

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD 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
November 19, 2008
1:00 P.M.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE OCTOBER 22, 2008 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
9	▪ Executive Director's Report (Mr. Boulter)	Information
10	▪ Fiscal Report (Mr. Pennoyer)	Information
14	▪ Information Services Report (Mr. Mayotte)	Information
15	▪ Status of Legislative Studies (Mr. Norton)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Cummings, Chair) <ul style="list-style-type: none">▪ Re-appointment of Margaret Matheson as Revisor of Statutes▪ Re-appointment of Patrick Norton as Director of the Office of Policy and Legal Analysis	
	• State House Facilities Committee (Rep. Pingree, Chair) (No Report)	
	• Budget Subcommittee (Sen. Martin, Chair) (No Report)	
	• Subcommittee to Administer Technology (President Edmonds, Chair) (No Report)	

OLD BUSINESS

Item #1: Council Actions Taken By Ballot (No Action Required)
No Action Taken

NEW BUSINESS

	Item #1: Chamber Automation and Pilot Project for Paperless Chamber (Speaker Cummings)	Information
16	Item #2: Annual Report of the Washington County Development Authority July 1, 2007 – June 30, 2008	Acceptance
22	Item #3: Annual Report of the Loring Development Authority of Maine (Separate Handout)	Acceptance
23	Item #4: Study Report by OPLA: A Study of Laws in Other States That Permit the Dissemination of Confidential Information Pertaining to Teacher Certification (Separate Handout)	Acceptance
24	Item #5: Final Report Of The Blue Ribbon Commission to Study the Future of Home-based and Community-based Care (Separate Handout)	Acceptance
25	Item #6: Request for Extension of Reporting Deadline: Resolve 207, c.189, Resolve to Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry (Attorney General Steven Rowe)	Decision

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**MEETING SUMMARY
OCTOBER 22, 2008**

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:15 P.M. in the Legislative Council Chambers.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. Richard Rosen, Sen. John Martin, Sen. Carol Weston (arrived shortly after the roll call)

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Robert Crosthwaite

Absent: Rep. Sean Faircloth, Rep. Joshua Tardy

Legislative Officers: Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Patrick 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 1:16 P.M. with a quorum of members present.

SUMMARY OF SEPTEMBER 24, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of September 24, 2008 be accepted and placed on file. Motion by Representative Pingree. Second by Senator Martin. **Motion passed unanimous (8-0).** [Representative Faircloth and Representative Tardy absent]

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

- Flu Shot Clinic
A flu shot clinic will be held in the State House on Monday, October 27, 2008 for legislative employees and legislators. Signups are in the Executive Director's office.
- Updated Staff Publications
OFPR's summary of major state funding dispensed to municipalities and counties has been updated and is now available. For the FY ending June 30th disbursements to municipalities and counties represented nearly 40% of total General Fund revenue. OPLA has completed its update of the *Legislators' Handbook: A Guide for Maine Legislators* and it will be ready for distribution at the New Member Orientation next month.
- Legislator Orientation Programs
Legislative Council Chair Edmonds has appointed members to the council's subcommittee on legislative orientation. Draft program agendas will be circulated for review very shortly.
- Progress Report on Developing Automated Time Accounting System for Employees
Very good progress is being made developing a new system. Human Resources Director Olken will provide a brief update to the council at today's meeting.

Human Resources Director Olken informed the Legislative Council that she has been working with the software developer, Kronos International, on a timekeeping system which has been standardized to include the established work rules and various protocols in the program. It is anticipated that by mid-November there will be a trial period where the offices can test the program, with the plan to have the new time system fully operational by January, 2009.

Fiscal Report

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

1. Revenue Update

Total General Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$296.9	\$293.0	(\$3.9)	-1.3%	\$281.5	4.1%
FYTD	\$612.1	\$602.2	(\$9.9)	-1.6%	\$596.1	1.0%

- General Fund revenue was under budget by \$3.9 million in September, resulting in a negative variance of \$9.9 million or 1.6% for the first quarter of FY 2009. First quarter revenue was 1.0% above the first quarter of FY 2008.
- The largest variance in September was corporate income tax, which was \$9.7 million under budget in September, a quarterly payment month. For the first quarter, this category has fallen \$7.8 million or 16.8% under budget and was 12.1% below the first quarter of FY 2008.
- Sales tax revenue was also under budget in September, offsetting some of the positive variance built up in the July and August. The negative variances are expected to grow until the forecast is revised.
- The cigarette tax, another consumption related tax, was under budget by \$0.7 million in September and \$2.0 million or 4.6% in the first quarter of FY 2009.
- Income from investments was above budget in September by \$1.4 million primarily related to the distribution of the reserves that had been set aside for the Mainsail II investment that is no longer required based on the resolution of that investment.

Total Highway Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	32.3	31.0	(1.3)	-4.1%	30.2	2.3%
FYTD	67.6	63.0	(4.6)	-6.8%	63.7	-1.0%

- Highway fund revenue was under budget by \$1.3 million in September; falling \$4.6 million or 6.8% under budget for the first quarter of FY 2009. Highway fund revenue for the first quarter of FY 2009 continued to show negative growth; it was 1.0% below the first quarter of FY 2008.
- High fuel prices continue to slow fuel tax collections as September fuel tax revenue fell \$1.4 million below budget, increasing the negative variance for the first quarter of FY 2009 to \$3.3 million or 7.8%.

2. Revenue Forecasting

- The Consensus Economic Forecasting Commission (CEFC) met on Thursday, October 16th to update the economic forecast. As expected given the current economic situation, the CEFC's forecast was more pessimistic particularly for calendar year 2009. The forecast is based on a national forecast assuming a relatively mild recession in the 2nd half of 2008 and continuing through the 1st quarter of 2009. The CEFC noted that this forecast also has much more risk associated with it, particularly if credit markets do not stabilize in the next 6 to 8 weeks.
- While Maine has been less affected by the current economic situation than many other states, reductions of revenue projections beginning in FY 2009 will be driven by the changes in this forecast, which will be finalized by the November 1st

reporting deadline. The short-term effects on General Fund Revenue are the most substantial, with employment forecast to decline in 2008 and 2009 and personal income growth in 2009 reduced from 4.1% growth to 2.8% growth.

- In addition, there are 2 other critical variables that are forecast by the Revenue Forecasting Committee that will likely lower revenue projections further, assumptions on capital gains and corporate profits. An even greater decline of capital gains in tax year 2008 may substantially reduce individual income tax revenue in the current fiscal year based on what appears to be a similar situation to the years 2001 and 2002.
- The Revenue Forecasting Committee (RFC) will hold 2 subcommittee meetings on October 28th and 29th to review all of the revenue categories not forecast using the tax models. The full committee will review the recommendations of the subcommittee at a meeting in mid-November and review the recommendations of Maine Revenue Services and the output of the tax model for the major tax lines.

