

# MAINE STATE LEGISLATURE

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CHAIR

REP. ROBERT W. NUTTING  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. JONATHAN T. E. COURTNEY  
SEN. BARRY J. HOBBS  
SEN. DEBRA D. PLOWMAN  
SEN. JUSTIN L. ALFOND  
REP. PHILIP A. CURTIS  
REP. EMILY ANN CAIN  
REP. ANDRE E. CUSHING III  
REP. TERRY HAYES

125<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING OF LEGISLATIVE COUNCIL**  
**JUNE 3, 2011**  
**5:30 PM**  
**AGENDA**

<u>Item</u>		<u>Action</u>
1	CALL TO ORDER	
2	ROLL CALL	
3	SUMMARY OF THE MAY 26, 2011 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
4	NEW BUSINESS	
	Item #1: Review of Final Legislative Budget (separate handout)	Roll Call Vote
5	ANNOUNCEMENTS AND REMARKS	
6	ADJOURNMENT	

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125<sup>TH</sup> MAINE STATE LEGISLATURE  
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**MEETING SUMMARY**  
**May 26, 2011**

**CALL TO ORDER**

Legislative Council Chair, Senate President Raye called the May 26, 2011 Legislative Council meeting to order at 3:55 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Raye, Senator Courtney and Senator Alfond  
  
Absent: Senators Plowman and Hobbins (Senators Plowman and Hobbins arrived after start of the meeting)

Representatives: Speaker Nutting, Representative Curtis, Representative Cushing, Representative Cain, Representative Hayes

Legislative Officers: Heather Priest, Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Patrick Norton, Director, Office of Policy and Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
Scott Clark, Director, Legislative Information Technology  
John Barden, Director, Law and Legislative Reference Library  
Rose Breton, Legislative Finance Director  
Debra Olken, Human Resources Director

Senate President Raye convened the meeting at 3:55 P.M. with a quorum of members present.

**SUMMARY OF APRIL 28, 2011 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of April 28, 2011 be accepted and placed on file. Motion by Representative Cushing. Second by Representative Cain. **Motion passed unanimous. (8-0;** Senators Plowman and Hobbins absent)

Chair Raye 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 1.**

## NEW BUSINESS

### Item #1: Consideration of After Deadline Bill Requests / Addendum

The Legislative Council then proceeded to consider and vote on the bill requests in accordance with the previously established protocol. Of the 8 bill requests, the council authorized 1 request for introduction in the 1<sup>st</sup> Regular Session of the 125th Legislature, 4 failed to be authorized, and 3 were tabled until a future Legislative Council meeting. Of the 3 joint resolutions, the council authorized 2 requests for introduction in the 1<sup>st</sup> Regular Session of the 125th Legislature and 1 failed to be authorized. The Legislative Council's actions on the requests are included on the attached list.

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

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

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

1. Online Filing of Rulemaking Notices

After programming and extensive testing, the legislature's computer application for online filing of agency rulemaking notices is operational. With this new system, agencies who propose new or amended rules may file their required notices and fact sheets electronically with the Legislature. Once received and reviewed, the agency notices are sent to legislative committee members via email. In addition to rulemaking notices, agencies can also file their statutorily required regulatory agendas. To date about 12 agencies have received training on the online filing procedures, with more agencies being scheduled for training. This application will result in time efficiencies and reduction in paper use for both the Legislature and rulemaking agencies.

2. VoIP Telephone System Proposals – Update

During the past month, 3 firms who submitted proposals to install a VoIP telephone system in the Legislature were invited to make presentations to technical and user groups. Vendors were given a building walk-through and an opportunity to ask and answer questions to clarify and refine their proposals. The Office of Information Technology is currently reviewing client references for the firms which should be concluded by the end of the month. A further presentation will be made by the bidders to narrow the list to 1 or 2 top vendors. Once the information has been fully gathered and assessed, the matter will be presented to the Legislative Council for consideration as to whether to proceed with a VoIP system for the Legislature.

