

MAINE STATE LEGISLATURE

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REP. HANNAH M. PINGREE
CHAIR

SEN. ELIZABETH H. MITCHELL
VICE-CHAIR



SEN. PHILIP L. BARTLETT II
SEN. KEVIN L. RAYE
SEN. LISA T. MARRACHE
SEN. JONATHAN T. E. COURTNEY
REP. JOHN F. PIOTTI
REP. JOSHUA A. TARDY
REP. SETH A. BERRY
REP. PHILIP A. CURTIS

EXECUTIVE DIRECTOR
DAVID E. BOULTER

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**MEETING OF LEGISLATIVE COUNCIL
OCTOBER 20, 2010
2:00 P.M.
REVISED AGENDA**

| <u>Page</u> | <u>Item</u> | <u>Action</u> |
|-------------|---|--------------------|
| | CALL TO ORDER | |
| | ROLL CALL | |
| 1 | SUMMARY OF THE AUGUST 25, 2010 MEETING OF THE LEGISLATIVE COUNCIL [Note: The Legislative Council did not meet in September] | Acceptance |
| | REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS | |
| 8 | ▪ Executive Director's Report (Mr. Boulter) | Information |
| 9 | ▪ Fiscal Report (Mr. Pennoyer) | Information |
| 13 | ▪ Legislative Studies & Interim Committee Meetings (Mr. Norton) | Information |
| | REPORTS FROM COUNCIL COMMITTEES | |
| | • Personnel Committee (Speaker Pingree, Chair) Reappointment of David E. Boulter as Executive Director of the Legislative Council | Decision |
| | • State House Facilities Committee (Rep. Piotti, Chair) (No Report) | |

OLD BUSINESS

- | | | |
|-----------|---|--------------------|
| 14 | Item #1: Council Actions Taken By Ballot (No Action Required) List of actions taken by ballot by the Legislative Council since its August 25, 2010 meeting. (ATTACHED) | Information |
|-----------|---|--------------------|

NEW BUSINESS

- | | | |
|-----------|--|-----------------|
| 15 | Item #1: Request by Joint Standing Committee on Legal and Veterans' Affairs For Extension of Reporting Date for Review of Allocation of Slot Machine Revenue | Decision |
| 16 | Item #2: Proposed Fee Schedule for Legislative Documents for First Regular Session of the 125th Legislature (Clerk of the House Millicent MacFarland) | Decision |

Item #3: Collective Bargaining Matters [Executive Session]

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. HANNAH M. PINGREE
CHAIR

SEN. ELIZABETH H. MITCHELL
VICE-CHAIR

EXECUTIVE DIRECTOR
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124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
August 25, 2010

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the August 25, 2010 Legislative Council meeting to order at 11:15 A.M. in the Legislative Council Chambers.

ROLL CALL

Senators: Senate President Elizabeth Mitchell, Sen. Lisa Marraché, Sen. Philip Bartlett [arrived shortly after the start of the meeting]

Absent: Sen. Kevin Raye, Sen. Jonathan Courtney

Representatives: Speaker Hannah Pingree, Rep. Philip Curtis, Rep. John Piotti, Rep. Seth Berry

Absent: Rep. Joshua Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Debra Olken, Human Resources Director
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
Scott Clark, Director, Legislative Information Services

Chair Pingree convened the meeting at 11:16 A.M. with a quorum of members present.

SUMMARY OF JUNE 30, 2010 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 30, 2010 be accepted and placed on file. Motion by Representative Berry. Second by Senator Marraché. **Motion passed unanimous. (6-0)** [Representative Tardy, Senator Bartlett, Senator Raye and Senator Courtney absent for vote.] {**Note:** The Legislative Council did not meet in July.}

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

Civil Support Team Training Exercise

On August 18, 2010, the Maine Army National Guard, in conjunction with U.S. Army North's evaluation team, conducted a Civil Support Team training and evaluation exercise in the State House. The purpose of the exercise was to evaluate the team's performance in responding to an incident where terrorist use of a harmful agent in a public building is suspected. The CST conducted an investigation of various rooms to identify the "harmful agent" and isolate it, and the team was evaluated on its response. According to the Department of Defense, Veterans and Emergency Management, an exercise such as this is essential to developing a capability in Maine to respond to an incident should one ever occur. No harmful substance was actually brought into the State House; the exercise went smoothly and was deemed a success.

Annual Employee Recognition Picnic

On Tuesday, September 14th, the annual recognition picnic for legislative employees will be held in Capitol Park. A picnic lunch will be provided and employees with extensive state/legislative service will be recognized. The event will be held from 11:30 AM – 1:00 PM. All members of the Legislative Council are welcome and encouraged to attend.

Repairs to the State House Dome

Earlier this year the Legislative Council authorized maintenance and improvement projects for 2010, one of which was repairs to the high dome in the State House. No work on the dome had been performed since 1994. Once contractors began work on the high dome to repair minor cracks and repaint the dome, contractors discovered areas where plaster and plaster support showed signs of serious deterioration. In some areas, plaster was at high risk of falling out, which if it had, could have fallen to the 3rd floor. Fortunately, the condition was discovered and repairs made in a timely fashion, without incident. Mr. Boulter showed photographs of the deteriorated area.

