

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

123<sup>RD</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL  
SEN. CAROL WESTON  
SEN. JOHN L. MARTIN  
SEN. RICHARD W. ROSEN  
REP. HANNAH M. PINGREE  
REP. JOSHUA A. TARDY  
REP. SEAN FAIRCLOTH  
REP. ROBERT H. CROSTHWAITE

**LEGISLATIVE COUNCIL**  
**July 30, 2008**  
**1:00 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 JUNE 25, 2008 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
9	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
10	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
16	▪ Information Services Report (Mr. Mayotte)	
17	▪ Status of Legislative Studies (Mr. Norton)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Speaker Cummings, Chair)	
	• <b>State House Facilities Committee</b> (Rep. Pingree, Chair) (No Report)	
	• <b>Budget Subcommittee</b> (Sen. Martin, Chair) (No Report)	
	• <b>Subcommittee to Administer Technology</b> (President Edmonds, Chair) (No Report)	

## **OLD BUSINESS**

(None)

## **NEW BUSINESS**

- |           |  |                    |
|-----------|--|--------------------|
| <b>18</b> | <b>Item #1: Briefing on Proposed Deaccession of Arba Powers Portrait From State House Portrait Collection</b><br>(J.R. Phillips, Director, Maine State Museum)   | <b>Information</b> |
|           | <b>Item #2: Status Report on Governor's Natural Resource Agency Task Force</b><br>(Representative Pieh, Co-chair)  | <b>Information</b> |
|           | <b>Item #3: Request for Update on Pilot Project for Computer Automation in House Chamber and Related Council Ballot</b><br>(Senator Weston)  | <b>Information</b> |
|           | <b>Item #4: Request for Update on Use of Capitol Correspond</b><br>(Speaker Cummings)  | <b>Information</b> |
| <b>20</b> | <b>Item #5: Acceptance of Funds to Support the Committee to Study the Protection of Farms and Farmlands</b> <ul style="list-style-type: none"><li>▪ Wild Blueberry Commission of Maine</li><li>▪ Maine Potato Board</li><li>▪ Agricultural Council of Maine</li><li>▪ Maine Dairy Industry Association</li></ul> | <b>Decision</b>    |
| <b>34</b> | <b>Item #7: Request by Chair of Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care for 2 additional meetings.</b><br><br>Study is authorized for 4 meetings and has not yet convened  | <b>Decision</b>    |
|           | <b>Item #6: Executive Session</b>  |                    |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**



SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
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**MEETING SUMMARY**  
**JUNE 25, 2008**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:50 P.M. in the Legislative Council Chambers.

**ROLL CALL**

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. John Martin,  
Sen. Carol Weston, Sen. Richard Rosen

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean  
Faircloth, Rep. Joshua Tardy, Rep. Robert Crosthwaite

Legislative Officers: Michael Cote, Assistant Clerk of the House  
Joy O'Brien, Secretary of the Senate  
David E. Boulter, Executive Director of the Legislative Council  
Rose Breton, Legislative Finance Director  
Debra Olken, Human Resources Director  
Pat Norton, Director, Office of Policy & Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Margaret Matheson, Revisor of Statutes  
Paul Mayotte, Director, Legislative Information Services  
John Barden, Director, Law and Legislative Reference Library  
Beth Ashcroft, Director, Office of Program Evaluation and  
Government Accountability

Legislative Council Chair, President Edmonds convened the meeting at 1:50 P.M. with a quorum of members present.

**SUMMARY OF MAY 21, 2008 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of May 21, 2008 be accepted and placed on file. Motion by Representative Faircloth. Second by Senator Martin. **Motion passed unanimous (10-0).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported on the following.

1. YMCA Youth in Government Program

The 2009 Youth in Government program at the State House has been set for Friday through Sunday, May 1-3, 2009.

2. Legislative Digest of Bills and Resolves

The Legislative Digest summarizing all bills and resolves considered in the 123<sup>rd</sup> Legislature, 2<sup>nd</sup> Regular and 1<sup>st</sup> Special sessions, has been distributed to all legislators and copies are available in the Law and Legislative Reference Library.

3. State Archives

The State Archives has ceased accepting public records, including those produced by the Legislature, at its Records Center and the Archives due to lack of storage space. Records will remain stored in legislative offices temporarily while the Archives' director explores options.

President Edmonds inquired if the records to be archived are already in a digital format. Mr. Boulter replied that most of the records are committee files which are still in paper form. Eventually the Archives will most likely need to utilize digital scanning. Law Library Director John Barden agreed to contact the State Archivist to investigate whether digitization of records will occur and the time schedule.

4. Summer 2008 State House Renovations

Work is underway on the summer renovation projects. Major activities includes repair of the Senate chamber ceiling, repair of the walkway between the State House and Cross Building, and construction of walkway and landscaping of the central green space. With respect to the repairs to the Senate chamber, Mr. Boulter explained that this is the first major repair needed since the chamber reopened following renovations in 1999. The focus is on the ceiling; although it is generally in good shape the ceiling needs to be repaired so it maintains an appropriate appearance and not create safety issues. A good portion of the cost is due to the need to engineer and erect staging to safely work on the ceiling. Mr. Boulter also explained that the second major activity involves the central green on the State House campus. He reminded the Legislative Council members that the council had unanimously approved the project last year and again this spring. By way of background, Mr. Boulter explained that the long-term goal for this area was landscaped green space, which was reinforced when the former Education Department building was razed several years ago. The council approved the green space plan in 2007 but postponed construction until 2008 to be certain it had sufficient funds available for the work. The plan calls for a central plaza and walkways linking the State House and the cultural building (housing the state museum, library and archives). This will include an ADA compliant walkway so persons in wheelchairs or others with physical disabilities can travel easily between the buildings. The area will be landscaped with perennials and trees. It will also include a small water feature in the center of the radius of pavers. The feature is somewhat understated but in keeping with Maine and the area. It consists of six granite stones from Down East, of varying heights, with several sprinklers to stream water on and adjacent to the stones. The water feature is intended to be aesthetically

pleasing and, as the architects have advised, to draw visitors, notably visiting school children, toward the center of the green space, away from traffic areas. The water feature will cost about \$25,000, including electrical and plumbing work. The landscaping is designed to minimize on-going maintenance costs. Mr. Boulter concluded by reminding the members that over a quarter of a million people visit the State House each year, many of them school children as well as out of state visitors. Once built, this area should be an aesthetically pleasing, safe and ADA compliant area to sit, eat lunch or congregate, and hopefully will provide a good first impression of Maine and state government.

Speaker Cummings asked whether the companies involved in this project are Maine companies. Mr. Boulter answered, yes. Consigli Construction Inc., the general contractor is located in Portland. There are a number of subcontractors working on site. The principle one is Jorgensen Landscaping, located in Bath. Gagnon Concrete of Belgrade is supplying pavers, and the granite water feature uses Maine granite.

## Fiscal Report

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

### 1. Revenue Update

#### Total General Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$246.4	\$248.0	\$1.6	0.6%	\$252.8	-1.9%
FYTD	\$2,561.2	\$2,608.1	\$46.9	1.8%	\$2,540.9	2.6%

- General Fund revenue was over budget by \$1.6 million in May, increasing the fiscal year-to-date (FYTD) positive variance for General Fund revenue to \$46.9 million or 1.8%. The growth rate for the FYTD was 2.6% over the same period in FY 2007.
- Sales tax revenue was above budget for May and remained above budget for the FYTD despite the recent increases in fuel prices. However, May's sales tax target was relatively low for several reasons: a) the distribution of budgeted revenue was based on prior results which were depressed last May by April snow storms (May sales tax is primarily based on April taxable sales) and b) the revised revenue forecast for the year assumed only modest growth of the sales taxes of 0.7%.
- Other Revenue was over budget in May by \$8.3 million. \$5.5 million was related to the liquor profit sharing payment due and budgeted in April but received in May. \$1.9 million was related to a timing issue related to transfers from the Fund for the Efficient Delivery of Local and Regional Services.
- Most of the other major tax revenue categories were under budget in May. Individual income tax revenue, if not for positive variances in the Circuitbreaker and BETR program transfers would also have been negative in May.

#### Total Highway Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$26.1	\$25.0	(\$1.1)	-4.4%	\$25.7	-2.6%
FYTD	\$276.2	\$274.4	(\$1.8)	-0.6%	\$276.6	-0.8%

- Highway Fund revenue was under budget by \$1.1 million in May and by \$1.8 million or 0.6% for the FYTD. The negative growth in FYTD Highway Fund revenue worsened through May to 0.8%.
- Fuel taxes, which were under budget by \$1.1 million in May, continue to be the major reason for the negative Highway Fund revenue variance. Through May, the FYTD Fuel Tax revenue declined by 1.0% despite rate increases related to indexing for inflation.

## **2. Cash Balances**

- The average total cash pool balance in May was \$596.0 million. The May 2008 average balance remained well below the May average balance for the last 6 years of \$699.6 million. General Fund and Highway Fund balances were below their average balances, while other funds in the cash pool were roughly equal to their average balances.
- Of note in this month's average balances is the fact that the Maine Budget Stabilization Fund balance did not change from the April average. All positive interest earnings are being held in the reserve until the close of the fiscal year to reserve against an adverse outcome related to the \$20 million Mainsail II commercial paper investment. Assuming no conclusion to the Mainsail II commercial paper issue in this fiscal year, any FY 2008 interest earnings withheld will be distributed to the appropriate accounts. The reserving process will begin again at the beginning of FY 2009.

