

1. State House Facilities Renovation Projects

The summer construction projects are proceeding on schedule. Excellent progress has been made over the past month on the south access and parking lot and with the building repointing. The repointing work is ahead of schedule and should conclude by mid-September. Currently, patching and repainting of the House Chamber are fully underway.

2. Freedom of Access Website

OPLA and the Office of Legislative Information Services are finalizing the website changes authorized by the Legislative Council last month to include information on the Freedom of Access law and exceptions. The FOA link and exceptions list will be available and posted by the end of next week, with hyperlinks from the 100 or so exceptions to the relevant section of Maine statutes to follow.

3. Legislative Employee Picnic

The Legislative Employee Picnic and Recognition Event will be held in Capitol Park on Wednesday, September 6th, from 11:30 a.m. to 1:00 p.m. Members of the Legislative Council are welcome and encouraged to attend, and meet informally with staff. A picnic lunch will be served.

4. Computer Training

Human Resources Director Debby Olken has developed a computer training program that is open to legislative employees. Working with LIS staff member Linda Weston, she has developed training sessions that are tailored to meet specific needs of legislative employees. Various topics, ranging from Excel training, to use of Outlook's and Word's specialized features will be covered in the session during September and October.

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
August 24, 2006

*Prepared by the
Office of Fiscal & Program Review*

Executive Summary

1. Revenue Update (See Attachment A)

- General Fund revenue was \$8.8 million over budget for the month of July, the first month of FY07, (+4.1% variance). The Individual Income Tax and Corporate Income Tax lines continued to be the major contributors to the positive General Fund revenue variance.
- Highway Fund revenue was over budget in July by \$1.9 million (+7.3%). Ironically, the Fuel Taxes line, which ended FY06 with a negative variance of \$5.2 million, was the major reason for the July positive variance. Gasoline tax receipts were still slightly under budget, but it was receipts from diesel fuel and other special fuels that were over budget by \$2.2 million.

2. Cash Pool and Cash Balance Trends (See Attachment B)

- Average balance of the Cash Pool was \$689.3 million in July. This is above the average July balances of the last 5 years of \$590.8 million and above last July's balance of \$571.2 million.
- The General Fund balance with the additions to General Fund reserve balances as a result of the FY06 positive variance and lapsed balances have provided sufficient cash balances to avoid Tax Anticipation Note borrowing. Some internal borrowing or some temporary lines of credit may be required later in the fiscal year, but cash flow borrowing needs have been significantly reduced.
- Highway Fund cash balance has continued its downward trend. The typical cycle for the Highway Fund cash balance shows a drain over the next few months, related to the construction season.

3. Fund for a Healthy Maine Status Report (See Attachment C)

- Fund for a Healthy Maine ended FY06 with an increase to the budgeted ending balance of \$5.0 million. The increase resulted primarily from the positive revenue variance of \$3.9 million, but was also driven by lapsed program account balances of \$0.7 million and prior period adjustments of \$0.4 million.
- The pending fund-wide deallocation of \$8.4 million, which was used to keep the Fund for a Healthy Maine in balance, could be reduced to approximately \$3.3 million. The December revenue forecast will be the next critical piece of the puzzle that will determine the allocation reductions that will actually need to be distributed to the FHM programs.

4. Revenue Forecasting Schedule

- Consensus Economic Forecasting Commission will meet on October 3rd at 9:30AM in Room 228 of the State House.
- Revenue Forecasting Committee schedule has not yet been established.

**122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Preliminary Technology Report
August 24, 2006**

Bill Drafting System: (status will change prior to August 24th)

- Since the July Council Meeting, HP provided a software release addressing 15 items
- There are 8 open items on the HP warranty list as of August 17th
 - 1 item is under review by HP based the Legislature providing further data on 8/16
 - 1 item is pending HP software release and testing by the Legislature (release planned prior to 8/24)
 - 6 items are under discussion between HP and the Legislature
- Preparation for the 123rd Legislature
 - The plan requires MELD by ready for drafting in October
 - Wang statute database update is underway, LIS to provide ROS with the Wang update for review by 8/24
 - The final Wang statute database update for the 122nd will be the baseline to refresh the MELD database for the 123rd
 - The MELD database structure / Wang database conversion process is being further tuned based on lessons learned to improve conversion accuracy
 - The plan is to provide an initial copy of the updated MELD statute database to ROS for review on or before September 8th