3. Cash Balances

- The average total cash pool balance last month was \$477.9 million, which was \$135.9 million less than the \$613.7 million average for September 2007. The average balance in September for the 7 years from 2001 to 2007 was \$617.6 million.
- While the General Fund cash position is worse than last year, the State Treasurer and the State Controller told the Appropriations and Financial Affairs Committee at its October meeting that the State could make it through the current fiscal year without any external borrowing, relying solely on internal borrowing within the cash pool.

Information Technology Report

- Post Session Updates
The 123rd 2nd regular and 1st special sessions update to the Web page statutes is ready pending completion of an update to improve the on-line statutes search function.
- WANG Phase-out
Work to phase-out the WANG is nearing the final stage. Mr. Mayotte stated that implementation of the new time reporting system is in final development. Training in the use of the application will begin shortly with implementation to follow. Other WANG based applications have been successfully moved to other platforms and the three WANG printers in ROS are being removed.
- Server Consolidation (update)
A total of eight old servers have been taken out of service. Functions on two additional servers will be moved to new servers and the old servers taken out of service in November. Further server consolidation will take place following the end of the next legislative session.
- Law Library Digital Records Storage
Working with the Law and Legislative Reference Library, a process was developed for the cost effective storage, access and backup of the electronic files being created by digitizing paper documents.

Senator Rosen asked Mr. Mayotte whether the digitized documents will be available on-line. Mr. Barden responded by indicating initially they will be available only

internally but the goal is to make them available on-line eventually. The Laws of Maine will be accessible over the Internet. Even digitization for internal users initially has advantages since the library currently spends a lot of time scanning materials to be delivered. It will be a much more efficient use of staff to access an electronic database for downloading and sending information to patrons.

Senator Rosen then asked if the Laws of Maine is currently on-line. Mr. Barden stated that it was not, only the web version that is not digitized.

President Edmonds asked Mr. Barden to estimate how long it would take to digitize the documents. Mr. Barden answered by saying digitizing the Laws of Maine going back to 1987 should be completed quickly. The second phase will be more time consuming, i.e., developing a system to deliver to digitized images. He explained that he met with the Chief Justice to discuss exactly this issue since there is an increasing number of restrictions on what the Judiciary is able to provide through the court library system.

Status of Legislative Studies

Patrick Norton, Director, Office of Policy and Legal Analysis, drew the Legislative Council Members' attention to the Summary of the Status of Studies found in the packet. Mr. Norton explained that all the studies are on track and are expected to be completed within budget and reports issued on time.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

State House Facilities Committee Chair Representative Pingree reported that the Facilities Committee met on October 15, 2008 to discuss security in the State House and additional measures to consider for improving security. She explained that the discussion was an outgrowth of the report on capitol security prepared by the Legislative Council of the 122nd Legislature. The committee will be preparing recommendations for the Legislative Council to consider at its November or December meeting. While the report will include measures to improve and better prepare for security issues, it will not recommend significant changes to the current building entry screening at this time.

No action required from the Legislative Council at this time.

3. Budget Subcommittee

Senator Martin said that the committee did not meet this month. He indicated that he plans to schedule a meeting to provide direction as to appropriate budget savings that can be achieved in legislative accounts so that amount can be factored into the Governor's proposals for addressing the FY 09 budget shortfall.

4. Subcommittee to Administer Technology
(No Report)

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

ITEM #1: Letter from State YMCA of Maine regarding Youth in Government program date for 2009

Mr. Boulter reminded the Legislative Council members that at the October meeting, they had asked him to approach the YMCA director again about alternatives to the program dates he proposed (April/May) and to re-consider a Fall program. Mr. Boulter indicated that he did have a discussion with the director, Lonney Steeves. Mr. Steeves explained the YMCA's perspective in his letter. Mr. Steeves concluded that a Fall program is wholly unworkable and would likely mean an end to this long established civic education program. Based on his survey, he indicated that participating high schools have too many scheduling conflicts in the Fall, particularly Aroostook County schools that take a Fall potato harvest break. Fall sports schedules also pose significant scheduling conflicts. Mr. Steeves concluded that a Spring program really is the only viable time.

Mr. Boulter reminded members that Mr. Steeves had proposed three Spring dates, two of which had been found to be objectionable (last week-end in March, 1st weekend in April). This leaves the May 8-10, 2009 date. This date should not conflict with the legislative schedule, including budget bill debates. Mr. Boulter stated that, absent objection from the Council, he will notify Mr. Steeves that the approved date for the 2009 YMCA Youth in Government program is May 8-10, 2009.

ITEM #2: Draft Study Report by OPLA: A Study of Laws in Other States That Permit the Dissemination of Confidential Information Pertaining to Teacher Certification (Mr. Norton)

Mr. Norton explained the Legislative Council directed the Office of Policy and Legal Analysis to conduct a study of laws in other states that permit the dissemination of confidential information relating to teachers' certification. Mr. Norton presented a draft report to the council members and explained that it is now out for technical review among the respondents. Mr. Norton anticipated that the report will be finalized and distributed by November 5, 2008.

Legislative Council Chair President Edmonds then proceeded to *ITEM #5: Final Report Of The Joint Select Committee on Health and Human Services Review of the Fund for a Healthy Maine* and *ITEM #6: Annual Report of the Citizen Trade Policy Commission*

ITEM #5: Final Report of the Joint Select Committee on Health and Human Services Review of the Fund for a Healthy Maine

and

ITEM #6: Annual Report of the Citizen Trade Policy Commission

Motion: To accept the Final Report of the Joint Select Committee on Health and Human Services Review of the Fund for a Healthy Maine and the Annual Report of the Citizen Trade Policy Commission and place them on file. Motion by Representative Pingree. Second by Representative Crosthwaite. **Motion passed, unanimous. (8-0)** [Representative Faircloth and Representative Tardy absent for vote.]

Legislative Council Chair President Edmonds then proceeded to Item # 3 on the Council's agenda.

**ITEM #3: Update on OPEGA Projects and Initiatives
(Beth Ashcroft, Director, OPEGA)**

OPEGA Director Ashcroft thanked the members for the opportunity to provide a status report on OPEGA initiatives and projects. She drew member's attention to the OPEGA Work Plan. She explained that the work plan was approved by the Government Oversight Committee. She said that since the last session ended, OPEGA has released three reports, completed the State Administration Staffing review, the Contracting for Cost Shared Non-MaineCare Human Services and Contracts for Professional Services which focused on the procurement process used by the State. She then drew member's attention to the category called "In Progress." Three projects are on-going, and the goal is to have those completed by the early part of next session. They are Children's Mental Health Services focusing on outpatient services within that group, Durable Medical Equipment and Medical Supplies that are paid for through MaineCare, and the Fund for Healthy Maine. Ms. Ashcroft stated that earlier this summer she conducted interviews with some Legislative Council members and other Legislators seeking feedback on OPEGA and also getting an idea of what topics they were interested in. A number of themes and topics emerged. Ms. Ashcroft said that the Government Oversight Committee asked that work on the leased office space project be temporarily suspended.