## **Information Technology Report**

(No Report)

## **Status of Legislative Studies**

Pat Norton, Director, Office of Policy and Legal Analysis, reported the following.

OPLA is tracking 12 legislative studies this interim. Seven are either on-going studies, committee studies or studies that do not require appointments. Twenty-one of the one-hundred thirty four appointments are still awaiting appointments. Two of the studies are contingent on outside funding, with no funding being identified so far.

Mr. Norton reported on the staff update on the Feasibility of Establishing a Single Bill Payor Health Care System in the State that specifies a contract to seek funding up to \$60,000 to update the single payor feasibility study. Mr. Norton reported he has been in contact with the Muskie School that handled the issue five years ago. Mr. Norton will be in further contact with the Muskie School with an August 1 end date for securing funding. There are three major funders who may be interested, and they will be contacted to determine whether there is an interest in funding.

### Summary of Legislative Studies (Interim 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Appointments Complete?
1	ACF	PL 2007, c. 649	Committee to Study the Protection of Farms and Farmland	4 meetings	Final report to ACF by 11/5/08	11	11	NO
2	ACF	PL 2007, c. 660	ACF Committee review of the recommendations of the Agricultural Creative Economy Study	3 meetings	Committee to report to 124th Legislature	13	0	YES
3	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
4	EDU	Title 3, sec. 168-A as amended by PL 2007, c. 679	Legislative Youth Advisory Council	Not more than 9 times annually (including two public hearings)	Biennially to the Legislature	20	3	NO
5	EDU	PL 2007, c. 666	OPLA review of laws on dissemination of confidential information relating to teachers.	n/a	11/5/08 to EDU	0	0	N/A
6	HHS	Resolve 2007, c. 209	Blue ribbon commission to study long-term home-based and community based care	4 meetings	11/5/08 to the Legislature	11	11	NO
7	HHS	PL 2007, c. 629	HHS committee study to review the Fund for a Healthy Maine	3 meetings	10/1/08 to AFA committee	13	0	YES
8	IFS	LD 1072, Sec. 1	Staff update of the feasibility of establishing a single-payor health care system in the State.	N/A	12/3/08 to 124th Legislature	N/A	0	N/A
9	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	0	
10	JUD	PL 2005, c. 631	Right to Know Advisory Commission	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	15	0	YES
11	LAB	PL 2003, c. 699	Citizen Trade Policy Commission	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	3	NO
12	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES

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## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on June 25, 2008 and considered the following items:

1. Legislator confidentiality and proposed release of confidential information relating to preparation of legislation.

Speaker Cummings noted that the matter was under discussion because from the Clerk's and Secretary's point of view, access to certain aggregate amendment information during the session while legislation is moving through the House and Senate would be very helpful. Senator Martin chairs a subcommittee of the Personnel committee to consider the matter.

Senator Martin stated that the subcommittee of the Personnel Committee met last week with nonpartisan office directors and representatives of the Clerk's and Secretary's offices and reviewed current policies on legislative confidentiality. It also tried to identify the needs of the presiding officers through the Secretary and the Clerk. The subcommittee is currently reviewing a draft recommendation to the

Council with suggested changes including limited access to the system by the Clerk and the Secretary. Complete confidentiality would be retained if the number of amendments to a bill are less than five. Central to the discussion is the need to maintain absolute confidentiality when appropriate.

2. Updated personnel policies and guidelines for Leadership, the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives employees.

The Executive Director's office has prepared the updated Policies and Guidelines for Leadership Employees and for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives consistent with updated policies and guidelines approved this year for other staff. The drafts are being reviewed by the offices. At this time, no Legislative Council action is required

3. WANG computer system to be discontinued.

Discussion was held on discontinuance of the WANG system by a certain date. The Personnel Committee voted that the Office of Information Services must take the necessary steps to make fully functional the Voyager bill status and tracking system that replaces the WANG system and discontinue the WANG system by October 23, 2008.

4. Time Accounting System

The Personnel Committee is pursuing a unified time accounting system for all legislative offices. It is commercial software, with time accounting and some HR functions. The Personnel Committee voted today to implement a single time accounting and tracking system, incorporating work rules consistent with the adopted personnel policies and guidelines. However, the time accounting data would be segregated into three groupings: one for the Senate employees, one for the House employees and one for the non-partisan offices so that information is held in a segregated fashion; operationally all else would be consistent and integrated. The new software will provide a uniform platform and consistency throughout the offices.

## **2. State House Facilities Committee**

(No Report)

## **3. Budget Subcommittee**

(No Report)

## **4. Subcommittee to Administer Technology**

(No Report)

**OLD BUSINESS**

(There was no Old Business.)

**NEW BUSINESS****ITEM #1: MDF Proposal for Legislator Bus Tours and Forums – 124<sup>th</sup> Legislature**

Laurie Lachance, President of the Maine Development Foundation, submitted a proposal for legislator orientation, specifically bus tours and legislative forums, for the 124<sup>th</sup> Maine Legislature. At the May 21<sup>st</sup> Legislative Council meeting, the Legislative Council agreed to form a subcommittee to provide guidance for MDF's orientation activities. Ms. Lachance's memo identified the scope and timeframe for the two policy forums and bus tours. She sought no formal action at this time but was looking to confirm that the proposed schedule was acceptable. Next steps for MDF would include fundraising and contacting businesses that would be stops along the way on the bus tours. She noted that broad policy issues that would constitute the topics for the policy forums eventually need to be decided by the Legislative Council.

The following times were tentatively accepted:

Regional Bus Tours

January 7th – 9th

January 21st – 23rd

Any concerns or topics for forums should be addressed to Mr. Boulter for referral to Ms. Lachance.

**ITEM #2: Disposition of Certain Surplus Property Owned by the Legislature**

Executive Director Boulter sought approval to sell several items no longer needed by the legislature but still having some value. The items would be advertised in newspapers or through the Internet and sold on the open market. 3 MRS § 163 provides that the executive director may sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials.

Three items currently fall into the category of unneeded legislative equipment but may retain some reasonable market value. They are as follows:

1. HP Designjet 1055CM printer purchased in November 2002. It was used to print maps during the last reapportionment. Purchase price was approximately \$9,300. HP no longer offers this model of printer. It was last used in 2003 and remains in storage.
2. Two welded steel flagpoles that were removed from atop the State House in 2005. They are approximately 45" in length and weigh 1,200 pounds. Age is believed to be about 80-90 years old. Flagpoles are no longer used, are unlikely to be needed in the near future and are currently stored in an outdoor unsecured location. Value is unknown. Salvage value is estimated to be at least \$500.00
3. Three steel/aluminum lamp poles, approximately 35 feet in length, formerly installed in Parking Lot A or at Capitol Street, they are operational but their age and value unknown.

**Motion:** To authorize the Executive Director to market, including on the Internet, the unneeded legislative equipment, and to place any received funds in the legislative account. Motion by Senator Martin. Second by Representative Crosthwaite. **Approved (10-0).**

#### **ANNOUNCEMENTS AND REMARKS**

None

#### **ADJOURNMENT**

Motion to adjourn by Representative Pingree. Second by Senator Mitchell. **Approved (10-0).**

The Legislative Council meeting was adjourned at 2:26 P.M.

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Legislative Council  
Executive Director's Report**

**July 30, 2008**

1. YMCA Youth in Government Program

Due to scheduling conflicts, the director of the Youth in Government program has requested to change the dates for the 2009 program from May 1–3, 2009 that was approved to a date in April.

2. Celebration of 175<sup>th</sup> Anniversary of the Blaine House

Event planning is well underway for the celebration that will include a reception and dinner on August 15<sup>th</sup> and public events in Capitol Park on August 16<sup>th</sup>. Past governors will be honored.

3. Press Corps Offices in State House

Several newspapers who lease press corps offices are seeking changes to office leasing arrangements as a cost savings measure.

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# Fiscal Briefing

Legislative Council Meeting – July 30, 2008

*Prepared by the Office of Fiscal & Program Review*

## 1. Revenue Update (see attached)

### Total General Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$479.5	\$479.7	\$0.2	0.0%	\$478.7	0.2%
FYTD	\$3,040.7	\$3,087.8	\$47.1	1.5%	\$3,019.6	2.3%

- General Fund revenue was over budget by \$0.2 million in June, resulting in a positive variance FY 2008 of \$47.1 million or 1.5%. Revenue growth ended at a modest 2.3% for FY 2008.
- Sales Tax collections exceeded budgeted projections largely due to the effect of the stimulus checks coming sooner than the revenue forecast anticipated.
- Other Revenue was over budget in June by \$7.1 million, which combined with the Sales Tax collections offset negative variances in most of the other major tax lines. The positive variance in the Other Revenue line in June was distributed throughout the various state agencies, including an unbudgeted \$1.1 million from a legal settlement with Merck.
- Most of the positive variance in General Fund revenue was due to tax year 2007 individual income tax collections. The Individual Income Tax line accounted for \$43.4 million or 92% of the positive variance for FY 2008. That performance seems unlikely to continue in the current economic environment.

### Total Highway Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$50.2	\$53.7	\$3.6	7.1%	\$54.2	-0.8%
FYTD	\$326.4	\$328.1	\$1.8	0.5%	\$330.8	-0.8%

- Highway Fund revenue was over budget by \$3.6 million in June and concluded the FY 2008 with a positive revenue variance of \$1.8 million or 0.5%. However, FY 2008 revenue was 0.8% less than FY 2007.
- Fuel Taxes reversed the recent trend of negative variances in June and posted a positive variance of \$2.5 million in June bringing Highway Fund revenue back into positive territory.

