

# MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
VICE-CHAIR



122<sup>ND</sup> MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN  
SEN. PAUL T. DAVIS, SR.  
SEN. KENNETH T. GAGNON  
SEN. CAROL WESTON  
REP. GLENN A. CUMMINGS  
REP. DAVID E. BOWLES  
REP. ROBERT W. DUPLESSIE  
REP. JOSHUA A. TARDY

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

## LEGISLATIVE COUNCIL

November 16, 2006

2:00 p.m.

### REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE OCTOBER 26, 2006 COUNCIL MEETING</b>	Acceptance
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
11	• Executive Director's Report (Mr. Boulter)	
12	• Fiscal Report (Mr. Pennoyer)	
13	• Information Technology Report (Mr. Mayotte)	
14	• Status of Legislative Studies (Mr. Norton)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Rep. Cummings, Chair)	
	• <b>State House Facilities Committee</b> (Sen. Gagnon, Chair)	

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- |    |   |             |
|----|---|-------------|
| 16 | <b>Item #1: Citizen Trade Policy Commission annual report pursuant to Public Law 2003, c. 699</b>             | Acceptance  |
| 17 | <b>Item # 2: Clarification of Legislative Budget Administration (Ms. Breton)</b>                              | Decision    |
| 24 | <b>Item # 3: Letter from Legislative Members of the Tribal-State Work Group regarding orientation program</b> | Information |

## **ANNOUNCEMENTS AND REMARKS**

**A group picture of Members of the 122<sup>nd</sup> Legislative Council has been scheduled for Tuesday, December 5<sup>th</sup> at 2:30 p.m. in the Legislative Council Chambers.**

## **ADJOURNMENT**

REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
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**MEETING SUMMARY**  
**October 26, 2006**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:38 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

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

Legislative Officers: 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  
Joy O'Brien, Secretary of the Senate  
Millicent MacFarland, Clerk of the House

Speaker Richardson convened the meeting at 1:38 p.m. He then recognized Jonathan Williams, an employee of the State Law and Legislative Reference Library, and presented a Sentiment to him for his service in Iraq with the 619 Transportation Company. The Speaker extended the appreciation of members of the Legislature and the people of the State of Maine for Mr. Williams' service to his country.

**SUMMARY OF THE SEPTEMBER 21, 2006 COUNCIL MEETING**

**Motion:** That the Meeting Summary of September 21, 2006 be accepted and placed on file.  
(Motion by President Edmonds, second by Sen. Davis, motion approved unanimous (7-0).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

1. **State House Renovation Projects 2006**

Virtually all interior work has been completed for this year, with the exception of some remaining painting on the 1<sup>st</sup> floor. In addition, all committee rooms in the Cross Building have received repair and paint touchups. Committee rooms are in very good condition for the incoming legislature.

The south access and parking lot project is nearing completion. The parking lot is scheduled to re-open on or about November 8<sup>th</sup>. Some signage and emergency callbox installation will remain to be done, but, should be completed before December 1<sup>st</sup>.

2. **MDF Orientation Sessions**

MDF President Laurie Lachance reports that the policy forums and bus tour planning is well underway. Initial response for presenters and fund raising has been very good. MDF's advisory group, that includes Legislative representation, will meet again on November 1<sup>st</sup> to review program agendas and suggested bus routes and site visits.

3. **HP Contract for MELD System**

On October 25<sup>th</sup>, the Legislative Council officially concluded its contract with HP for the MELD system. Final payment was delivered to HP and the Legislature received the final software update and source code. This concludes the development of the bill drafting system. The Revisor will place the system into full production for the 123<sup>rd</sup> Legislature today.

President Edmonds asked if the computer needs of the fiscal office tracking had been met. Mr. Pennoyer responded that OFPR's needs had been met and he would provide further comment when he gave his fiscal report.

4. **Legislative Orientation Planning Schedule**

An orientation planning schedule has been developed for handy reference session planning purposes. A copy was distributed to Legislative Council members and others.

Speaker Richardson stated that at the next Legislative Council meeting he would like to have a photo of the 122<sup>nd</sup> Legislative Council members.

### Office of Fiscal and Program Review Report

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

In further response to President Edmonds' earlier question, Mr. Pennoyer reported that the fiscal note and budget bill production is going very well. OFPR staff has been

reviewing a prototype which is now in the final stage of development. He stated that the critical piece remaining is to make sure that the document produced is compatible with MELD.

President Edmonds asked if OFPR's production would be in place by January. Mr. Pennoyer responded that OFPR will be capable of using the system in early December.

Mr. Pennoyer reported that there was an error in the preliminary report concerning General Fund of \$2.44 million. He stated that General Fund revenue was over budget by \$12.5 million in September, increasing the positive variance for the fiscal year-to-date (FYTD) to \$21.3 a (3.7%) positive variance as a result of 2 large estate tax payments in September. Individual income tax's negative variance was a result of a timing issue in BETR and the Circuitbreaker payments. The payments were \$10.8 million higher than anticipated through the 1<sup>st</sup> Quarter. Corporate income tax continued its strong performance.

Highway Fund revenue was under budget in September. This monthly negative variance of \$0.6 million increased the FYTD negative variance to \$4.3 million (-6.2%). Fuel taxes were the major negative variance. Some portion of the \$1.3 million negative FYTD variance in motor vehicle registration and fees might be a timing issue, which would reduce this negative variance in future months.

The Consensus Economic Forecasting Commission met on October 3<sup>rd</sup>. The preliminary forecast has changes to the major economic variables from the previous forecast that were relatively modest. This economic forecast alone is not expected to produce significant revisions to revenue.