Senator Martin asked in reference to the Children Mental Health Services review, whether OPEGA hired any contractors who have expertise in this area. Ms. Ashcroft responded by saying that the focus of that review is narrowly on the question of administrative costs in the outpatient delivery system and the primary factors driving those costs. She said that her office has the expertise in house to do that assessment.

Senator Martin stated that he felt a review of the costs the state is paying to lease office space would be much more beneficial than the other reviews because of the costs, and that the cost information would be especially helpful to the Appropriations Committee in January. He said that if the state can eliminate leased space, it can reduce its costs. By way of example, he cited the Department of Labor building on Capitol Street that is scheduled to be torn down, sold and leased back to the State. He felt this would yield quicker results than the Fund for Healthy Maine.

Ms. Ashcroft responded by saying that what OPEGA has looked at and intends to look at in that review probably would not address the issue of leasing vs. owning office space. The review is confined to determining whether the rent being paid is comparable with the market rates. OPEGA does not plan to do any cost benefit analysis of leasing office space and the alternative: renovating and reusing State buildings.

Senator Mitchell noted that one of the reasons for the OPEGA briefing at the meeting is to get feedback and gather suggestions for projects that would help the Legislature achieve greater cost effectiveness in State administered programs.

Senator Martin reiterated that a study of leased space: short-term and long-term leases, would likely yield better results. He noted that studying the Fund for a Health Maine may not be the best use of resources, especially since it has already been studied several times. By way of example, he noted the report by the Health and Human Services Committee that was just issued. (Agenda Item #5.)

Ms. Ashcroft then spoke of one other initiative in OPEGA. The OPEGA staff has been engaged in an exercise to evaluate itself as a government program of the Legislature. The office has incorporated the feedback that it heard from legislators. She said the office is working on a strategic plan and goals, objectives and performances measures for the next biennium. She said that she wants OPEGA to be a role model for the rest of government with programs that are effective and efficient. Ms. Ashcroft said that the office is happy to finally be in a place where it is modeling what it expects other people to do. Finally, she mentioned that she will be clear sending the message to all legislators that OPEGA is part of the menu of resources that is available to the Legislature. She concluded that OPEGA exists to serve the Legislature.

ITEM #4: Proposed Fee Schedule for Legislative Documents for First Regular Session of the 124th Legislature (Clerk of the House Millie MacFarland)

Clerk of the House Millie MacFarland stated that every year she brings forward to the Legislative Council a proposed fees schedule for the legislative document service. Attached in the packet is the fee schedule. Ms. MacFarland did not propose a fee increase for the first regular session of the 124th Legislature because the next postage increase that is expected is not until May of 2009. She drew member's attention to the third page of the letter that included a ten year look back at the number of subscriptions to the Legislative Document Service and the revenue received for that service. There has been a steady decline in demand for that service. She thought the reason for that is that more people are accessing information electronically. Ms. MacFarland felt that she would be reducing the number of paper copies printed because of the decline in this service. She recommended that the Legislative Council approve the proposal.

Motion: That the Legislative Council accept the Proposed Fee Schedule for Legislative Documents for First Regular Session of the 124th Legislature. Motion by Senator Martin. Second by Representative Pingree. **Motion passed unanimous (8-0).** [Representative Faircloth and Representative Tardy absent]

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

Motion to adjourn by Senator Martin. Second by Representative Crosthwaite. **Motion passed unanimous (8-0).** [Representative Faircloth and Representative Tardy absent]

The Legislative Council meeting was adjourned at 2:02 P.M.



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Executive Director's Report
November 19, 2008**

1. Emergency Preparedness
Emergency preparedness information relating to the Legislature including evacuation plans is now available on the Legislature's website. In addition, Legislative employees and Legislators may register to receive emergency notification such as office closures due to winter storms through their cell phones or from email addresses.
2. Kronos Time Accounting System
Progress continues to be made in developing an automated uniform time accounting system for Legislative employees. Human Resources Director Debra Olken will provide a progress report at the Council meeting.
3. Pre-Legislative Conference for 124th Legislature
Members are reminded that the Pre-Legislative Conference will be held on December 1 – 4, 2008. Current and incoming Legislative Council members are welcome and encouraged to attend the opening night dinner with New Members and the Tuesday banquet for the incoming Legislature.
4. Acknowledgement of Final Meeting of the Legislative Council of the 123rd Legislature

Fiscal Briefing

Legislative Council Meeting

November 19, 2008

Prepared by the Office of Fiscal & Program Review

1. Revenue Update (see attached)

Total General Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Variance	% Var.	Prior Year	% Growth
October	\$251.6	\$243.7	(\$7.9)	-3.1%	\$239.9	1.6%
FYTD	\$863.7	\$845.9	(\$17.8)	-2.1%	\$836.0	1.2%

- General Fund revenue was under budget by \$7.9 million in October, resulting in a negative variance of \$17.8 million or 2.1% for the first 4 months of FY 2009. Fiscal Year-to-date (FYTD) growth remained modest at only 1.2%
- Most of the major tax lines are beginning to show signs of weakness. Sales tax, corporate income tax, estate tax and cigarette tax are all under budget and will be adjusted downward by the Revenue Forecasting Committee.
- Individual Income Tax was under budget in October and for the FYTD due to BETR and Circuitbreaker tax reimbursements, which were \$6.7 million and \$12.1 million greater than budgeted for October and the FYTD, respectively. Otherwise, individual income tax would be over budget for the FYTD. However, income tax withholding has fallen below last year and final payments for tax year 2008 due in April 2009 are expected to fall significantly below budget as a result of a decline in capital gains well below assumptions in the current forecast.

Total Highway Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Variance	% Var.	Prior Year	% Growth
October	\$29.5	\$28.2	(\$1.3)	-4.5%	\$28.5	-1.1%
FYTD	\$97.2	\$91.2	(\$5.9)	-6.1%	\$92.2	-1.1%

- Highway Fund revenue was under budget by \$1.3 million in October, falling \$5.9 million or 6.1% under budget for the first 4 months of FY 2009. Highway Fund revenue has declined for the first 4 months of FY 2009 by 1.1% compared to the same period in FY 2008 despite the indexing of fuel tax rates for inflation.
- Despite the recent declines in fuel prices, fuel tax revenues continued to fall below projections. October's \$0.7 million negative variance in fuel tax collections was actually worse than reported for the Highway Fund as some end of month transfers out of Highway Fund were not recorded in October and will show up in the November report.