Mr. Boulter noted that the situation is an example where the Legislative Council's long-standing program for preventative maintenance is beneficial. Mr. Boulter concluded by saying the repairs are completed and the staging has been removed.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2011 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|------|---------|---------|---------|--------|------------|----------|
| July | \$218.0 | \$216.7 | (\$1.2) | -0.6% | \$223.4 | -3.0% |
| FYTD | \$218.0 | \$216.7 | (\$1.2) | -0.6% | \$223.4 | -3.0% |

General Fund revenue was \$1.2 million (0.6%) under budget in July. However, July revenue grew by 1.7% compared to last July. FY 2011 revenue was budgeted for a modest increase of 0.7% over FY 2010 revenue.

Sales tax collections were over budget by \$1.8 million in July, continuing the recent positive experience for this category.

Negative variances for July in the major revenue categories were the Individual Income Tax and the Cigarette and Tobacco Products Tax. Neither of these variances is a concern at this point as each largely reflects timing differences. Withholding payments seem to have recovered during the early part of August and will likely offset July's negative variance.

Mr. Pennoyer pointed out several areas of concern including the real estate transfer tax, Inland Fisheries and Wildlife revenue and Health and Human Services (HHS) revenue. These revenue sources have been underperforming and may likely be adjusted downward in the next revenue forecast. HHS revenue was nearly \$1 million under budget. While some portion of this was related to Medicaid billings not being filed in July, a budget savings initiative may end up reducing targeted case management revenue to HHS.

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|------|--------|--------|-------|--------|------------|----------|
| July | \$26.5 | \$27.8 | \$1.3 | 5.0% | \$28.1 | -0.8% |
| FYTD | \$26.5 | \$27.8 | \$1.3 | 5.0% | \$28.1 | -0.8% |

Highway Fund revenue was \$1.3 million (5.0%) over budget in July. The positive variance in July was 0.8% less than last July, but less of a decline than the 1.3% decline budgeted for all of FY 2011 Highway Fund revenue.

July's positive variance results primarily from the Fuel Tax category, which was \$1.4 million over budget. This reflects a timing issue between June and July. June's negative variance in this category was \$4.7 million. The Revenue Forecasting Committee will be watching this category carefully over the next couple of months to gauge its performance as the tax models have had difficulty predicting this category during this recession.

Mr. Pennoyer noted that the Revenue Forecasting Committee process will begin with an update of the economic forecast, and the Consensus Economic Forecasting Commission will meet on Tuesday, October 26th.

Cash Balances

Recent revenue performance and increases to General Fund reserve balances at the close of FY 2010 have benefitted Maine's cash position, such that the Treasurer indicates that he sees no immediate need for external cash flow borrowing.

General Fund reserve balances increased from \$0.2 million at the close of FY 2009 to \$36.6 million (\$25.4 million in the Budget Stabilization Fund (MBSF) and \$11.2 in the Working Capital Reserve). An additional \$2.5 million in FY 2011 is budgeted to be transferred to the MBSF.

FY 2010 Year-end Surplus Distributions

Presented below is a table presented by Mr. Pennoyer that shows the General Fund year-end transfers (aka "the Cascade") based on a General Fund revenue surplus and other accounting adjustments totaling \$70.0 million.

| FY 2010 Year-end Summary - General Fund Surplus | | |
|---|-----|-----------------------|
| General Fund Revenue Variance | | |
| Actual Revenue | | \$2,755,682,500 |
| Less Final Budgeted Revenue | | (\$2,693,005,389) |
| Sub-total Revenue Variance | | \$62,677,111 |
| Lapsed Balances | | |
| Total Lapsed Balance from State Controller's Report | | \$29,404,139 |
| Less Budgeted Lapsed Balances | | (\$24,143,701) |
| Sub-total - Lapsed Balances | | \$5,260,438 |
| Other Accounting Adjustments Increasing (Decreasing) Unappropriated Surplus | | \$2,085,482 |
| Increase in Uncommitted Unappropriated Surplus | | \$70,023,030 |
| FY 2010 Closing Transfers/"Cascade" | | |
| Fixed Dollar Transfers | | |
| Reserve for Budget Stabilization Fund transfer (PL 2009, c. 571, UUU and c. 645, H) | | (\$5,597,244) |
| Replenish Contingent Account up to \$350,000 (5 MRSA §1507) | | (\$350,000) |
| Transfer to Loan Insurance Reserve up to \$1,000,000 (5 MRSA §1511) | | (\$1,000,000) |
| Transfer to Dept. of Transportation's Railroad Assistance Program (PL 2009, c. 645, H) ¹ | | (\$7,000,000) |
| Percentage Transfers - Remaining Uncommitted Unappropriated Surplus | | \$56,075,786 |
| Maine Budget Stabilization Fund | 35% | (\$19,626,525) |
| Retirement Allowance Fund | 20% | (\$11,215,157) |
| Reserve for General Fund Operating Capital | 20% | (\$11,215,157) |
| Retiree Health Internal Service Fund | 15% | (\$8,411,368) |
| Capital Construction & Improvements Reserve Fund | 10% | (\$5,607,579) |
| Total Closing Transfers | | (\$70,023,030) |
| Notes: | | |
| ¹ Transfer in PL 2009, c. 645, Part H was intended to be reserved in the Maine Budget Stabilization Fund, but a drafting error left it dedicated to Railroad Assistance Program despite change to an actual appropriation of \$7,000,000 in Part H, section 7. | | |

For the Highway Fund, the unallocated surplus increased by the \$4.2 million revenue variance, all but \$100,000 of the increase or \$4.1 million was transferred to the Department of Transportation for the Highway and Bridge Capital Light program (Maintenance Paving) as an adjustment to Highway Fund allocations in FY 2011.