### 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
April	\$354.8	\$364.5	\$9.7	2.7%	\$344.6	5.8%
FYTD	\$2,217.8	\$2,249.2	\$31.4	1.4%	\$2,086.5	7.8%

General Fund revenue was over budget by \$9.7 million (2.7%) in April, increasing the positive variance for the fiscal year-to-date (FYTD) to \$31.4 million based on the forecast prior to the May 2011 revisions, which increased the revenue forecast by \$12.1 million. General Fund revenue growth through April was 7.8%, which is well ahead of the 5.1% growth assumption of the May 2011 revenue forecast. With just 2 months remaining in the fiscal year and with some preliminary indications of May's performance, it now appears that the General Fund revenue has a sufficient cushion to absorb the increase in the May 2011 revenue forecast and end the year with a revenue surplus.

Individual Income Tax revenue was \$26.5 million above the previous forecast through April. This category was increased by \$27.3 million in FY 2011, thus requiring only modest revenue improvement over the previous forecast to exceed the new benchmark.

Corporate Income Tax had a strong month in April offsetting a negative variance and building up a cushion of \$6.1 million based on the previous forecast. The May 2011 forecast revises Corporate Income Tax revenue downward by \$7.3 million, largely due to some large refunds to be paid out in the remaining months of FY 2011. Even with the downward revision, this category appears to be in good position to end the year with a positive variance.

Sales and Use Tax and Service Provider Tax revenue fell below budget in April and appears to be the result of high gasoline prices. Combined, these 2 categories were \$8.5 million over budget for the FYTD through April. The May 2011 revenue forecast increases these categories by \$9.3 million.

Revenue sharing transfers based on the performance of the income and sales tax categories have been ahead of projections by \$2.1 million through April, which does yet include the excess transfers above projections from the positive variances of April's tax collections that would add roughly \$0.5 million to the amount above projections. The May 2011 revenue forecast increased the budgeted amounts for these transfers by \$2.0 million.

April's Estate Tax collections, which rebounded in March with the receipt of a single estate tax payment of roughly \$5.8 million, added to this positive variance and has built up a cushion of \$3.5 million after deducting the \$2.1 million May 2011 upward revenue revision for this category.

The April performance of lottery transfers is another positive revenue development. These transfers were very close to budget for the month and are under budget by only \$2.1 million through April. Absent some major negative variances over the last 2 months, this category should exceed the revised amounts in the May 2011 revenue forecast, which reduced this category by \$3.0 million in FY 2011.

Some areas of concern include cigarette and tobacco tax collections, which was under budget by \$1.7 million in April and \$1.9 million for the FYTD, and Inland Fisheries and Wildlife revenue, which was under budget by \$1.2 million in April and for the FYTD. These may be temporary negative variances related to timing and accounting issues.

## Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$27.0	\$25.7	(\$1.4)	-5.0%	\$27.5	-6.5%
FYTD	\$238.2	\$239.9	\$1.7	0.7%	\$239.6	0.1%

Highway Fund revenue was under budget by \$1.4 million (5.0%) in April, but it remained over the budget for the FYTD through April by \$1.7 million. The May 2011 revenue revision increases Highway Fund budgeted revenue by \$0.6 million in FY 2011, thus leaving a surplus of more than \$1 million with 2 month remaining in FY 2011.

Fuel Taxes were above budget by \$0.3 million in April and was \$0.4 million for the FYTD through April. The May 2011 revenue forecast lowers the projected revenue from this category by \$0.3 million in FY 2011, largely from gasoline tax collections.

The Motor Vehicle Registration and Fee category was under budget by \$2.0 million in April, but it remained over budget for the FYTD by \$1.2 million. Much of April's negative variance and the positive FYTD variance were related to Long-term Trailer Registration Fees. The May 2011 revenue forecast increases by \$1.0 million the revenue from these fees.