### Total Fund for a Healthy Maine Revenue - FY 2008 (\$ in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
FY 2008	\$61.3	\$62.0	\$0.8	1.3%	\$51.0	21.8%

- The Fund for a Healthy Maine concluded FY 2008 with a positive variance of \$0.8 million (1.3%) and growth of 21.8% over FY 2007. This growth was due to the Strategic Contribution Payments that began in FY 2008, increasing payments in FY 2008 by approximately \$10.7 million based on budgeted amounts.

## 2. Cash Pool Balances (see attached)

- The average total cash pool balance in June was \$553.5 million. The May 2008 average balance remained well below the June average balance for the last 6 years of \$642.2 million. As noted last month, General Fund and Highway Fund balances were below their average balances, while other funds in the cash pool were roughly equal to their average balances.

# Fiscal Briefing

(Continued)

## 3. Cash Pool Earnings Distributions

- The \$20 million cash pool investment in Mainsail II commercial paper that is in default was valued for accounting purposes or “marked to market” on June 30, 2008 at 33% of par value by Deutsche Bank and the State’s new investment advisor. If this turned out to be the final resolution of this investment, then the cash pool would experience an investment loss of \$13.3 million. Based on this value, the State Controller and the State Treasurer felt that it was appropriate for the amounts reserved throughout FY 2008 to remain in reserve and not be distributed to cash pool participants at the close of the fiscal year as reported last month. Other avenues to recover this investment are being pursued including a potential enforcement action by the Attorney General’s Office.

## 4. General Fund Reserve Fund Balances (see attached)

- Balances in the major General Fund reserves (the Maine Budget Stabilization Fund and the Reserve for General Fund Operating Capital) increased by \$13.4 million during FY 2008 to \$169.5 million. All of this increase was in the Budget Stabilization Fund and was primarily due to the transfer of \$10 million from unappropriated surplus at the close of FY 2008. The remaining increase resulted from interest earnings accruing to the Budget Stabilization Fund.
- Expressed as a percentage of General Fund revenue, these major reserves grew from 5.2% of General Fund revenue at the close of FY 2007 to 5.5% of General Fund revenue at the close of FY 2008.

## 5. Year-end or “Cascade” Transfers

- **General Fund** - The increase in the General Fund unappropriated surplus at the close of FY 2008 totaled \$55.9 million: \$47.1 million from the revenue variance; \$8.1 million from unbudgeted lapsed balances; and \$0.7 million from various net accounting adjustments. This unappropriated surplus was distributed as follows in priority order:
  1. **State Contingent Account** – \$0.35 million replenishes the balance in this account;
  2. **Loan Insurance Reserve Fund** - \$1.0 million to the Finance Authority of Maine;
  3. **Budget Stabilization Fund** - \$10.0 million was established late this past legislative session as a separate transfer from the normal percentage transfers that were preempted in FY 2007 and FY 2008; and
  4. **MaineCare Hospital Payments** - \$44.6 million was transferred to the Medical Care Payments to Providers (MAP) program in DHHS as an adjustment to appropriations to increase prospective interim payments to hospitals.
- **Highway Fund** - The increase in the Highway Fund unallocated surplus at the close of FY 2008 totaled \$2.4 million: \$1.8 million from the revenue variance; \$0.9 million from unbudgeted lapsed balances; and reduced by \$0.2 million from various negative net accounting adjustments. \$1.9 million of this unallocated surplus was distributed to the Highway and Bridge Capital program. The remainder, \$0.5 million was retained in unallocated surplus and increased the budgeted ending balance in the Highway Fund.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2008**  
**Reflecting Budgeted Amounts Through 123 Legislature, 1st Special Session**

**JUNE 2008 REVENUE VARIANCE REPORT**

Revenue Line	June '08 Budget	June '08 Actual	June '08 Var.	FY08 YTD Budget	FY08 YTD Actual	FY08 YTD Variance	FY08 YTD Variance %	FY08 Budgeted Totals
<b>General Fund</b>								
Sales and Use Tax	177,518,752	179,304,525.25	1,785,773.25	978,060,502	983,057,278.30	4,996,776.30	0.5%	978,060,502
Service Provider Tax	8,602,219	8,803,231.83	201,012.83	51,181,910	52,100,663.57	918,753.57	1.8%	51,181,910
Individual Income Tax	189,637,583	188,742,885.21	(894,697.79)	1,400,047,321	1,443,468,204.05	43,420,883.05	3.1%	1,400,047,321
Corporate Income Tax	41,600,000	37,720,462.21	(3,879,537.79)	182,170,000	184,514,568.35	2,344,568.35	1.3%	182,170,000
Cigarette and Tobacco Tax	14,289,498	13,122,372.32	(1,167,125.68)	154,786,180	150,499,431.93	(4,286,748.07)	-2.8%	154,786,180
Public Utilities Tax	0	0.00	0.00	17,476,987	16,858,472.04	(618,514.96)	-3.5%	17,476,987
Insurance Companies Tax	24,718,324	22,751,026.33	(1,967,297.67)	76,751,673	72,292,532.14	(4,459,140.86)	-5.8%	76,751,673
Estate Tax	10,662,240	10,795,990.03	133,750.03	44,562,240	39,890,576.91	(4,671,663.09)	-10.5%	44,562,240
Property Tax - Unorganized Territory	2,208,611	1,978,417.00	(230,194.00)	12,611,986	12,217,081.00	(394,905.00)	-3.1%	12,611,986
Income from Investments	398,630	(419,533.41)	(818,163.41)	950,648	1,074,143.31	123,495.31	13.0%	950,648
Transfer to Municipal Revenue Sharing	(21,285,288)	(21,143,126.31)	142,161.69	(133,184,448)	(135,820,175.16)	(2,635,727.16)	-2.0%	(133,184,448)
Transfer from Lottery Commission	4,076,479	3,904,621.69	(171,857.31)	49,154,250	49,491,086.25	336,836.25	0.7%	49,154,250
Other Revenue	27,117,055	34,175,626.56	7,058,571.56	206,171,173	218,175,129.41	12,003,956.41	5.8%	206,171,173
<b>Totals</b>	<b>479,544,103</b>	<b>479,736,498.71</b>	<b>192,395.71</b>	<b>3,040,740,422</b>	<b>3,087,818,992.10</b>	<b>47,078,570.10</b>	<b>1.5%</b>	<b>3,040,740,422</b>
<b>Highway Fund</b>								
Fuel Taxes	39,892,671	42,358,950.86	2,466,279.86	223,368,718	225,235,339.36	1,866,621.36	0.8%	223,368,718
Motor Vehicle Registration and Fees	9,151,787	9,794,882.61	643,095.61	85,953,481	86,094,837.27	141,356.27	0.2%	85,953,481
Inspection Fees	337,960	686,502.89	348,542.89	4,468,458	4,193,874.09	(274,583.91)	-6.1%	4,468,458
Fines	149,999	136,742.95	(13,256.05)	1,794,049	1,747,985.91	(46,063.09)	-2.6%	1,794,049
Income from Investments	25,000	40,600.00	15,600.00	1,000,000	1,152,490.60	152,490.60	15.2%	1,000,000
Other Revenue	637,033	727,200.92	90,167.92	9,771,333	9,712,051.34	(59,281.66)	-0.6%	9,771,333
<b>Totals</b>	<b>50,194,450</b>	<b>53,744,880.23</b>	<b>3,550,430.23</b>	<b>326,356,039</b>	<b>328,136,578.57</b>	<b>1,780,539.57</b>	<b>0.5%</b>	<b>326,356,039</b>

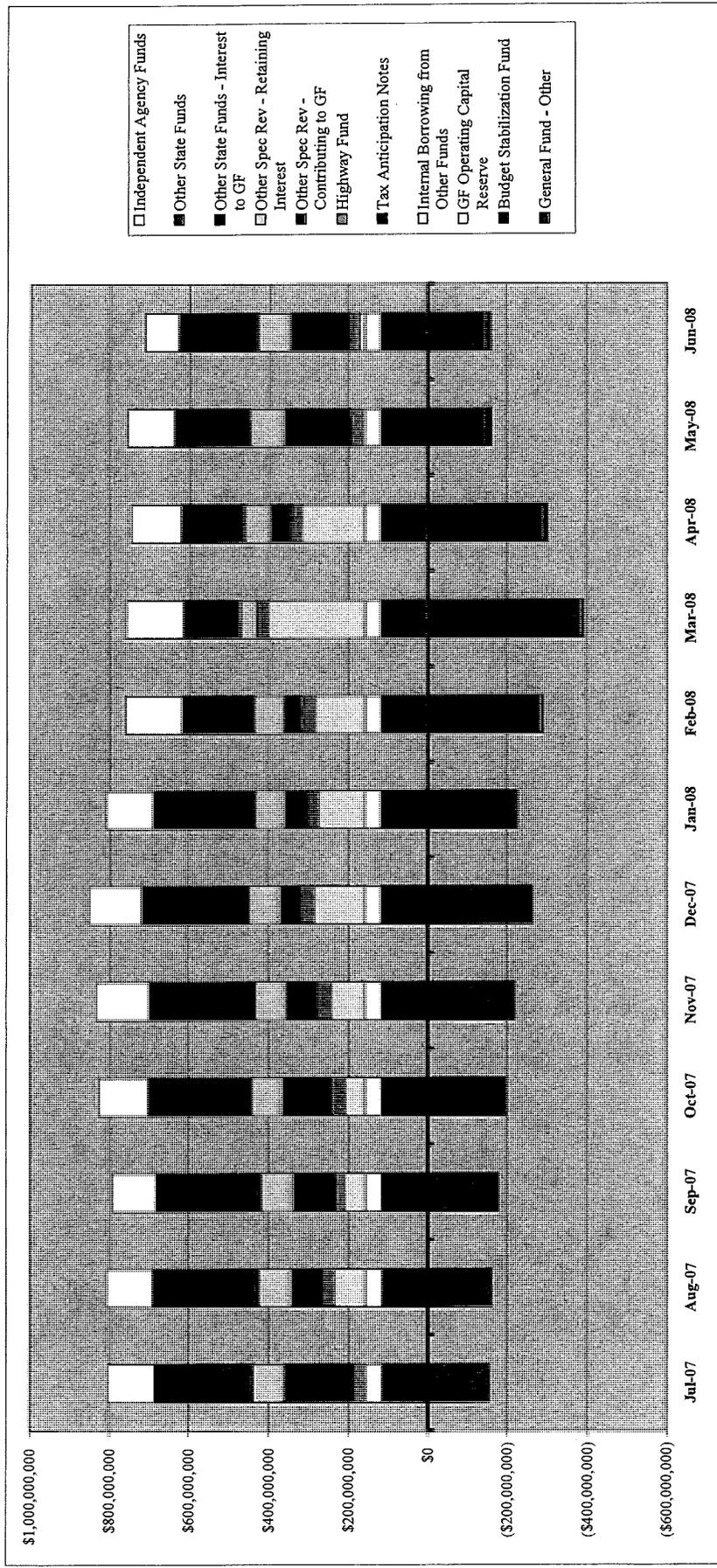
## Comparison of Actual Year-to-Date Revenue Through June of Each Fiscal Year