Status of Legislative Studies

Mr. Norton reported that the legislative studies were all on target to complete their work by their reporting date. He noted the following studies updates:

Staff Study of education matters: The study is progressing nicely. OPLA staff made its first request for qualitative program information to the department last week and there will

be a second request coming from OFPR within the next week or so for financial information. Mr. Norton concluded by saying he felt the study will produce information that will be very useful to the legislature.

Speaker Pingree asked if there was any objection to taking one item out of order. There was no objection. The Chair then moved to **New Business, Item 2.**

ITEM #2: Request from the Joint Standing Committee on Health Care Reform Opportunities and Implementation for Travel Reimbursement for Invited Presenters

Mr. Boulter stated that the committee is requesting funds totaling \$750.00 to reimburse two individuals who have been invited to make a presentation at a meeting of the committee. There is insufficient reserve in the committee's budget to fund the request; however, there are funds remaining unspent from the FY10 studies that could be used to cover the reimbursement expense.

Motion: That the request from the Joint Standing Committee on Health Care Reform Opportunities for up to \$750.00 to reimburse presenters for travel expenses be approved. Motion by Senator Bartlett. Second by Senator Marraché. **Motion passed unanimous. (7-0)** [Representative Tardy, Senator Raye and Senator Courtney absent for vote.]

The Legislative Council then returned to the other items on its agenda.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

4. CSG Annual Meeting Planning Subcommittee

Senator Bartlett reported on the results of the CSG/ERC annual meeting that was held in Portland on August 15-18, 2010. Although hosting the meeting posed many fundraising and organizational challenges, the meeting was very successful. 600 people from the northeast and Canadian providences attended and the feedback is that the attendees enjoyed Maine and the meeting, and commented how friendly Maine volunteers, staff and legislators were.

Senator Bartlett acknowledged the contributions of John Hennessy for his tireless efforts and those of Pat Eltman, Director of the Bureau of Tourism, who worked hard to obtain in-kind contributions that significantly helped to defray costs. He also thanked Mr. Boulter who organized the event volunteers, and the volunteers who participated. Senator Bartlett stated that enough pledges were received to cover Maine's costs as long as all pledged amounts are received.

Speaker Pingree remarked that the weather and venue were perfect. She noted a number of attendees indicated they would be extending their stay in Maine so hopefully it will result in increased sales taxes to Maine.

OLD BUSINESS

(There was no Old Business.)

NEW BUSINESS

ITEM #1: Memorandum of Agreement Regarding Maintenance of the Road Connecting Union and Gage Streets

Mr. Boulter explained that this item was for information only. Mr. Boulter explained by way of background that the Legislative Council had authorized him to enter into an agreement with the city of Augusta some time ago and only recently had all the parties to the agreement signed the document. In July the agreement was fully executed. The agreement establishes road maintenance responsibilities by the city, rather than the state, for the road connecting Union and Gage Streets, at the east portion of Capitol Park. No Legislative Council action was required.

Item #3: Request for Proposal (RFP) for VoIP Telephone System

Scott Clark, Director of Legislative Information Services, presented a request for authorization to issue a Request for Proposals for a new voice VoIP telephone system to replace the legislature's aging analog telephone system. He stated that his initial assessment after discussing a potential system with vendors was that a new system could save the legislature somewhere between \$35,000 to \$70,000 annually. He said that he is seeking authorization to solicit specific proposals from qualified vendors to help assess whether a telephone system replacement is feasible and will yield that amount of savings. If after proposals are received and reviewed, the matter would come back to the council with a recommendation (to proceed or not).

Speaker Pingree sought clarification that the request is only to issue an RFP at this time and not actually authorize purchase of a replacement telephone system. Mr. Boulter confirmed that Speaker Pingree's understanding was correct. President Mitchell commented that she hoped a new phone system would not replace people with automating answering, believing that such a system is off putting to members of the public. Retaining a personal response is very important in a legislative environment.

Motion: That the Legislative Council authorize the issuance of a "Request for Proposal" to solicit proposals from qualified firms for providing VoIP service to the Legislature. Motion by Senator Marraché. Second by Representative Berry. **Motion passed unanimous.** (7-0) [Representative Tardy, Senator Raye and Senator Courtney absent for vote.]

ANNOUNCEMENTS AND REMARKS

None

The Legislative Council adjourned its meeting at 11:37 A.M.

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MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Legislative Council

**Executive Director's Report
October 20, 2010**

1. Flu Vaccination Clinic
A flu vaccination clinic will be held at the State House on Tuesday, October 26th for Legislators, legislative employees and other state employees who participate in the state's group health insurance program. The vaccination is for both H1N1 and seasonal influenza. Signups for a time slot for the vaccination are in the Executive Director's office.

2. Change in Vendor for State House Cafe'
The Department of Labor, Division for the Blind and Visually Impaired, Business Enterprise Program has notified us that it is exercising its authority under current law to operate the State House cafe'. The program has identified an operator with appropriate expertise that can meet our standards and schedules for operation, and the operator will be announced in November. The cafe' will open with a new vendor on or about November 15th.

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Fiscal Briefing

Legislative Council Meeting

October 20, 2010

Prepared by the Office of Fiscal & Program Review

1. Revenue Update (also see attached tables)

Total General Fund Revenue - FY 2011 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|-----------|---------|---------|--------|--------|------------|----------|
| September | \$284.6 | \$288.4 | \$3.8 | 1.3% | \$270.7 | 6.5% |
| FYTD | \$560.5 | \$586.8 | \$26.3 | 4.7% | \$545.1 | 7.7% |

General Fund revenue was \$3.8 million (1.3%) over budget in September. For the first quarter of FY 2011, the General Fund has built up a positive variance of \$26.3 million (4.7%). FY 2011 first quarter's performance represents 7.7% growth over the first quarter of FY 2010.

