

MAINE STATE LEGISLATURE

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CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. JUSTIN L. ALFOND
SEN. DAWN HILL
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REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**127th Legislature
Legislative Council**

**OCTOBER 24, 2015
10:00 AM**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE SEPTEMBER 24, 2015 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
❖ 6	• Executive Director's Report (Mr. Pennoyer)	Information
❖ 7	• Fiscal Report (Mr. Nolan)	Information
11	• Studies Update and Report (Ms. Hylan Barr)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	Information
	• State House Facilities Committee No Report	
	OLD BUSINESS	
	None	
	NEW BUSINESS	
13	Item #1: Suggested Procedures for Deciding Legislative Bill Requests	Decision
	Item #2: Consideration of Legislative Bill Requests for Introduction in the Second Regular Session of the 127 th Legislature (Separate Binder)	Roll Call Vote
❖ 15	Addendum to Part 2 (included in this packet)	

- | | | |
|-----------|--|--------------------|
| 16 | Item #3: Legislative Council Meeting Schedule for 2016 | Information |
| 17 | Item #4: Notice of Single Audit of the State of Maine
(Office of the State Auditor) | Information |
| | Item #5: Executive Session | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. MICHAEL D. THIBODEAU
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**LEGISLATIVE COUNCIL
MEETING SUMMARY
September 24, 2015**

CALL TO ORDER

President Thibodeau called the September 24, 2015 meeting of the Legislative Council to order at 1:44 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Cushing and Senator Hill
Absent: Senator Mason and Senator Alfond
Representatives: Speaker Eves, Representative McCabe and Representative Espling
Absent: Representative Gideon and Representative Fredette
Legislative Officers: Grant T. Pennoyer, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Chris Nolan, Director, Office of Fiscal and Program Review
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 1:44 p.m. with a quorum of members present.

SUMMARY OF AUGUST 27, 2015 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for August 27, 2015 be accepted and placed on file. Motion by Senator Cushing. Second by Speaker Eves. **Motion passed unanimous (6-0,** with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on the following:

1. Applications for Priority Security Screening began September 1st

We received 47 applications for low-priority screening for persons having regular business in the State House. We are reviewing the background checks for these applicants and will begin issuing cards in a few weeks.

2. Update on State House Projects

Repainting of the dome is nearing completion as are the main entrance doors and the old entrance to Capitol Park. The Senate Chamber card access project is beginning next week. Work on the heating/cooling system is nearing completion and heating should be back on line within a couple of weeks with a new pump that will improve flow to the State House. The new pump will include a monitor to detect pressure losses indicating leaks in the system.

3. Availability of Original Copper from the State House Dome

We are in the process of working out the logistics and pricing for the sale of the salvaged copper from the State House Dome. We are also in the final stages of developing sample mementos for sale that include a piece of the copper, which should be available for viewing and placing orders within the next couple of weeks.

4. Cloture is tomorrow, September 25th

Through Wednesday afternoon, approximately 230 bill requests have been filed in the Revisor's Office before tomorrow's cloture deadline of 4PM. Historically the last day of cloture can represent one-quarter of the total filings, so it is difficult to estimate the final number of bill requests filed. So far, the trend appears to be lower than 2 years ago. The next two Council meetings on October 22nd and November 19th will be very long meetings voting on the acceptance of these bills and any appeals for rejected bills.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following:

General Fund Revenue Update

Total General Fund Revenue - FY 2016 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$263.7	\$259.3	(\$4.4)	-1.7%	\$80.5	221.9%
FYTD	\$496.8	\$505.6	\$8.8	1.8%	\$333.2	51.7%

General Fund revenue was under budget by \$4.4 million (1.7%) for the month of August but was \$8.8 million (1.8%) over budget for the fiscal year through August. Individual income tax revenue was \$12.2 million over budget for the month of August led mainly by withholding which exceeded budget by \$13.6 million. Sales and use tax revenue was over budget by \$1.4 million, continuing its strong performance for fiscal year 2016. Corporate income taxes were \$1 million under budget. Corporate tax refunds were \$1.9 million over budget due to prior year tax settlements. Various revenue transfer lines from the General Fund to other funds were over budget for August, offsetting the negative variance from the previous month that was likely the result of a timing issue in making the transfers.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$30.1	\$30.1	\$0.0	0.2%	\$8.2	267.6%
FYTD	\$59.4	\$59.2	(\$0.2)	-0.4%	\$38.4	54.3%

Highway Fund revenue was on budget in August and was slightly under budget for the fiscal year through August. Fuel taxes were over budget for the month of August by \$0.1 million while registration fees were under budget by \$0.2 million.

