

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE COUNCIL
SEPTEMBER 22, 2005
1:00 p.m.
REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE AUGUST 25, 2005 COUNCIL MEETING	Acceptance

**REPORTS FROM EXECUTIVE DIRECTOR AND
STAFF OFFICE DIRECTORS**

7	• Executive Director's Report (David Boulter)
8	• Fiscal Report
17	• Update of Interim Studies (Patrick Norton)
20	• Office of Information Services' Report (Paul Mayotte)

REPORTS FROM COUNCIL COMMITTEES

	• Personnel Committee (Rep. Cummings, Chair)	
	OPLA Director Search and Recommendation for Appointment	Approval
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	Report of the September 15, 2005 meeting of the Working Group on Capitol Security	
21	Recommended Policy of Use of the Hall of Flags	Approval
25	Multi Year Plan for Improvements to Capitol Park	Approval

OLD BUSINESS

None

NEW BUSINESS

- | | | |
|----|---|----------|
| 36 | Item #1: Acceptance of Private Funds for the Task Force to Study
Cervical Cancer Prevention, Detection and Education | Approval |
| 43 | Item #2: Health Policy Forum for Legislators | Approval |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

**MEETING SUMMARY
AUGUST 25, 2005**

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:32 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:

Sen. Gagnon, Sen. Davis, Sen. Weston
Sen. Brennan joined the meeting in progress
Absent: President Edmonds

Representatives:

Speaker Richardson, Rep. Cummings, Rep. Duplessie
Representatives Bowles and Tardy joined the meeting in progress.

Legislative Officers:

Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Deputy Director, Office of Policy and Legal Analysis

SUMMARY OF THE JULY 7, 2005 COUNCIL MEETING

Motion: That the Meeting Summary of July 7, 2005 be accepted and placed on file. (Motion by Representative Cummings, second by Senator Davis, unanimous.)

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE
DIRECTORS**

• Executive Director's Report

David Boulter, Executive Director of the Legislative Council reported to the Council that summer's construction projects, both inside and outside the State House, are proceeding on schedule and on budget. The stairs to Capitol Street should be completed in mid-September.

• Fiscal Report

Grant Pennoyer, Director of Fiscal and Program Review, presented his report to the Council.

1. General Fund and Highway Fund Revenue – July 2005 Variance Report

General Fund revenue was \$2.0 million over budget for the first month of FY 06. This positive variance is largely due to an unusual estate tax payment of \$6 million in July, which contributed to a \$7.1 million positive variance in the Estate Tax line. Absent that positive variance, the General Fund would have had a \$5.0 million negative variance for the first month of FY 06. Other negative variances included:

- Sales Tax line under budget by \$2.6 million, which may be attributable to the effect of higher fuel prices;
- Other Revenue line under budget by \$2 million, attributable to Department of Health and Human Services' computer issues that affected billings; and
- Lottery Revenue line under budget by \$1.2 million as Powerball changes have yet to take effect.

Highway Fund revenue was \$0.9 million under budget for the first month of FY 06. This negative variance is largely attributable to a negative variance in Fuel Taxes. High oil prices is likely affecting fuel usage and travel.

General Fund Status:

At the close of FY 05, the State realized an increase of unappropriated surplus of \$48.1 million. This consisted of \$29.9 million of excess revenue and \$18.2 million of lapsed balances and other accounting adjustments. That surplus was reduced by Legislative year-end transfers, such as to the Baxter Compensation Authority, Budget Stabilization Fund, Retirement Allowance Fund, State Contingent Account, et al, amounting to \$41.6 million. Therefore, the net increase to the General Fund unappropriated surplus at the end of FY 05 is \$6.5 million. The FY 06 beginning balance is now \$33.7 million and the budgeted balance at the close of FY 07 is \$11.6 million.

Highway Fund Status:

Excess revenue, lapsed balances and an unbudgeted transfer of excess equity in the Retiree Health Insurance Fund increased the Highway Fund unallocated surplus by \$12.5 million in FY 05. Year-end transfer provisions distributed all but \$1 million of the additional unallocated surplus. \$2.9 million was transferred to the Highway Fund salary plan and \$8.5 million was transferred to the Highway and Bridge Improvement program within the Department of Transportation. The Highway Fund ending balance at the close of FY 05 and the beginning balance of the 2006-2007 biennium increased from \$7.7 million to \$8.7 million. The budgeted balance for the close of FY 07 is now projected to be \$2.0 million.

Fund for a Healthy Maine Status:

Excess revenue, lapsed balances and some prior period adjustments increased the Fund for a Healthy Maine balance at the close of FY 05 from the final budgeted amount of \$2.7 million to \$5.1 million. The budgeted balance for the close of the 2006-2007 biennium is now projected to be \$2.4 million. Final reconciliation is not yet completed, so amounts are subject to change.

July 2005 Cash Pool Average Balances

The average daily balance of July 2005 General Fund cash was negative by \$9.5 million. Excluding the average balances attributable to the major General Fund reserve accounts and Tax Anticipation Notes, the average balance in the General Fund would have been negative by \$113.6 million. The overall negative position for July is largely attributable to the delay in issuing Tax Anticipation Notes (TAN's) and a lower total issue amount. The FY 06 TAN's total \$123.6 million and were issued on July 21st. This amount is lower than the FY 05 TAN's by \$66.4 million. This reduced reliance on TAN's indicates an improving trend in overall General Fund cash position.

Cash Pool Average Balance History

The greatest volatility in the average balance is in the "General Fund – Other". While this portion has been negative through this period, the recent trend has been positive. As the reserve balances were depleted in FY 03, the General Fund had to rely on TAN's to provide liquidity. The reliance on TAN's peaked in FY 03 at \$275 million and has declined to \$123.6 in FY 06. The other portions of the cash pool are much less volatile.