Data Back Up Processing: (update)

- All backups are current and being performed to the established procedures
- Anticipating order placement for a standardized backup software package prior to the August Council Meeting

SPAM Filtering: (update)

- The volume of SPAM emails continues to increase
- The range per day is now 5,000 to 10,000 SPAM emails vs. 2,500 to 3,000 in July

2006 Interim Study Status Report
 Prepared by OPLA. (Current as of August 22, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
1	Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway (P.L. 2005, c. 598)		11/1/06 Prelim. Report to ACF; Final report to ACF by 1/15/07	15	5	Two Senators	Three members of the House	Governor appoints: three environmental representatives; one person from the Friends of the Allagash; one person from JD Irving; one person from Clayton Lakes Woodlands, and one person from Seven Islands. Also 3 ex officio members are named.	OPLA	Awaiting completion of appointments
2	Commission to Study the Costs of Providing Certain Services in the Unorganized Territories (Resolve 2005, c. 125)	Scheduled to Meet 7/25/2006 and 8/24/06	Originally 7/1/06 to Legislature, extended to December 2006.	16	16	Two Senators (one from either ACF or NAT), a representative of county government within LURC jurisdiction, two land owners in the unorganized territory (all appointments already made)	Four members of the House (one must be from ACF or NAT), representative of county government within LURC jurisdiction, and two owners of land in unorganized territory (all appointments already made)	5 ex-officio members (all appointments already made)	OFPR	On-going
3	Maine Food Policy Council (P.L. 2005, c. 614)		12/15 in odd-numbered years to ACF	11	2	None	None	Six by Governor, Department of one by Chancellor Agriculture and four ex-officio		Awaiting completion of appointments
4	Joint Select Committee on Research, Economic Development and the Innovation Economy (JSO SPO847)	Meeting scheduled for 9/14/06	12/6/06 final Report to Legislature	13	13	Three Senators (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	Ten members of the House (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	None	OPLA	Appointments completed, first meeting scheduled
5	Task Force to Study Maine's Homeland Security Needs (Resolve 2005, c. 126)	Meeting scheduled for 9/8/06 in Portland; 9/13/06 in York	11/1/06 Final Report to Legislature	11	11	Two Senators (not of the same party) and one person involved in emergency preparedness (all appointments already made)	Four members of the House (not of the same party) and one person involved in emergency preparedness (appointments already made)	Governor appoints three members (appointments already made)	OPLA and MEMA	On-going
6	Subcommittee to Study Early Childhood Special Education (P.L. 2005, c. 662, part C)		1/31/07 to EDU, HHS and DOE and DHHS	28	27	Two Senators	Two members of the House	24 members appointed by DOE and DHHS Commissioners	Department of Education	Awaiting completion of appointments
7	Legislative Youth Advisory Council (PL 2001 c.439, as amended by PL 2005, c. 414)		Annually; Legislature	20	14	Two Senators and eight youth members (appointments already made)	Two members of the House and eight youth members (appointments already made)	None	OPLA	Two public forums on youth civic engagement are planned for October 2006