## Tobacco Settlement Payments Update

In the May 2011 Revenue Forecasting Committee (RFC) report, the RFC had noted a potential significant risk to Maine's April 2012 tobacco settlement payments as a result of a pending legal proceeding under the Master Settlement Agreement (MSA) with tobacco manufacturers. On May 23<sup>rd</sup>, an Arbitration Panel reached a decision regarding the Non-participating Manufacturer (NPM) adjustment under the MSA for sales year 2003. The Participating Manufacturers (PMs) claimed that the Independent Auditor should have applied the NPM adjustment, which would have reduced their payment liability for that year. The panel's ruling denied that claim. As the Office of the Attorney General noted, this is a significant victory for the states.

While the panel's ruling only addresses 2003 and does not address subsequent years or limit challenges to individual states that they have not diligently enforced the MSA, it does avoid the immediate risk to April 2012 payments. If the States had not prevailed in this dispute, Maine's potential loss could have amounted to between \$2.98 million (the credit due back for 2003 only) and \$28.5 million (the credit for all of 2003-2009). Those credits would have been applied in addition to a reduction in payments per the NPM Adjustment amount for all future years as well.

This ruling does not affect budgeted revenue to the Fund for a Healthy Maine from tobacco settlement payments; it reduces the most significant risk in the current revenue forecast.

## Cash Balances

The average total cash pool balance for April was \$448.4 million, \$105.5 million higher than one year ago. The recent historical average for April's cash balances is \$482.4 million (April 2002 to 2010). Cash balances continue to show improvement across all the fund groups broken out below. Particularly important is the reduction in General Fund internal cash flow borrowing, \$64.5 million less than a year ago.

<b>Summary of Treasurer's Cash Pool</b>		
<b>April Average Daily Balances</b>		
<b>Millions of \$'s</b>		
	<b>2010</b>	<b>2011</b>
General Fund (GF) Total	\$33.7	\$50.5
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	\$341.2	\$276.7
Other General Fund Cash	(\$307.7)	(\$262.8)
Other Spec. Rev. - Interest to GF	(\$3.9)	\$32.0
Other State Funds - Interest to GF	\$8.0	\$17.0
Highway Fund	\$52.4	\$71.8
Other Spec. Rev. - Retaining Interest	\$29.9	\$30.9
Other State Funds	\$126.1	\$130.1
Independent Agency Funds	<u>\$96.5</u>	<u>\$115.9</u>
<b>Total Cash Pool</b>	<b>\$342.8</b>	<b>\$448.4</b>

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

President Raye, Chair of the Personnel Committee, reported that the Personnel Committee held a meeting earlier today, May 26, 2011 to consider a request by the Director of the Law and Legislative Reference Library to reorganize the library which would result in consolidation of various functions, increased operational efficiency and managerial accountability, and a revised allocation of duties among the job classifications. President Raye noted that this reorganization, when fully implemented, will result in a savings of approximately \$47,000 per year. The Personnel Committee unanimously recommended approval of the proposed plan for reorganization.

The committee also considered a request from a legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines and the applicable provisions of the collective bargaining agreement. Upon the recommendation of the employee's director and the Executive Director, the committee voted unanimously to approve the request. No action by the Legislative Council was required on this matter.

The committee further discussed but took no formal action on a personnel matter relating to an incident involving a legislative employee.

President Raye then offered the following motion.

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council adopt the director's proposed reorganization of the Law and Legislative

Reference Library to improve operations, increase efficiencies and improve delivery of library services, including reclassifying a principal law librarian position to a deputy director position, downgrading principal librarian position to an associate law librarian position, replacing the current class title of associate law librarian with senior law librarian and a lower level associate law librarian position, and revising related job descriptions; further that the changes be achieved within the existing number of authorized positions; and further that the Director of the Law and Legislative Reference Library work with the Executive Director to implement the reorganization plan. Motion by President Raye. Second by Representative Cain. **Motion passed. (9-0, with Senator Hobbins absent)**

## 2. Budget Subcommittee

Speaker Nutting, Chair of the Budget Subcommittee, reported on the following:

The Budget Subcommittee met several times this month, including Wednesday, May 25<sup>th</sup>, to review the proposed budget for the Legislature for the 2012-2013 biennium. At the meeting, members discussed the tentative budget submitted by the previous Legislative Council, the Governor's proposal for the Legislature and areas of potential savings in the Legislative budget.