Individual and corporate income taxes have provided most of the revenue cushion through September. Individual Income Tax was \$18.3 million (6.3%) over budget for the first quarter, primarily the result of the performance of withholding payments. Corporate Income Tax was \$4.6 million (11.7%) over budget. New national forecasts of corporate profitability show significant improvement over the assumptions in the current revenue forecast.

September sales and service provider tax collections were under budget by more than \$3.4 million combined, reducing much of their positive variance built up during the first 2 months of FY 2011. For the first quarter of FY 2011, these 2 categories have moved much closer to budget with only a \$0.6 million positive variance. Taxable sales declined for the month of August when compared to August 2009 due to the 2009 spike in automobile sales from the "Cash for Clunkers" program. For the last 3 months, growth was approximately 2%. Heating oil price increases may be a concern for future taxable sales.

September revenue reflects some offsets to prior months' positive variances due to timing issues, including Transfers to Tax Relief Programs (under budget in September by \$4.5 million, but \$1.5 million over for the first quarter) and Other Revenue (under budget by \$1.8 million in September and just slightly under budget for the first quarter). In Other Revenue, \$2.0 million of this variance was due to the fact that the transfer to the Maine Clean Elections Fund was budgeted in August, but was not actually transferred until early September. A new timing issue arose in the Other Taxes and Fees category as the first of 2 payments under a new one-time hospital tax (due at the end of September) was budgeted fully in September, creating a \$1.1 million variance in September that will be offset in future months.

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|-----------|--------|--------|---------|--------|------------|----------|
| September | \$26.1 | \$25.4 | (\$0.7) | -2.8% | \$25.9 | -1.8% |
| FYTD | \$57.8 | \$63.1 | \$5.4 | 9.3% | \$61.9 | 1.9% |

Highway Fund revenue was under budget by \$0.7 million (2.8%) in September, but it remained over budget by \$5.4 million (9.3%) through the first quarter of FY 2011. Highway Fund revenue growth was 1.9% for the first quarter of FY 2011.

Nearly all of September's negative variance was in the Fuel Taxes category. Despite the poor performance of special fuels in September (gasoline tax collections were above budget in September), this category was \$5.1 million (14.4%) over budget through the first quarter.

Fiscal Briefing (continued)

2. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission (CEFC) is scheduled to meet on Tuesday, October 26th, at 9:30AM in the Appropriations Committee Room to provide an update for a November 1st statutory reporting deadline. Revenue Forecasting Committee meeting dates are not yet established but will likely be immediately before Thanksgiving.

3. Cash Balances

The average total cash pool balance for September was almost \$100 million higher than one year ago and was within \$50 million of the historical average for September of \$582.2 million (September 2001 to 2009). In addition to the increases in General Fund reserve balances, a gradual recovery in the General Fund cash position during FY 2011 was expected as a result of the effect of the \$79 million repayment of FY 2010 interfund borrowing. Assuming General Fund revenue performance stays close to budget and no significant spending shortfalls, the General Fund cash position should continue to improve throughout FY 2011. Another major turn around from last fiscal year is the cash position of the Dirigo Health Fund, which last year was significantly negative and had been supported by a \$25 million General Fund cash advance. Its average cash balance has been positive beginning in July.

| Summary of Treasurer's Cash Pool | | |
|---|----------------|----------------|
| September Average Daily Balances | | |
| Millions of \$'s | | |
| | 2009 | 2010 |
| General Fund (GF) Total | \$43.2 | \$34.3 |
| General Fund (GF) Detail: | | |
| Budget Stabilization Fund | \$0.2 | \$25.4 |
| Reserve for Operating Capital | \$0.0 | \$11.2 |
| Tax Anticipation Notes | \$0.0 | \$0.0 |
| Internal Borrowing | \$213.7 | \$175.0 |
| Other General Fund Cash | (\$170.7) | (\$177.3) |
| Other Spec. Rev. - Interest to GF | \$12.1 | \$34.1 |
| Other State Funds - Interest to GF | \$9.3 | \$8.0 |
| Highway Fund | \$19.5 | \$43.3 |
| Other Spec. Rev. - Retaining Interest | \$31.5 | \$55.1 |
| Other State Funds | \$219.5 | \$251.7 |
| Independent Agency Funds | \$104.1 | \$111.3 |
| Total Cash Pool | \$439.1 | \$537.7 |

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2011
Reflecting Budgeted Amounts Through 124th Legislature