General Fund Cash Balances

The decline in the general fund cash balances was due largely to the substantial initial lease payments for the wholesale liquor operation received at the end of FY 04 and beginning of FY 05. The balances were artificially inflated the prior year, making it appear that the trend was heading down. Absent any major revenue variances or budget changes over the biennium it appears that the cash position should not be severely adversely affected.

Highway Fund Cash Balances

The historical trends in Highway Fund cash balances are very similar to the General Fund trends. After trending upward during the second half of FY 04, the Highway Fund trended downward for several months at the end of FY 05. This reduction was largely due to the budgeted transfers to the General Fund, which were recorded in April 2005. The most recent trend line seems to be heading upward again.

• Update of Interim Studies

Patrick Norton, Deputy Director, Office of Policy and Legal Analysis, referred members to the Progress Report on Legislative Studies in their packet.

A copy of the Progress Report on Legislative Studies is attached.

• Office of Information Services' Report

Paul Mayotte, Director Legislative Information Services, submitted a written report to the Legislative Council. In it he stated that:

Bill Drafting System:

HP installed the final production version of the bill drafting software on Monday, August 22, 2005 that includes all contractual requirements and fixes.

User testing of the software is being conducted by the Revisor's Office with testing to be completed on August 25, 2005. Following testing, the Legislature has five workdays to review the test data and advise HP of the test results. Initial test results are positive.

Preparation to place the bill drafting system into production will commence upon formal acceptance of the software.

REPORTS FROM COUNCIL COMMITTEES

• Personnel Committee

Rep. Cummings, Chair of the Personnel Committee, reported that the Committee had met earlier that morning and considered the following items:

The Committee discussed the Director, Office of Policy and Legal Analysis position, reviewed resumes and selected a small number of applicants to interview. Over 50 applications for the position have been received. The interview panel will be the Personnel Committee.

The Committee considered granting a general salary increase to legislative employees not covered by a collective bargaining agreement. The Personnel Committee voted unanimously to recommend that the Legislative Council approve the motion to be presented by Rep. Cummings. Chair Cummings offered the following motion:

Motion: That the Legislative Council authorize a 3% increase in the legislative salary schedule for legislative employees not represented by a bargaining agent, retroactive to July 3, 2005 and a second 3% increase to the legislative salary schedule for those employees, beginning July 2, 2006. Further that the Legislative Council authorizes the same salary increases for legislative employees in the IANLP bargaining unit. The Legislative Council authorizes the Executive Director to take all necessary steps to properly implement the salary schedule adjustments. (Motion by Rep. Cummings, second by Sen. Brennan, unanimous).

• State House Facilities Committee

Senator Gagnon, Chair, State House Facilities Committee, reported that the committee met on August 3, 2005 and discussed the following issues:

1. Honoring Chamberlain

The committee continued its discussion of creating a bust or statue in the State House honoring Civil War hero Joshua Chamberlain. Up until about 1910, a bust of Chamberlain resided in the Hall of Flags. The committee also discussed creating a work of art honoring Harriett Beecher Stowe for her contributions to ending slavery. The committee has asked State Historian Earle Shettleworth to research more background on Chamberlain and Stowe and consult with other history experts about bringing renewed recognition to them.

2. Use of the Hall of Flags

The committee discussed at length developing an appropriate policy governing the use of the Hall of Flags in response to extensive booking of the Hall of Flags and complaints about its use from legislators and others. It discussed 3 objectives: restoring the Hall as a place of honor and reflection of those whose sacrificed to defend our country;

maintaining an educational focus on organized activities in the Hall of Flags related to governmental activities; and maintaining a safe environment for building occupants and visitors.

The committee developed various criteria, including limiting the serving of full meals, and asked the Executive Director to prepare a draft policy for review.

The draft policy will be discussed at the Facilities Committee meeting following the Council meeting.

3. State House Security

The committee continued its discussion of improving security in and around the State House. Particular attention was given to the role of Capitol Security and its resources and reporting structure. The committee will convene a working group this Fall to consider ways to improve security. The Commissioner of Public Safety, Chief of Capitol Security and Augusta Police Chief will be invited to participate in the work group.

A Council member inquired if the committee had considered hiring retired law enforcement officers to supplement Capitol Security officers, particularly during the session, thereby keeping security costs lower. Sen. Gagnon said the committee did discuss this option and it will be a topic for further discussion at the meeting of the working group to review Capitol Security.

The State House Facilities Committee will be meeting immediately following the Legislative Council meeting.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Chair Richardson noted that the ballot was to reauthorize the Land for Maine's Future bond.

No Council action required.

NEW BUSINESS

Item #1: Request by Maine Citizen Trade Policy Commission to carry forward \$5,000 from FY 05 to FY 06

Executive Director Boulter said that the Maine Citizen Trade Policy Commission has requested that it be authorized to carry forward funds that had been appropriated from FY 05 to FY 06 for the purposes of conducting assessment of the impact of the International Trade Agreement. The Commission was unable to complete its first assessment in the last fiscal year. No additional money is requested.

Motion: That the Legislative Council authorize the Executive Director to transfer \$5,000 from Maine Citizen Trade Policy Commission funds appropriated in FY 05 to its FY 06 budget for the purposes of completing the trade agreement assessment. (Motion by Rep. Duplessie, second by Sen. Brennan, motion approved, 8-1, Rep. Bowles opposed).