The Revenue Forecasting Committee met on October 24<sup>th</sup> at 9:30AM in Room 228 of the State House to review the revenue sources not driven by the economic models and will meet again on November 28<sup>th</sup> (also at 9:30AM in Room 228) to conclude the forecast with a review of the major tax lines driven by the economic forecast.

The Average Cash Pool balance was \$632.6 million in September, which is above average September balances of the last 5 years and \$21.9 million higher than last September's average balance, which included \$123.6 million of Tax Anticipation Note (TAN) borrowing. The General Fund needed to borrow \$30 million internally from Other Special Revenue Funds throughout the month of September. While that borrowing increased to \$70 million in mid-October, the expectation still is that no TAN borrowing will be required in this fiscal year. Trend line factoring out TAN borrowing continues to show improvement.

Highway Fund average cash balances continued their downward trend in September. September's average balance of \$16.6 million was below the average September balances of the last five years of \$58.3 million. The last portion of the \$15 million General Fund transfer to Highway Fund was paid early to improve Highway Fund cash balances.

OFPR's annual update of major state funding disbursed to municipalities and counties shows an increase of state funding for local units of government in FY 06 after several years of very slow growth. The growth is primarily due to the "ramp-up" to 55% for school subsidies.

## Office of Information Services' Report

Legislative Information Services Director Paul Mayotte reported the following:

Mr. Mayotte reported that HP had completed its work on September 30<sup>th</sup>.

He stated that in preparation for the 123<sup>rd</sup> Legislature LIS had been meeting with ROS on an ongoing basis. He stated that as of October the production data base had been updated and the cross reference data base was being loaded and the MELD production will be ready. He said that the contingency plan is in place. LIS is focusing with the production offices to make sure that they are able to track and report bill production. He stated that there are no open issues concerning drafting bills in MELD. He said that LIS also has plans where LIS technical staff if working closely with MELD technical staff so that if issues come up they can be taken care of.

Mr. Mayotte then gave an update on data backup processing. He stated that all backups are current and LIS is maintaining backups.

Mr. Mayotte reported that LIS did proceed with purchasing standardized backup software and that software is now working and LIS is ready to move to the next stage of that effort.

- **Study Commissions Report**

Mr. Norton, Director of Policy and Legal Analysis reported the following:

Mr. Norton pointed out a memo concerning the studies and study process. He noted that during the past session, various members of the Council had voiced questions concerning the standards for drafting studies, including why studies came in various instruments and the impact of study extensions on legislative resources. Mr. Norton stated that he had reviewed the history of the legislative study process and it appeared that many of the same questions asked had been by previous Council members. He stated that issues concerning the study process had been addressed in 1997-98 when a special committee to review the study commission was convened. He said that although the recommendations in the 1998 report had improved the study process in many ways, some of the issues had re-emerged. Mr. Norton said that he did not see an immediate need for the Council to take action on the study process but was willing to proceed however the Council suggested.

President Edmonds suggested that the issue be placed on the December meeting for the new Council members to address. She stated that she felt conversations with the new Chairs of committees should be included in the decision of what study guidelines should be.

Speaker Richardson requested that Mr. Boulter place the matter of reviewing the study commission process on the December Legislative Council meeting agenda along with Mr. Norton's recommendation that a sub-committee of the Legislative Council be convened to review and update the special study committee report of 1998 and make

make necessary recommendations for changes to the study process prior to the adoption of the Council study guidelines for the 123<sup>rd</sup> Legislature. The other members agreed.

Mr. Norton then reported that all appointments, with the exception of members to the Youth Advisory Committee, had been made and those appointments would probably not be made until the next Legislature convenes because of changes in the statutes. He stated that most all studies had met and would finish within their deadline.

#### **Update on FY 06 Unspent Study Funds (Legislative Finance Director, Rose Breton)**

Ms. Breton provided an update on the studies that had funds remaining upon completion. She pointed out that there was approximately \$8,000 available in unspent FY 06 study funds.

### **PERSONNEL COMMITTEE**

No report.

### **STATE HOUSE FACILITIES COMMITTEE**

No report.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **Item #1: Joint Select Committee on Research, Economic Development and the Innovation Economy – Request for 1 additional meeting and extension of final report date to December 15, 2006**

President Edmonds stated that she was in favor of one additional meeting but had concerns with extending the final report date to December 15<sup>th</sup> as the report would not be made to current Legislative Council members. [Joint Select Committee's authority lapses upon the convening of the 123<sup>rd</sup> Legislature.]

Speaker Richardson asked Ms. Breton for the amount of funding needed to hold an additional meeting. Ms. Breton responded that the additional meeting would cost \$1, 365.

Speaker Richardson then asked Mr. Norton if there were analyst resources available if an additional meeting were to be held. Mr. Norton responded in the affirmative.

Motion by President Edmonds to authorize the study commission to hold one (1) meeting but deny the request to extend the final report date to December 15, 2006, second by Rep. Cummings. Motion approved, unanimous (7-0).

**Item #2: Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers – Request for extension of final report date to December 6, 2006**

Motion by President Edmonds to authorize a time extension to December 6<sup>th</sup>, second by Rep. Bowles. Motion approved, unanimous (7-0).

**Item #3: Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway – Work plan and budget submission pursuant to Public Law 2005, chapter 598, section 5**

Mr. Norton explained that the submission was a work plan that the Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway was required to submit. The schedule and budget are in accordance with law.