REVENUE CATEGORY	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg
<b>GENERAL FUND</b>										
Sales and Use Tax	\$917,243,244.74	7.0%	\$896,576,322.41	2.6%	\$946,174,276.49	5.5%	\$971,455,721.16	2.7%	\$983,057,278.30	1.2%
Service Provider Tax	\$0.00	N/A	\$44,645,517.02	N/A	\$47,028,430.04	5.3%	\$49,400,531.56	5.0%	\$52,100,663.57	5.5%
Individual Income Tax	\$1,156,715,908.58	7.9%	\$1,296,255,556.72	12.1%	\$1,364,368,543.16	5.3%	\$1,464,928,346.49	7.4%	\$1,558,032,960.61	6.4%
Individual Income Tax (Circuitbreaker)	\$0.00	N/A	(\$26,030,227.29)	N/A	(\$42,796,070.28)	-64.4%	(\$44,440,759.07)	-3.8%	(\$46,689,380.27)	-5.1%
Individual Income Tax (BETR)	\$0.00	N/A	\$0.00	N/A	(\$67,065,809.69)	N/A	(\$66,553,092.48)	0.8%	(\$67,875,376.29)	-2.0%
Corporate Income Tax	\$111,616,050.67	22.4%	\$135,862,913.44	21.7%	\$188,015,557.61	38.4%	\$183,851,533.23	-2.2%	\$184,514,568.35	0.4%
Cigarette and Tobacco Tax	\$96,604,646.31	-1.8%	\$96,350,703.70	-0.3%	\$156,951,369.91	62.9%	\$158,953,466.08	1.3%	\$150,499,431.93	-5.3%
Public Utilities Tax	\$27,991,187.93	-4.4%	\$25,403,213.56	-9.2%	\$20,627,030.00	-18.8%	\$16,317,029.00	-20.9%	\$16,858,472.04	3.3%
Insurance Companies Tax	\$72,206,052.78	1.6%	\$75,669,053.48	4.8%	\$76,065,864.43	0.5%	\$74,452,541.68	-2.1%	\$72,292,532.14	-2.9%
Estate Tax	\$32,075,501.16	5.1%	\$32,255,726.97	0.6%	\$75,330,514.40	133.5%	\$54,820,038.11	-27.2%	\$39,890,576.91	-27.2%
Property Tax - Unorganized Territory	\$10,709,308.07	7.8%	\$10,622,666.00	-0.8%	\$11,559,305.00	8.8%	\$11,376,293.00	-1.6%	\$12,217,081.00	7.4%
Income from Investments	\$2,310,207.08	-1.5%	\$5,854,625.01	153.4%	\$8,271,869.40	41.3%	\$1,215,836.12	-85.3%	\$1,074,143.31	-11.7%
Revenue Sharing Transfers	(\$111,464,335.43)	-8.2%	(\$119,712,814.17)	-7.4%	(\$124,222,179.55)	-3.8%	(\$130,490,756.35)	-5.0%	(\$135,820,175.16)	-4.1%
Liquor Transfers	\$102,182,743.02	291.9%	\$49,845,026.94	-51.2%	\$2,560,043.62	-94.9%	\$4,412,264.00	72.4%	\$5,534,346.00	25.4%
Lottery Transfers	\$41,272,645.44	4.6%	\$49,328,102.14	19.5%	\$50,879,646.68	3.1%	\$50,624,741.35	-0.5%	\$49,491,086.25	-2.2%
Other Revenue	\$224,076,396.96	31.6%	\$217,918,667.48	-2.7%	\$218,077,295.40	0.1%	\$219,271,655.50	0.5%	\$212,640,783.41	-3.0%
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$2,683,539,557.31</b>	<b>12.1%</b>	<b>\$2,790,845,053.41</b>	<b>4.0%</b>	<b>\$2,931,825,686.62</b>	<b>5.1%</b>	<b>\$3,019,595,389.38</b>	<b>3.0%</b>	<b>\$3,087,818,992.10</b>	<b>2.3%</b>
<b>HIGHWAY FUND</b>										
Fuel Taxes	\$212,600,960.83	13.1%	\$220,484,728.32	3.7%	\$221,575,308.92	0.5%	\$226,824,017.56	2.4%	\$225,235,339.36	-0.7%
Motor Vehicle Registration and Fees	\$82,577,637.26	-0.5%	\$84,645,422.12	2.5%	\$87,658,962.22	3.6%	\$87,291,873.62	-0.4%	\$86,094,837.27	-1.4%
Inspection Fees	\$4,708,196.38	12.9%	\$4,260,058.93	-9.5%	\$4,373,691.60	2.7%	\$4,342,518.85	-0.7%	\$4,193,874.09	-3.4%
Fines	\$1,918,703.46	-24.2%	\$1,518,580.08	-20.9%	\$1,809,813.31	19.2%	\$1,667,999.77	-7.8%	\$1,747,985.91	4.8%
Income from Investments	\$720,046.31	-46.2%	\$1,440,738.71	100.1%	\$1,833,806.41	27.3%	\$1,105,986.72	-39.7%	\$1,152,490.60	4.2%
Other Revenue	\$9,502,442.02	2.5%	\$13,728,627.10	44.5%	\$9,294,574.07	-32.3%	\$9,588,686.28	3.2%	\$9,712,051.34	1.3%
<b>TOTAL HIGHWAY FUND REVENUE</b>	<b>\$312,027,986.26</b>	<b>8.3%</b>	<b>\$326,078,155.26</b>	<b>4.5%</b>	<b>\$326,546,156.53</b>	<b>0.1%</b>	<b>\$330,821,082.80</b>	<b>1.3%</b>	<b>\$328,136,578.57</b>	<b>-0.8%</b>

Adjusted for Service Provider Tax Split

### Cash Pool - Average Daily Balances by Month - Fiscal Year ending June 30, 2008 (FY08)

	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08
General Fund (GF) - Total	1,393,514	73,456,151	29,334,790	10,720,746	22,060,569	22,781,359	49,048,405	(1,679,674)	17,929,976	26,179,614	19,270,946	25,915,996
General Fund - Detail												
Budget Stabilization Fund	(156,636,982)	(161,217,109)	(179,340,254)	(196,628,590)	(219,962,304)	(263,291,652)	(225,343,484)	(285,133,302)	(383,333,666)	(290,312,541)	(146,995,403)	(147,076,159)
GF Operating Capital Reserve	115,479,866	115,671,017	116,059,898	116,572,900	117,074,394	117,554,640	117,970,292	118,355,723	118,713,012	118,877,009	118,877,009	118,877,009
Internal Borrowing from Other Funds	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146	40,615,146
Tax Anticipation Notes	1,935,484	78,387,097	52,000,000	50,161,290	84,333,333	127,903,226	115,806,452	124,482,759	241,935,484	157,000,000	6,774,194	13,500,000
Highway Fund	27,718,006	28,089,941	24,342,977	37,094,277	35,693,509	33,022,024	27,810,185	30,677,596	29,069,313	24,645,514	27,890,643	18,421,236
Other Spec Rev - Contributing to GF	173,751,591	78,387,453	103,987,790	118,386,080	77,627,972	50,230,161	56,087,179	47,661,409	44,405	54,335,986	166,258,293	155,038,802
Other Spec Rev - Retaining Interest	79,197,361	82,120,094	81,430,951	79,115,591	77,742,446	79,355,037	75,546,235	73,010,981	40,873,655	64,490,180	85,178,935	78,705,874
Other State Funds - Interest to GF	4,545,345	5,643,850	9,387,276	6,173,061	2,404,181	507,733	38,623	(5,489,384)	(8,179,992)	(11,290,186)	(14,320,589)	(12,706,215)
Other State Funds	242,357,805	262,248,308	253,946,254	254,110,203	263,516,899	269,587,106	256,959,879	182,202,893	142,646,061	158,851,992	191,981,463	200,703,703
Independent Agency Funds	118,760,721	114,601,496	111,304,165	124,391,088	134,399,490	132,806,252	117,826,398	145,729,269	146,830,468	129,217,665	119,771,315	87,460,691
Total Cash Pool	647,724,343	644,547,294	613,734,202	629,991,045	613,445,066	588,289,672	583,316,904	472,112,890	369,213,888	446,430,765	596,031,006	553,540,087