2. Revenue Forecasting Update

- **Consensus Economic Forecasting Commission (CEFC)** – The Consensus Economic Forecasting Commission (CEFC) concluded its forecast by the November 1st deadline, making some late downward adjustments in 2009. The CEFC's report is posted at: http://www.maine.gov/legis/ofpr/revenue_forecasting_committee/consensus_economic_forecast/nov2008.pdf.
- **Revenue Forecast Committee Schedule** – The Revenue Forecasting Committee (RFC) held 2 subcommittee meetings on October 28th and 29th to review all of the revenue categories not forecast using the tax models. The subcommittee recommendations include net downward adjustments approaching \$25 million for the 2010-2011 biennium. The full committee will review the recommendations of the subcommittee and the recommendations of Maine Revenue Services and conclude the forecast at a meeting on Friday, November 21st.

Fiscal Briefing – November 19, 2008 (continued)

3. Cash Balances Update

Summary of Treasurer's Cash Pool		
October Average Daily Balances		
Millions of \$'s		
	2007	2008
General Fund (GF) Total	\$10.7	\$10.8
General Fund (GF) Detail:		
Budget Stabilization Fund	\$116.6	\$130.7
Reserve for Operating Capital	\$40.6	\$40.6
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$50.2	\$75.5
Other General Fund Cash	(\$196.6)	(\$236.0)
Other Spec. Rev. - Interest to GF	\$118.4	\$91.3
Other State Funds - Interest to GF	\$6.2	(\$14.1)
Highway Fund	\$37.1	\$25.1
Other Spec. Rev. - Retaining Interest	\$79.1	\$63.5
Other State Funds	\$254.1	\$188.4
Independent Agency Funds	<u>\$124.4</u>	<u>\$83.2</u>
Total Cash Pool	\$630.0	\$448.2

- Presented above is a comparison of the average balances of October 2007 and October 2008. The average total cash pool balance last month was \$448.2 million, which was \$181.8 million less than the October 2007 average. The average balance for the last 7 Octobers, 2001 to 2007, was \$608.3 million.
- As the General Fund revenue picture deteriorates, it is now uncertain whether the State Treasurer and the State Controller can still avoid external or tax anticipation note borrowing. The key will be the extent of the pending FY 2009 curtailment and the timing of its implementation by the Governor.
- The Dirigo Health Fund's average balance in October remained negative at \$16.9 million.

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2009
Reflecting Budgeted Amounts Through 123 Legislature, 1st Special Session

OCTOBER 2008 REVENUE VARIANCE REPORT

Revenue Line	October '08 Budget	October '08 Actual	October '08 Variance	FY09 YTD Budget	FY09 YTD Actual	FY09 YTD Variance	FY09 YTD Variance %	FY09 Budgeted Totals
General Fund								
Sales and Use Tax	95,681,950	91,748,870.19	(3,933,079.81)	293,843,505	290,232,341.56	(3,611,163.44)	-1.2%	1,008,092,337
Service Provider Tax	4,775,250	4,604,246.35	(171,003.65)	13,678,054	13,869,501.57	191,447.57	1.4%	53,452,742
Individual Income Tax	104,250,000	102,870,534.79	(1,379,465.21)	381,491,492	379,948,238.51	(1,543,253.49)	-0.4%	1,397,517,286
Corporate Income Tax	6,100,000	5,221,720.40	(878,279.60)	52,630,000	43,925,156.83	(8,704,843.17)	-16.5%	197,244,770
Cigarette and Tobacco Tax	13,114,305	12,637,954.41	(476,350.59)	56,385,649	53,914,808.62	(2,470,840.38)	-4.4%	153,408,502
Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	N/A	16,464,397
Insurance Companies Tax	6,745,489	6,224,502.69	(520,986.31)	7,923,354	7,654,330.41	(269,023.59)	-3.4%	77,169,754
Estate Tax	4,160,000	2,598,764.92	(1,561,235.08)	7,960,000	4,644,759.46	(3,315,240.54)	-41.6%	49,524,882
Property Tax - Unorganized Territory	11,006,279	10,995,373.00	(10,906.00)	11,006,279	10,995,373.00	(10,906.00)	-0.1%	12,229,199
Income from Investments	(215,737)	132,327.13	348,064.13	(630,590)	1,368,741.27	1,999,331.27	317.1%	(3,204,682)
Transfer to Municipal Revenue Sharing	(10,751,167)	(10,191,713.23)	559,453.77	(37,823,795)	(36,891,736.43)	932,058.57	2.5%	(136,051,715)
Transfer from Lottery Commission	4,080,707	3,823,386.99	(257,320.01)	17,343,019	17,358,163.88	15,144.88	0.1%	53,049,250
Other Revenue	12,634,881	13,015,933.85	381,052.85	59,849,591	58,874,249.82	(975,341.18)	-1.6%	216,919,557
Totals	251,581,957	243,681,901.49	(7,900,055.51)	863,656,558	845,893,928.50	(17,762,629.50)	-2.1%	3,095,816,279
Highway Fund								
Fuel Taxes	19,885,356	19,222,048.61	(663,307.39)	61,897,647	57,953,895.35	(3,943,751.65)	-6.4%	234,197,278
Motor Vehicle Registration and Fees	7,927,841	7,328,734.72	(599,106.28)	29,721,263	28,435,349.09	(1,285,913.91)	-4.3%	99,146,017
Inspection Fees	314,195	456,361.82	142,166.82	1,764,243	1,311,627.03	(452,615.97)	-25.7%	4,474,821
Fines	145,219	160,529.54	15,310.54	597,077	594,310.18	(2,766.82)	-0.5%	1,795,049
Income from Investments	85,000	42,332.11	(42,667.89)	320,000	268,155.97	(51,844.03)	-16.2%	1,000,000
Other Revenue	1,170,899	1,002,128.00	(168,771.00)	2,858,432	2,671,974.15	(186,457.85)	-6.5%	9,629,561
Totals	29,528,510	28,212,134.80	(1,316,375.20)	97,158,662	91,235,311.77	(5,923,350.23)	-6.1%	350,242,726