Motion by President Edmonds to approve the commission's work plan, second by Rep. Bowles. Motion approved, unanimous (7-0).

**Item #4: Request by Senator Schneider to honor the anniversary of the founding of the U.S. Marine Corps by flying the Marine Corps Flag on Friday, November 10<sup>th</sup> from sunrise to sunset**

Sen. Gagnon explained that requests such as this had, in the past, been referred to the State House Facilities Committee but he was unsure if the State House Facilities Committee would be able to meet before November 10<sup>th</sup>. He stated that with no disrespect to the Marine Corps, the State House Facilities Committee had not approved this type of special event. Therefore, he was not in support of the request because of the broader implications of future requests by various entities.

Speaker Richardson stated that the Legislative Council had adopted a policy not to fly special event flags unless approved by the State House Facilities Committee. He then asked if there was an alternative place to honor the Marine Corps. Mr. Boulter responded in the affirmative. The Speaker suggested that Mr. Boulter and Senator Schneider work together to arrange for an alternative.

Rep. Bowles stated that as a former Marine he was sensitive to Sen. Schneider's request but agreed with Sen. Gagnon. He suggested that perhaps the Marine Corps flag could be flown at the Veterans' Memorial in Capitol Park.

Motion by Sen. Gagnon to have Executive Director Boulter work with Sen. Schneider to locate an alternative site to fly the Marine Corps flag on November 10<sup>th</sup> which is the anniversary date of the establishment of the Marine Corps and further convey to the requesting constituent to inform him that the Council would be open to a timely request to the State House Facilities in the future, second by Sen. Brennan. Motion approved, unanimous (7-0).

**Item #5: Proposal for Legislator orientation program on collaborative approaches to achieving consensus on policy issues (Rep. Koffman and Rep. Rector)**

Rep. Koffman stated that he and Rep. Rector had attended a meeting sponsored by the Policy Consensus Initiative, an organization that works with Legislators and helps them develop skills in collaborative decision-making and consensus development. He explained that there were 2 aspects to the curriculum. The first concerned the role of Legislators and interacting with one another and members of the other parties more effectively, reducing conflict where possible, and the second aspect concerned the Legislators' role as conveners in the community for discussions about community issues that emerge. Rep. Koffman suggested reserving a half hour during legislative orientation so that this curriculum could be introduced and then on a later day perhaps 3 hours could be set aside for an informational forum. He said the Policy Consensus Initiative is willing to make available a presenter at its expense.

President Edmonds said she thought the suggestion by Rep. Koffman and Rep. Rector was a good one and should be referred to the subcommittee dealing with the orientation programs so that it could consider the proposal and find an appropriate time. Rep. Cummings said that he also felt that it was an excellent way to set the tone for the next session and agreed that the time should be found.

Motion by Rep. Cummings to refer request to the Pre-legislative Conference Subcommittee for its consideration, second by Sen. Brennan. Motion approved, unanimous (7-0).

**Item #6: Request by Maine Indian Tribal-State Commission to hold an informational seminar in January 2007 on Maine Indian tribes and the role of Commission**

President Edmonds asked if the Pre-legislative Conference Subcommittee had already addressed this issue. Mr. Boulter explained that the matter had not been raised with the subcommittee. The Maine Indian Tribal-State Commission (MITSC) has made a separate but related request to the Executive Director and MDF to have lands of 1 or more tribes included in the Legislative bus tours in January. MDF President Laurie Lachance was working to include the Maliseet and either Passamaquoddy or Penobscot reservation lands. Mr. Boulter further explained that MITSC's request was two-fold. The first request was to be included in the regional bus tours, and the second was to hold an information seminar to all legislators in the State House.

President Edmonds said she was generally in favor of the request.

Rep. Bowles suggested that the request to hold an informational seminar be referred to the Pre-legislative Conference Subcommittee.

Sen. Brennan stated that the Chief Justice of the Supreme Court, the President of the Maine Community College System and the Chancellor of the University of Maine System address the Legislature each legislative session and asked who decides whom to invite to address a Joint Session. Speaker Richardson responded that the presiding officers make that decision since it is a Joint Convention. Sen. Brennan suggested that perhaps the tribes could be invited to address a joint convention of the Legislature. Deciding who would speak would have to be worked out. The Speaker suggested that the tribes might be able to take turns addressing the Legislature in any particular year.

Motion by President Edmonds to submit the MITSC request to Pre-Legislative Conference Subcommittee of the Legislative Council for its consideration, second by Sen. Brennan. Motion approved, unanimous (7-0).

**Item #7: YMCA Youth in Government Program (Lonney A. Steeves, Director YMCA Camp of Maine) Discussion of future program dates**

Mr. Steeves stated that the YMCA's Youth in Government Program has a long tradition in the State of Maine. He said the program began in 1941. He said adjustments have been made to reflect changes in the legislature and the physical facility of the State House. He stated that the opportunity to hold the program in the State House itself was probably the most important part of the program. He said that the civic education that is provided to young people around the state would not be as effective or enticing if it were held in a different location. Mr. Steeves explained that the group's motto is that "Democracy must be learned by each generation" and that one of the things that the Youth in Government program nationally is working hard on is civic education. He explained that the program is held throughout the country and is the largest teen program operated by the YMCA. He said that 21,000 teenagers participate in the program around the country.

President Edmonds said that she appreciated the program and noted that civic education should be offered to the entire state. She said that she had preferred that the program be held in the fall but after reading Mr. Steeve's memo she was recommending that the event take place in each Spring, with the date being set after Presiding Officers have a chance to review the Legislature's schedule.