Cash Balances Update

The average total cash pool balance for August was \$798.9 million, a decrease from July's average balance but significantly higher than both last August and the 10-year average balance for August. Following up on July, there was once again no General Fund internal borrowing from other funds in August. July had been the first month in the nine years the State has been doing internal borrowing that such borrowing was not needed. The average Highway Fund balance for August increased over July's average and was significantly higher than last July's balance.

Studies Update and Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported on the status of the Interim Legislative Studies and Committee meetings. Ms. Hylan Barr updated the Members on two changes that occurred after the printing of her written report: The Right to Know Advisory Committee has scheduled its next meeting for October 6th, and the VLA Subcommittee has been approved to hold meetings during the interim with its first meeting to be held on October 13th.

REPORTS FROM COUNCIL COMMITTEES**1. Personnel Committee**

Speaker Eves, Chair of the Personnel Committee, reported that the Personnel Committee held a meeting on September 24th to consider the following matters:

1. Constitutional Officers' Salary Increase

The committee reviewed the statute regarding the Legislative Council's authority over salaries for the Constitutional Officers and the State Auditor. No action was needed by the committee or by the Legislative Council for a general salary increase.

2. Clerk and Assistant Clerk – Timing of Step Increases

The committee discussed the timing of approving step increases for the Clerk of the House and the Assistant Clerk of the House. Due to their original Pro Tem status, the committee decided to wait until their work anniversary dates in December to approve step increases.

3. Employee Engagement Survey – Possible Expansion

Mr. Pennoyer reviewed a recent survey conducted with the nonpartisan staff. Ms. Little has offered to expand the survey to include partisan offices if there is interest.

4. Process for Executive Director's Performance Review

The committee reviewed the process for the Executive Director's performance review. No action was taken by the committee at this time.

5. Collective Bargaining Guidance

Mr. Pennoyer reviewed the status of the collective bargaining negotiations. The committee gave guidance to Mr. Pennoyer regarding how to proceed. No action was taken by the committee at this time.

2. State House Facilities Committee

Senator Cushing of the State House Facilities Committee reported that the State House Facilities Committee, met on Wednesday, August to consider the following items.

The committee reviewed the priority screening portion of the *Legislative Council Policy on Security Screening Protocols for the Maine State House*. Executive Director Pennoyer updated the committee regarding applications received and estimated costs involved. After discussion and questioning, the committee recommends a couple of modest revisions to the policy. Based on processing so far, the committee recommends that the initial application fee remain at \$100, but the renewal fee be reduced to \$30 and application be effective for a Legislature, i.e. remainder of 127th and then renewal for 128th and each subsequent Legislature.

The committee discussed with Capitol Police Chief Gauvin issues related to parking including parking permits and handicapped parking.

Mr. Pennoyer updated the committee on the status of various projects currently being done including the repainting of the dome, the repair to the original steps in Capitol Park and the West entrance doors.

As part of the copper reuse project, Mr. Pennoyer is having two kinds of mementos made up: a framed picture and a plaque that include pieces of copper. These will soon be available for sale. Also for sale will be larger pieces of copper to artists, etc. Finally, the Maine Arts Commission is in the process of putting together a selection committee for the artist who will create a piece that will be placed on the Capitol grounds. The committee recommends that Legislative Council choose two members to be on this selection committee.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Request from the Task Force on School Leadership to Hold an Off-site Meeting

Mr. Pennoyer reviewed the request from the Task Force on School Leadership to hold a meeting on October 6th in Ellsworth at the Hancock County Technical Center.