SEPTEMBER 2010 REVENUE VARIANCE REPORT

| Revenue Line | September '10 Budget | September '10 Actual | September '10 Variance | FY11 YTD Budget | FY11 YTD Actual | FY11 YTD Variance | FY11 YTD Variance % | FY11 Budgeted Totals |
|---|-------------------------|-------------------------|---------------------------|--------------------|-----------------------|----------------------|------------------------|-------------------------|
| General Fund | | | | | | | | |
| Sales and Use Tax | 93,214,672 | 89,842,731.45 | (3,371,940.55) | 181,049,374 | 183,484,933.39 | 2,435,559.39 | 1.3% | 904,850,262 |
| Service Provider Tax | 4,798,406 | 4,767,006.02 | (31,399.98) | 9,919,203 | 8,068,776.84 | (1,850,426.16) | -18.7% | 57,814,486 |
| Individual Income Tax | 144,301,182 | 147,084,980.15 | 2,783,798.15 | 290,185,077 | 308,468,602.48 | 18,283,525.48 | 6.3% | 1,326,790,000 |
| Corporate Income Tax | 28,344,172 | 35,161,359.95 | 6,817,187.95 | 39,386,581 | 43,983,746.93 | 4,597,165.93 | 11.7% | 158,786,702 |
| Cigarette and Tobacco Tax | 11,104,240 | 16,359,831.10 | 5,255,591.10 | 37,572,235 | 40,051,489.15 | 2,479,254.15 | 6.6% | 137,744,579 |
| Insurance Companies Tax | 132,443 | (103,743.82) | (236,186.82) | 1,124,976 | 372,282.01 | (752,693.99) | -66.9% | 71,990,000 |
| Estate Tax | 2,243,127 | 2,442,746.70 | 199,619.70 | 1,843,127 | 3,761,302.64 | 1,918,175.64 | 104.1% | 31,739,004 |
| Other Taxes and Fees | 10,765,560 | 10,532,180.04 | (233,379.96) | 30,342,006 | 29,764,899.46 | (577,106.54) | -1.9% | 148,117,322 |
| Fines, Forfeits and Penalties | 2,725,962 | 2,540,345.52 | (185,616.48) | 8,350,194 | 7,845,538.36 | (504,655.64) | -6.0% | 30,816,261 |
| Income from Investments | 11,161 | 10,934.75 | (226.25) | 21,600 | 44,847.15 | 23,247.15 | 107.6% | 275,045 |
| Transfer from Lottery Commission | 4,002,631 | 3,954,728.56 | (47,902.44) | 13,008,563 | 12,602,394.14 | (406,168.86) | -3.1% | 52,034,250 |
| Transfers to Tax Relief Programs | (18,784,897) | (23,328,431.13) | (4,543,534.13) | (33,007,035) | (31,511,018.76) | 1,496,016.24 | 4.5% | (112,087,945) |
| Transfers for Municipal Revenue Sharing | (1,790,786) | (2,586,364.11) | (795,578.11) | (22,016,845) | (22,815,145.13) | (798,300.13) | -3.6% | (89,213,027) |
| Other Revenue | 3,534,667 | 1,697,621.02 | (1,837,045.98) | 2,748,838 | 2,668,418.29 | (80,419.71) | -2.9% | 54,258,021 |
| Totals | 284,602,540 | 288,375,926.20 | 3,773,386.20 | 560,527,894 | 586,791,066.95 | 26,263,172.95 | 4.7% | 2,773,914,960 |
| Highway Fund | | | | | | | | |
| Fuel Taxes | 21,820,172 | 21,134,181.23 | (685,990.77) | 35,311,385 | 40,391,001.46 | 5,079,616.46 | 14.4% | 214,525,466 |
| Motor Vehicle Registration and Fees | 3,361,689 | 3,362,538.82 | 849.82 | 19,283,028 | 19,860,739.67 | 577,711.67 | 3.0% | 78,719,414 |
| Inspection Fees | 326,984 | 225,771.42 | (101,212.58) | 1,037,296 | 1,070,038.93 | 32,742.93 | 3.2% | 3,897,299 |
| Fines, Forfeits and Penalties | 166,913 | 105,088.05 | (61,824.95) | 520,696 | 320,873.30 | (199,822.70) | -38.4% | 1,745,049 |
| Income from Investments | 2,950 | 15,789.30 | 12,839.30 | 5,900 | 30,610.25 | 24,710.25 | 418.8% | 32,446 |
| Other Revenue | 427,281 | 542,123.89 | 114,842.89 | 1,591,828 | 1,466,990.77 | (124,837.23) | -7.8% | 8,146,695 |
| Totals | 26,105,989 | 25,385,492.71 | (720,496.29) | 57,750,133 | 63,140,254.38 | 5,390,121.38 | 9.3% | 307,066,369 |