The committee voted on numerous items, with only one item outstanding; the resulting savings to be achieved totals approximately \$8.3 million. Included in the subcommittee's budget adjustment is a proposed appropriation to the Bureau of Capitol Police to enhance security in the State House. Once the Appropriations Committee has decided on measures relating to health insurance and retirement, the Budget Subcommittee will present its recommendations to the full Legislative Council for a decision so those budget decisions can be incorporated into the Appropriations Committee budget amendment. Speaker Nutting noted that there may be some adjustments depending on how the Appropriations Committee modifies the Governor's proposed budget, but in any event the savings in the Legislative budget will be significant.

President Raye noted that these proposed savings represent approximately 14% of the budget for which the Legislature can be proud. President Raye further noted that the Legislative Council will vote on the final Legislative budget recommendations at a Legislative Council meeting to be scheduled in the near future.

## OLD BUSINESS

### ITEM 1: Legislative Council Actions Taken by Ballot

The following actions were taken by ballot by the Legislative Council since the last meeting.

- A. LR 2162            **Resolution Proposing an Amendment to the Constitution of Maine, to Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor**

Submitted by:     Senator Debra Plowman  
Approved:           April 29, 2011                     Vote: 9 - 1 in favor

- B. LR 2163            **An Act to Amend the Laws Governing Workers' Compensation**

Submitted by:     Representative Andre E. Cushing III  
Approved:           May 3, 2011                     Vote: 10 - 0 in favor

C. LR 2165      **An Act Relating to State Valuation of the Town of East Millinocket and the Town of Millinocket**

Submitted by:      Representative Herbert Clark  
 Approved:          May 11, 2011                      Vote: 10 – 0 in favor

D. LR 2171      **Joint Resolution Memorializing the Maine Congressional Delegation to Insist on Open and Objective Evaluation by the United States Air Force Concerning Certain Basing Decisions**

Submitted by:      Representative Kenneth Fredette  
 Approved:          May 11, 2011                      Vote: 10 – 0 in favor

E. LR 2172      **An Act to Amend the Winthrop Utilities District Charter**

Submitted by:      Representative Patrick Flood  
 Approved:          May 13, 2011                      Vote: 10 – 0 in favor

F. LR 2173      **An Act to Further Improve Maine's Health Insurance Law**

Submitted by:      Senator Rodney Whittemore  
 Approved:          May 23, 2011                      Vote: 8 – 2 in favor

**Item #2:      Maine State House & Grounds Multi-Year Plan for Maintenance & Improvements**

The pending matter is consideration of the State House Facilities Committee's recommendation of a facility maintenance and improvement plan for 2011. The committee's recommendation was discussed but not acted upon by the Legislative Council at its April meeting.

By way of background, the State House Facilities Committee met on April 26, 2011 to review the State House Facilities and Grounds improvement plan for 2011. After reviewing the projects, the committee concluded the projects were appropriate and constitute health and safety improvements or will prevent more costly repairs to facility infrastructure in the future. Key projects include interior plaster repair and paint, roofing and safety equipment inspections, repairs to the west wing entry stairs, north parking lot, sidewalk and crosswalk improvements, pedestrian paths and restoration in Capitol Park, and installation of an additional member desk in the House Chamber. However, the committee was not comfortable recommending installation of video broadcast cameras in the Appropriations Committee room and recommended deferring action on that project until 2012. The committee also asked the Executive Director to explore potential options with MDOT or city officials to an illuminated crosswalk to and from the state parking garage that would be more cost-effective but still be functional. The committee voted unanimously to recommend approval of the plan with those noted adjustments. Since the last Legislative Council meeting, the committee's recommendation was reviewed by the Budget Subcommittee and after discussion, that committee was comfortable with the recommendation.