Motion: That the Legislative Council approve the request from the Task Force on School Leadership to hold an off-site meeting on October 6, 2015. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alford and Representatives Gideon and Fredette absent).

Item #2: Revision to the *Legislative Council Policy on Security Screening Protocols for the Maine State House*

This item was previously addressed and discussed during the State House Facilities Committee report.

Motion: That upon the recommendation of the State House Facilities Committee, the Legislative Council approve the revisions to the priority screening section of the *Legislative Council Policy on Security Screening Protocols for the Maine State House* effective September 24, 2015. Motion by Senator Cushing. Second by Speaker Eves. **Motion passed unanimous (6-0**, with Senators Mason and Alford and Representatives Gideon and Fredette absent).

Item #3: Choice of Members for the Artist Selection Committee

Senator Cushing previously addressed this item during the State House Facilities Committee report. Discussion involved who should make this decision: the Legislative Council or the Presiding Officers.

Motion: That upon the recommendation of the State House Facilities Committee, the Legislative Council authorize the Presiding Officers to select two members to sit on the Artist Selection Committee for the copper reuse project being overseen by the Maine Arts Commission. Motion by Senator Cushing. Second by Senator Hill. **Motion passed unanimous (6-0**, with Senators Mason and Alford and Representatives Gideon and Fredette absent).

ANNOUNCEMENTS AND REMARKS

President Thibodeau welcomed James Thelen, General Counsel for the University of Maine System who will be temporarily replacing John Lisnik as the System's legislative liaison.

Item #4: Executive Session

Motion: That in accordance with 1 MRSA § 405, sub§ 6, the Legislative Council enter into an executive session for the purpose of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alford and Representatives Gideon and Fredette absent) at 2:09 p.m.

Motion: That the Legislative Council end executive session and return to its regular meeting. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alford and Representatives Gideon and Fredette absent) at 2:47 p.m.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:48 p.m.

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Legislative Council

Executive Director's Report October 22, 2015

1. Priority Security Screening Update

The Executive Director's Office has completed processing of roughly half of the applications for low-risk priority screening passes received to date (34 completed of 69 received). Cards were issued this week for this first batch of completed applications.

2. Update on State House Projects

Construction and cosmetic repair work in the State House is wrapping up for this interim. Repainting of the dome is finally completed. Some final work remains on the Senate Door card access project and the main entrance doors of the State House. The refilling of the State House heating system after the installation of a new pump and being empty for a several months exposed some new leaks, which have been repaired. The refilling of the heating system also resulted in multiple service calls over a couple of weeks to address air pockets affecting the flow to certain heating units.

3. Availability of Original Copper from the State House Dome

Earlier this month, the Office of the Executive Director announced that it was ready to receive orders for the 2 mementos (a plaque and a framed picture with pieces of the copper from the State House dome) and for sheets of the copper in rough form. So far, we have received orders for roughly 30 mementos and 80 square feet of the copper sheets in rough form.

4. Youth in Government Program – November 13th to 15th

As a reminder, the Youth in Government Program of the Maine YMCA is scheduled to be in the State House and Cross Office Building for its annual weekend in the State House beginning Friday, November 13th and ending Sunday, November 15th.

Fiscal Briefing

Legislative Council Meeting – October 22, 2015

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$352.9	\$354.9	\$2.0	0.6%	\$351.7	0.9%
FYTD	\$849.7	\$860.5	\$10.8	1.3%	\$685.0	25.6%

General Fund revenue was over budget by \$2.0 million (0.6%) for the month of September and \$10.8 million (1.3%) over budget for the fiscal year through September. Individual income tax revenue was \$4.9 million over budget for the month of September led mainly by estimated payments. Estimated payments have exceeded fiscal year 2015, and it remains to be seen whether this is an anomaly or not. This line will be looked at closely in the December forecast. Sales and use tax revenue was under budget by \$1.7 million but over budget by \$2.6 million for the fiscal year to date. These revenues are expected to rebound in October (September sales), since the September variance could be attributed to the late Labor Day holiday. Transfers for tax relief programs were over budget by \$5.8 million mainly due to timing of reimbursements under the BETR program which should correct itself over the next few months.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$25.4	\$27.1	\$1.7	6.9%	\$25.6	5.8%
FYTD	\$84.8	\$86.3	\$1.5	1.8%	\$64.0	34.9%

Highway Fund revenue was over budget by \$1.7 million (6.9%) for the month of September and \$1.5 million (1.8%) over budget for the fiscal year through September. Fuel taxes were over budget for the month of September by \$0.5 million while motor vehicle registration and fees were over budget by \$1.0 million.