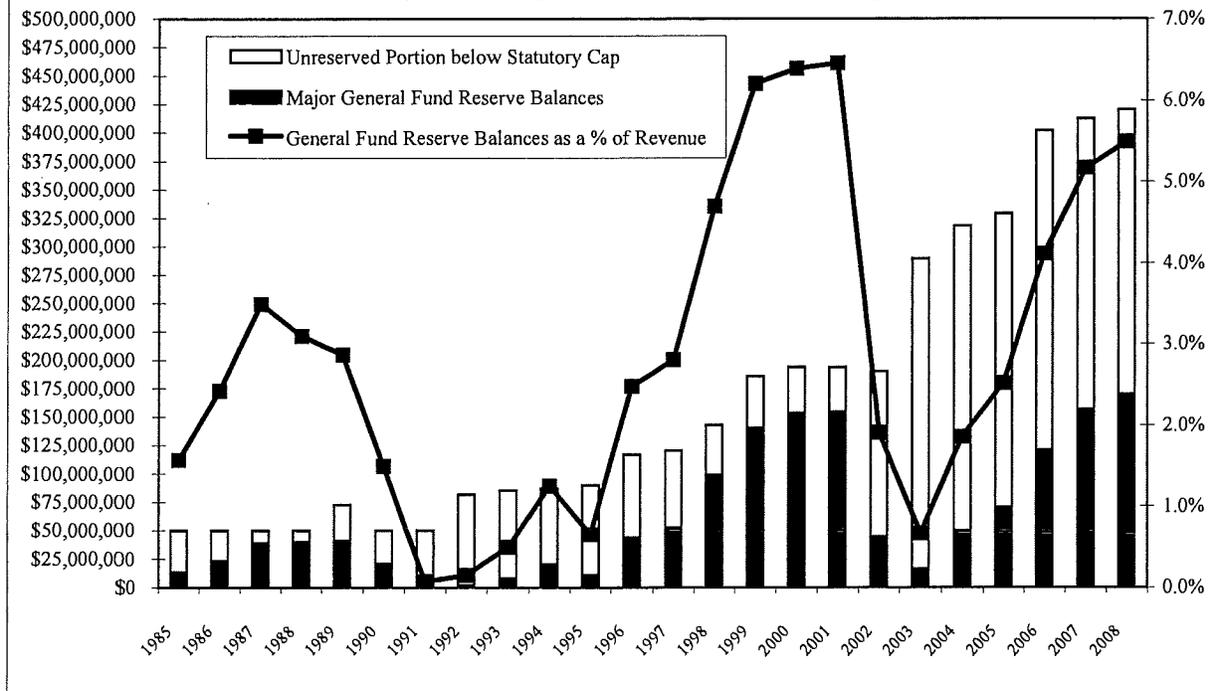


## MAJOR GENERAL FUND RESERVE FUNDS

### History of Ending Balances and Statutory Caps

Fiscal Year Ending June 30th	Maine Budget Stabilization Fund (Formerly Maine Rainy Day Fund)		Reserve for General Fund Operating Capital		Ending Balances as a % of General Fund Revenue
	Statutory Cap	Ending Balance	Statutory Cap	Ending Balance	
1985	\$25,000,000	\$1,303,556	\$25,000,000	\$12,000,000	1.6%
1986	\$25,000,000	\$9,969,161	\$25,000,000	\$13,000,000	2.4%
1987	\$25,000,000	\$25,000,000	\$25,000,000	\$14,000,000	3.5%
1988	\$25,000,000	\$25,000,000	\$25,000,000	\$15,000,000	3.1%
1989	\$48,000,000	\$25,000,000	\$25,000,000	\$16,000,000	2.9%
1990	\$25,000,000	\$3,595,563	\$25,000,000	\$17,000,000	1.5%
1991	\$25,000,000	\$82,473	\$25,000,000	\$1,000,000	0.1%
1992	\$56,963,388	\$756,513	\$25,000,000	\$1,500,000	0.1%
1993	\$60,498,524	\$6,713,842	\$25,000,000	\$1,000,000	0.5%
1994	\$62,456,106	\$16,765,494	\$25,000,000	\$3,500,000	1.2%
1995	\$64,955,539	\$6,422,240	\$25,000,000	\$4,500,000	0.7%
1996	\$66,869,457	\$38,240,859	\$50,000,000	\$5,500,000	2.5%
1997	\$70,656,030	\$45,724,219	\$50,000,000	\$6,500,000	2.8%
1998	\$93,154,315	\$91,690,842	\$50,000,000	\$7,500,000	4.7%
1999	\$135,583,098	\$131,689,407	\$50,000,000	\$8,500,000	6.2%
2000	\$143,713,008	\$143,478,658	\$50,000,000	\$9,500,000	6.4%
2001	\$143,437,701	\$143,713,008	\$50,000,000	\$10,500,000	6.5%
2002	\$139,899,634	\$33,920,682	\$50,000,000	\$10,500,000	1.9%
2003	\$239,469,019	\$10,579,345	\$50,000,000	\$5,289,672	0.7%
2004	\$268,353,956	\$33,158,244	\$50,000,000	\$16,532,953	1.9%
2005	\$279,084,505	\$47,071,215	\$50,000,000	\$23,093,792	2.5%
2006	\$351,819,082	\$79,902,987	\$50,000,000	\$40,615,146	4.1%
2007	\$362,351,447	\$115,479,866	\$50,000,000	\$40,615,146	5.2%
2008	\$370,538,280	\$128,877,009	\$50,000,000	\$40,615,146	5.5%

### General Fund Reserve Fund Balances History of Ending Balances and Statutory Caps



**Information Services Report to Legislative Council**  
**Paul Mayotte, Director, Office of Legislative Information Services**  
**July 30, 2008**

**Scheduled Upgrades and Computer Systems Improvements**

The annual interim upgrades are in progress. This includes: server & PC replacements; network upgrades; software installation/updates; programming projects for various offices; performing PM on equipment; updating the equipment inventory; and staff training.

**Post Session**

The statute database update process for the 2<sup>nd</sup> 123<sup>rd</sup> and 1<sup>st</sup> Special Session is well underway.

The posting of the updated Laws of Maine to the Legislature's Web page was completed on June 30<sup>th</sup>.

**WANG Phase-out**

The office is working to meet the Legislative Council's date of the October 2008 Council meeting for the phase-out of the WANG and implement a fully functional Voyager bill status and tracking system.

The scope of work will include a user involved testing and user training effort.

## Summary of Legislative Studies (Interim 2008)

(As of July 24, 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Appointments Complete?
1	ACF	PL 2007, c. 649	Committee to Study the Protection of Farms and Farmland	4 meetings	Final report to ACF by 11/5/08	11	0	YES
2	ACF	PL 2007, c. 660	ACF Committee review of the recommendations of the Agricultural Creative Economy Study	3 meetings	Committee to report to 124th Legislature	13	0	YES
3	AFA	PL 2007, c. 539, Part YY-2	Natural Resource Agency Task Force	Not specified	1/1/09 to the Legislature	Not specified (currently 35 members, including 7 legislators)	0	YES
4	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
5	EDU	Title 3, sec. 168-A as amended by PL 2007, c. 679	Legislative Youth Advisory Council	Not more than 9 times annually (including two public hearings)	Biennially to the Legislature	20	2	NO
6	EDU	PL 2007, c. 666	OPLA review of laws on dissemination of confidential information relating to teachers.	n/a	11/5/08 to EDU	0	0	N/A
7	HHS	Resolve 2007, c. 209	Blue ribbon commission to study long-term home-based and community based care	4 meetings	11/5/08 to the Legislature	11	0	YES
8	HHS	PL 2007, c. 629	HHS committee study to review the Fund for a Healthy Maine	3 meetings	10/1/08 to AFA committee	13	0	YES
9	IFS	LD 1072, Sec. 1	Staff update of the feasibility of establishing a single-payor health care system in the State.	N/A	12/3/08 to 124th Legislature	N/A	0	N/A
10	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	3	NO
11	JUD	PL 2005, c. 631	Right to Know Advisory Commission	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	15	0	YES
12	LAB	PL 2003, c. 699	Citizen Trade Policy Commission	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	2	NO
13	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES

**Total number of members**      156

**Total appointments remaining**                      7

**Percent of appointments complete**                      94%



# Portland Press Herald

A Maine Notebook

## Down With Arba Eugene Powers

By Jim Brunelle

Who, a friend inquired the other day, is Arba Eugene Powers?

Good question. I've wondered the same thing every time I've walked past Powers's portrait on the fourth floor of the State House.

There he hangs, gaunt and languid, looking every inch the actor his nameplate identifies him as. The plate also identifies the artist who painted Arba's portrait — Joseph Chase Cummings — but yields no clue as to why the actor was chosen for the special honor of a State House hanging.

A little research turned up only a few sketchy facts about Arba, none of which solved the essential mystery of his presence in the Capitol.