Item #2: Request by Maine Emergency Management Agency for OPLA Staff Support to the Task Force to Study Maine's Homeland Security Needs (Senate President Edmonds)

Executive Director Boulter reported that President Edmonds, on behalf of the Maine Emergency Management Agency, requested that Office of Policy and Legal Analysis staff assist Maine Emergency Management Agency staff in staffing the Task Force. The Resolve, to Establish the Task Force to Study Maine's Homeland Security Needs was passed by the Legislature this session as Chapter 126. The Resolve requires that the Maine Emergency Management Agency staff this task force given the nature of its expertise. The Maine Emergency Management Agency would like OPLA to staff the task force, stating that Maine Emergency Management Agency has insufficient staffing to properly staff the task force. Mr. Boulter said that OPLA will be drafting legislation for the task force in any event.

In response to an inquiry by the Chair, Deputy Director Patrick Norton indicated that OPLA has sufficient resources to staff the task force.

Motion: That the Legislative Council direct the Office of Policy and Legal Analysis to assist MEMA in providing staffing support, including drafting legislation, to the Task Force to Study Maine's Homeland Security Needs when the Legislature is not in session. (Motion by Sen. Gagnon, second by Rep. Cummings, unanimous).

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:16 p.m. (Motion by Rep. Duplessie, second by Sen. Davis, unanimous).

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Executive Director's Report
to the Legislative Council**

September 22, 2005

1. MELD Bill Drafting System is now in production, and will be used for Second Regular Session bill requests. The WANG system will remain online as backup.
2. The legislative employee picnic and recognition ceremony, held on September 15th, was a success. 26 staff received a recognition award for 20/25 years of state service.
3. Granite benches have been installed at the west (main) entrance to the State House, providing seating areas outside the building, and a finished appearance to the entrance.

G:\COUNCIL\122nd\ED's report\9-22-05.doc

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
September 22, 2005

*Prepared by the
Office of Fiscal & Program Review*

- 1. General Fund and Highway Fund Revenue
Variances for August 2005 (Attachment A)**
- 2. Cash Trends (Attachment B)**
- 3. Miscellaneous Items**
 - **Revenue Forecasting Schedule**
 - i. **Consensus Economic Forecasting Commission (CEFC) tentatively scheduled to meet on October 13th in AFA Committee Room. CEFC has a November 1st statutory report date.**
 - ii. **Revenue Forecasting Committee (RFC) has not scheduled meeting(s) yet. RFC has a December 1st statutory report date.**

Attachment A

General Fund and Highway Fund Revenue Update

General Fund Revenue – August 2005 Variance Report (Page 2):

General Fund revenue was \$8.6 million over budget for the month of August, increasing the fiscal year-to-date (FYTD) positive variance to \$10.6 million (+3.9%). Provided below is an overview of each of the major revenue lines:

- **Sales and Service Provider Taxes** - Sales Tax performance continues to be under budget (under budget by \$0.5 million in August with Sales and Service Provider Taxes combined). This month reflects the adjustment to offset the accrual of revenue at the end of FY05. FYTD revenue is under budget by \$3.1 million (-3.1%).
- **Individual Income Tax** – Tax Year 2004 final payments continue to bolster this line despite lagging slightly below budget in withholding receipts. Individual Income Tax revenue was \$5.3 million over budget in August. The timing of payments in the Circuit Breaker and the BETR programs contributed \$4.3 million to this positive variance (this is not an indicator of a surplus in these programs, only a timing issue). Again, August revenue in this line is very low due to the offset related to FY05 revenue accruals. FYTD revenue is over budget by \$3.4 million (+2.9%).
- **Corporate Income Tax** – This line continues to perform well. FYTD revenue is over budget by \$2.9 million (+58.1%).
- **Cigarette and Tobacco Tax** – This line was \$0.8 million over budget in August and was \$2.4 million (+14.5%) ahead of budget for the FYTD.
- **Public Utilities Tax** – No revenue is budgeted in this line until May.
- **Insurance Company Tax** – This line was under budget slightly in August, increasing the negative revenue variance for the FYTD to \$0.9 million (-52.9%). It is too early to gauge performance of this line yet.
- **Estate Tax** – The strong performance of July continued in August, running ahead of budget by \$4.2 and increasing the FYTD positive revenue variance to \$11.3 million. Note: the revenue accrual at the end of FY05 was budgeted to nearly offset all estate tax revenue through the first 2 months of the fiscal year.
- **Property Tax -Unorganized Territory** – No revenue budgeted in this line until October.
- **Income from Investments** – This line is running very close to budget.
- **Revenue Sharing Transfers** – This revenue is calculated based on 5.1% of Sales, Service Provider, Individual Income and Corporate Income Taxes. See discussions above.
- **Lottery Transfer** – Lottery revenue was under budget in August, increasing the negative FYTD variance to \$1.4 million (-15.3%). Powerball sales have been underperforming. Recent changes in the Powerball game format designed to increase jackpots and sales have not yet had the intended effect.
- **Other Revenue** – This revenue line was under budget by \$1.8 million in August, increasing the negative variance in this line to \$3.8 million (-13.2%). DHHS revenue within this line was under budget by \$2.2 million in August and \$5.1 million for the year-to-date. Fine revenue was also running under budget (\$1.5 million for July and August). Absent these major variances in Other Revenue, this line would be ahead of budget.