3. Cash Balances Update

The average total cash pool balance for September was \$798.9 million, a 6.4% increase from last month's average and significantly higher than both last September and the previous 10-year average balance for September. Internal borrowing for the General Fund averaged \$6.7 million in September which is, obviously, up from the rare zero borrowing in the past two months but well below the past two Septembers (\$153.7 million and \$142.0 million in 2013 and 2014 respectively). The average Highway Fund balance increased 3.9% from August to September and by 21.4% from July to September.

**General Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)**

September 2015 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2016 Budgeted Totals
	September '15 Budget	September '15 Actual	September '15 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	128,194,921	126,491,665	(1,703,256)	369,734,839	372,335,873	2,601,034	0.7%	207.8%	1,252,140,713
Service Provider Tax	4,351,603	3,747,834	(603,769)	13,787,489	11,616,891	(2,170,598)	-15.7%	154.3%	59,073,214
Individual Income Tax	160,300,000	165,158,875	4,858,875	371,460,000	385,686,913	14,226,913	3.8%	147.8%	1,486,487,128
Corporate Income Tax	37,500,000	31,848,456	(5,651,544)	29,500,000	24,271,618	(5,228,382)	-17.7%	226.3%	150,084,270
Cigarette and Tobacco Tax	11,887,553	12,817,889	930,336	36,942,181	40,647,605	3,705,424	10.0%	60.8%	133,441,000
Insurance Companies Tax	89,552	68,180	(21,372)	390,398	402,616	12,218	3.1%	-25.5%	82,700,000
Estate Tax	2,363,908	1,917,455	(446,453)	7,091,724	5,081,305	(2,010,419)	-28.3%	1989.6%	30,675,326
Other Taxes and Fees *	9,002,385	8,690,099	(312,286)	29,111,070	29,569,351	458,281	1.6%	55.5%	138,238,712
Fines, Forfeits and Penalties	2,141,865	2,137,229	(4,636)	6,121,517	5,653,433	(468,084)	-7.6%	44.8%	22,615,858
Income from Investments	35,622	93,324	57,702	78,052	177,469	99,417	127.4%	507.8%	439,232
Transfer from Lottery Commission	4,244,505	4,884,303	639,798	14,413,209	13,462,229	(950,980)	-6.6%	53.9%	54,900,000
Transfers to Tax Relief Programs *	(6,379,199)	(564,430)	5,814,769	(10,566,621)	(4,428,561)	6,138,060	58.1%	-99.5%	(66,771,938)
Transfers for Municipal Revenue Sharing	(4,718,074)	(4,969,353)	(251,279)	(18,310,186)	(18,560,758)	(250,572)	-1.4%	-113.1%	(63,974,827)
Other Revenue *	3,890,646	2,597,092	(1,293,554)	(41,687)	(5,391,676)	(5,349,989)	-12833.7%	-147.3%	31,329,748
Totals	352,905,287	354,918,619	2,013,332	849,711,985	860,524,309	10,812,324	1.3%	158.2%	3,311,378,436

* Additional detail by subcategory for these categories is presented on the following page.

General Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)

September 2015 Revenue Variance Report

Revenue Category	September '15			Fiscal Year-To-Date					FY 2016 Budgeted Totals
	Budget	Actual	Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	-100.0%	14,225,984
- Real Estate Transfer Tax	1,319,009	1,353,263	34,254	4,182,481	4,276,756	94,275	2.3%	-69.1%	15,697,389
- Liquor Taxes and Fees	2,173,876	1,880,409	(293,467)	5,725,539	6,552,371	826,832	14.4%	-70.5%	21,214,918
- Corporation Fees and Licenses	208,656	231,850	23,194	1,004,780	990,161	(14,619)	-1.5%	-89.9%	9,088,649
- Telecommunication Excise Tax	0	(34,249)	(34,249)	0	(34,249)	(34,249)	N/A	-100.5%	7,500,000
- Finance Industry Fees	2,195,991	2,578,000	382,009	6,587,973	6,826,950	238,977	3.6%	-76.3%	26,851,990
- Milk Handling Fee	253,451	240,030	(13,421)	760,353	858,541	98,188	12.9%	-61.1%	3,041,412
- Racino Revenue	783,785	710,173	(73,612)	2,550,627	2,378,208	(172,419)	-6.8%	-72.5%	9,119,142
- Boat, ATV and Snowmobile Fees	265,718	267,520	1,802	1,176,478	1,150,849	(25,629)	-2.2%	-74.8%	4,523,561
- Hunting and Fishing License Fees	1,068,847	1,070,068	1,221	4,910,450	4,871,012	(39,438)	-0.8%	-70.5%	15,817,842
- Other Miscellaneous Taxes and Fees	733,052	393,034	(340,018)	2,212,389	1,698,753	(513,636)	-23.2%	-86.7%	11,157,825
Subtotal - Other Taxes and Fees	9,002,385	8,690,099	(312,286)	29,111,070	29,569,351	458,281	1.6%	-78.8%	138,238,712
Detail of Other Revenue:									
- Liquor Sales and Operations	2,161	1,210	(951)	7,775	6,090	(1,685)	-21.7%	-100.0%	9,667,500
- Targeted Case Management (DHHS)	328,504	173,001	(155,503)	985,510	562,701	(422,809)	-42.9%	-77.8%	2,560,000
- State Cost Allocation Program	1,357,497	1,710,171	352,674	4,492,368	4,596,978	104,610	2.3%	-79.5%	18,296,832
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	-100.0%	7,000,000
- Tourism Transfer	0	0	0	(8,147,985)	(8,147,985)	0	0.0%	29.9%	(12,854,128)
- Transfer to Maine Milk Pool	0	(1,431,515)	(1,431,515)	0	(4,537,919)	(4,537,919)	N/A	-15.4%	(8,608,828)
- Transfer to STAR Transportation Fund	0	0	0	(4,608,262)	(4,608,262)	0	0.0%	34.8%	(6,800,000)
- Other Miscellaneous Revenue	2,202,484	2,144,226	(58,258)	7,228,907	6,736,721	(492,186)	-6.8%	-74.4%	22,068,372
Subtotal - Other Revenue	3,890,646	2,597,092	(1,293,554)	(41,687)	(5,391,676)	(5,349,989)	-12833.7%	-110.4%	31,329,748
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	169	169	0	702	702	N/A	-95.3%	0
- BETR - Business Equipment Tax Reimb.	(6,379,199)	(564,598)	5,814,601	(10,526,688)	(4,429,263)	6,097,425	57.9%	86.7%	(35,000,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	0	0	(39,933)	0	39,933	100.0%	100.0%	(31,771,938)
Subtotal - Tax Relief Transfers	(6,379,199)	(564,430)	5,814,769	(10,566,621)	(4,428,561)	6,138,060	58.1%	92.6%	(66,771,938)
Inland Fisheries and Wildlife Revenue - Total	1,407,685	1,393,152	(14,533)	6,324,877	6,232,493	(92,384)	-1.5%	-71.8%	21,415,407