Motion by President Edmonds to authorize the State YMCA Camp to hold its Youth in Government program each Spring in the State House, on a schedule to be decided jointly by the Presiding Officers after considering the legislative schedule, second by Rep. Duplessie. Motion approved, unanimous (7-0).

**Item #8: Proposed Fee Schedule for Legislative Documents (Clerk of the House Millicent MacFarland)**

Clerk of the House Millicent MacFarland explained her proposed fee schedule for Legislative Documents for the 123<sup>rd</sup> Session of the Legislature. Ms. MacFarland said that she was proposing a 5% increase in document fees to cover increases in postage during the previous year and upcoming increases in the cost of printing.

Motion by Rep. Duplessie to approve the proposed fee schedule for Legislative Documents for the 123<sup>rd</sup> Legislature, second by Sen. Brennan. Motion approved, unanimous (7-0).

**Item #9: Request for approval to enter into a contract with Voyager Systems Inc. for conversion of bill-related Wang software**

Mr. Mayotte explained that the next step in the migration from the Wang computer environment to a current platform is to convert the data and software programming. He explained

that this software provides data for the reports on the status of bills during the legislative session. He reiterated that this software is used by the production offices. He said that LIS was proposing to use a firm that has technology to take the existing software, and with automated tools, convert it to a state of the art platform, such as SQL and the tools used by LIS, allowing the system to integrate with the bill drafting system. He stated that it would provide the ability to turn reports out in a timely manner and also include the combination of two databases into one to simplify the process. He explained that this would also include the conversion of decade's worth of Wang bill status data so it will be available to users using current tools. Mr. Mayotte explained that the approach LIS was proposing is faster, uses automated tools and technology and allows LIS to make enhancements as part of the process and to have the system in place for the 2<sup>nd</sup> Session of the 123<sup>rd</sup> Legislature.

President Edmonds requested Mr. Mayotte work with the Clerk of the House and the Secretary of the Senate to determine what they need for their analysis.

Rep. Bowles asked who would review the software contract before it is signed so that the Legislature and the State is protected. Mr. Mayotte stated that all the major contracts are reviewed by the Attorney General's Office.

Motion by President Edmonds to authorize the Executive Director to negotiate and enter into a contract with Voyager Systems, Inc. for the purposes of converting legislative data and software from the WANG system to currently used computer technologies, and further for the Director of LIS to work with the Secretary of Senate and the Clerk of the House on making available necessary, nonconfidential information for session use, second by Rep. Duplessie. Motion approved, unanimous (7-0).

**Item #10: Commission to Study the Cost of Providing Certain Services in the Unorganized Territories Request to Hold 1 additional meeting of study commission**

Mr. Norton explained that the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories has requested one additional meeting. Ms. Breton explained that based upon what it would cost to print a final report there would be approximately \$400 in its current budget available. The average cost of one meeting is between \$500 and \$600 so that the commission would need approximately \$100 to \$200 more to cover the costs of the one additional meeting.

Rep. Bowles asked if the Legislative Council had already authorized an additional meeting. Ms. Breton responded in the affirmative and explained that that meeting was held on October 17<sup>th</sup>.

Speaker Richardson asked why the additional meeting was needed. Rep. Duplessie responded that the commission had originally requested two additional meetings. He explained that when the Study Commission was created it was to hold four meetings; the commission has already held seven or eight meetings within the original budget but members need one additional meeting to finalize the report.

Motion by Sen. Gagnon to authorize the commission to meet one additional time, second by President Edmonds. Motion approved, unanimous (7-0).

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:20 p.m. Motion by Rep. Cummings to adjourn, second by Rep. Duplessie. Motion was approved unanimous (7-0).



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Legislative Council  
Executive Director's Report  
November 16, 2006**

**1. State House Renovation Projects 2006**

The parking lot and south access to the State House has re-opened for general use. With the exception of some signage and installation of 2 emergency callboxes, the work is fully completed

**2. Legislative Workshop for Agency Liaisons**

On November 14, 2006 staff held a legislative workshop for agency liaisons to discuss key legislative processes as they relate to state agencies, such as filing agency bills, review of agency rules, fiscal note process and submitting information to committees. The workshop was attended by over 50 people and was well received.

**3. Thank you**

I wish to express my appreciation to you all for your support and guidance to the nonpartisan offices over the past 2 years. I look forward to working with returning Legislative Council members and for those who are not returning best wishes in your future endeavors.

# Fiscal Briefing

## Legislative Council Meeting

### November 16, 2006

*Prepared by the  
Office of Fiscal & Program Review*

## Executive Summary

### 1. Revenue Update (See Attachment A)

- General Fund revenue was over budget by \$5.9 million in October, increasing the positive variance for the Fiscal Year-to-date (FYTD) to \$27.2 million (+3.4%). October's positive variance was driven by a \$16.5 million positive variance in the Individual Income Tax, which was caused by a \$17.3 million positive variance in BETR and Circuitbreaker payments. Excluding BETR and Circuitbreaker payments, Individual Income Tax was ahead of budget for the FYTD by \$8.1 million. Corporate Income Tax, although under budget in October, remained \$3.3 million ahead of budget for the FYTD. Estate Tax increased its positive FYTD variance to \$11.2 million through the end of October.
- Highway Fund revenue was once again under budget in October. October's monthly negative variance of \$0.9 million increased the FYTD negative variance to \$5.2 million (-5.2%). Fuel Taxes continue to be the major source of this negative variance.