**Motion:** That upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council authorize maintenance and improvements to the State House and Grounds as described in the 2011 revision of the Multi-Year Plan, except that Project 11.4 relating to technology enhancements to a committee room be deferred and reconsidered in 2012, and further authorize the Executive Director to take all necessary measures to implement the plan in accordance with the schedules contained in the plan, and to work with

the Maine Department of Transportation and the City of Augusta to evaluate various cost-effective crosswalk devices related to Project 11.5. Motion by Senator Courtney. Second by Speaker Nutting. **Motion passed unanimous. (10-0)**

## **NEW BUSINESS**

### **Item #2: Costs of Providing Health Insurance to Legislators and Cost Saving Options**

This matter has been under discussion by the Budget Subcommittee. During its budget review, the Budget Subcommittee noted that Legislators receive state-paid health insurance, and some Legislators have access to alternative health insurance or retain pre-existing coverage as well. The subcommittee felt that the Legislative Council could explore potential options for budget savings on legislator health insurance costs through an opt-out provision or similar policy. The subcommittee felt that referral to the Personnel Committee for its review later this year would be appropriate.

**Motion:** That the Legislative Council refer the matter of identifying and evaluating options to reduce costs of providing group health insurance to Legislators to the Personnel Committee for its review and recommendation to the Legislative Council. Motion by Representative Cain. Second by Senator Alford. **Motion passed unanimous. (10-0)**

## **ANNOUNCEMENTS AND REMARKS**

The Legislative Council meeting was adjourned at 4:43 P.M. on a motion by Speaker Nutting, seconded by Representative Cain. **Motion passed unanimous (10-0).**

## Legislative Council Action on After Deadline Bill Requests, May 26, 2011

**LEGISLATIVE COUNCIL  
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION 125th LEGISLATURE  
As of: May 26, 2011**

		<b>Action</b>
<b>SPONSOR:</b> LR 2183	<b>Rep. Cebra, Richard M.</b> An Act To Protect Maine's Border Businesses	<b>TABLED</b>
<b>SPONSOR:</b> LR 2175	<b>Sen. Dill, Cynthia A.</b> An Act To Amend the Law Governing the Health Assessment Imposed by Recently Enacted Legislation	<b>FAILED</b>
<b>SPONSOR:</b> LR 2185	<b>Rep. Harmon, R. Ryan</b> An Act To Amend the Off-premises Catering at Planned Events or Gatherings License	<b>FAILED</b>
<b>SPONSOR:</b> LR 2184	<b>Rep. Soctomah, Madonna M.</b> An Act To Amend the Laws Pertaining to High-stakes Beano Conducted by the Passamaquoddy Tribe	<b>FAILED</b>
<b>SPONSOR:</b> LR 2178	<b>Rep. Treat, Sharon A.</b> Resolve, To Allow the State To Continue Efforts To Sell or Lease Certain Property in the City of Hallowell	<b>PASSED</b>
<b>JOINT RESOLUTION</b>		
<b>SPONSOR:</b> LR 2180	<b>Rep. O'Connor, Beth A.</b> JOINT RESOLUTION MEMORIALIZING CONGRESS TO DISAPPROVE OF CORN ETHANOL AS A FUEL ADDITIVE	<b>PASSED</b>
<b>SPONSOR:</b> LR 2190	<b>Sen. Schneider, Elizabeth M.</b> JOINT RESOLUTION MEMORIALIZING CONGRESS TO ALLOW STATES TO HAVE ALTERNATIVES TO CORN ETHANOL AS A FUEL ADDITIVE	<b>PASSED</b>
<b>TABLED BY THE LEGISLATIVE COUNCIL</b>		
<b>SPONSOR:</b> LR 2155	<b>Sen. Trahan, A. David</b> An Act To Ensure the Compensation of Public Employees Who Are Injured Due to Acts of Violence of Patients or Prisoners in Their Custody	<b>Action TABLED 04/28/11</b>

**SPONSOR:**  
LR 2139

**Rep. Turner, Beth P.**  
An Act To Reform the Land Use Regulation Commission

**TABLED 04/28/11**

**SPONSOR:**  
LR 2138

**Sen. Whittmore, Rodney L.**  
An Act To Expand Health Insurance Choices

**FAILED**

**JOINT RESOLUTION**

**SPONSOR:**  
LR 2120

**Rep. Espling, Eleanor M.**  
JOINT RESOLUTION MEMORIALIZING CONGRESS  
TO PASS THE PARENTAL RIGHTS AMENDMENT TO  
THE UNITED STATES CONSTITUTION