**Highway Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)**

September 2015 Revenue Variance Report

Revenue Category	September '15			Fiscal Year-To-Date					FY 2016 Budgeted Totals
	Budget	Actual	Variance	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	19,658,110	19,376,057	(282,053)	55,981,797	55,217,609	(764,188)	-1.4%	44.9%	197,254,300
- Special Fuel and Road Use Taxes	3,761,273	4,398,289	637,016	11,688,237	12,337,679	649,442	5.6%	59.0%	46,393,600
- Transcap Transfers - Fuel Taxes	(1,719,584)	(1,746,736)	(27,152)	(4,970,256)	(4,963,163)	7,093	0.1%	-0.7%	(17,903,637)
- Other Fund Gasoline Tax Distributions	(491,590)	(279,732)	211,858	(1,399,935)	(1,175,817)	224,118	16.0%	14.4%	(4,932,738)
Subtotal - Fuel Taxes	21,208,209	21,747,879	539,670	61,299,843	61,416,308	116,465	0.2%	55.2%	220,811,525
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,151,687	5,747,225	595,538	16,978,530	17,459,130	480,600	2.8%	-0.1%	65,659,536
- License Plate Fees	336,419	418,110	81,691	1,039,027	1,212,909	173,882	16.7%	2.6%	3,342,681
- Long-term Trailer Registration Fees	351,329	543,437	192,108	1,558,733	1,736,886	178,153	11.4%	-5.0%	9,884,523
- Title Fees	1,097,589	1,236,410	138,821	3,399,485	3,734,625	335,140	9.9%	9.6%	13,129,254
- Motor Vehicle Operator License Fees	632,814	710,627	77,813	1,974,818	2,096,452	121,634	6.2%	6.3%	7,425,882
- Transcap Transfers - Motor Vehicle Fees	(4,220,065)	(4,349,155)	(129,090)	(4,220,065)	(4,349,155)	(129,090)	-3.1%	-2.0%	(15,483,404)
Subtotal - Motor Vehicle Reg. & Fees	3,349,773	4,306,654	956,881	20,730,528	21,890,847	1,160,319	5.6%	1.4%	83,958,472
Motor Vehicle Inspection Fees	155,394	324,561	169,167	573,225	877,362	304,137	53.1%	36.6%	2,982,500
Other Highway Fund Taxes and Fees	99,674	116,121	16,447	354,042	364,347	10,305	2.9%	3.9%	1,293,729
Fines, Forfeits and Penalties	81,750	55,847	(25,903)	211,633	179,870	(31,763)	-15.0%	-38.1%	905,910
Interest Earnings	28,104	21,622	(6,482)	84,312	37,148	(47,164)	-55.9%	107.8%	337,245
Other Highway Fund Revenue	455,218	545,904	90,686	1,569,104	1,552,114	(16,990)	-1.1%	0.8%	9,192,412
Totals	25,378,122	27,118,586	1,740,464	84,822,687	86,317,996	1,495,309	1.8%	34.9%	319,481,793

2015 Interim Legislative Studies and Committee Meetings

Updated October 15, 2015

Study/Committee	Citation	2015 Meetings Authorized	2015 Meetings Held	Scheduled Next Meeting Date(s)	Report Date	Chair(s)	Status/Notes
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NEW STUDIES

Task Force To End Student Hunger in Maine	PL 2015 c. 267 Part CCC	at least 2 and no more than 4 per year			1/10 annually	Rep. Ginzler	appointments not completed; staffed by Dept. of ED; new ongoing study
Commission to Study Difficult-to-place Patients	Resolve 2015 c. 44	4		10/26/2015 (tentative)	12/2/2015	Sen. Katz Rep. Gattine	appointments completed
Commission to Study the Public Reserved Lands Management Fund	Resolve 2015 c. 267 Part GGGG	4	9/5/2015 9/29/2015	10/27/2015 12/1/2015 (tentative)	12/5/2015	Sen. Saviello Rep. Hickman	conducting work
Commission to Strengthen and Align the Services Provided to Maine Veterans	Resolve 2015 c. 48	4	10/7/2015	10/28/2015	1/15/2016	Sen. Collins Rep. Golden	conducting work
Working Group to Meet the Needs of Municipal Volunteer Personnel	Resolve 2015 c. 49	3		10/20/2015	12/2/2015	Sen. Baker Rep. Lajoie	conducting work
Task Force on School Leadership	Resolve 2015 c. 46	2	10/6/2015		12/2/2015	Sen. Langley Rep. Kornfield	conducting work
Maine Health Exchange Advisory Committee	SP 533 as amended by H-501	2			12/4/2015 (prelim.) 11/5/2016 (final)		appointments not completed
Jt. Standing Committee on HHS to Study the Allocations of the Fund for a Healthy Maine	Resolve 2015 c. 47	4	9/28/2015 10/13/2015	10/26/2015 (cancelled) 11/9/2015	12/2/2015	Sen. Brakey Rep. Gattine	conducting work