### 2. Revenue Forecasting Schedule

- Revenue Forecasting Committee will meet on November 28<sup>th</sup> at 9:30AM in Room 228 of the State House to conclude the forecast with a review of the major tax lines driven by the economic forecast and some other miscellaneous loose ends.

### 3. Cash Pool and Cash Balance Trends (See Attachment B)

- Average Cash Pool balance dropped from \$632.6 million in September to \$594.9 million in October. However, October's balance was \$32.9 million higher than last October's average balance, which included \$123.6 million of Tax Anticipation Note (TAN) borrowing.
- The General Fund increased its internal borrowing from Other Special Revenue Funds to \$80 toward the end of October. The expectation still is that no TAN borrowing will be required in this fiscal year. The trend line factoring out TAN borrowing continues to show improvement.
- Highway Fund average cash balance trends continued their downward slide in October. October's average balance of \$17.1 million was substantially below last October's average balance of \$42.6 million. The early implementation of the \$15 million transfer from the General Fund to the Highway Fund has helped avoid a negative cash position in the short-term.

**122<sup>nd</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL  
Technology Report  
November 2006**

**MELD Bill Drafting System: (update)**

- MELD “Legislator” data is being updated to reflect the results of the election
- A phrase search function developed by the Systems Office has been installed for use by ROS
- An automated data feed from MELD to the tracking system eliminating duplicate data entry has been developed
- ROS and Systems staffs are working closely to identify and correct issues as they surface
- MELD is ready to for drafting

**Data Back Up Processing: (update)**

- All backups are current and being performed to the established procedures

**Senate Internet Video: (update)**

- Chamber cable pulls and power installations are complete
- Camera installation is scheduled for the week of November 13<sup>th</sup>
- Control system installation is scheduled for November 20<sup>th</sup> with testing to follow

**House Internet Video: (update)**

- Working with the Clerk to schedule cable and camera installations

**Web Statutes:**

- The Web Statutes have been updated through the 2<sup>nd</sup> 122<sup>nd</sup>

## 2006 Interim Study Status Report

Prepared by OPLA. (Current as of October 24, 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	<b>Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway</b> (P.L. 2005, c. 598)	Met on 9/22/06, 10/13/06 and 11/17/06; Scheduled to meet on 12/1/06	11/1/06 Prelim. Report to ACF; Final report to ACF by 1/15/07	15	12	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	Majority of appointments made; first meeting held
2	<b>Commission to Study the Costs of Providing Certain Services in the Unorganized Territories</b> (Resolve 2005, c. 125)	Met 7/25/2006, 8/24/06 and 10/17/06; Scheduled to meet on 11/27/06	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; final report being drafted
3	<b>Maine Food Policy Council</b> (P.L. 2005, c. 614)		12/15 in odd-numbered years to ACF	11	11	None	None	Six by Governor, one by Chancellor and four ex-officio	Department of Agriculture	Appointments completed
4	<b>Joint Select Committee on Research, Economic Development and the Innovation Economy</b> (JSO SPO847)	Met on 9/14/06, 10/5/06, 11/1/06 and 11/14/06	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 held
5	<b>Task Force to Study Maine's Homeland Security Needs</b> (Resolve 2005, c. 126)	Met on 9/8/06 in Portland; 9/13/06 in York; Scheduled to meet 11/14/06 and 11/16/06	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	<b>Subcommittee to Study Early Childhood Special Education</b> (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	Majority of appointments made
7	<b>Legislative Youth Advisory Council</b> (PL 2001 c.439, as amended by PL 2005, c. 414)	Youth forum held 11/2/06 in Ellsworth and 11/14/06 in Kennebunk	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	On-going; youth forums held
8	<b>Task Force to Study Cervical Cancer Prevention, Detection and Education</b> (Resolve 2005, c. 121)	Met 7/18/06, 8/24/06, 9/26/06 and 10/17/06	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	Meetings completed; final report being drafted

## 2006 Interim Study Status Report

Prepared by OPLA. (Current as of October 24, 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
9	<b>Right to Know Advisory Commission (P.L. 2005, c. 631)</b>	Met on 10/18/06 and 11/13/06; Scheduled to meet 11/28/06	10/1/05 to HHS; AFA and Gov	16	16	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	Appointments completed; first meeting held
10	<b>Human Trafficking Task Force (Resolve 2005, c. 200)</b>	Met on 10/31/06 and 11/9/06; Scheduled to meet on 11/16/06	11/30/06 to Legislature	12	12	One Senator and three non-legislators	One member of the House and three non-legislators	Four ex-officio members are named.	OPLA	Appointments completed; first meeting held
11	<b>Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers (Resolve 2005, c. 181)</b>	Met on 11/9/06; Scheduled meet on 11/14/06	11/1/06 to Labor Committee	9	9	Two members of the Senate and two non-legislators	Three members of the House and two non-legislators	None	OPLA	Appointments completed; first meeting held
12	<b>Citizen Trade Policy Commission (PL 2003, c. 699)</b>	Met on 7/20/06 and 9/7/06 and 9/18/06; Scheduled to meet 11/30/06 in Presque Isle	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	<b>Commission to Arrange for a Monument Honoring Women Veterans of Maine (Resolve 2005, c. 215)</b>	Met on 8/9/06, 9/7/06 and 10/17/06; Scheduled to meet on 11/16/06	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; first meeting held
14	<b>Blue Ribbon Commission on Solid Waste Management (Resolve 2005, c. 207)</b>		1/1/07 to NAT	9	9	Three Senators	Four members of the House	Two ex-officio	Department of Environmental Protection	Appointments completed
15	<b>Maine Energy Council (P.L. 2005, c. 677, Part D)</b>		1/15/07 to UTE	17	17	Two Senators	Two members of the House	Nine by Governor, and four ex-officio	Public Utilities Commission	Appointments completed