Highway Fund Revenue – August 2005 Variance Report (Page 2):

Highway Fund revenue was slightly under budget in August, leaving a negative FYTD variance of \$0.9 million (-2.4%). Provided below is an overview of each of the major revenue lines:

- **Fuel Taxes** – This line was under budget by \$1.0 million in August. This revenue source is also subject to accrual and August revenue is low compared to other months as a result. The negative variance for the FYTD increased to \$1.7 million (-8.4%). This negative variance in this line seems to demonstrate the effect of higher fuel prices and lower consumption. Gas Tax revenue is significantly under budget as it has a larger discretionary portion than special fuel tax (primarily diesel), which is slightly over budget for the FYTD.
- **Motor Vehicle Registration and Fees** – Although slightly under budget in July, this revenue line recovered well in August with a positive variance of \$0.8 million. FYTD revenues are now running ahead of budget by \$0.7 million (+5.1%).
- **Inspection Fees** – This revenue line was under budget in August and for the FYTD. The FYTD negative variance is \$0.1 million (-13.7%).
- **Fines** – Highway Fund fine revenue was over budget in August, offsetting July's negative variance in this line.
- **Income from Investments** – This revenue line is slightly under budget.
- **Other Revenue** – This revenue line was over budget in August and for the FYTD, largely due to revenue from the sale of autos that was unbudgeted in August.

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2006
Based on All Actions of the 122nd Legislature through 2nd Special Session

AUGUST 2005 VARIANCE REPORT

FUND	Revenue Line	Aug. '05 Budget	Aug. '05 Actual	Aug '05 Var.	FY06 YTD Budget	FY06 YTD Actual	FY06 YTD Variance	FY06 Budgeted Totals
GF	Sales and Use Tax	3,147,249	2,204,534.12	(942,714.88)	97,688,633	94,130,145.85	(3,558,487.15)	961,457,885
GF	Service Provider Tax	(1,309,910)	(834,832.51)	475,077.49	2,342,283	2,803,093.80	460,810.80	49,287,167
GF	Individual Income Tax	35,750,222	41,008,817.27	5,258,595.27	119,098,152	122,520,819.25	3,422,667.25	1,167,504,222
GF	Corporate Income Tax	134,913	1,350,980.99	1,216,067.99	4,988,098	7,923,972.45	2,935,874.45	118,877,558
GF	Cigarette and Tobacco Tax	8,664,973	9,488,800.55	823,827.55	16,503,217	18,887,158.86	2,383,941.86	147,238,325
GF	Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	25,440,000
GF	Insurance Companies Tax	181,832	68,766.01	(113,065.99)	1,716,254	805,659.41	(910,594.59)	77,141,931
GF	Estate Tax	(1,853,562)	2,352,768.53	4,206,330.53	(200)	11,291,841.40	11,292,041.40	30,603,203
GF	Property Tax - Unorganized Territory	0	0.00	0.00	0	0.00	0.00	11,278,476
GF	Income from Investments	486,003	503,538.57	17,535.57	486,003	507,745.71	21,742.71	6,046,546
GF	Transfer to Municipal Revenue Sharing	(1,923,843)	(2,230,204.49)	(306,361.49)	(11,437,113)	(11,596,279.59)	(159,166.59)	(117,153,468)
GF	Transfer from Lottery Commission	4,102,631	3,860,171.70	(242,459.30)	9,230,932	7,813,966.67	(1,416,965.33)	53,334,250
GF	Other Revenue	15,979,501	14,179,618.82	(1,799,882.18)	29,065,503	25,217,257.59	(3,848,245.41)	212,238,647
GF	Totals	63,360,009	71,952,959.56	8,592,950.56	269,681,762	280,305,381.40	10,623,619.40	2,743,294,742
HF	Fuel Taxes	1,810,984	796,425.83	(1,014,558.17)	20,264,362	18,528,755.70	(1,735,606.30)	228,958,605
HF	Motor Vehicle Registration and Fees	7,014,112	7,853,863.35	839,751.35	13,680,748	14,408,024.57	727,276.57	83,090,358
HF	Inspection Fees	560,786	371,222.30	(189,563.70)	901,835	778,715.10	(123,119.90)	4,397,970
HF	Fines	142,648	373,642.31	230,994.31	285,296	373,642.31	88,346.31	1,973,665
HF	Income from Investments	250,000	210,262.79	(39,737.21)	250,000	210,262.79	(39,737.21)	1,556,478
HF	Other Revenue	531,053	686,086.41	155,033.41	1,298,145	1,456,791.13	158,646.13	9,362,596
HF	Totals	10,309,583	10,291,502.99	(18,080.01)	36,680,386	35,756,191.60	(924,194.40)	329,339,672

Attachment B

Cash Pool and Cash Trends

August 2005 Cash Pool Average Balances (Page 2) – General Fund cash position average \$123.4 million in August. This amount includes \$123.6 million in Tax Anticipation Notes (TAN's), \$47.1 million in the Budget Stabilization Fund and \$23.1 million in the Reserve for General Fund Operating Capital. Without the TAN and these Reserve Fund balances, the General Fund cash position would have been -\$70.4 million. While this amount is still negative, it has improved over the last year. Last August, this amount was -\$113.4 million. See trend discussion below.