2006 Interim Study Status Report

Prepared by OPLA. (Current as of August 22, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
8	Task Force to Study Cervical Cancer Prevention, Detection and Education (Resolve 2005, c. 121)	Met on 7/18/06; Scheduled to meet 8/24/06	Final Report 11/1/06 to HHS and Gov	16	16	One Senator and six non-legislators (appointments already made)	One member of the House and six non-legislators (appointments already made)	Two ex-officio members (appointments already made)	OPLA	On-going
9	Right to Know Advisory Commission (P.L. 2005, c. 631)		10/1/05 to HHS; AFA and Gov	15	2	One Senator from JUD and five non-legislators	One member of the House from JUD and four non-legislators	Governor appoints three members. Also one ex-officio member is named.	OPLA	Awaiting completion of appointments
10	Human Trafficking Task Force (Resolve 2005, c. 200)		11/30/06 to Legislature	12	7	One Senator and three non-legislators	One member of the House and three non-legislators	Four ex-officio members are named.	OPLA	Awaiting completion of appointments
11	Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers (Resolve 2005, c. 181)		11/1/06 to Labor Committee	9	0	Two members of the Senate and two non-legislators	Three members of the House and two non-legislators	None	OPLA	Awaiting completion of appointments
12	Citizen Trade Policy Commission (PL 2003, c. 699)	Met on 7/20/06; scheduled to meet on 9/7/06	Annually to Legislature, Gov and others	22	22	Three Senators (from 2 parties) and three non-legislators (all appointments already made)	Three members of the House (from 2 parties) and three non-legislators	Governor appoints four members. Also one ex-officio member is named.	OPLA	On-going
13	Commission to Arrange for a Monument Honoring Women Veterans of Maine (Resolve 2005, c. 215)	Met on 8/9/06	9/1/06 Initial Report to Capitol Planning Commission; 12/7/06 Final Report to Capitol Planning Commission	8	8	One Senator, three persons with military experience and one person from DDVEM	One member of the House and one person from BGS	One ex-officio member is named.	OPLA	Appointments completed; held first meeting
14	Blue Ribbon Commission on Solid Waste Management (Resolve 2005, c. 207)		1/1/07 to NAT	9	9	Three Senators	Four members of the House	Two ex-officio	Department of Environmental Protection	Appointments completed
15	Maine Energy Council (P.L. 2005, c. 677, Part D)		1/15/07 to UTE	17	2	Two Senators	Two members of the House	Nine by Governor and four ex-officio	Public Utilities Commission	Awaiting completion of appointments

Appointment Summary

Number of appointed positions	195
Appointments made to date	154
Percent of appointments complete	79.0%

C:/management/director/interim activities/council study status report

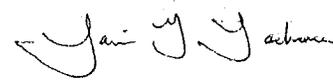
Study Activity Summary

Studies awaiting appointments	7
Fully appointed/meeting	8
	15

August 23, 2006

To: Speaker John Richardson, Chair of the Legislative Council
President Beth Edmonds, Vice-Chair of the Legislative Council
Distinguished Members of the Legislative Council

From: Laurie Lachance, President of the Maine Development Foundation



Re: Policy Leaders Academy – Legislative Training

.....

The Legislative Planning Group that you appointed to work with MDF, the University and the Community College System in developing the curriculum for the Policy Leaders Academy bus tours and legislative forums met yesterday to finalize our recommendations as to the timing, scope and broad topic areas to be covered. I am writing to you today to ask for your guidance on a couple of outstanding questions and, ultimately, your approval of this broad outline so that we can begin, in earnest, the planning and the fundraising necessary to ensure an extremely high-quality curriculum. **With that in mind, what we are asking of you today is to please consider and provide your feedback on the following recommendations of the Policy Leaders Academy (PLA) Legislative Planning Group and give us permission to launch the detailed planning process:**

1) **Scope** (You approved this at your July 27th Council meeting)

- Two, 3-day economic bus tours
- One, 1.5 to 2-day Policy Forum

2) **Timing** (You approved this at your July 27th Council meeting)

- Forum dates: December 6th and 7th (in conjunction with the scheduled Legislative orientation and swearing-in ceremonies)
- Bus tour dates: Weds. through Fri., January 10th – 12th, and 17th-19th

3) **Broad Policy Areas**

- Tax/Fiscal
- Energy
- Healthcare
- Connectivity – Transportation and Telecommunications
- K-20 Education/Workforce Development
- R&D
- State Tribal Relations

45 Memorial Circle, Suite 302, Augusta, Maine 04330
Tel: 207/622-6345 Fax: 207/622-6346
E-Mail: mdf@mdf.org

4) **Budget**

- **Forums**: Costs range from \$7,000 - \$20,000 depending on keynote speaker/s and the number in attendance
- **Bus Tours**: Costs range from \$50,000 to \$80,000 (50-100 participants)

5) **Stakeholder/Funding Group** – (You approved this at your July 27th Council meeting)

- MDF will work with a consultant to secure funding and in-kind sponsorships from a number of stakeholder organizations as soon as possible. This stakeholder group would guide MDF and the Legislative Planning Group's planning efforts and help connect us to speakers and tour visitation sites.