HE WAS BORN May 21, 1872 in Houlton and attended Ricker Classical Institute there. After kicking around with a few stock companies he made his way to New York where, for several years, he was steadily employed as a character actor on the Broadway stage.

A history of Houlton notes that Arba was a lifelong bachelor, a nephew of Llewellyn Powers (one-time political bigwig in this state), and that his remains are buried at Houlton's Evergreen Cemetery.

Newspaper files yielded one single brittle clipping, a 1934 article about the hanging of Arba's portrait. The picture was commissioned by then Gov. Louis J. Brann and was originally displayed in the Blaine Mansion before being moved over to the State House.

The story, which appeared in the Portland Press Herald, referred to Powers as "one of America's foremost stage actors," a judgement which apparently escaped the attention of just about everybody else. Arba's name did not find its way into the pages of Who's Who nor of standard theatrical reference works.

WHEN HE SHUFFLED off this mortal coil in early 1935, six months after his portrait was acquired by the state, his passing went completely unnoticed by the Press Herald. So much for "one of America's foremost stage actors."

The truth appears to be that Arba Eugene Powers was no more than a second-rate thespian whose ability to affect an English accent kept him gainfully employed in productions of the stage and radio for most of his adult life.

Not particularly representative of the American theater or of the State of Maine, his portrait no more belongs in our State House than does that of, say,

Rudy Vallee. It should be jettisoned or, at the very least, donated to the Houlton Historical Society. If they'll have it.

Now would be an especially opportune time to ditch Arba along with some others. The State House portrait collection is currently undergoing a comprehensive housekeeping program — paintings are being touched up, frames repaired and missing nameplates restored — and there's no reason why the scope of the renovation project can't be expanded.

There's no good excuse for the state to hang demonstrably bad portraiture on its walls, but there's plenty of it there. A picture of Abraham Lincoln hanging in the Hall of Flags is one of the worst portraits ever rendered of the Great Emancipator. A painting of opera singer Lillian Nordica on the fourth floor is perfectly ghastly. A portrait of former Congressman Stanley R. Tupper on the second floor has all the artistic merit of a paint-by-numbers picture.

It would be nice if someone in charge had the courage to get rid of these paintings by one means or another.

IT ISN'T LIKELY to happen, though. Maine's approach to her official art collection is like her approach to everything else: complex, bureaucratic, and too narrow for meaningful change.

For years, the State House portraiture was the sole responsibility of something called the Maine Art Commission, a panel that rarely convened and almost never bothered to do any repair work on damaged and crumbling portraits.

When the Maine Arts and Humanities Commission was created in 1966, the most logical step for the legislature would have been to get rid of the ineffectual old Maine Art Commission.

But the legislature, ever ready to fly in the face of logical behavior, did no such thing, so the State House paintings continued to deteriorate.

FINALLY, AT THE special session earlier this year, one of the governmental reorganization bills carried a provision abolishing the Maine Art Commission and transferring its responsibilities for the care and feeding of the art collection to the state museum people.

According to Jane Radcliff, a museum research consultant, they are importing art specialists from Boston and elsewhere to begin conservation work sometime this summer.

PERSONALLY, I cheer this long overdue effort. But, frankly, it would do an awful lot for the State House art collection if a few of the portraits now hanging there could just sort of be made to disappear quietly from the scene.

Beginning with Arba Eugene Powers.





DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL

MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

To: Legislative Council Members  
From: David Boulter, Executive Director  
Date: July 30, 2008  
Re: Acceptance of outside funding commitments; Committee to Study the Protection of Farms and Farmland

---

Section 11 of Public Law 2007, chapter 649 established an 11 member Commission to Study the Protection of Farms and Farmland. That legislation requires all costs of the Commission be funded by outside funds and that those outside funding commitments be received by August 1, 2008. A copy of the language establishing this Commission is attached.

I have also attached letters which together represent a commitment of outside funds sufficient to fully fund the \$4,270 cost the commission. The commitments received are:

Maine Potato Board	\$712
Maine Dairy Industry Association	\$712
Wild Blueberry Commission of Maine	\$712
Agricultural Council of Maine	<u>\$2,135</u>
Total	\$4,371

Pursuant to Public Law 2007, chapter 649, and Section 4 of the Maine Legislative Council Policies on Legislative Studies, all such contributions are subject to the approval of the Legislative Council and certification that the funding entity does not have a pecuniary or other vested interest in the outcome of the study. Should the Council choose to accept these funds, I will notify the chairs of the Commission so that they may convene the first meeting of the Commission.

Thank you. I would be happy to answer any questions you may have about this matter.

**WILD BLUEBERRY COMMISSION  
OF MAINE**

5784 YORK COMPLEX, SUITE 52  
ORONO, ME 04469  
(207) 581-1475

**BANGOR SAVINGS BANK**  
ORONO, ME 04473  
52-7438/2112

3661

7/21/2008

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PAY TO THE ORDER OF Treasurer State of Maine

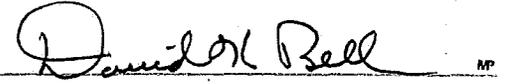
\$ \*\*712.00

Seven Hundred Twelve and 00/100\*\*\*\*\*

DOLLARS  

Office of Exec. Dir. Legislative Council  
115 State House Station  
Augusta, ME 04333-0115

VOID AFTER 90 DAYS

 MP

MEMO For study in LD 1684, public law 2007, chapter 649

⑈003661⑈ ⑆211274382⑆09811918648⑈

**WILD BLUEBERRY COMMISSION OF MAINE**

3661

Treasurer State of Maine

7/21/2008

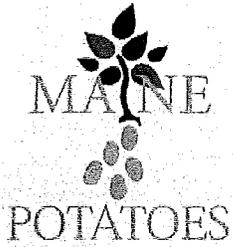
For study in LD 1684, public law 2007, chapter 649

712.00

CASH - BSB CHECK1 For study in LD 1684, public law 2007, chapter 649

712.00

L.C. agenda



Maine Potato Board  
744 Main Street  
Presque Isle, ME 04769  
(207) 769-5061  
FAX 764-4148  
mainepotatoes.com

July 25, 2008

Dave Boulter  
Executive Director  
Legislative Council  
State House Station 115  
Augusta, Maine 04333

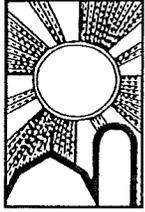
Dear Mr. Boulter:

Please consider this a letter of commitment in the amount of \$712 to help fund the Committee to Study the Protection of Farms and Farmland. The law that established this committee is Public Law 2007, chapter 649, section 11.

If you have any question of concerns please do not hesitate to call.

Sincerely,

Donald Flannery  
Executive Director



# AGRICULTURAL COUNCIL OF MAINE

P.O. Box 364, Orono, ME 04473-0364  
Telephone: 581-3108  
FAX Number: 581-4278  
E-mail: [andrew.files@umt.edu](mailto:andrew.files@umt.edu)

July 25, 2008

Dave Boulter  
Executive Director  
Legislative Council  
State House Station 115  
Augusta, Maine 04333

Dear Mr. Boulter:

Please consider this a letter of commitment in the amount of \$2,135 to help fund the Committee to Study the Protection of Farms and Farmland. The law that established this committee is Public Law 2007, chapter 649, section 11.

If you have any question of concerns please do not hesitate to call.

Sincerely,

Timothy Hobbs  
President



Maine  
Dairy  
Industry  
Association

July 28, 2008

Dave Boulter  
Executive Director  
Maine Legislative Council  
State House Station #115  
Augusta, ME 04333

Dear Mr. Boulter:

The Maine Dairy Industry Association (MDIA) was one of many agricultural groups that supported LD 1684 during the 123<sup>rd</sup> Legislative session. The bill as passed (Public Law 2007, Chapter 649, Section 11) established the Committee to Study the Protection of Farms and Farmland. Unfortunately, the bill did not receive any money from the Legislature to carry out its mission.

MDIA stands behind the intent and mission of the Committee to Study the Protection of Farms and Farmland. In the spirit of moving forward the public discussion of this important issue, MDIA is willing to contribute funds to support the work of the Committee in the amount of \$712. The funds will be sent as soon as the Legislative Council authorizes the Committee to Study the Protection of Farms and Farmland to begin its work.

If you have any questions about MDIA's contribution or participation in this, please contact our Executive Director, Julie-Marie Bickford, at 798-5544 or [mainedairy@aol.com](mailto:mainedairy@aol.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Cole'. The signature is written in a cursive, slightly slanted style.

Dale Cole  
President  
Maine Dairy Industry Association

APPROVED CHAPTER

STATE OF MAINE

APR 18 '08

649

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHT

S.P. 591 - L.D. 1684

**An Act To Create the Maine Agriculture Protection Act**

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

Whereas, maintaining a base of commercially viable agricultural land is vital to rural communities and the State's economy; and

Whereas, thoughtful policies are needed to address the impact of development on working farms and farmland; and

Whereas, convening a commission for this purpose as soon as possible will allow more time for thoughtful examination of the issues; and

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

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

**Sec. 1.** 7 MRSA §52, sub-§3, as enacted by PL 1989, c. 478, §1, is amended to read:

**3. Commercial farming.** "Commercial farming" means the production of any "farm product," ~~as defined by Title 17, section 2805,~~ with the intent that that farm product be sold or otherwise disposed of to generate income.