Comparison of Actual Year-to-Date Revenue Through October of Each Fiscal Year

REVENUE CATEGORY	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg	FY 2009	% Chg
GENERAL FUND										
Sales and Use Tax	\$263,639,501.23	4.6%	\$274,608,095.37	4.2%	\$282,648,870.58	2.9%	\$285,976,994.47	1.2%	\$290,232,341.56	1.5%
Service Provider Tax	\$10,980,787.58	N/A	\$10,792,552.97	-1.7%	\$12,429,394.24	15.2%	\$13,170,645.40	6.0%	\$13,869,501.57	5.3%
Individual Income Tax	\$344,307,227.63	9.8%	\$367,804,403.59	6.8%	\$389,434,184.29	5.9%	\$407,704,676.07	4.7%	\$441,513,956.72	8.3%
Individual Income Tax (Circuitbreaker)	(\$18,912,589.48)	N/A	(\$26,905,255.75)	-42.3%	(\$27,197,515.38)	-1.1%	(\$28,601,645.01)	-5.2%	(\$33,664,851.58)	-17.7%
Individual Income Tax (BETR)	\$0.00	N/A	(\$29,392,498.00)	N/A	(\$27,859,736.10)	5.2%	(\$20,653,800.11)	25.9%	(\$27,900,866.63)	-35.1%
Corporate Income Tax	\$39,490,877.49	44.6%	\$51,617,068.69	30.7%	\$55,643,959.90	7.8%	\$51,324,087.24	-7.8%	\$43,925,156.83	-14.4%
Cigarette and Tobacco Tax	\$34,487,999.08	-1.3%	\$44,109,348.89	27.9%	\$57,919,918.55	31.3%	\$56,062,625.60	-3.2%	\$53,914,808.62	-3.8%
Public Utilities Tax	(\$132,366.66)	54.9%	\$0.00	100.0%	(\$116,564.00)	N/A	\$347,980.26	398.5%	\$0.00	-100.0%
Insurance Companies Tax	\$7,568,232.62	-9.8%	\$7,274,838.54	-3.9%	\$6,201,248.43	-14.8%	\$9,549,031.61	54.0%	\$7,654,330.41	-19.8%
Estate Tax	\$4,539,142.73	0.8%	\$34,887,346.78	668.6%	\$17,410,927.55	-50.1%	\$3,893,924.63	-77.6%	\$4,644,759.46	19.3%
Property Tax - Unorganized Territory	\$9,638,377.00	7.8%	\$9,560,399.00	-0.8%	\$10,403,375.00	8.8%	\$10,238,664.00	-1.6%	\$10,995,373.00	7.4%
Income from Investments	\$1,162,147.82	66.1%	\$1,903,496.60	63.8%	\$1,683,273.19	-11.6%	\$1,346,310.41	-20.0%	\$1,368,741.27	1.7%
Revenue Sharing Transfers	(\$32,614,796.01)	-6.0%	(\$33,074,742.70)	-1.4%	(\$34,940,057.02)	-5.6%	(\$36,154,968.85)	-3.5%	(\$36,891,736.43)	-2.0%
Liquor Transfers	\$50,017,984.19	391.3%	\$3,450.00	-100.0%	\$8,821.36	155.7%	\$0.00	-100.0%	\$0.00	N/A
Lottery Transfers	\$16,847,265.97	23.5%	\$16,808,624.38	-0.2%	\$17,908,342.32	6.5%	\$17,752,015.57	-0.9%	\$17,358,163.88	-2.2%
Other Revenue	\$60,982,476.68	2.0%	\$61,517,005.03	0.9%	\$64,439,855.60	4.8%	\$64,086,848.37	-0.5%	\$58,874,249.82	-8.1%
TOTAL GENERAL FUND REVENUE	\$792,002,267.87	11.0%	\$791,514,133.39	-0.1%	\$826,018,298.51	4.4%	\$836,043,389.66	1.2%	\$845,893,928.50	1.2%
HIGHWAY FUND										
Fuel Taxes	\$61,369,502.37	7.1%	\$60,740,819.15	-1.0%	\$60,588,921.05	-0.3%	\$59,311,064.22	-2.1%	\$57,953,895.35	-2.3%
Motor Vehicle Registration and Fees	\$25,803,239.74	0.7%	\$28,086,927.22	8.9%	\$27,830,481.06	-0.9%	\$27,586,597.79	-0.9%	\$28,435,349.09	3.1%
Inspection Fees	\$1,363,512.98	-17.8%	\$1,477,439.92	8.4%	\$1,470,738.77	-0.5%	\$1,429,010.70	-2.8%	\$1,311,627.03	-8.2%
Fines	\$582,046.61	-10.7%	\$635,117.20	9.1%	\$617,070.65	-2.8%	\$433,829.28	-29.7%	\$594,310.18	37.0%
Income from Investments	\$218,416.65	33.9%	\$593,314.59	171.6%	\$291,311.72	-50.9%	\$442,950.04	52.1%	\$268,155.97	-39.5%
Other Revenue	\$2,379,809.66	-0.7%	\$2,458,127.32	3.3%	\$2,561,205.06	4.2%	\$3,008,994.33	17.5%	\$2,671,974.15	-11.2%
TOTAL HIGHWAY FUND REVENUE	\$91,716,528.01	4.4%	\$93,991,745.40	2.5%	\$93,359,728.31	-0.7%	\$92,212,446.36	-1.2%	\$91,235,311.77	-1.1%

Adjusted for Service Provider Tax Split

Information Services Report to Legislative Council
Paul Mayotte, Director, Office of Legislative Information Services
November 19, 2008
(Preliminary Report November 14, 2008)

Bill Tracking Application:

The final implementation of the Bill Tracking Application requires the completion of several issues that were identified during the Implementation Readiness Assessment and final user signoff. Those issues will be resolved during the week of 11/17/2008.

WANG Phase-out:

With the resolution of the remaining Bill Tracking Application issues during the week of 11/17/2008 and final user signoff the application will be ready for implementation.

The implementation of the Time Application will not impact the WANG phase-out as alternative means to report time are available.

The other remaining WANG applications have been migrated to new platforms.

Progress Report on Legislative Studies

Interim 2008

11/14/2008

Study Name	Meetings Held to	Next Meeting	Number of	Report Date	Status
	Date	Date	Authorized Meetings		
Committee to Study the Protection of Farms and Farmland (PL 2007, c. 649)	4	No more meetings	4 meetings	Final report to ACF by 11/5/08	Final report in production.
ACF Committee review of the recommendations of the Agricultural Creative Economy Study (PL 2007, c. 660)	2	11/19/2008	3 meetings	Committee to report to 124th Legislature	Two meetings held. Final meeting scheduled for 11/19/08
Natural Resource Agency Task Force (PL 2007, c. 539, Part YY-2)	7	11/21/2008	Not specified	1/1/09 to the Legislature	35 member Governor's study that includes 4 legislators. Final two meetings to be held on 11/12 and 11/21.
Committee Study of Sex Offender Registry (SP 933)	3	No more meetings	3 meetings	11/5/2008	Final report in production.
Legislative Youth Advisory Council (3 MRSA, section 168-A)	5	11/22/2008	Not more than 9 times annually (including two public hearings)	15-Feb-10	Final meeting for the 123rd Legislative Youth Advisory Commission set for 11/22/08. No report required this year.
OPLA review of laws on dissemination of confidential information relating to teachers (PL 2007, c. 666)	N/A	N/A	N/A	11/5/08 to EDU	Completed and final report issued.
Blue ribbon commission to study long-term home-based and community based care (Resolve 2007, c. 209)	5	No more meetings	6 meetings	11/5/08 to the Legislature	Completed and final report issued.
HHS committee study to review the Fund for a Healthy Maine (PL 2007, c. 629)	2	No more meetings	3 meetings	10/1/08 to AFA committee	Completed and final report issued.
Staff update of the feasibility of establishing a single-payor health care system in the State (Resolve 2007, c. 216)	N/A	N/A	N/A	12/3/08 to 124th Legislature	Not Funded.
Judicial Compensation Commission (Title 4, Chapter 35)	2	Final 2008 meeting planned, but not yet scheduled	N/A	December 1st of even years	Two meetings held. Final meeting not scheduled. Report due this year.
Right to Know Advisory Commission (PL 2005, c. 631)	4	11/17/2008	At least 4 times annually	1/15 annually to JUD and Chief Justice	Four meetings held, plus several subcommittee meetings. A fifth meeting scheduled for Nov. 17th.
Citizen Trade Policy Commission (PL 2003, c. 699)	5	November meeting planned but not yet scheduled	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	Annual 2007 report issued earlier in January.
Community Preservation Advisory Committee (PL 2001, c. 648)	3	Not yet determined	No more than 4 times annually	Annually to NAT Committee	Two meetings held.