**FAILED**

## LEGISLATIVE COUNCIL

June 3, 2011

### Proposed Motion Relating to FY 12 and FY 13 Budget Savings in Legislative Accounts

Motion to be offered by: Speaker Robert Nutting, Chair, Budget Subcommittee

**Motion:** That upon the recommendation of the Budget Subcommittee, the Legislative Council approve General Fund budget savings totaling \$4,463,606 to be achieved in legislative accounts during the 2012-2013 biennium through a combination of General Fund deappropriations and by lapsing funds to the General Fund in accordance with the subcommittee's recommendations;

FURTHER, that upon the recommendation of the Budget Subcommittee, the Legislative Council approve a General Fund appropriation in the amount of \$244,974 in fiscal year 2011-12 and \$301,149 in fiscal year 2012-13 to the Bureau of Capitol Police for the express purpose of hiring law enforcement and security officers to fully provide security screening and law enforcement presence on a full-time basis in and in the immediate vicinity of the State House;

FURTHER, that upon the recommendation of the Budget Subcommittee, the Legislative Council approve adjustments related to the Legislature's share of the statewide deappropriations from changes to future state pension obligations, changes to future retiree health insurance obligations and a recalculation of the baseline pension budget. These adjustments remove the value of the projected savings calculated for the Legislature from the statewide deappropriations and place them in the appropriate legislative programs. These adjustments do not affect the overall statewide savings to be achieved as a result of these proposals;

FURTHER, that upon the recommendation of the Budget Subcommittee, the Legislative Council implement Personal Services cost savings measures regarding step increases and longevity stipends affecting legislative employees, consistent with measures recommended by the Joint Standing Committee on Appropriations and Financial Affairs for Executive and Judicial Branch employees and reflected in its committee amendment;

FURTHER, that upon the recommendation of the Budget Subcommittee, the Legislative Council approve the subcommittee's recommended language pertaining to the suspension of the COLA for legislators, clarification of the attrition rate for the 2012-2013 budget and clarification of the scope of the duties of the Streamline and Prioritize Core Government Services Task Force; and

FURTHER, that the Executive Director be directed to prepare and transmit all necessary implementing language reflecting this decision of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's 2012-2013 budget bill.

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**BREAKDOWN OF PROJECTED ESTIMATED SAVINGS****LEGISLATIVE COUNCIL BUDGET SUBCOMMITTEE  
(Updated to Reflect Budget Subcommittee Action through 5/25/11)**

<b>SUMMARY-ALL ACCOUNTS</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
<b>Projected Estimated Savings for Additional Items</b>			
Health Insurance-level funding	339,668	704,804	1,044,472
Change in employer share of health insurance for session-only employees	42,678	32,008	74,686
Suspend Legislator COLA	39,825	120,055	159,880
Reduce funding for Apportionment Commission (provides funding for a total of \$280,000)		120,000	120,000
Reduce Out-of-State travel by 30%	32,704	32,704	65,408
Reduce length of session one week each year	102,477	103,902	206,379
Projected salary savings available to lapse - Senate offices (FY 11 \$169,166 and FY 12 \$322,458)	491,624		491,624
Projected salary savings available to lapse - House offices (FY 11 \$104,644 and FY 12 \$223,733)	328,377		328,377
Other Projected savings to lapse - all offices	1,247,919		1,247,919
Projected Health Insurance Savings for the 125th Legislature from legislators that declined coverage (FY 11 \$296,836 and FY 12 \$296,836) and FY 13 estimated at \$87,305	593,672	87,305	680,977
Reduces funding for dues for NCSL and CSG-Funds dues each year at \$114,090 for NCSL and \$83,525 for CSG	21,942	21,942	43,884
<b>TOTAL PROJECTED ESTIMATED SAVINGS-ALL ITEMS</b>	<b>3,240,886</b>	<b>1,222,720</b>	<b>4,463,606</b>