It would be most helpful today if you could please give us guidance on the following:

- 1) **Do you think it is a good idea to hold a dinner on Wednesday night, December 6th after the swearing-in ceremonies (later that day) to kick-off the PLA Legislative Forum to be held December 7th and have a nationally known speaker?**
- 2) **Should we hold a full day forum on December 7th as planned and hold a separate ½ - full day forum in the end of January following the bus tours? (There is simply too much material to be covered in one day. The planning committee is concerned that another full day at the end of an already overwhelming orientation week in December may be overload.)**
- 3) **Will you please provide your feedback/approval of the following broad topic areas to be covered in the policy forums?**
 - **Tax/Fiscal (including k-12 funding)**
 - **Healthcare**
 - **K-20 Education/Workforce Development**
 - **State/Tribal Relations**
- 4) **Will you please provide your feedback/approval of the following broad topic areas to be covered in the bus tours?**
 - **Energy**
 - **Healthcare**
 - **K-20 Education/Workforce Development**
 - **Connectivity – Transportation and Telecommunications**
 - **R&D**
- 5) **Given that we need to raise a very large amount of money, do you have ideas about, access to, or connections with potential funding sources?**

Thank you for your kind consideration of our request. We are all anxious to launch the detailed planning process and to raise the funds necessary to provide the very best training experiences possible. We look forward to working with you in the months ahead.

cc: Legislative Planning Group

*Preparing for the
123rd MAINE LEGISLATURE*

**Legislative Workshop
For Agency Liaisons**
A Practical Guide



**December , 2006
State House, Augusta**

**Presented by
Staff of the Maine Legislature**

DRAFT

Maine Legislature
Legislative Council
115 State House Station
Augusta, ME 04333-0115

Overview

Interested in gaining a better understanding of the legislative process as it relates to your work in a department or agency?

Knowing legislative requirements and procedures will help you become more effective in your work with the Legislature. The program offers a practical guide to the various staff operations that involve agencies and their legislative liaisons.

Who Should Attend?

Departmental and agency staff who:

- are the departmental liaison to the Legislature
- communicate regularly with legislators and legislative staff
- Submit information or testimony to legislative committees
- manage agency's legislative agenda and track legislation
- draft agency rules, including major substantive rules
- draft departmental legislation
- provide fiscal information on legislation affecting their agency

Program Location & Time

Date: December , 2006
Location: Room 208 of the Cross Building

Program Agenda

Morning

- 8:30 a.m. Registration
8:45 a.m. Welcome & Overview
9:00 a.m. Workshop on drafting legislation
10:30 a.m. 15 minute break
11:30 a.m. Drafting workshop wrap-up/
questions

12:00 p.m. Lunch Break

Afternoon

- 1:00 p.m. Agencies & Committee Process
- Submitting information to Committees
 - Government Evaluation Act Report Submissions
 - Legislative review of Major Substantive Rules
 - Key session dates for agencies
- 2:30 p.m. 15 minute break
2:45 p.m. Legislative Fiscal Review
- Submitting budget & fiscal information
 - Fiscal notes on bills & amendments
- 3:45 p.m. Tracking bills & accessing key documents
- Tracking bills
 - Tracking committee hearings & work sessions
 - Committee staff contacts
- 4:15 p.m. Questions and Answers
4:30 p.m. Wrap up

Registration Form

Complete and return registration form by
December 1, 2006

Name: _____

Title: _____

Department/Agency: _____

Address: _____

Telephone No.: _____

Fax No.: _____

Email address.: _____

For More Information

Office of the Executive Director
Maine Legislature
Room 103, State House

Telephone: (207) 287-1615

FAX: (207) 287-1621

Web Page:

<http://www.maine.gov/legis/execcdir/>

Program Fee

There is no charge for the program.
Pre-registration is required.



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

EXECUTIVE DIRECTOR'S
OFFICE

2006 AUG 17 P 12:02

Date: August 17, 2006
Memo to: David Boulter, Executive Director
From: Patrick Norton, Director *PN*
Re: Council agenda item: Representative Moulton's request for revisions to the Legislators' Handbook

I have attached a memo I received from Representative Bradley Moulton in which he proposes revisions to the Legislators' Handbook relating to the jurisdictions of the State and Local Government Committee and the Natural Resources Committee.

Representative Moulton is suggesting that the list of committee subject areas included in the Handbook be amended by deleting growth management from the list of subjects considered by the Natural Resources Committee and adding municipal regionalization, land use and growth management to the list of subjects considered by the Sate and Local Government Committee.