WASHINGTON COUNTY DEVELOPMENT AUTHORITY
ANNUAL REPORT, October 2008
July 1, 2007 – June 30, 2008

Introduction

Pursuant to the provisions of Title 5 of Maine Revised Statutes Annotated, Chapter 383, Subchapter 3, Article 2-A, the Washington County Development Authority is required to submit an annual report to the Governor, the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must be submitted no later than 120 days after the close of the authority's fiscal year. The Authority's fifth fiscal year ended on June 30, 2008. This annual report must be submitted on or before the statutory deadline of October 28, 2008. The report that follows fulfills that requirement.

Section 13083-F of 5 MRSA requires that the annual report of the Authority include:

- A. A description of the authority's operations and activities;
- B. An accounting of the authority's receipts and expenditures and assets and liabilities at the end of its fiscal year;
- C. A listing of all property transactions pursuant to section 13083-D;
- D. A statement of the authority's proposed and projected activities for the ensuing year; and
- E. Recommendations regarding further actions that may be suitable for achieving the purposes of this article.

History of the Authority

The Washington County Development Authority was established by the Second Regular Session of the 120th Maine Legislature as Chapter 568 of the Laws of Maine 2001. The Authority was established in response to the need to create a state entity that could take title to the former Naval Computer and Telecommunications Station in Cutler, Maine from the United States Navy. Since that time, the legislation was amended to broaden the scope of the authority's mission to allow the authority to provide financial and technical assistance to any governmental entity and nonprofit located within Washington County in support of community and economic development projects. Representation was expanded to include all municipalities in Washington County, including the unorganized territories.

For the reporting period, the Authority was comprised of the following members: James Parker (Veazie), Janet Toth (Jonesboro), Shirley Erickson (Machiasport), Elmer Harmon (Dennysville), Eric Robinson (Alexander), Robert Tyler (St. Stephen, NB), Edward Pellon (Machias), David Burns (Whiting), James Porter (Calais), and

Normand Laberge (Trescott) with Barbara Drisko (Columbia Falls), Brent Hartford (Milbridge), Harold Prescott, Sr. (Whiting), being appointed to the Authority in April of 2008. During May (2008) the following officers were elected: James Parker / Chairperson, David Burns / Vice-Chairperson, Barbara Drisko / Secretary, and Normand Laberge / Treasurer. The WCDA meets on the third Tuesday of each month at 3:00 PM.

James Porter, Elmer Harmon and Janet Toth have since resigned from the Authority for personal reasons.

The Trustees of the Authority have been appointed to staggered terms of one, two, three and four years. Ms. Toth served as ex-officio, as the designee for the Commissioner of Economic and Community Development. The Authority awaits the appointment of her replacement.

Operations and Activities

The WCDA Trustees held at least twelve (12) regular meetings from 01.July.2007 to 30.June.2008, though there was not always a quorum present for official business to take place. Major items of discussion during the course of the report period included the following subjects:

The Authority accepted two proposals for economic development projects through an RFP process and funded \$10,000 from its existing reserve to help stimulate job growth in March, 2008.

In August 2007, the WCDA donated \$1,000 to the Changing Borders conference, set to assist people in learning about new laws/issues in crossing the US/Canadian border. This conference was held jointly in Calais and St. Stephen.

During the past year the authority has worked to establish priorities and goals. Improvement in high speed internet access is one such goal. It has established an effective working relationship with existing development groups in Washington County (e.g., SCEC and Washington County: One Community) and the authority has encouraged public and private participation in all Authority proceedings.

The Authority continues to contract with Sunrise County Economic Council to provide administrative services.

The Authority has advised the Governor's appointed Task Force and the Department of Corrections that they could assist with financing to redevelop and/or expand the State prison in Washington County. This is looked on by the Authority as having strong potential for economic growth for the area.

The Authority has formed an Advisory Committee who will deal with day-to-day issues and report back to the full Board, easing some of the load from the officers.

Receipts and Expenditures

See attached Financial Statement

Property Transactions:

A question still remains on property transfer in Harrington and WCDA is aware of future transfer at Back Scatter site.

Proposed and Projected Activities

A subcommittee of the WCDA will be looking at the existing bylaws and making recommendations to the full Authority.

The authority is seeking proposals for economic development projects through an RFP process and plans to fund up to \$10,000 from its existing reserve to help stimulate job growth, unless WCDA receives additional funding.

Our thought is to refinance to lower the mortgage on the former Cutler Base site, owned by Cutler Commercial Properties, from 14% to 7%. This could add 2% of additional revenue to WCDA.

The authority is also working closely with the Governor's appointed Task Force and the Department of Corrections to see what can be done to redevelop and/or expand the State prison in Washington County. This is looked on by the Authority as having strong potential for economic growth for the area.

WCDA received a presentation of EMDC in FY 07-08. An advisory committee was formed in same year. WCDA had at least two meeting in Calais in FY 07-08.

WCDA considers it essential that we receive institutional support to increase our activism.

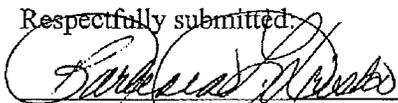
Recommendations

- The WCDA Board of Trustees has membership openings at this time and hope to have appointments made to fill the vacancies as soon as the Governor and Legislature can complete the appointments.

Attachments:

- ❖ Financial reports: WCDA Annual Income Statement
- ❖ Grant awards March 2008

Respectfully submitted,



Barbara Drisko, Secretary

WCDA GRANT STIPULATIONS:

In accepting \$5,000 from the Washington County Development Authority, representatives from Coastal Maine General Contracting, Inc. agree to follow the terms of their revised proposal to assist in the enhancement of economic development opportunities in Washington County in the following manner:

“This \$5,000 will be utilized in accordance with the schedule and objectives stated in the attached summary of your project and dated 18.March.2008.

Washington County Development Authority will monitor the grant to ensure accountability with terms of the proposal. In order to verify the implementation of the proposal, representatives from Coastal Maine General Contracting, Inc. agree to send a status report with subsequent requisitions to the Treasurer of Washington County Development Authority [Normand Laberge / 46 Place Cove Road / Trescott, Maine 04652] outlining their efforts in ensuring the completion of the project to encourage economic development and to document the expenditure of funding from the Authority.