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

| REVENUE CATEGORY | FY 2007 | % Chg | FY 2008 | % Chg | FY 2009 | % Chg | FY 2010 | % Chg | FY 2011 | % Chg |
|---|-------------------------|--------------|-------------------------|--------------|-------------------------|--------------|-------------------------|--------------|-------------------------|-------------|
| GENERAL FUND | | | | | | | | | | |
| Sales and Use Tax | \$190,057,787.25 | 2.5% | \$192,810,538.35 | 1.4% | \$198,483,471.37 | 2.9% | \$176,664,976.68 | -11.0% | \$183,484,933.39 | 3.9% |
| Service Provider Tax | \$8,182,715.67 | 27.5% | \$8,520,937.54 | 4.1% | \$9,265,255.22 | 8.7% | \$10,080,247.32 | 8.8% | \$8,068,776.84 | -20.0% |
| Individual Income Tax | \$286,778,252.74 | 5.8% | \$301,429,061.91 | 5.1% | \$318,900,302.88 | 5.8% | \$281,235,601.23 | -11.8% | \$308,468,602.48 | 9.7% |
| Corporate Income Tax | \$49,772,986.29 | 21.6% | \$44,022,578.44 | -11.6% | \$38,703,436.43 | -12.1% | \$39,646,486.84 | 2.4% | \$43,983,746.92 | 10.9% |
| Cigarette and Tobacco Tax | \$45,034,243.06 | 41.4% | \$42,416,148.44 | -5.8% | \$41,276,854.21 | -2.7% | \$39,053,791.09 | -5.4% | \$40,051,489.15 | 2.6% |
| Insurance Companies Tax | \$550,539.47 | -49.2% | \$1,902,918.11 | 245.6% | \$1,429,827.72 | -24.9% | \$969,686.24 | -32.2% | \$372,282.01 | -61.6% |
| Estate Tax | \$13,747,384.69 | -3.9% | \$1,540,460.50 | -88.8% | \$2,045,994.54 | 32.8% | \$808,709.07 | -60.5% | \$3,761,302.64 | 365.1% |
| Other Taxes and Fees | \$30,990,883.33 | 7.0% | \$31,058,260.77 | 0.2% | \$28,015,693.99 | -9.8% | \$29,400,810.18 | 4.9% | \$29,764,899.46 | 1.2% |
| Fines, Forfeits and Penalties | \$9,914,702.30 | 22.6% | \$11,037,990.96 | 11.3% | \$12,177,664.68 | 10.3% | \$9,701,937.42 | -20.3% | \$7,845,538.36 | -19.1% |
| Earnings on Investments | \$1,241,485.64 | -4.5% | \$954,667.51 | -23.1% | \$1,236,414.14 | 29.5% | \$122,431.38 | -90.1% | \$44,847.15 | -63.4% |
| Transfer from Lottery Commission | \$13,649,030.60 | 17.0% | \$13,546,268.35 | -0.8% | \$13,534,776.89 | -0.1% | \$13,090,311.12 | -3.3% | \$12,602,394.14 | -3.7% |
| Transfers to Tax Relief Programs | (\$37,324,408.41) | -64.2% | (\$36,174,806.05) | 3.1% | (\$41,822,599.16) | -15.6% | (\$33,189,449.05) | 20.6% | (\$31,511,018.76) | 5.1% |
| Transfers for Municipal Revenue Sharing | (\$20,370,834.00) | 17.0% | (\$26,041,023.81) | -27.8% | (\$26,700,023.20) | -2.5% | (\$25,682,704.68) | 3.8% | (\$22,815,145.13) | 11.2% |
| Other Revenue | \$6,897,491.19 | 26.5% | \$9,073,545.94 | 31.5% | \$5,664,957.30 | -37.6% | \$3,185,378.91 | -43.8% | \$2,668,418.29 | -16.2% |
| TOTAL GENERAL FUND REVENUE | \$599,122,259.82 | 7.1% | \$596,097,546.96 | -0.5% | \$602,212,027.01 | 1.0% | \$545,088,213.75 | -9.5% | \$586,791,066.94 | 7.7% |
| HIGHWAY FUND | | | | | | | | | | |
| Fuel Taxes | \$41,086,309.76 | 1.8% | \$40,134,721.38 | -2.3% | \$38,731,846.74 | -3.5% | \$40,180,935.59 | 3.7% | \$40,391,001.46 | 0.5% |
| Motor Vehicle Registration and Fees | \$20,304,836.99 | -5.1% | \$20,049,091.86 | -1.3% | \$21,106,614.37 | 5.3% | \$18,718,126.62 | -11.3% | \$19,860,739.67 | 6.1% |
| Inspection Fees | \$1,156,827.83 | 0.0% | \$1,178,550.04 | 1.9% | \$855,265.21 | -27.4% | \$931,399.54 | 8.9% | \$1,070,038.93 | 14.9% |
| Fines | \$453,473.75 | -10.2% | \$433,829.28 | -4.3% | \$433,780.64 | 0.0% | \$460,695.89 | 6.2% | \$320,873.30 | -30.4% |
| Income from Investments | \$211,205.98 | -49.2% | \$322,062.27 | 52.5% | \$225,823.86 | -29.9% | \$38,596.41 | -82.9% | \$30,610.25 | -20.7% |
| Other Revenue | \$2,060,753.89 | -4.3% | \$1,568,436.91 | -23.9% | \$1,669,846.15 | 6.5% | \$1,616,823.69 | -3.2% | \$1,466,990.77 | -9.3% |
| TOTAL HIGHWAY FUND REVENUE | \$65,273,408.20 | -1.1% | \$63,686,691.74 | -2.4% | \$63,023,176.97 | -1.0% | \$61,946,577.74 | -1.7% | \$63,140,254.38 | 1.9% |

Interim 2010 Legislative Studies and Interim Committee Meetings

Updated October 20, 2010

| Study Name | Meetings Authorized | Meetings Held This Year | Next Meeting Date | Report Date | Chairs | Status |
|--|---------------------|-------------------------|--------------------------|----------------------------------|------------------------------|--|
| Task force on kinship families (Resolve 136) | 4 meetings | 4 | Meetings concluded | 11/3/2010 | Sen. Craven; Rep. Jones | Draft report in preparation |
| Joint Select Committee on Health Care Reform (HP 1262) | 6 meetings | 5 | Not yet scheduled | 12/1/2010 | Sen. Brannigan; Rep. Treat | 6th meeting and extension of reporting date to December 1st approved by ballot |
| ACF committee to discuss report on milk handling fees (Resolve 183) | 2 meetings | 0 | 11/4/2010 | 12/1/2010 | Sen. Nutting; Rep. Pieh | |
| AFA Committee | Monthly | 5 | 10/28/2010; 11/18/2010 | No report required | Sen. Diamond; Rep. Cain | |
| EDU committee meetings on MaineCare Rules relating to CDS (PL 571, Part ZZZ) | 2 meetings | 1 | 11/8/2010 | Not specified | Sen. Alford; Rep. Sutherland | |
| LVA committee review of slot machine revenues (PL 571, Part FFF) | 4 meetings | 3 | 11/16/2010 (if approved) | 11/3/2010 (11/23/10 if approved) | Sen. Sullivan; Rep. Trinward | Extension of reporting deadline to 11/23 requested |
| NAT committee study of solid waste and hot mix asphalt plant emissions | 5 meetings | 4 | Meetings concluded | 11/3/2010 | Sen. Goodall; Rep. Duchesne | Report being reviewed by Committee |
| OPLA/OFPR staff study of DOE program funding | N/A | N/A | Underway | 11/3/2010 | OPLA/OFPR staff | On target |
| SLG committee study of APA rulemaking process (Resolve 207) | Up to 3 meetings | 2 | 11/3/2010 | 11/3/2010 | Sen. Simpson; Rep. Beaudette | Draft report in preparation for review at November 3rd meeting |
| SLG meeting with AFA regarding SPO reorganization (PL 571, Part JJJJ) | 1 meeting | 0 | Not scheduled | No report required | Sen. Simpson; Rep. Beaudette | |