ON-GOING LEGISLATIVE STUDIES

State Education and Employment Outcomes Task Force	20-A MRSA Sec. 12901	no more than 4 times per year			11/1 annually		appointments not completed
*Legislative Youth Advisory Council	3 MRSA Sec. 168-B	may hold 2 per year			2nd Friday in February in even numbered years		appointments not completed
Right to Know Advisory Committee	1 MRSA Sec. 411	not fewer than 4 times per year	9/15/2015 10/6/2015	11/13/2015 12/01/2015 (tentative)	1/15 annually		appointments not completed; conducting work
Citizen Trade Policy Commission	10 MRSA Sec. 11	at least 2 times per year	9/24/2015	10/27/2015	annually		appointments not completed; conducting work
Judicial Compensation Commission	4 MRSA Sec. 1701	n/a funded by court system			12/15 of each even numbered year		appointments completed

2015 Interim Legislative Studies and Committee Meetings

Updated October 15, 2015

<u>Study/Committee</u>	<u>Citation</u>	<u>2015 Meetings Authorized</u>	<u>2015 Meetings Held</u>	<u>Scheduled Next Meeting Date(s)</u>	<u>Report Date</u>	<u>Chair(s)</u>	<u>Status/Notes</u>
AUTHORIZED COMMITTEE MEETINGS (other than AFA)							
IFS Committee (carry over bill LD 1305 - health insurance)		4	9/16/2015	10/5/2015- (cancelled) 11/12/2015 11/30/2015	n/a		conducting work
ENR Committee (solid waste management issues)		4	9/10/2015 10/13/2015	10/28/2015 (tentative) 11/17/2015	n/a		conducting work
EUT Committee (carry over bills LDs 466, 879, 1302 - telecommunications)		4		10/26/2015	n/a		
VLA Subcommittee (Resolve 2015, c. 19 (LD 74) - continuation of VLA subcommittee that began work before adjournment regarding equitable provision of services to members of the military)		1	10/13/2015				request for meeting held approved by Presiding Officers
SLG Subcommittee (carry over bill LD 1328 - ancient and family burying grounds)		3		10/27/2015	n/a		
HHS Committee (Riverview, contracting issues, substance abuse, wait lists and other HHS-related issues)		3					request approved by Presiding Officers; meetings not yet scheduled

Legislative Council Meeting
October 22, 2015

Procedures for Review of Legislative Bill Requests for
Second Regular Session of the 127th Legislature

Requirements relevant to bills in the Second Regular Session

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session **must be limited to:** budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the Legislative Council's Rules of Procedure for the 127th Legislature, any action of the Legislative Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 127th Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 will be made by the presiding officers outside of this meeting.

Suggested Protocol for deciding legislative bill requests

- A. The Legislative Council will review bill requests alphabetically by policy area. An exception to this order of review may be made for bill requests for which an ASL Interpreter is required for persons who are deaf or hard of hearing. Those bills will be taken out of order at a time during the meeting when an interpreter is available.
- B. For procedural consistency, when voting on a bill request, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction). Also for procedural consistency, unless otherwise stated, each motion is presumed to have been made by the vice-chair of the Legislative Council, seconded by the chair.
- C. In order to review all legislative requests in a timely manner, voting will be by electronic vote or a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available by the Office of the Executive Director for public inspection following the meeting.

- D. If a bill request has been identified by the Revisor as requiring a ruling under Joint Rule 217, the Legislative Council may vote to accept that bill for introduction, conditional upon a subsequent ruling by the presiding officers. Absent a vote to accept the bill, the bill is presumed to have been turned down by unanimous vote of the Legislative Council.
- E. Legislative sponsors and others are welcome to observe the Council's deliberations on the bill requests, but discussion of the requests will be confined to members of the Legislative Council and its staff. Discussion of a bill request among Legislative Council Members will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself.
- F. If the Legislative Council turns down a bill request, a Legislator may appeal that decision if an appeal is filed in a timely manner. At a subsequent meeting of the Legislative Council, the legislator may speak briefly to the bill request under appeal.
- G. A legislative request that has been identified by the Revisor as being either closely related to another legislative request that was earlier filed (i.e., having been assigned a lower LR number) or to a carryover bill is presumed to have been turned down by a unanimous vote of the Legislative Council.