By signing this stipulation, Coastal Maine General Contracting, Inc. also agrees to return any unexpended funds to Washington County Development Authority within six (6) months of the date of acceptance of this grant. Coastal Maine General Contracting, Inc. also agrees to utilize this grant for the purposes outlined above and in their proposal for funding.

James Parker
Chairperson, Washington County
Development Authority

Date

Representative,
Coastal Maine General Contracting, Inc.

Date

Title: _____

Name: _____

WCDA GRANT STIPULATIONS:

In accepting \$5,000 from the Washington County Development Authority, representatives from Quoddy Mist agree to follow the terms of their revised proposal to assist in the enhancement of economic development opportunities in Washington County in the following manner:

“This \$5,000 will be utilized in accordance with the schedule and objectives stated in the attached summary of your project and dated 17.March.2008.

Washington County Development Authority will monitor the grant to ensure accountability with terms of the proposal. In order to verify the implementation of the proposal, representatives from Quoddy Mist agree to send a status report with subsequent requisitions to the Treasurer of Washington County Development Authority [Normand Laberge / 46 Place Cove Road / Trescott, Maine 04652] outlining their efforts in ensuring the completion of the project to encourage economic development and to document the expenditure of funding from the Authority.

By signing this stipulation, Quoddy Mist also agrees to return any unexpended funds to Washington County Development Authority within six (6) months of the date of acceptance of this grant. Quoddy Mist also agrees to utilize this grant for the purposes outlined above and in their proposal for funding.

James Parker
Chairperson, Washington County
Development Authority

Date

Representative,
Quoddy Mist

Date

Title: _____

Name: _____

WASHINGTON COUNTY DEVELOPMENT AUTHORITY									
TRANSACTIONS FROM 01.JULY.2007 TO 30.JUNE.2008									
CHECKING ACCOUNT: 8011575930									
MACHIAS SAVINGS BANK									
DATE: 27.OCTOBER.2008									
ANNUAL REPORT FOR 2007-2008									
PREPARED BY: NORMAND LABERGE, TREASURER									
ACTIVITY NO.	AMOUNT DEPOSIT (\$)	SOURCE	MO	DY	YEAR	MISC. COST (\$)	AMOUNT CHECK (\$)	CHECK TO	PAYMENT FOR
1			9	25	2007		\$210.00	SCEC	MINUTES - MAY 2007
2			9	25	2007		1000.00	SCEC	BORDER CONFERENCE ON CROSSING - ST. ANDREWS
3			10	23	2007		114.22	ELLSWORTH ADV.	AD FOR JOBS RFP
4			10	23	2007		80.00	DOWNEAST COASTAL PRESS	AD FOR JOBS RFP
5			10	23	2007		85.50	MACHIAS VALLEY NEWS	AD FOR JOBS RFP
6			10	23	2007		75.00	QUODDY TIDES	AD FOR JOBS RFP
7			10	23	2007		108.00	CALAIG ADVERTISER	AD FOR JOBS RFP
8			10	23	2007		\$122.50	SCEC	MINUTES - JUNE 2007
9			10	23	2007		\$239.12	SCEC	MINUTES - JULY 2007
10			10	23	2007		\$87.50	SCEC	MINUTES - AUG 2007
11			10	23	2007		\$0.00	VOID	N/A
12			10	23	2007		\$189.70	SCEC	MINUTES - SEPT 2007
13			10	23	2007		\$30.88	ELLSWORTH ADV.	AD FOR JOBS RFP
14			11	27	2007		\$180.83	SCEC	MINUTES - OCT 2007 - \$35.00
15			12	18	2007		\$128.50	SCEC	MINUTES - NOV 2007
16			1	22	2008		\$115.40	SCEC	MINUTES - DEC 2007
17			3	27	2008		\$2,000.00	COASTAL GENERAL CONTRACTOR	GRANT ADVANCE
18			3	27	2008		\$2,500.00	QUODDY MIST	GRANT ADVANCE
19			5	22	2008		\$17.50	SCEC	MINUTES - FEB 2008
20			5	22	2008		\$227.50	SCEC	MINUTES - MAR 2008
21			6	14	2008		\$109.20	SCEC	MINUTES - JAN 2008
	50.00				SUM		\$7,629.25		
WASHINGTON COUNTY DEVELOPMENT AUTHORITY									
TRANSACTIONS FROM 01.JULY.2007 TO 30.JUNE.2008									
ALL ACCOUNTS									
MACHIAS SAVINGS BANK									
DATE: 27.OCTOBER.2008									
ANNUAL REPORT FOR 2007-2008									
PREPARED BY: NORMAND LABERGE, TREASURER									
ASSETS / HOLDINGS					VALUE	ACCT. NO.	REFERENCE	INTEREST RATE (%)	MATURITY DATE
	CHECKING ACCOUNT BALANCE				\$27,291.71	8011575930	29.JUN.07	N/A	N/A
	OUTSTANDING				\$7,121.02	8011575930	30.JUN.07	N/A	N/A
	NET BALANCE				\$20,170.69	8011575930	30.JUN.07	N/A	N/A
	END OF FY				\$12,541.44	8011575930	30.JUN.08	N/A	N/A
				DIFF.	\$7,629.25	RECONCILES	WITH TOTAL PAID OUT ABOVE FROM CHECKING ACCOUNT		
	CERTIFICATE OF DEPOSIT				\$10,328.01	12001288	06.JUN.07	1.98	20.JUL.08
					\$10,531.91		03.JULY.07	1.49	17.JULY.2008
				DIFF	\$205.90				
	MONEY MARKET BALANCE				\$8,094.31	8012412920	03.JUL.07	0.60	N/A
					\$8,139.53	8012412920	03.JUL.08	0.60	N/A
				DIFF	\$45.22				
	TOTAL VALUE OF ASSETS				\$31,212.88				

LORING COMMERCE CENTRE

EXECUTIVE DIRECTOR'S
OFFICE

2008 OCT 31 A 9:51

October 29, 2008

Mr. David Boulter
Executive Director
State of Maine Legislative Council
115 State House Station
Augusta, ME 04333

Dear Mr. Boulter:

Pursuant to "Section 13080-L Annual Report" of the Loring Development Authority of Maine's (LDA) enabling legislation, please find enclosed a complete report of the activities of the LDA for the fiscal year ended June 30, 2008. The report includes a summary of the LDA's development activities and audited financial statements for FY08. Subsequent events through October 15, 2008 and proposed activities for fiscal year 2009 are also reported.

If you have any questions or need additional information, please don't hesitate to call me.