### Appointment Summary

Number of appointed positions	223
Appointments made to date	213
Percent of appointments complete	95.5%

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

### Study Activity Summary

Studies awaiting appointments	0
Fully appointed/meeting	15
	15

# MAINE CITIZEN TRADE POLICY COMMISSION



Senator Margaret Rotundo, Co-Chair

Representative John Patrick, Co-Chair

October 31, 2006

The Honorable Beth Edmonds, Chair  
The Honorable John Richardson, Vice-Chair  
Legislative Council  
115 State House Station  
Augusta, ME 04333

Dear Chair Edmonds and Vice-Chair Richardson:

This letter is to inform you that the Citizen Trade Policy Commission and has submitted its annual report pursuant to Public Law 2003, c. 699.

Sincerely,

Handwritten signature of Senator Margaret Rotundo, followed by the initials 'cc'.

Senator Margaret Rotundo, Senate Chair

Handwritten signature of Representative John Patrick, followed by the initials 'cc'.

Representative John Patrick, House Chair

Enclosure

cc: Governor John E. Baldacci  
Attorney General, Steven Rowe  
Maine Municipal Association  
Maine's Congressional Delegation  
Maine International Trade Center  
National Association of Attorneys General  
Office of United States Trade Representative  
National Conference of State Legislatures

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Memo**

To: Legislative Council Members  
From: Rose Bretton, <sup>bx</sup> Legislative Finance Director  
Dated: November 9, 2006  
Re: Clarification of Legislative Budget Administration

---

Please find attached information pertaining to the Legislative Council's authority regarding administration of all legislative budgets and appropriations. Also attached are copies of relevant sections of current law, as well as an excerpt from the NCSL Study of Legislative Operations relating to Financial Orders and Separation of Powers.

I will be happy to discuss this information at the Legislative Council meeting or prior to the meeting if you have questions.

Attachments

GACOUNCIL\122nd\FO cover memo 11-16-06 council mtg.doc

## **Legislative Council Authority Over Legislative Funds**

### **Re: Financial Order Process and Separation of Powers**

**Issue:** Whether the Legislative Council's authority re: budget administration/financial orders require review and approval of the State Budget Officer and approval of the Chief Executive.

#### **Background:**

Title 3, section 162 places authority to prepare, approve and manage budgets for the Legislature with the Legislative Council. As part of budget administration, financial orders are processed to adjust the Legislature's resources, as necessary, while operating within the overall funds that have been appropriated to the Legislature. Financial Orders by Executive Branch agencies require the review and approval of the State Budget Officer and the approval of the Governor. This same process has been applied to the Legislature. PL 2005, chapter 12, enacted language as a result of the Legislative Council's approval on February 24, 2005 of several recommendations of the Council's Budget Subcommittee. Several recommendations resulted in statutory changes to Title 5, section 1521, and Title 3, section 162, copies of which are attached, including:

1. Consolidation initiatives and accountability of financial, human resources and information technology functions among various state departments and agencies not be construed to apply to the Legislative Branch, but that such legislative functions remain the jurisdiction of the Legislative Council pursuant to 3 MRSA, section 162; and
2. Clarification that provisions applicable to "state departments" and "agencies" not be construed to include the Legislative Branch unless the statutory provisions expressly include the Legislature, in order to maintain the status of the Legislature and its departments, agencies and offices as a separate branch of government.

The recently enacted language reinforces the Legislative Council's authority and autonomy from the Executive Branch over the legislative budgets, accounting controls and reporting and, as a result, the Legislative Council should consider discontinuing the practice of submitting Financial Orders for gubernatorial approval or denial; allowing the Legislature to solely manage and make decisions regarding its fiscal resources. In addition, when NCSL conducted its review of legislative operations, it referenced the Financial Order process and the Separation of Powers and one of the recommendations included in their report states: "To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval."

#### **Recommendation:**

In accordance with the provisions of Title 3, section 162, sub-section 8 and Title 5, section 1521, and consistent with the Legislative Council's authority over the legislative budget, if and when adjustments to legislative accounts are needed, in lieu of the submission of Financial Orders, the Office of the Executive Director should be authorized to notify and direct the State Controller to make adjustments to the legislative accounts, providing these adjustments do not result in any increase in the total amount of funds available to the Legislature.

Prev: [Chapter 141 §1520](#)  
Next: [Chapter 142 §1531](#)

**Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES**

**Part 4: FINANCE**

Download Chapter 141  
[PDF](#), [Word \(RTF\)](#)

**Chapter 141: GENERAL PROVISIONS**

Download Section 1521  
[PDF](#), [Word \(RTF\)](#)

**§1521. Application to legislative branch**

[Statute Search](#)  
[List of Titles](#)  
[Maine Law](#)

Unless the language in this Part specifically states that it applies to the legislative branch, the legislative branch may not be required to comply with the provisions of this Part unless determined relevant and applicable by the Legislative Council pursuant to Title 3, section 162. [2005, c. 12, Pt. LL, §2 (new).]

[Disclaimer](#)

Section History:

[Revisor's Office](#)

PL 2005, Ch. 12, SLL2 (NEW).