ADDENDUM TO PART 2

- **Page 2:** Representative Marean withdrew LR 2358, “An Act To Improve Maine's Companion Animal Sterilization Fund”
- **Page 44:** The title of LR 2531 should be corrected to “An Act To Prohibit the Payment of State Funds to Certain Entities That Perform Certain Health Care Services for Women and To Prioritize Allocation of State Funds to Health Care Entities”
- **Page 49:** LR 2229 is a duplicate filing of the sponsor’s LR 2325, “An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals,” and is void
- **Page 57:** Representative DeChant withdrew LR 2362, “An Act To Require Workers' Compensation Insurance Carriers To Reimburse the State the Amount of Certain Withheld Benefits”
- **Page 59:** The comment regarding LR 2319 should be corrected to remove the reference: “Potential JR 217: LD 22”

Legislative Council
Meeting Schedule for 2016

The schedule for Legislative Council meetings for calendar year 2016 is listed below:

Thursday, January 28, 2016
Thursday, February 25, 2016
Thursday, March 24, 2016
Thursday, April 28, 2016
Thursday, May 26, 2016
Thursday, June 23, 2016

Thursday, July 28, 2016
Thursday, August 25, 2016
Thursday, September 22, 2016
Thursday, October 27, 2016
Thursday, November 17, 2016
Thursday, December 8, 2016

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month in the Legislative Council Chamber, Room 334. Unless otherwise specified in the meeting notices, the meetings will begin at **1:30 P.M.**



**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066

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POLA A. BUCKLEY, CPA, CISA
STATE AUDITOR

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MARY GINGROW-SHAW, CPA
DEPUTY STATE AUDITOR

September 29, 2015

Legislative Council Members
Office of the Executive Director
115 State House Station
Augusta, ME 04333-115

Dear Honorable Members of the Legislative Council,

In accordance with Title 5 §243.9 we are conducting the Single Audit of the State of Maine for the year ended June 30, 2015. The Single Audit is an audit of the State's financial statements and major federal assistance programs. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under United States Generally Accepted Auditing Standards, Government Auditing Standards, and Office of Management and Budget (OMB) Circular A-133

As stated in our engagement letter dated August 7, 2015, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we will consider the State of Maine's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

As part of obtaining reasonable assurance about whether the State of Maine's financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with OMB Circular A-133, we will examine, on a test basis, evidence about the State of Maine's compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on the State of Maine's compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination of the State of Maine's compliance with those requirements.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to management's discussion and analysis, budgetary reporting, the state retirement plan, the other post-employment benefit plan, and information about infrastructure assets using the modified approach, which supplement the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on the combining statements, individual fund statements and schedules, and the schedule of expenditure of federal awards, which accompany the financial statements but are not required supplementary information. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the introductory section and statistical section, which accompany the financial statements but are not required supplementary information. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

Planned Scope and Timing of the Audit

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements

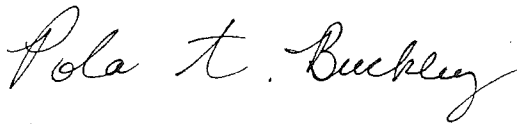
may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

The State of Maine's financial statements are required to include information related to certain component units. Because the financial statements of these component units have been audited by other auditors, and we plan to rely on the audits conducted by the other auditors, we will refer to these other auditors in our audit opinion.

We have begun our audit and will issue our report in late December 2015.

This information is intended solely for the use of the Governor and the Legislative Council, and management of the State of Maine and is not intended to be, and should not be used by anyone other than these specified parties.

Sincerely,

A handwritten signature in cursive script that reads "Pola A. Buckley".

Pola A. Buckley, CPA, CISA
State Auditor

cc: Honorable Paul R. LePage, Governor of the State of Maine