**PROJECTED ESTIMATED COST ITEMS (Approved 5/25/11)**

<b>BUREAU OF CAPITOL POLICE</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
Security Measures			
1 Police Officer and 4 Security Officers (new positions)	(244,974)	(301,149)	(546,123)
<b>Note:</b> (FY 12 Personal Services has been reduced by \$46,795 to reflect 10 months of funding due to recruitment process and payroll processing cycle, etc. Adjusted FY 12 cost is PS \$233,974 and AO \$11,000.)			
<b>TOTAL PROJECTED ADDITIONAL COSTS</b>	<b>(244,974)</b>	<b>(301,149)</b>	<b>(546,123)</b>
<b>NET PROJECTED SAVINGS-ALL ACCOUNTS</b>	<b>2,995,912</b>	<b>921,571</b>	<b>3,917,483</b>

**Proposed Appropriation Approved by the Legislative Council's Budget  
Subcommittee  
5/25/11**

**(Contingent upon the approval of the Legislative Council)**

**2012-2013  
GOVERNOR'S BUDGET BILL – LD 1043**

Amend the bill by adding the following to a new Part , Section of LD 1043 as follows:

**PART**

**Sec. .**

**PUBLIC SAFETY, DEPARTMENT OF**

**Capitol Police – Bureau of 0101**

Initiative: Provides funding for one Capitol Police Officer position and 4 Security Officer positions effective September 1, 2011 and related All Other for the express purpose of fully providing security screening and law enforcement presence on a full-time basis in and in the immediate vicinity of the State House.

<b>GENERAL FUND</b>	2011-12	2012-13
POSITIONS – LEGISLATIVE COUNT	5.0	5.0
Personal Services	\$233,974	\$292,149
All Other	11,000	\$9,000
<b>GENERAL FUND TOTAL</b>	<b>\$244,974</b>	<b>\$301,149</b>

**CAPITOL POLICE – BUREAU OF 0101  
PROGRAM SUMMARY**

GENERAL FUND TOTAL	\$244,974	\$301,149
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**SUMMARY**

The proposed appropriation to the Bureau of Capitol Police provides funding for five additional positions for full-time security and screening at the State House.

**LEGISLATIVE COUNCIL BUDGET SUBCOMMITTEE**  
 (Updated to Reflect Budget Subcommittee Action through 5/25/11)

LD 1043

<b>SUMMARY-ALL ACCOUNTS</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>	
<b>Legislature's Share of Statewide Deappropriations-already included in Governor's Budget Proposals</b>				
Recalculation of baseline pension budget	108,760	176,668	285,428	
Pension changes (eg. inc. retirement age, inc. employee/dec. employer contribution, freeze COLA for retirees)	1,223,510	1,242,794	2,466,304	
Retiree Health changes	292,483	449,875	742,358	
<b>Total Legislature's Share of Statewide Deappropriations</b>	<b>1,624,753</b>	<b>1,869,337</b>	<b>3,494,090</b>	<b>Subject to change based on AFA action</b>
<b>Projected Estimated Savings for Additional Items</b>				
Suspend Step Increases for employees	210,339	591,273	801,612	
Suspend Longevity Stipends for employees	58,190	59,022	117,212	
<b>Total Projected Estimated Savings for Additional Items</b>	<b>268,529</b>	<b>650,295</b>	<b>918,824</b>	<b>Subject to change based on AFA action</b>
<b>TOTAL PROJECTED ESTIMATED SAVINGS-ALL ITEMS</b>	<b>1,893,282</b>	<b>2,519,632</b>	<b>4,412,914</b>	<b>Subject to change based on AFA action</b>

Proposed Language Approved by the Legislative Council's Budget Subcommittee  
5/13/11

(Contingent upon the approval of the Legislative Council)

Part – New Part

3 MRSA, §2, 1<sup>st</sup> ¶ is amended to read:

**§2. Salary, expenses and travel of Members of the Legislature and representatives of Indian tribes**

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 2000 and thereafter, is entitled to \$10,815 in the first year and \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year; and except that the percentage increase may not exceed 3% beginning with the fiscal year ending June 30, 2014. Beginning December 1, 2001, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year; except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 124th Legislature; and except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 125<sup>th</sup> Legislature and the First and Second Regular Session of the 126<sup>th</sup> Legislature, and any percentage change in the Consumer Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013 may not be applied to the base salary. In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike as long as they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and those amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end of the session.