[Maine Legislature](#)

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Office of the Revisor of Statutes  
7 State House Station  
State House Room 108  
Augusta, Maine 04333-0007

This page created on: 2005-09-29

## Title 3, Chapter 7, LEGISLATIVE COUNCIL

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### Chapter 7: LEGISLATIVE COUNCIL

#### Subchapter 1: GENERAL PROVISIONS

#### §161. Legislative Council

There is established a Legislative Council to consist of 10 members, 5 of whom shall be members of the Senate and 5 of whom shall be members of the House of Representatives. They shall be the President of the Senate, the Speaker of the House of Representatives, the Floor Leaders and Assistants of the 2 major parties. Membership on the Legislative Council shall be by virtue of holding the above offices, and shall be during the term of the Legislature in which such offices are held. The Legislative Council shall elect a chairman from within its own membership. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council shall require the affirmative votes of a majority of the members. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman deems necessary. [1979, c. 127, § 5 (rpr).]

PL 1965, Ch. 425, §2-B (AMD).

PL 1973, Ch. 590, §3 (RPR).

PL 1979, Ch. 127, §5 (AMD).

#### §162. Authority

The Legislative Council shall have the authority: [1973, c. 590, §4 (rpr).]

**1. Legislative budgets.** To prepare and approve all legislative budgets; [1973, c. 590, §4 (rpr).]

**1-A. Budget requests.** To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission; [1997, c. 24, Pt. FF, §1 (new).]

**1-B. Office of Program Evaluation and Government Accountability budget.** To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability. [2001, c. 702, §1 (new).]

## Title 3, Chapter 7, LEGISLATIVE COUNCIL

**2. Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided;

[1995, c. 37, §1 (amd).]

**3. Joint committees.** When the Legislature is not in session, to assign bills, resolves and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them;

[1973, c. 590, §4 (rpr).]

**4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the council;

[1973, c. 590, §4 (rpr).]

**5. Legislative improvements.** To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings. Changes in the organization of the legislative staff offices shall require the approval of two-thirds of the membership of the Legislative Council before they may take effect;

[1985, c. 501, Pt. B, §1 (amd).]

**6. Appointment of directors and officers.** To appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council deems necessary. Each director shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office; each to be appointed for a term of 3 years from the date of his appointment. Reappointment shall be based on performance in the office and shall be considered in accordance with policies and procedures established by the Legislative Council;

[1985, c. 501, Pt. B, §2 (amd).]

**6-A. Transition.** Any person serving as Legislative Administrative Director, Director or Assistant Director of Legislative Research, Legislative Finance Officer or Assistant Legislative Finance Officer or Director or Assistant Director of Legislative Assistants, on September 19, 1985 may continue to so serve until the expiration of the term for which that person was appointed, unless that person resigns or vacates office before September 19, 1985;

[RR 1997, c. 2, §4 (cor).]

**7. Legislative agency operating policy.** To establish operating policies for each legislative agency and office;

[1973, c. 590, §4 (rpr).]

**8. Oversight of legislative appropriations and accounts.** To oversee the appropriations and other financial accounts, including position control, of the Legislature and of all legislative agencies, departments and offices and to comply with provisions of Title 5, Part 4 determined by the Legislative Council as relevant and applicable to the legislative branch and necessary for maintaining proper accounting controls and reporting. Appropriations for carrying out the purposes of this chapter must be made annually by the Legislature. All appropriations or allocations by the Legislature, including appropriations or allocations for specific studies to be carried out by the joint standing committees or joint select committees, may not lapse but must be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended must be refunded to the Legislature;

[2005, c. 12, Pt. LL, §1 (amd).]

## Title 3, Chapter 7, LEGISLATIVE COUNCIL

**8-A. Sale of publications.** If the Legislative Council determines it advisable for the effective dissemination of statutory information or other information of general interest to the public, to fix the price, sell and deliver publications and materials produced by legislative agencies;

[1991, c. 1 (new).]

**9.**

[1975, c. 770, §4 (rp).]

**10. Intergovernmental, interstate and interlegislative organizations.** To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

[1973, c. 590, §4 (rpr).]

**11. Legislative equipment and supplies.** To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature;

[1973, c. 590, §4 (rpr).]

**12-A. Reserve Fund for State House Preservation and Maintenance.** To administer the Reserve Fund for State House Preservation and Maintenance, established and maintained as provided in this subsection. The State Controller at the close of each fiscal year and at the request of the Legislative Council shall transfer from unexpended balances of General Fund appropriations to the Legislature to the Reserve Fund for State House Preservation and Maintenance available amounts up to \$250,000 a year until a maximum of \$1,500,000 is achieved. 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. The Reserve Fund for State House Preservation and Maintenance may also receive and accept allocations, appropriations, grants and contributions of money to be held, used or applied to carry out this subsection, subject to the conditions upon which these allocations, appropriations, grants and contributions are made. Expenditures from the Reserve Fund for State House Preservation and Maintenance are subject to legislative allocation, may be made only for major repairs and renovations to the State House, must be reviewed and recommended by the State House and Capitol Park Commission and must receive a majority vote of the Legislative Council. Funds allocated or appropriated to the Reserve Fund for State House Preservation and Maintenance may not lapse but must be carried forward;

[2001, c. 358, Pt. E, §1 (amd).]

**13. Transfers within the legislative appropriation.** To approve any transfers within the legislative appropriation;

[1975, c. 770, §5 (rpr).]

**14. Council procedures.** To establish published rules of procedure for the conduct of the business of the council;

[1973, c. 590, §4 (rpr).]

**15. Other duties and responsibilities.** To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 Houses;

[1989, c. 410, §2 (amd).]