**Sec. 2.** 7 MRSA §52, sub-§3-A is enacted to read:

**3-A. Farm product.** "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products.

**Sec. 3.** 7 MRSA c. 6 is enacted to read:

## CHAPTER 6

### MAINE AGRICULTURE PROTECTION ACT

#### §151. Short title

This Act may be known and cited as "the Maine Agriculture Protection Act."

#### §152. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agricultural composting operation. "Agricultural composting operation" means composting that takes place on a farm. "Agricultural composting operation" does not include an operation that involves nonorganic municipal solid waste or that composts municipal sludge, septage, industrial solid waste or industrial sludge. "Agricultural composting operation" does not include an operation that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatile organic compounds, polychlorinated biphenyls or dioxin.

2. Agricultural products. "Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

3. Agricultural support services. "Agricultural support services" means the aerial or surface application of seed, fertilizer, pesticides or soil amendments and custom harvesting.

4. Composting. "Composting" means the controlled aerobic decomposition of organic materials to produce a soil-like product beneficial to plant growth and suitable for agronomic use.

5. Farm. "Farm" means the land, plants, animals, buildings, structures, ponds and machinery used in the commercial production of agricultural products.

6. Farm operation. "Farm operation" means a condition or activity that occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, operations giving rise to noise, odors, dust, insects and fumes; operation of machinery and irrigation pumps; disposal of manure; agricultural support services; and the employment and use of labor.

#### §153. Farm; farm operation or agricultural composting operation not a nuisance

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Title 17, chapter 91 if the farm, farm operation or

agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and:

**1. Farm; farm operation; agricultural composting operation.** The farm, farm operation or agricultural composting operation conforms to best management practices, as determined by the commissioner in accordance with Title 5, chapter 375;

**2. Storage or use of farm nutrients; complaints.** For complaints regarding the storage or use of farm nutrients as defined in section 4201, subsection 4, the farm, farm operation or agricultural composting operation has implemented a nutrient management plan developed in accordance with section 4204 and operation of the farm, farm operation or agricultural composting operation is consistent with the nutrient management plan; or

**3. Change in land use; occupancy of land.** The farm, farm operation or agricultural composting operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation as long as, before the change in land use or occupancy, the farm, farm operation or agricultural composting operation would not have been considered a nuisance. This subsection does not apply to a farm, farm operation or agricultural composting operation that materially changes the conditions or nature of the farm, farm operation or agricultural composting operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation. Nothing in this subsection affects the applicability of any of the other provisions of this chapter.

#### **§154. Violation of municipal ordinances**

A method of operation used by a farm or farm operation located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the method of operation constitutes best management practices as determined by the commissioner in accordance with section 153, subsection 1.

#### **§155. Application; municipal ordinances**

This chapter does not affect the application of state and federal laws. A municipality must provide the commissioner with a copy of any proposed ordinance that affects farm operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality as to whether the proposed ordinance restricts or prohibits the use of best management practices. This section does not affect municipal authority to enact ordinances.

#### **§156. Complaint resolution**

The commissioner shall investigate all complaints involving a farm, farm operation or agricultural composting operation, including, but not limited to, complaints involving the use of waste products, groundwater and surface water pollution and insect

infestations. In cases of insect infestations not arising from agricultural activities, when the State Entomologist believes that the infestation is a public nuisance and is able to identify the source or sources of the infestation, the commissioner shall refer the matter to the Department of the Attorney General. If the commissioner finds upon investigation that the person responsible for the farm, farm operation or agricultural composting operation is using best management practices, the commissioner shall notify that person and the complainant of this finding in writing. Notwithstanding section 153, subsection 3, if the commissioner identifies the source or sources of the problem and finds that the problem is caused by the use of other than best management practices, the commissioner shall:

1. **Changes.** Determine the changes needed in the farm, farm operation or agricultural composting operation to comply with best management practices and prescribe site-specific best management practices for that farm, farm operation or agricultural composting operation;

2. **Advise person responsible.** Advise the person responsible for the farm, farm operation or agricultural composting operation of the changes, as determined in subsection 1, that are necessary to conform with best management practices and determine subsequently if those changes are implemented; and

3. **Findings.** Give the findings of the initial investigation and subsequent investigations and any determination of compliance to the complainant and person responsible.

#### **§157. Good faith**

The Maine Rules of Civil Procedure, Rule 11 applies in any private action filed against the owner or operator of a farm, farm operation or agricultural composting operation in which it is alleged that the farm, farm operation or agricultural composting operation constitutes a nuisance if it is determined that the action was not brought in good faith and was frivolous or intended for harassment only.

#### **§158. Failure to adopt best management practices**

If the person responsible for a farm, farm operation or agricultural composting operation does not apply best management practices as required by the commissioner, the commissioner shall send a written report to an appropriate agency if a federal or state law has been violated and to the Attorney General. The Attorney General may institute an action to abate a nuisance or to enforce the provisions of this chapter or any other applicable state law, and the court may order the abatement with costs as provided under Title 17, section 2702, such injunctive relief as provided in this section or by other applicable law, or that a civil violation has been committed. Failure to apply best management practices in accordance with this chapter constitutes a separate civil violation for which a fine of up to \$1,000, together with an additional fine of up to \$250 per day for every day that the violation continues, may be adjudged.

### **§159. Agricultural Complaint Response Fund**

There is established the nonlapsing Agricultural Complaint Response Fund. The commissioner may accept from any source funds designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to investigate complaints involving a farm, farm operation or agricultural composting operation and to abate conditions potentially resulting from farms, farm operations or agricultural composting operations.

### **§160. Educational outreach**

The commissioner shall conduct an educational outreach program for the agricultural community to increase awareness of the provisions of this chapter and the best management practices of the department. The commissioner shall inform the public about the provisions of this chapter, the complaint resolution process adopted by the department and state policy with respect to preservation and protection of agricultural and natural resources.

### **§161. Rules**

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to interpret and implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 7 MRSA §4203, sub-§1, ¶C**, as enacted by PL 2003, c. 283, §2, is amended to read:

C. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding site-specific best management practices prescribed for a farm or other issue governed under section 156 or Title 17, section 2701-B or 2805, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a decision made by the commissioner. The board's decision is a final agency action. The board may also conduct an information-gathering meeting at the request of the department or any party with a legitimate interest to facilitate the complaint resolution process under section 156 or Title 17, section 2701-B or 2805.

**Sec. 5. 7 MRSA §4203, sub-§2-A**, as enacted by PL 2003, c. 283, §3, is amended to read:

**2-A. Temporary membership.** When the subject matter of an appeal or complaint resolution process under this section is other than manure or nutrient management, the commissioner may appoint up to 3 temporary board members for the purpose of hearing an appeal, conducting an information-gathering meeting or facilitating the complaint resolution process under ~~Title 17, section 2805~~ 156. At least one temporary member must have expertise with the subject matter of the complaint or problem and one temporary member must represent the agricultural sector involved. The terms for temporary members expire when the board determines that it has taken final action on the appeal or complaint resolution process.

**Sec. 6. 12 MRSA §6-A, sub-§2**, as enacted by PL 1989, c. 478, §2, is amended to read:

**2. Crop-producing.** Includes only land where agricultural chemicals, as defined in Title 7, section 52, were used in the production of farm products, as defined in Title ~~17~~ 7, section ~~2805~~ 52, subsection 3-A, in 3 or more of the previous 6 calendar years; and

**Sec. 7. 17 MRSA §2805**, as amended by PL 2005, c. 638, §1, is repealed.

**Sec. 8. 36 MRSA §2013, sub-§1, ¶A**, as repealed and replaced by PL 2007, c. 466, Pt. A, §60, is amended to read:

A. "Commercial agricultural production" means commercial production of crops for human and animal consumption, including the commercial production of sod, an agricultural composting operation as defined in Title ~~17~~ 7, section ~~2805~~ 152, subsection 1, the commercial production of seed to be used primarily to raise crops for nourishment of humans or animals and the production of livestock, including the removal and storage of manure from that livestock.

**Sec. 9. 37-B MRSA §801, sub-§4, ¶B**, as enacted by PL 1989, c. 464, §3, is amended to read:

B. Owners and operators of commercial agricultural operations ~~shall be~~ are exempt from the fee requirements under this section for registering agricultural facilities and for hazardous materials used in the commercial production of ~~farm~~ agricultural products as defined in Title ~~17~~ 7, section ~~2805~~ 152, subsection ~~1, paragraph C~~ 2. ~~Farm~~ Agricultural product processing facilities are not exempt from the fee requirements. For the purposes of this section, "processing" ~~shall~~ does not include the packaging of raw commodities or ~~farm~~ agricultural products for resale.

**Sec. 10. 38 MRSA §480-Y, sub-§2, ¶A**, as enacted by PL 1995, c. 659, §1, is amended to read:

A. The farm must have an irrigation management plan, referred to in this section as the "irrigation plan." The irrigation plan must identify the total number of irrigated acres on the farm or on a specified management unit, the amount of water needed, the potential sources of water for irrigating the field and the water management practices that will be used to ensure that the amount of water used for crop irrigation will be kept to a minimum. For the purposes of this subsection, "farm" has the same meaning as in Title ~~17~~ 7, section ~~2805~~ 152, subsection 5.

**Sec. 11. Commission to Study the Protection of Farms and Farmland established.** The Commission to Study the Protection of Farms and Farmland, referred to in this section as "the commission," is established.