By way of brief background, the list of committee subject areas included in the Legislators' Handbook has historically reflected the subject matters actually dealt with by committees over the previous two years. For example, the 2004 edition (which is currently being updated) reflects the referencing activity of the 121st Legislature, and the 2006 edition will reflect the referencing activity of the 122nd Legislature. The Handbook notes that the committee subject areas listed are not intended to describe the jurisdiction of committees in subsequent Legislatures, since the number and jurisdiction of committees can change from Legislature to Legislature.

Representative Moulton recognizes that, by proposing a substantive and prospective change in the jurisdiction of two committees, his suggested changes go beyond the typical routine and nonsubstantive nature of the biennial updates to the Legislators' Handbook. As such, he has requested that his memo outlining his proposed changes be included on the Legislative Council's agenda for discussion at their meeting on Thursday, August 24, 2006.

Thank you. Please let me know if you have questions.

cc: Representative Bradley S. Moulton

Patrick T. Norton, Director
Offices Located in Room 215 of the Cross Office Building

To: Patrick T. Norton, Director
Office of Policy and Legal Analysis

August 15, 2006

From: Bradley S. Moulton, Representative, District 149

Re: Legislator's Handbook Update

Having just served one term in the House, it is a major concern to me that there are over-lapping, conflicting, and vague distinctions in the policy areas that are the responsibility of the Committees on Natural Resources and State and Local Government. Since I have a graduate degree in city and regional planning, I was shocked to learn that the Handbook did a poor job of defining the respective roles of these two committees and more concerned when that fuzzy distinction resulted in a turf war played out over one or more bills in the first regular session. I wish to bring this to the attention of the Legislative Council, in its consideration of changes in the handbook.

The first matter concerns the authority for legislative committee jurisdiction. Although I have heard it suggested in the House Chamber, that the House and Senate have complete control over the committee assignment of review of legislation, I find that statement to be misleading and contrary to what I would expect of the orderly review of legislation. At the very least, prior legislatures have made numerous references to legislative committees when enacting legislation. My committee analyst provided me with several pages of references to the State and Local Government Committee (SLG), all of which I reviewed. One of the more encompassing references is to 3 M.R.S.A. Sec. 961(1), which governs committee review of executive and independent agencies. To me, these statutory references provide greater authority for committee review than the Handbook, which provides only a general or summary description of committee jurisdiction.

Besides statutory authority, tradition has also played a role in reference of legislation. It is clear that term limits have eroded expertise among legislators, and consistency in reference of legislation is important. Committees develop experience and expertise over time. However, that expertise must relate back to a broad grant of authority consistent with the bills sent to committee.

It is true that the legislative process is more complex since there are points of overlapping jurisdiction among the committees and agencies. What I find frustrating is that SLG reviews the budget for the State Planning Office (SPO), but it reviews only a limited number of bills that affect policy areas within that agency. While the SPO covers a number of policy areas, spanning three or more legislative committees, it is in the area of land use that confusion and conflict between committees is most evident.

To illustrate, I will make two points. First, the term "land use", as used in the context of land use planning is merely a point of reference and not an adequate description of this policy area. My ancestors were mostly farmers. They "used" the land while farming. They derived their income primarily from natural resources, like crops, timber, husbandry, and similar use of the land. People of Maine still utilize natural resources in a great variety and concentration of occupations, but the term "land use" is used in a much broader context. Motels, restaurants, gas stations, professional offices, machine shops, paper-making plants, boat yards, call centers, grocery stores, malls, movie theatres, apartment buildings, condominiums, and affordable housing are but a few of the examples of what falls within the context of "land use" as we use it today.

Every land use affects natural resources. Municipal and, where required, state review of proposed land uses address the impact of those proposals upon the environment and natural resources. However, review authorities, such as planning boards, spend a far greater amount of time reviewing a complex range of additional factors in determining whether a proposal is appropriate under local and state criteria. Factors, such as traffic, employment, demand for municipal services, and regional impacts occupy a significant portion of the review process and ultimately the impact of the proposed use upon the community. Planning boards also promulgate the criteria for this portion of the review process, subject to adoption by the legislative body.

In many instances, municipalities have created conservation committees, which serve in an advisory and advocacy role when planning boards review proposals. Those same conservation committees serve a similar role when planning boards exercise their dual role in preparing comprehensive plans and land use (zoning) ordinances. However, it is the planning board that has the primary role in establishing policy on a local level, not the conservation committee.