**16. Funds from State, Federal Government and private sources.** To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source;

[1991, c. 622, Pt. L, §1 (amd).]

**16-A. Intellectual property.** To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license;

[1999, c. 1, §2 (new).]

**17. Approve plans to preserve and develop the State House and the immediate grounds.** To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The exercise of this authority with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31;

[2001, c. 468, §1 (amd).]

## Financial Orders/Separation of Powers

A separate yet important issue that affects the legislative budget pertains to the Legislature's relationship to the executive. Under current law, the Maine Legislature must seek executive approval to move funds across legislative accounts (Title 5, Chapter 145, §1585), even after the proposed transfer is reviewed by the joint standing committee of the Legislature that has jurisdiction over appropriations and financial affairs. This practice seems to violate the fundamental separation of powers. It also is uncommon in the states reviewed for this project.

The NCSL review team did not undertake a legal review of Maine's Constitution for this project; however, there appears to be no constitutional basis for imposing such a requirement upon the Legislature. According to the Distribution of Powers clause, Article III, §2:

*To be kept separate. No person or persons, belonging to one of these departments (legislative, executive, judicial) shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.*

Because the executive is legally bound by Constitution (Article IX, §14) and statute (Title 5, Chapter 149, §1664) to ensure that the state's budget is balanced, it is reasonable to restrict each branch of government to operate with the resources allocated to it during the appropriations process. As long as the adjustments do not result in any increase in the total legislative appropriation, however, these adjustments should not be subject to gubernatorial approval or denial. If and when adjustments within legislative accounts are deemed necessary by the Legislative Council, the Office of the Executive Director should direct the State Controller to make such authorized adjustments to the legislative accounts.

**Recommendation 5.** To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

The Legislature can seek to eliminate this practice via permanent statutory change, or it can follow the route used by Nevada, where the provision must be adopted each session as part of the budget approval process. The Nevada language (see Statutes of Nevada, Chapter 434, §41) is as follows:

*The sums appropriated to the Legislative Fund by section 10 of this act (the General Appropriations Act) for the support of the Legislative Commission, the various divisions of the Legislative Counsel Bureau and Interim Legislative Operations are available for both Fiscal Years 2005-2006 and 2006-2007, and may be transferred among the Legislative Commission, the various divisions of the Legislative Counsel Bureau and the Interim Legislative Operations and from one fiscal year to another with the approval of the Legislative Commission upon the recommendation of the Director of the Legislative Counsel Bureau.*

Legislative Members of the Tribal-State  
Work Group  
c/o John Dieffenbacher-Krall  
Executive Director  
Maine Indian Tribal-State Commission  
P.O. Box 186  
Hudson, ME 04449  
November 14, 2006

The Honorable Beth Edmonds  
Maine Senate  
3 State House Station  
Augusta, ME 04333-0003

The Honorable John Richardson  
Maine House of Representatives  
2 State House Station  
Augusta, ME 04333

Dear Beth and John:

We legislative members of the Tribal-State Work Group created by Executive Order 19 FY 06/07 want to stress the importance of encouraging all members of the House and Senate to attend upcoming legislator orientation programs addressing the Wabanaki, Maine Indian Claims Settlement Act, Maine Implementing Act, and current tribal-state relations.

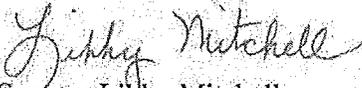
As we have served on the Tribal-State Work Group, we have realized the urgency of educating ourselves and our fellow legislators concerning our neighbors, the four Wabanaki Tribes, and the pivotal legal agreements that delineate much of our government-to-government relationship. Without a basic knowledge of the history, culture and present-day governments of the Wabanaki and the legal agreements, especially the Maine Indian Claims Settlement Act, that outline our political relationship, legislators will have a difficult time understanding the legislation that we expect will come before the Legislature during the next two years affecting tribal-state relations.

We do intend to recommend to Governor Baldacci in our final report to make some initial changes to the Maine Implementing Act to include the Houlton Band of Maliseet Indians as members of Maine Indian Tribal-State Commission (MITSC). In addition, we anticipate that the Work Group will recommend the creation of a legislative entity to continue our work with a focus on the most contentious issues involving the Maine Implementing Act that have consistently strained tribal-state relations.

The first opportunity available to legislators to learn about the Wabanaki and current tribal-state relations will take place January 9 from 11 – 1 in the State House. The second opportunity will occur during the initial legislative bus tour coordinated in conjunction with the Maine Development Foundation scheduled for January 10 – 12. We urge you to use the power of your offices to inform all members of these opportunities and to encourage their participation.

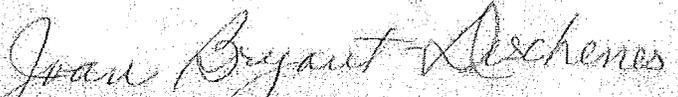
We appreciate the responsiveness of David Boulter to our suggestions to incorporate this subject matter into the legislator orientation for the 123<sup>rd</sup> Maine Legislature. We will assist you in whatever manner you deem advisable to make these orientation sessions as well attended as possible.

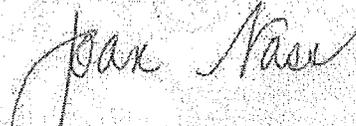
Very truly yours,

  
Senator Libby Mitchell

  
Senator Kevin Raye

  
Representative Richard Blanchard

  
Representative Joan Bryant-Deschenes

  
Representative Joan Nass

  
Representative Deborah Simpson