On-going Legislative Studies

| Study Name | Meetings Authorized | Meetings Held This Year | Next Meeting Date | Report Date | Chairs | Status |
|--|---------------------------|-------------------------|---------------------------------------|--|----------------------------|---|
| Citizen Trade Policy Commission (PL 2003, c. 699) | At least 2 per year | 7 | Not yet scheduled | 12/2/2010 | Sen. Jackson; Rep. Rotundo | Draft report in preparation |
| Legislative Youth Advisory Council (3 MRSA, section 168-A) | 2 per year | 0 | Not planning to meet until early 2011 | 2/1/2012 | Sen. Sullivan; Rep. Hayes | |
| Right to Know Advisory Committee (PL 2005, c. 631) | At least 4 times annually | 1 | 10/21/10; 11/18/10 | 1/15 annually to JUD, Governor and Chief Justice | Sen. Hobbins | Subcommittees continuing to meet regularly. |

**Legislative Council Actions
Taken by Ballot Since the
August 25, 2010 Council Meeting**

Request for additional meeting and extension of reporting deadline

MOTION: That the Legislative Council approve the request by the Joint Select Committee on Health Care Reform Opportunities and Implementation to hold a sixth meeting and to extend the deadline for issuing its report from November 3, 2010 to December 1, 2010, and further to authorize additional funds in the amount of \$1,785.00 solely to support the costs of holding the additional meeting. [Memo attached]

Accepted: October 14, 2010

Vote: 9 – 1 in favor

MEMORANDUM



**Joint Standing Committee on Legal and Veterans' Affairs
Review of Slot Machine Allocation
2010 Interim Study**

TO: Hannah M. Pingree, Chair
Elizabeth H. Mitchell, Vice-Chair
Legislative Council

FROM: Nancy Sullivan, Senate Chair
Pamela Trinward, House Chair
Joint Standing Committee on Legal and Veterans' Affairs
Interim Study to Review the Allocation of Slot Machine Revenue

DATE: October 13, 2010

RE: **Request for Deadline Extension**

The Legal and Veterans' Affairs Committee was approved and funded for 4 interim meetings to review the allocation of slot machine revenue pursuant to Public Law 2009, chapter 571 Part FFF. We have held 3 meetings so far. We are requesting an extension of our reporting deadline from November 3rd to November 23rd, for the reasons outlined below, and permission to hold our fourth and final meeting on November 16th.

Despite the statutory requirement that recipients of slot machine revenue submit reports to us by September 15th, some of those reports were not submitted until October 12th. The delay in receipt of these reports prohibits us from timely compliance with our charge. Thus, we are requesting permission to hold our final meeting on November 16, 2010 and to submit our report by November 23, 2010.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact us.

cc: Members, LVA
David E. Boulter, Executive Director, Legislative Council
Patrick Norton, Director, OPLA

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*No cost impact to
extend report date. D.B.*



STATE OF MAINE
 HOUSE OF REPRESENTATIVES
 CLERK'S OFFICE
 2 State House Station
 Augusta, Maine 04333-0002

Millicent M. MacFarland
 Clerk of the House

October 20, 2010

The Honorable Hannah Pingree
 Chair, Legislative Council
 2 State House Station
 Augusta, Maine 04333-0002

Dear Madam Chair:

The following proposed schedule is hereby submitted for consideration by the Legislative Council for Document Service for the First Regular Session of the 125th Legislature.

All items listed below are available on the Legislature's website. For the past 10 years we have seen a steady decline in demand for paper copies of most documents. For your information, attached is a ten year "snap shot" that demonstrates both the decline in revenue and the reduction in the number of subscriptions for each service.

To better serve document service clients we are proposing a new service of an email option for some documents for a minimal fee. In addition, less popular services have been eliminated.