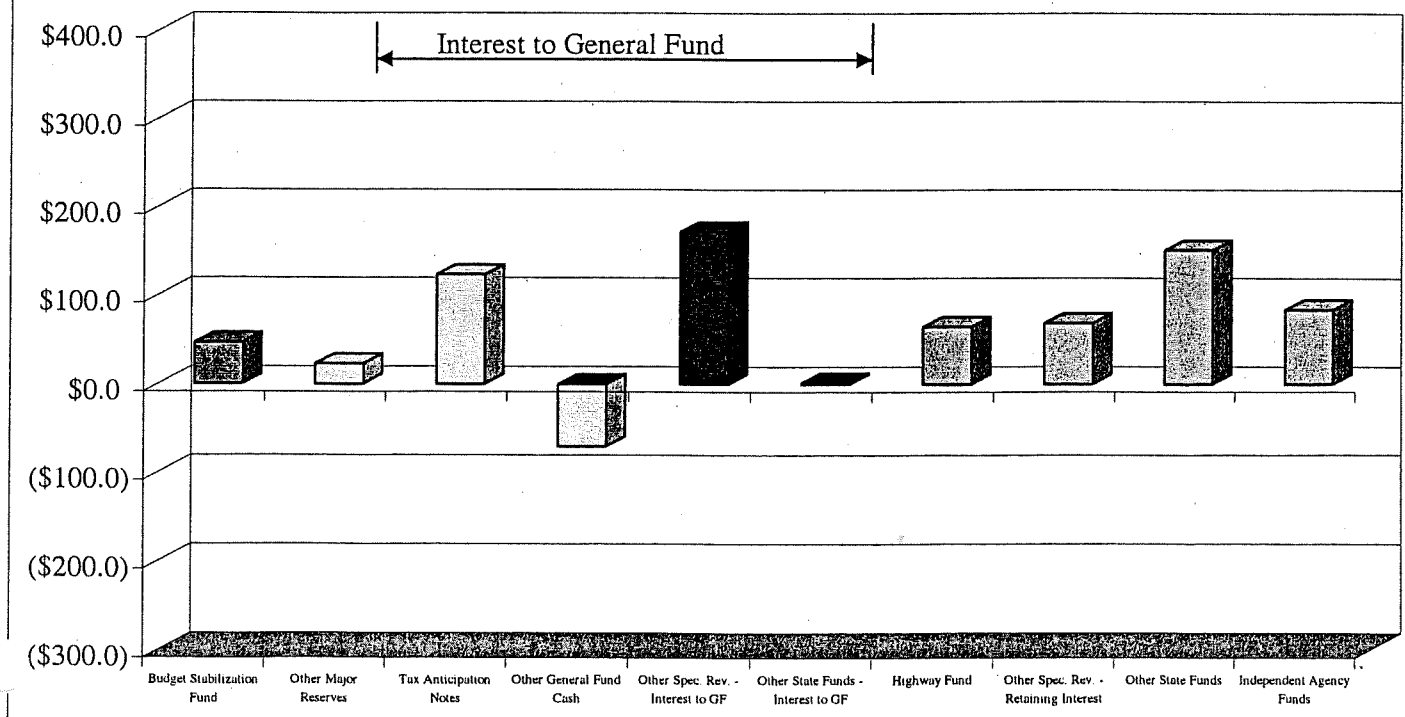
General Fund Cash Balances (Page 3 & 4) – These 2 graphs show the historical trends in General Fund cash balances. The average monthly balances in these graphs are generated by OFPR staff looking up and entering daily beginning balances and averaging them over each month. The first graph includes TAN's. A table at the bottom below the graph provides a table of the history of TAN authorizations and amounts issued. The second graph on page 3 excludes TAN's. The trend (measured by a 12-month moving average to smooth out monthly fluctuations) in the first graph had recently declined, but has leveled out. This decline was due to the reduced reliance on TAN's and the amounts issued. The second graph gives a better sense of the General Fund trend. The trend through June 2005 initially looked like the General Fund had peaked and was heading downward. However, this decline was temporary; due largely to the substantial initial lease payments for the wholesale liquor operation received at the end of FY 04 and beginning of FY 05. The General Fund trend now appears to be upward.

Highway Fund Cash Balances (Page 5) – Attached is a graph showing the historical trends in Highway Fund cash balances very similar to the General Fund graphs (also compiled by OFPR staff). After trending upward during the second half of FY 04, the Highway Fund trend headed downward for several months at the end of FY 05. This reduction was largely due to the budgeted transfers to the General Fund, which were recorded in April 2005. The most recent trend line seems to have recovered and seems to be heading upward again.

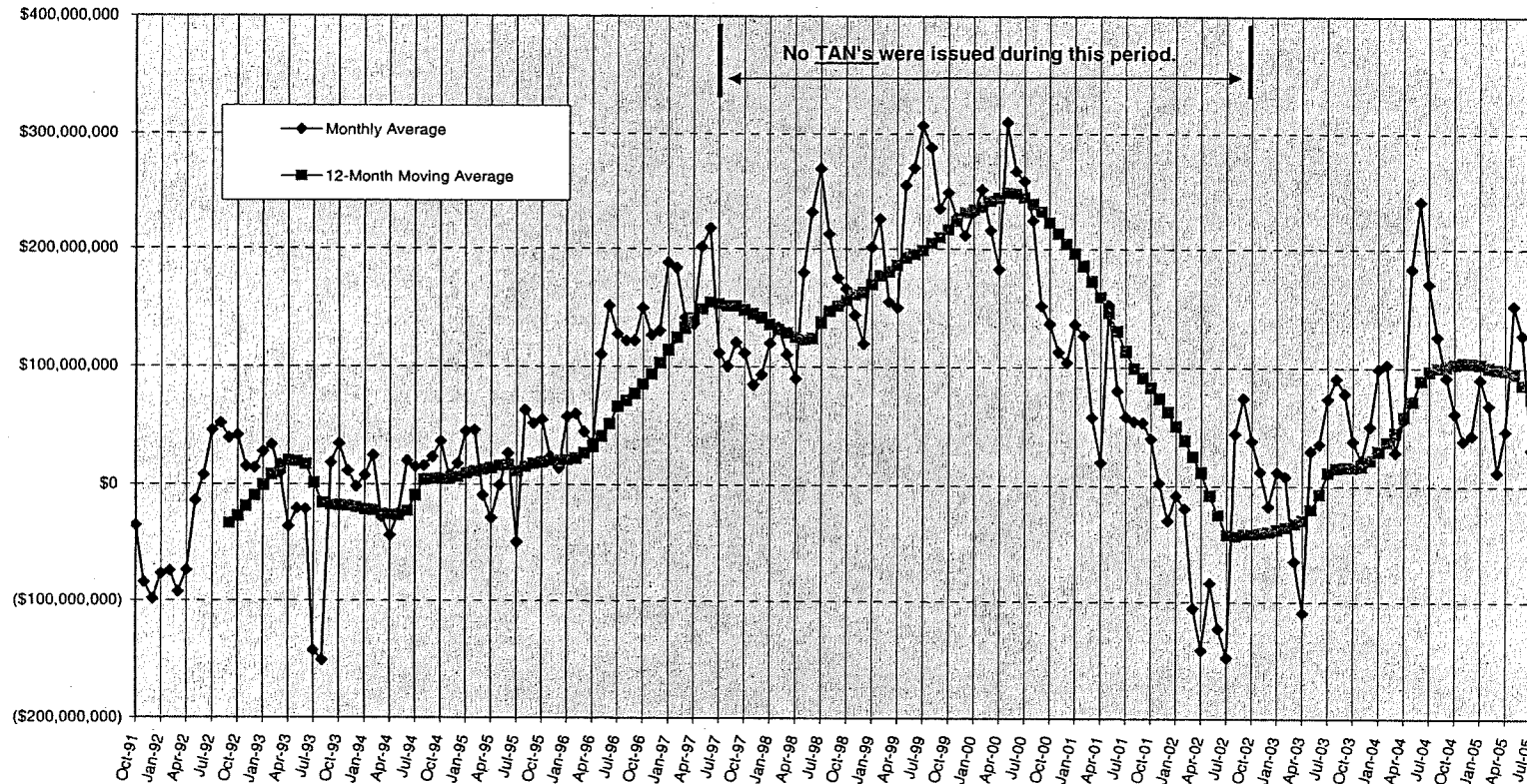
Composition of State's Cash Pool August 2005 Average Daily Balances