**SUMMARY**

This language suspends the COLA for legislators for 3 years and amends the cap in future years to 2%. It also clarifies that for those years in which the COLA is suspended, it may not be applied to the base salary.

Proposed Language Approved by the Legislative Council's Budget Subcommittee  
5/20/11

(Contingent upon the approval of the Legislative Council)

2012-2013  
GOVERNOR'S BUDGET BILL – LD 1043

Amend the bill, in Part F, Section F-1, as follows:

**CURRENT**

**Sec. F-1. Attrition savings.** The attrition rate for the 2012-2013 biennium is increased from 1.6% to 5.0%.

**PROPOSED**

**Sec. F-1. Attrition savings.** The attrition rate for the 2012-2013 biennium is increased from 1.6% to 5.0% for all executive branch departments and agencies, Judicial Branch and independent agencies.

**SUMMARY**

This amendment clarifies that the attrition rate of 5% applies to executive branch departments and agencies, Judicial Branch and independent agencies whose baseline personal services budgets were developed using the 5% attrition factor. This amendment will not require any changes to appropriations already included in the proposed 2012-2013 budget.

Proposed Language Approved by the Legislative Council's Budget Subcommittee  
5/20/11

(Contingent upon the approval of the Legislative Council)

2012-2013  
GOVERNOR'S BUDGET BILL – LD 1043

Amend the bill, as revised by the 5/6/11 Change Package, in Part KKK, Section KKK-4, as follows:

**CURRENT**

**Sec. KKK-4. Duties.** The task force shall undertake a comprehensive analysis of State Government with the goals of prioritizing services provided by government agencies, consolidating functions and eliminating duplication and inefficiencies in programs, contracted personal services, state travel policies and advertising and public notice policies. In carrying out its duties, the task force shall investigate and identify major sources of administrative excess, redundancy and inefficiency and program overlap with other state, local or federal programs. The task force shall identify any positions that should be reduced, eliminated or consolidated to deliver optimum services in the most cost-effective manner, including positions in the unclassified service and major policy-influencing positions as set out in the Maine Revised Statutes, Title 5, chapter 71, and in contracted personal services. The task force shall develop recommendations designed to achieve a targeted spending reduction of a minimum of \$25,000,000 in fiscal year 2012-13. The task force may establish subcommittees and draw on experts inside and outside of State Government.

**PROPOSED**

**Sec. KKK-4. Duties.** The task force shall undertake a comprehensive analysis of State Government departments and agencies within the executive branch, offices of the Constitutional officers, the Department of Audit and independent agencies statewide, with the goals of prioritizing services provided by government agencies, consolidating functions and eliminating duplication and inefficiencies in programs, contracted personal services, state travel policies and advertising and public notice policies. In carrying out its duties, the task force shall investigate and identify major sources of administrative excess, redundancy and inefficiency and program overlap with other state, local or federal programs. The task force shall identify any positions that should be reduced, eliminated or consolidated to deliver optimum services in the most cost-effective manner, including positions in the unclassified service and major policy-influencing positions as set out in the Maine Revised Statutes, Title 5, chapter 71, and in contracted personal services. The task force shall develop recommendations designed to achieve a targeted spending reduction of a minimum of \$25,000,000 in fiscal year 2012-13. The task force may establish subcommittees and draw on experts inside and outside of State Government.

**SUMMARY**

This amendment clarifies that the scope of the duties of the Streamline and Prioritize Core Government Services Task Force apply to the services and programs of the various departments and agencies within the executive branch, offices of the Constitutional officers, the Department of Audit and independent agencies statewide.