The point is that for too long the Natural Resources Committee has reviewed land use legislation extending well beyond its statutory authority over the Department of Environmental Protection, and legislation, such as shoreland zoning, which is an integral part of this subject area. To a much greater extent municipalities must now address not only the community impact of land use but also regional impacts as well. We have regional planning agencies that help communities understand and implement land use policies that work to balance competing interests. Maine has long been regarded as the place where a person may live, work, learn, socialize, and worship in the same town. We have a "smart growth" organization and other advocacy groups that are trying to preserve this way of life.

In reviewing LD 1535 this last year, the Natural Resources Committee addressed the number of dwelling units which a municipality may restrict over time. I found little in this bill that pertains to the DEP, and I found a great deal pertaining to local control and provision for municipal services, which falls under the jurisdiction and expertise of the SLG. Further, a number of bills have started under the work of the Community Preservation Advisory Committee, creation of which occurred through work of SLG, but is dominated in its legislative membership by members of the Natural Resources Committee. When I reviewed its legislative priorities, I found a great many falling under SLG, but few of these proposals came before SLG. Most went to the Natural Resources Committee.

In this context, it is more appropriate having the Committee on State and Local Government review legislation affecting growth control, zoning, comprehensive planning, and municipal services, all of which fall generally within this larger policy area of land use and SPO.

My second point goes to accountability. I find it a violation of this principal when the committee reviewing an agency's budget does not also review legislation affecting that agency and its operations. My case in point during the 122nd Legislature was LD 286, termed the bill to eliminate SPO. While SLG initially heard this bill, the moment it left committee on report, an intense lobbying effort, in part encouraged or initiated by SPO, resulted in reference to the Committee on Natural Resources despite a sharply contested vote in the House. This exercise of politics where an agency runs to a different committee when it encounters critical oversight diminishes the respect of authority, which is essential for the orderly exercise of government. Although I make broad references, my point is that when we see others "breaking the rules", we lose respect for those rules. SPO has had a history of problems concerning its review of comprehensive plans.

When this became evident during SLG review of LD 286, the agency retreated and avoided the problem through a political maneuver. The long-term implication is that municipalities will not address regional impacts of land use that are becoming more important as portions of the state continue growing. During the 122nd Legislature, SLG considered and acted upon a broad panoply of bills concerning regionalization. It is a logical extension of that authority for SLG to also review proposals affecting municipalities and state agencies concerned with those regional impacts.

Absent any action on my request, I may give this caution that SPO may face increased committee scrutiny of its budget unless SPO acknowledges committee jurisdiction over its organization and operation.

Your memorandum, dated July 16, requested specific recommendations on changes in text. I felt it necessary to explain first my reasons for making the following suggested changes in section **B(3) The Committee Process**. Please refer to **page 18**. The following changes are proposed:

Natural Resources. Air and water quality, natural resource protection; site location, ~~and development laws,~~ shoreland zoning, and subdivisions, ~~and growth management;~~ management and disposal of solid, hazardous, biomedical and special wastes; hydropower and dams; energy facility siting, waste-to-energy facilities, mining; and general environmental policy, including oversight of the Department of Environmental Protection.

State and Local Government. State contracts and fiscal procedures; state government organization; oversight of state officials; state employees and property; administrative procedures, boards and commissions; notaries public; capitol area planning; constitutional amendments; municipal, county, and regional government; county budgets; regionalization, land use, and growth management; Legislature.; ~~and municipal and local government.~~

It is useful to note that the first law court review of zoning occurred approximately 100 years ago in the York Harbor Village Corporation, which enacted a zoning ordinance restricting the expansion of campgrounds from York Beach to the north. I will avoid comment about snob zoning, but the ordinance addressed land use, not environmental concerns. What I am doing is clarifying that distinction as the Legislature considers policy issues.

In summary, what I have requested mirrors the distinction that exists currently for planners and planning boards. Planning boards have a dual function. One function is the administrative review of development proposals. The second function is policy development and implementation. I have done no more than suggest we recognize this distinction for legislative oversight, based upon statutory oversight over the SPO, and its programs, which direct or guide policy for regions, counties, and municipalities. In the absence of appropriate committee oversight, my fear is that the State Planning Office will not address planning issues in a comprehensive manner. I think that a review of legislation falling within this subject area is sufficient to demonstrate my concern and justify some revision in the language concerning committee jurisdiction.