**1. Membership.** The commission consists of 11 members, appointed as follows:

A. Two members of the Senate, one member from the party holding the largest number of seats and one member from the party holding the 2nd largest number of

seats, appointed by the President of the Senate. At least one Senate member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

B. Four members of the House of Representatives, at least one member from the party holding the largest number of seats and at least one member from the party holding the 2nd largest number of seats, all appointed by the Speaker of the House. At least one House member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

C. One member with expertise in land use policy and knowledge of farmland preservation programs appointed by the President of the Senate;

D. One member with expertise in tax policy appointed by the President of the Senate;

E. Two members recommended by a council representing diverse agricultural producer associations and appointed by the Speaker of the House; and

F. One member representing municipal interests appointed by the Speaker of the House.

**2. Commission chairs.** The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

**3. Appointments; convening of commission.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

**4. Duties.** The commission shall develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land for Maine's future. Towards this end, the commission shall:

A. Develop a system to classify farmland that is viable for agricultural production and establish statewide criteria for identifying farmland that warrants the highest order of protection;

B. Explore options and develop a proposal for designating agriculture protection areas. In exploring options, the commission shall review provisions establishing agricultural protection zones or districts in other states;

C. Review eligibility criteria and participation by farmers in Maine's current use property tax programs and develop recommendations regarding tax policy; and

D. Consider requiring an assessment of potential impacts on agricultural land prior to a governmental action such as a permitting decision or commencement of a public works project.

**5. Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission.

**6. Report.** No later than November 5, 2008, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over agricultural matters. Upon receipt of the report, the joint standing committee of the Legislature having jurisdiction over agricultural matters may introduce legislation related to the protection of farmland to the First Regular Session of the 124th Legislature.

**7. Commission budget.** The commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by August 1, 2008 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received.

**Sec. 12. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Provides funds for the per diem and general operating expenses of the Commission to Study the Protection of Farms and Farmland.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
Personal Services	\$0	\$1,320
All Other	\$0	\$2,950
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$4,270</b>

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

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In House of Representatives, ..... 2008

Read twice and passed to be enacted.

..... Speaker

---

In Senate, ..... 2008

Read twice and passed to be enacted.

..... President

---

Approved ..... 2008

..... Governor



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

## Margaret M. Craven

41 Russell Street

Lewiston, ME 04240

Residence: (207) 783-1897

E-Mail: mcraven@midmaine.com

July 29, 2008

Sen. Beth G. Edmonds, President of the Senate, Chair of the Legislative Council  
 Rep. Glenn A. Cummings, Speaker of the House, Vice Chair of the Legislative Council  
 Sen. Elizabeth H. Mitchell, Senate Majority Leader  
 Sen. John L. Martin, Senate Assistant Majority Leader  
 Sen. Carol Weston, Senate Republican Leader  
 Sen. Richard W. Rosen, Senate Assistant Republican Leader  
 Rep. Hannah Pingree, House Majority Leader  
 Rep. Sean Faircloth, House Assistant Majority Leader  
 Rep. Joshua A. Tardy, House Republican Leader  
 Rep. Robert H. Crosthwaite, House Assistant Republican Leader  
 David E. Boulter, Executive Director

Dear Members of the Legislative Council:

I am writing to you regarding the schedule of meetings for the legislatively mandated "Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care." Currently, four meetings are planned for the Commission. However, in review of the meeting plans and the complex issues to be addressed, it is evident that more meetings are needed. Based on this review, I respectfully request an additional two meetings.

Grant funding has been obtained to support the work of the Commission, and if the request for two additional meetings is approved, grant funding would be pursued to support those meetings as well. However, not until we receive permission for these meetings will we be able to undertake fundraising. I therefore ask for your careful yet expedited consideration of this request. Time is of the essence to conduct the work of the Commission.

The Commission is charged with the development of a comprehensive, state-wide plan for long-term care services for Maine's elderly and disabled citizens. Given that our state is one of the oldest in the country, and challenged with limited financial resources, the work of this Commission is critically important to planning quality services for our elderly and disabled citizens. It is important that we support the work of the Commission by giving its members sufficient time to complete the work we are asking them to do.

The Commission will hear from experts both within and outside of the state, including: Kevin J. Mahoney, PhD., National Program Director for the Cash and Counseling Demonstration and Evaluation, funded by the Robert Wood Johnson Foundation and the Office of the Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services; Lisa Alecxi, MBA, BS, Vice-President of The Lewin Group, from Falls Church, Virginia; and John Wren, Deputy Assistant Secretary for Policy and Management, Administration on Aging.

These experts will focus on the financing of long-term care services, a comparison of Maine's service delivery system with other states, and the development of quality, cost-effective services at the local level. To receive these experts, allow for their complete presentations, and still have adequate time to deliberate and prepare a summary of our findings for our report back date, we will need additional meeting time.

I have attached the current work plan for the Commission to demonstrate that four meetings cannot accommodate the work of the Commission. Should it be necessary, I am happy to provide additional information to the Legislative Council for its approval of two additional meetings of the Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care.

Thank you for your consideration of this request.

Sincerely,

*Margaret M. Craven*

Rep. Margaret Craven, Chair  
Blue Ribbon Commission on the Future of Home-Based and Community-Based Care

STATE OF MAINE

APPROVED

CHAPTER

APR 17 '08

209

BY GOVERNOR

RESOLVES

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHT

H.P. 1436 - L.D. 2052

**Resolve, To Create the Blue Ribbon Commission To Study the Future of  
Home-based and Community-based Care**

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

**Whereas,** work to study the unmet needs and financing options of long-term home-based and community-based care must begin before the end of the legislative session because the State has an increasingly elderly population and there is a shortage of long-term home-based and community-based care workers; and

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

**Sec. 1. Blue Ribbon Commission established. Resolved:** That the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 11 members:

1. Five members appointed by the President of the Senate as follows:

A. Two members of the Senate, including one member of the party holding the highest number of seats and one member of the party holding the 2nd highest number of seats; and

B. Three members who are experts in the field of long-term home-based and community-based care financing and service; and

2. Five members appointed by the Speaker of the House as follows:

A. Four members of the House of Representatives, including 2 members of the party holding the highest number of seats and 2 members of the party holding the 2nd highest number of seats; and

B. One member who has been a consumer of long-term home-based and community-based care; and

3. One member of the Governor's office designated by the Governor at the Speaker's request; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall examine and make recommendations on the development of choices to meet unmet needs and financing options to ensure access to and affordability of long-term home-based and community-based care. Given that the State has the oldest median age of any state in the nation, the commission shall create a coherent blueprint to ensure the sustainability of long-term home-based and community-based care options that provide choice and quality for the State's elderly and disabled citizens, many of whom are eligible for home-based and community-based care services and are not receiving them, forcing them into more costly institutional care; and be it further

**Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Outside funding. Resolved:** That the commission shall seek outside funding to fully fund all costs of the commission and in accordance with the policy of the Legislative Council with regard to outside funding. If sufficient outside funding has not been received by the commission by October 1, 2008 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

**Sec. 8. Report. Resolved:** That, no later than November 5, 2008, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 124th Legislature; and be it further

**Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

## **LEGISLATURE**

### **Study Commissions - Funding 0444**

Initiative: Provides an allocation to the Legislature in fiscal year 2008-09 to fund per diem and other expenses of this study.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
Personal Services	\$0	\$1,320
All Other	\$0	\$2,750
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$4,070</b>

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

**Work Plan for the Blue Ribbon Commission to Study  
The Future of Home-Based and Community-Based Care**

**Meeting 1: Overview and Vision for Maine's LTC System**

10:00 – 10:30	Welcome and Intro	
10:30 – noon	Maine's LTC System	Diana Scully with background info provided
12:00 – 1:00	Lunch	
1:00 – 2:00	Long Term Care Needs Assessment and Projection model	
2:00 – 3:00	Public Comment	
3:00 – 4:00	Commission Discussion	Paul Saucier facilitator

**Meeting 2: Quality and Innovation**

10:00 – 10:15	Welcome/review of prior meeting	Paul Saucier
10:15 – 11:15	Consumer Centered systems/ LTC Public-private partnerships	Kevin Mahoney
11:15 – 12:00	Other assistive technology/home monitoring systems	To be determined
12:00 – 1:00	Lunch	
1:00 – 2:00	Evidence Based Programs	Linda Samia
2:00 – 2:30	Overview of federal quality requirements	Muskie/Maureen Booth?
2:30 - 3:30	Public Comment	Paul Saucier
3:30 – 4:00	Commission Discussion	

*(continued on back)*

**Work Plan for the Blue Ribbon Commission to Study  
The Future of Home-Based and Community-Based Care**

**Meeting 3: Access and Finance**

10:00 – 10:15	Welcome/review of prior meeting	Paul Saucier
10:15 – 11:15	Access Initiatives (national perspective on ADRCs )	Lisa Alexcih
11:15 – 12:00	Financing Options	Lisa Alexcih
12:00 – 1:00	Lunch	
1:00 – 2:00	Other state initiatives	Bob Mollica
2:00 – 2:30	Private sector financing issues/state of art (Reverse mortgages; other resource management strategies)	To be determined
2:30 - 3:30	Public Comment	
3:30 – 4:00	Commission Discussion	Paul Saucier

**Meeting 4: Housing and Workforce**

10:00 – 10:15	Welcome/review of prior meeting	Paul Saucier
10:15 – 11:15	Housing options (overview)	To be determined
11:15 – 12:00	Housing (Maine state housing authority)	
12:00 – 1:00	Lunch	
1:00 – 2:00	Workforce	Robyn Stone (?) Need to invite Possibly via video conference
2:00 – 3:00	Public Comment	
3:00 – 4:00	Commission Discussion	Paul Saucier