	August 2005
General Fund - Total	\$123,411,914
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$47,107,367
Reserve for General Fund Operating Capital	\$23,093,792
Tax Anticipation Notes	\$123,625,000
General Fund - Other	(\$70,414,245)
Highway Fund	\$65,111,905
Other Special Revenue - Contributing to General Fund	\$172,529,484
Other Special Revenue - Retaining Interest Earned	\$69,165,242
Other State Funds - Contributing Interest to General Fund	\$1,645,515
Other State Funds	\$151,865,964
Independent Agency Funds	\$84,772,608
Total Cash Pool	\$668,502,631

Composition of Cash Pool Average Daily Balances in August 2005



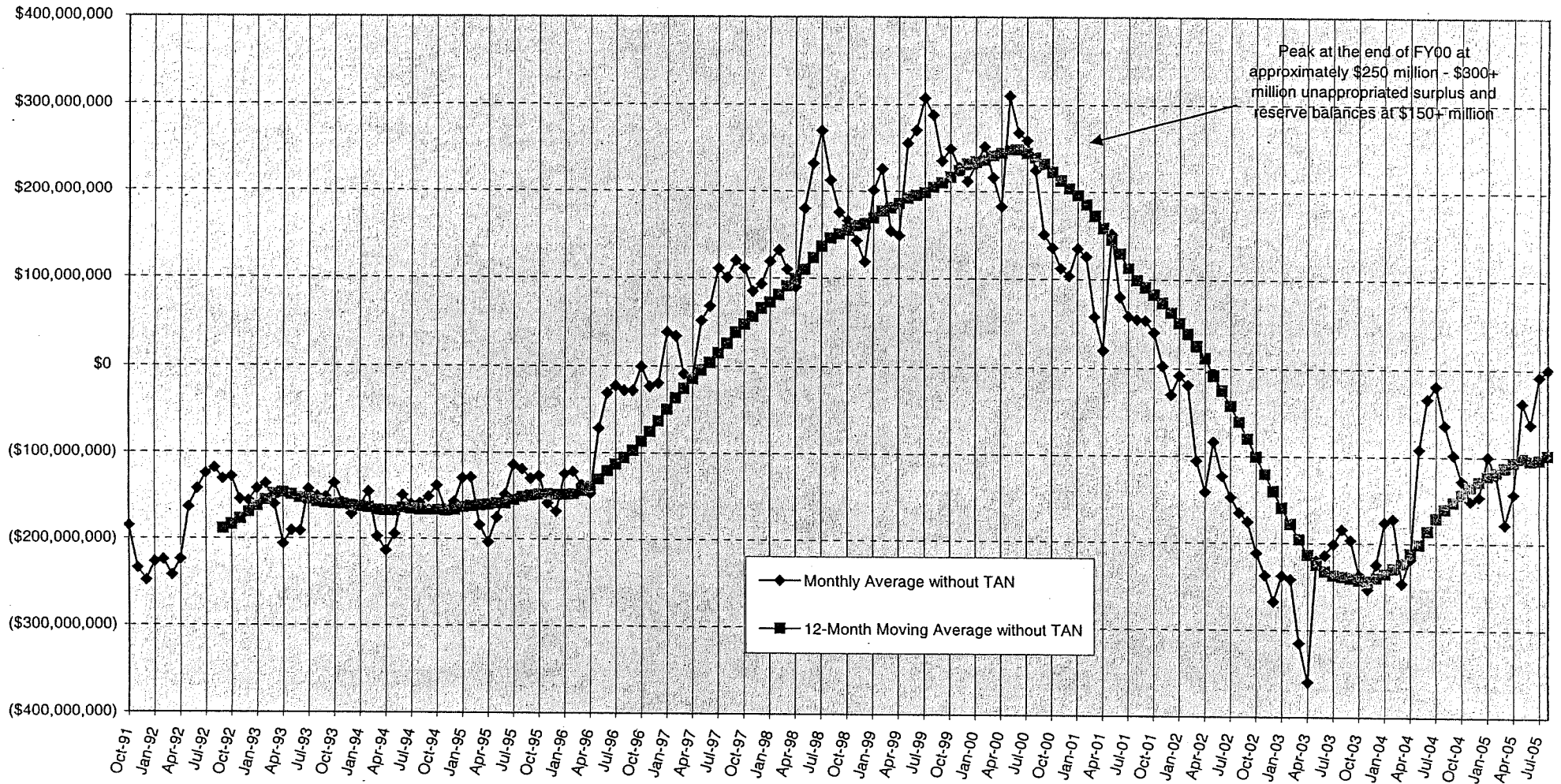
GENERAL FUND DAILY STARTING CASH BALANCES

TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

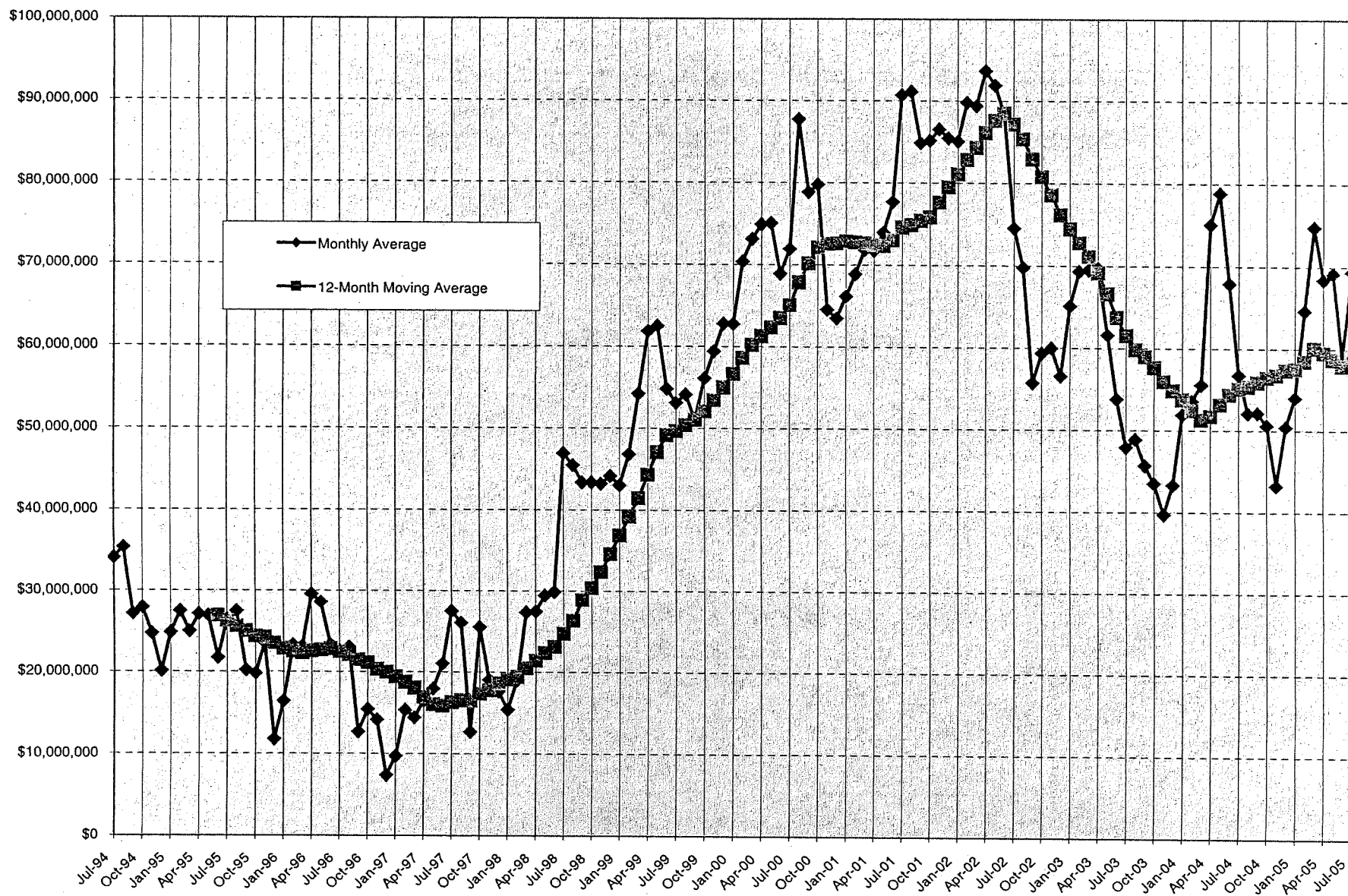
Fiscal Year	Amount Authorized	Amount Issued	Reference
2005-06 ^m	\$314,718,914 ^m	\$123,625,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2004-05 ^m	\$309,540,537 ^m	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 ^m	\$293,657,381 ^m	\$275,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2002-03 ^m	\$282,869,203 ^m	\$250,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 665 §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

Notes: ^m 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amounts authorized for fiscal years 2002-03 through 2004-05 reflect final General Fund appropriations and Highway Fund allocations. Amounts for fiscal year 2005-06 reflect budgeted amounts through the 122nd Legislature, 2nd Special Session. Special exceptions to the general authorization levels are detailed in this table.