Very truly yours,



Carl W. Flora
President & CEO

Enclosure

cc: Senator Lynn Bromley, Chair
Representative Nancy E. Smith, Chair
Business Research and Economic Development Committee



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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

***A STUDY OF LAWS IN OTHER STATES THAT PERMIT THE DISSEMINATION OF
CONFIDENTIAL INFORMATION PERTAINING TO TEACHER CERTIFICATION***

November 5, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice Chair
Legislative Council
115 State House Station
Augusta, ME 04333-0115

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Office of Policy & Legal Analysis has completed its work and submitted its report, A Study of Laws in Other States that Permit the Dissemination of Confidential Information Pertaining to Teacher Certification, pursuant to P.L. 2007, c. 666. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick T. Norton".

Patrick T. Norton
Director

Attachment

cc: Members, Legislative Council



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**BLUE RIBBON COMMISSION TO STUDY THE FUTURE OF LONG-TERM
HOME-BASED AND COMMUNITY-BASED CARE**

October 29, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Blue Ribbon Commission to Study the Future of Long-term Home-based and Community-based Care has completed its work and submitted its final report including recommended legislation pursuant to Resolve 2007, Chapter 209.

Sincerely,

Philip Bartlett, II

Sen. Philip L. Bartlett II, Chair

Margaret Craven *dlh*

Rep. Margaret M. Craven, Chair

Enclosure

c: Members of the Legislative Council

G. STEVEN ROWE
ATTORNEY GENERAL



REGIONAL OFFICES:
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE 04101-3014
TEL: (207) 822-0260
FAX: (207) 822-0259
TDD: (877) 428-8800

TEL: (207) 626-8800
TTY: 1-888-577-6690

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

128 SWEDEN ST., STE. 2
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 19, 2008

TO: Senator Beth G. Edmonds, Chair
Representative Glenn A. Cummings, Vice-Chair
Legislative Council, 123rd Maine Legislature

FROM: Steven Rowe, Attorney General 

SUBJ: **Request to extend by 30 days the interim and final reporting dates for the Attorney General's study of the statewide market for forest products harvesting and hauling services**

Resolve 2007, chapter 189, *Resolve, to Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry*, included a provision directing the Department of the Attorney General to study the statewide market for forest products harvesting and hauling services and to determine what, if any, changes are necessary in that market to ensure fair competition throughout the State. The Resolve directs the Department of the Attorney General to produce a draft interim report for public comment by December 1, 2009, and to submit a final report on its findings and recommendations, along with any necessary implementing legislation, not later than January 15, 2009. The Resolve further authorized the Department of the Attorney General to apply to the Legislative Council for an extension of those reporting deadlines if the department believed more time is required.

Pursuant to Sec. 2 of Resolve 2007, c. 189, I am respectfully requesting that the Council extend the interim reporting deadline for this study from December 1, 2008 to January 1, 2009 and extend the final reporting date from January 15, 2009 to February 16, 2009.

This 30 day extension of our reporting deadlines is necessary due to the sheer size and complexity of the charge we were given. The Department of the Attorney General has been diligently working on this project for the past six months. We have completed the time-consuming information gathering phase of this study and are well into the analysis phase. I am requesting this 30 day extension to ensure that we have adequate time to prepare a thoughtful analysis of the market forces and competition in this important industry.

Thank you for your consideration of this request. Please feel free to contact me anytime if you have any questions.

cc: Members, Legislative Council
David Boulter, Executive Director of the Legislative Council

Resolves
123rd Legislature
Second Regular Session

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CHAPTER 189
S.P. 896 - L.D. 2273

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry

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

Whereas, Maine is dependent on its natural resources-based economy; and

Whereas, the Legislature recognizes that fuel costs and other economic forces have a devastating impact on the Maine economy, especially with regards to loggers and truckers carrying forest products; and

Whereas, it is in the public interest to ensure a reasonable rate of compensation for wood harvesting and hauling services in all regions of the State and to assess the impact of the Maine Revised Statutes, Title 26, chapter 18 on those services; and

Whereas, ensuring a reasonable rate of compensation for wood harvesting and hauling services is achievable via a statewide market power study of the forest products industry; and

Whereas, fairness dictates that the provisions of the Maine Revised Statutes, Title 26, chapter 18, except certain portions of Title 26, section 1354, be suspended pending completion of such a study and enactment of legislation pursuant to that study; and

Whereas, a majority of the providers of wood harvesting and hauling services subject to the Maine Revised Statutes, Title 26, chapter 18 have voted to support the suspension of those statutory provisions until June 1, 2009; 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. Rates of compensation for forest products harvesting and hauling services

termination. Resolved: That the operation of the Maine Revised Statutes, Title 26, chapter 18 is suspended until June 1, 2009, except that forest products harvesters and haulers may continue to join together and form an association to meet, confer and share information as provided in Title 26, section 1354. The Legislature may consider terminating the suspension described in this section on or after January 7, 2009 by resolve. The Governor may terminate the suspension described in this section at any time that the Legislature is not in session. The Governor shall make the termination in writing. The termination does not become effective until 60 days following the written notice; and be it further

Sec. 2. Department of the Attorney General to study the statewide market for forest products harvesting and hauling services. Resolved: That the Department of the Attorney General, referred to in this section as "the department," shall conduct a study of the statewide market for forest products harvesting and hauling services. The department shall examine competition within the industry and determine what, if any, changes are necessary to ensure fair competition throughout the State. The department shall consider the relevance of and study at a minimum the following on a statewide basis:

1. Issues of market concentration and horizontal market power;
2. Issues of vertical market power arising from integrated ownership or control of hauling, harvesting and other related assets;
3. The existence of barriers to entry into the harvesting and hauling industry, including required capitalization;

- 4. The extent to which imbalances of supply and demand create opportunities for the unreasonable exercise of market power;
- 5. The advantages and disadvantages of altering the current market system in the harvesting and hauling of forest products;
- 6. The approaches taken in other states to address similar issues; and
- 7. The statewide market for such services.

In conducting the study, the department shall consult with the Executive Department, State Planning Office; the Department of Labor; forest landowners; industry representatives; and other parties as determined appropriate by the department. Records collected by the Department of the Attorney General pursuant to its responsibilities under this resolve are subject to the Maine Revised Statutes, Title 16, section 614, subsection 1.

The department shall use the services of the State Economist and may retain an independent expert as it determines necessary in order to conduct the study.

The department shall make available a draft interim report for public comment not later than December 1, 2008. The final report of its findings and recommendations must be submitted no later than January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over forest products harvesting and hauling services. The interim and final reports must include any legislation necessary to implement the recommendations of the department. If the department requires an extension of time to make its reports, it may apply to the Legislative Council, which may grant the extension. Any legislation or recommendation of the department pursuant to the study must apply to all landowners in the State; and be it further

Sec. 3. Legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over the compensation of forest harvesters and haulers may submit a bill related to the study to the First Regular Session of the 124th Legislature.

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

Effective April 8, 2008.

Revisor Of Statutes	Subject Index	Search	123rd Laws of Maine	Maine Legislature
About the Second Reg & 1st Spec. Laws of Maine				

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