| | | Rates 124th 1st Reg. Session | Proposed Rates 125th 1st Reg. Session |
|--|-------|--|---|
| 1. Bills & Resolves (L.D.s) FIRST CLASS-Mailed Daily | LD-1D | \$580.00 | \$580.00 |
| 2. Bills & Resolves (L.D.s) THIRD CLASS-Mailed Daily | LD-3D | 370.00 | 370.00 |
| 3. Bills & Resolves (L.D.s) PICKED UP AT DOCUMENT ROOM | LD-PK | 210.00 | 210.00 |
| 4. Amendments (Combined with any Legislative Document Service)-THIRD CLASS Mailed Weekly | A-W | 140.00 | 140.00 |
| 5. Amendments PICKED UP AT DOCUMENT ROOM | A-PK | 84.00 | 84.00 |
| 6. Legislative Record FIRST CLASS-Mailed Weekly | LR-1W | 150.00 | 150.00 |
| 7. Legislative Record PICKED UP AT DOCUMENT ROOM | LR-PK | 95.00 | 95.00 |
| 8. Legislative Record EMAIL | LR-E | NEW | 75.00 |
| 9. Public & Private & Special Laws, Resolves, & Constitutional Resolutions FIRST CLASS-Mailed Weekly | PL-1W | 315.00 | 315.00 |

| | | | |
|--|---------|--------|--------|
| 10. Public & Private & Special Laws, Resolves, & Constitutional Resolutions Picked up at Document Room | PL-PK | 160.00 | 160.00 |
| 11. Status of Bills EMAIL | WCPE | NEW | 75.00 |
| 12. Advance Notice of Public Hearings on Bills FIRST CLASS-Mailed Weekly | ANPH | 32.00 | 32.00 |
| 13. Advance Notice of Public Hearings on Bills EMAIL | ANPH-E | NEW | 20.00 |
| 14. Weekly Listings of Bills Printed & Enacted FIRST CLASS MAIL | WLR | 32.00 | 32.00 |
| 15. Weekly Listings of Bills Printed & Enacted EMAIL | WLR-E | NEW | 20.00 |
| 16. Joint Resolutions FIRST CLASS MAIL | JR-1 | 84.00 | 84.00 |
| 17. Joint Resolutions EMAIL | JR-E | NEW | 20.00 |
| 18. Legislative Council-Notice of Preliminary Agenda And Minutes, After Deadline List Pre and Post Versions | LCAM-PK | 185.00 | 185.00 |
| 19. Weekly Legislative Calendar FIRST CLASS MAIL | WLC-1 | 32.00 | 32.00 |
| 20. Weekly Legislative Calendar EMAIL | WLC-E | NEW | 20.00 |
| 21. Roll Call Votes (House & Senate) PICKED UP AT DOCUMENT ROOM | RC-PK | 27.00 | 30.00 |

I will be happy to respond to any questions the Council may have on this proposed schedule that has been discussed with appropriate support agencies.

Sincerely,


Millicent M. MacFarland
Clerk of the House

Attachment

Breakdown of copies of provided for Legislative Document Service

| | 119 th 1 st | 119 th 2 nd | 120 th 1 st | 120 th 2 nd | 121 st 1 st | 121 st 2 nd | 122 nd 1 st | 122 nd 2 nd | 123 rd 1 st | 123 rd 2 nd | 124 th 1 st | 124 th 2 nd |
|-------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| LD1D | 24 | 23 | 25 | 29 | 18 | 17 | 14 | 13 | 13 | 14 | 13 | 5 |
| LD1TW | 14 | 13 | 11 | 10 | 9 | 7 | 10 | 8 | 6 | 5 | 4 | 5 |
| LD3TW | 14 | 10 | 4 | 3 | 8 | 5 | 6 | 5 | 3 | 4 | 4 | 9 |
| LDPK | 90 | 86 | 86 | 83 | 84 | 80 | 80 | 81 | 78 | 70 | 78 | 70 |
| AW | 45 | 40 | 32 | 26 | 14 | 17 | 27 | 21 | 12 | 12 | 11 | 12 |
| APK | 84 | 79 | 85 | 78 | 79 | 73 | 78 | 74 | 67 | 68 | 74 | 67 |
| LR1W | 11 | 9 | 8 | 9 | 9 | 8 | 6 | 5 | 5 | 5 | 4 | 6 |
| LRPK | 10 | 9 | 6 | 5 | 4 | 7 | 9 | 17 | 7 | 6 | 6 | 6 |
| PL1W | 17 | 19 | 22 | 17 | 17 | 15 | 21 | 17 | 15 | 18 | 7 | 15 |
| PLPK | 23 | 25 | 24 | 24 | 27 | 24 | 27 | 31 | 24 | 23 | 28 | 26 |
| WCP1W | 7 | 6 | 3 | 5 | 5 | 4 | 4 | 3 | 2 | 2 | 2 | 1 |
| WCPPK | 30 | 32 | 25 | 18 | 19 | 13 | 17 | 11 | 14 | 10 | 13 | 9 |
| ANPH | 118 | 113 | 81 | 62 | 61 | 54 | 48 | 46 | 36 | 31 | 29 | 26 |
| WLR | 123 | 92 | 72 | 60 | 56 | 44 | 45 | 39 | 37 | 24 | 21 | 21 |
| JR | 13 | 15 | 12 | 10 | 12 | 9 | 10 | 11 | 9 | 7 | 9 | 8 |
| HS1W | 3 | 5 | 3 | 7 | 3 | 3 | 2 | 2 | 0 | 0 | 0 | 0 |
| HSS1W | 4 | 4 | 1 | 2 | 1 | 1 | 1 | 3 | 2 | 1 | 2 | 1 |
| LCAM | 30 | 28 | 24 | 26 | 22 | 24 | 25 | 23 | 18 | 15 | 19 | 16 |
| WLC | 68 | 58 | 61 | 39 | 39 | 32 | 30 | 26 | 22 | 17 | 13 | 11 |
| RC1W | 4 | 4 | 4 | 4 | 3 | 2 | 2 | 1 | 1 | 0 | 1 | 0 |
| RCPK | 27 | 26 | 25 | 23 | 33 | 30 | 36 | 32 | 28 | 21 | 25 | 22 |