GENERAL FUND DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES



HIGHWAY FUND DAILY STARTING CASH BALANCES



2005 Interim Study Status Report

(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
1	Study of Forest Ownership in Maine (staff study in conjunction with C/O of LD 1406)	ACF	N/A	ACF	None		OPLA staff study	On-going
2	Commission to Reform the State Budget Process (PL 2005, c. 386, Part O)	AFA	9/29/2005	To AFA Committee by 1/3/06	12	12	Bureau of the Budget	Appointments complete
3	CRJ Committee review of Sex Offender Laws (PL 2005, c. 423)	CRJ	8/9/05; 9/8/05; 9/28/05	No report	None		OPLA staffing	CRJ met on 8/9/05 and 9/8/05. Third mtg on 9/28/05
4	Task Force to Study Maine's Homeland Security Needs (Resolve 2005, c. 126)	CRJ	TBD	12/7/05 Interim Report; 11/1/06 Final Report (both to Legislature)	11	11	OPLA and MEMA	Appointments complete
5	Legislative Youth Advisory Council (PL 2001 c.439, as amended by PL 2005, c. 414)	EDU	N/A	Annually; Legislature	22	6	OPLA staffing	OPLA has met with Dept of Education; no LYAC meeting yet scheduled
6	Review and Recodify Laws Pertaining to Violence in Our Schools (Resolve 2005, c. 120)	EDU	N/A	Legislation due 12/7/05 to EDU	None		OPLA and ROS	Initial research begun
7	Blue Ribbon Commission on the Future of MaineCare (Resolve 2005, c. 117)	HHS	TBD	12/7/05 to HHS and AFA	10	8	OPLA and OFPR staffing	Awaiting completion of appointments
8	Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs (P&S 2005, c. 26)	HHS	TBD	1/15/06 to HHS	Two Legislative appointments needed	0	Governor's Office	Awaiting completion of appointments
9	Task Force to Study Cervical Cancer Prevention, Detection and Education (Resolve 2005, c. 121)	HHS	TBD	12/7/05 to HHS and Gov; Final Report 11/1/06 to HHS and Gov	16	2	OPLA staffing	Awaiting completion of appointments

2005 Interim Study Status Report

(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
10	DHHS Working Group on Department's Accounting Structure (PL 2005, c. 412)	HHS	TBD	10/1/05 to HHS; AFA and Gov	None		OPLA/OFRP will participate in working group	DHHS staffing. No meetings held yet
11	Review the Establishment of the DHHS (PL 2003, c. 689)	HHS	N/A	No report	None		DHHS is lead agency (with drafting assistance from OPLA and ROS)	DHHS briefing to HHS Committee on Dept structure to be scheduled
12	Health Care System and Health Security Board (PL 2001, Part 222)	IFS	Sometime in October	12/7/05 to IFS	20	18	OPLA staffing	Meeting expected in October
13	Freedom of Access Advisory Committee (Resolve 2005, c. 123)	JUD	TBD	12/7/05 to LC, JUD and Governor	13	6	OPLA staffing	Awaiting completion of appointments
14	Study State Compliance with Federal Indian Child Welfare Act of 1978 (Resolve 2005, c. 118)	JUD	TBD	12/7/05 to LC & JUD	12	10	OPLA staffing	Awaiting completion of appointments
15	Study Commission Regarding Livable Wages (Resolve 2005, c. 128)	LAB	10/4/05 (tentative)	12/7/05 to Legislature	12	12	OPLA staffing	Appointments complete.
16	Task Force on Substance Abuse Testing and Treatment (PL 2005, c. 443)	LAB	N/A	12/7/05 to LAB	None		Department of Labor	No activity reported to date.
17	Citizen Trade Policy Commission (PL 2003, c. 699)	LAB	9/30/05 meeting to review final 2005 report (legislation anticipated)	Annually to Legislature, Gov and others	22	22	OPLA staffing	Draft of first annual report being circulated for comments.
18	Commission to Arrange for a Monument Honoring Women Veterans of Maine (Resolve 2005, c. 116)	LVA	TBD	1/2/06 and 3/1/06 to Capitol Planning Commission	8	6	OPLA staffing	Awaiting completion of appointments

2005 Interim Study Status Report

(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
19	Commission to Study Alternative Voting Procedures, and Citizen Initiative Process and Minor Party Ballot Access (Resolve 2005, c. 127)	LVA	TBD	12/7/05 to Legislature	11	11	OPLA staffing	Appointments complete
20	Study of State Regulation of Groundwater Withdrawal (PL 2005, c. 452)	NAT	N/A	11/1/07 to NAT	None		Maine Geological Survey	Ongoing by MGS
21	Committee to Establish a Memorial for Emergency Medical Services Personnel (Resolve 2005, c. 124)	SLG	TBD	1/15/06 to SLG; 3/15/06 to SLG and Capitol Planning Commission	9	5	DAFS	Awaiting completion of appointments
22	Commission to Study the Cost of Providing Certain Services in the Unorganized Territories (Resolve 2005, c. 125)	TAX	TBD	12/7/05 to Legislature	17	14	OFPR	Awaiting completion of appointments

Appointment Summary

Number of appointed positions	197
Appointments made to date	143
Percent of appointments complete	72.6%

Study Activity Summary

Studies awaiting appointments	9
Initial activity/research started	10
Other (no activity or expected to start soon)	<u>3</u>
	22

122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
September 22, 2005

Bill Drafting System:

- The MELD bill drafting system completed final user acceptance testing on August 26th
- The software was accepted by the Legislature as of September 1st
- The MELD implementation plan has been jointly prepared by the Revisor's Office and Information Systems and the plan is being carried out
- Recording of LRs using the MELD system is underway

SPAM:

- The Legislature's SPAM screening process is being updated and further tightened to address technical advances being made by the spammer community

Use of Legislative Systems Resources:

- An email has been sent to legislative staff advising them that legislative systems resources are to be used for legislative business only
- This action is the result of a server crash caused by a staff person saving an extremely large personal file that used the available storage space on the server

REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN

SEN. PAUL T. DAVIS, SR.

SEN. KENNETH T. BAGNON

SEN. CAROL WESTON

REP. GLENN A. CUMMINGS

REP. DAVID E. BOWLES

REP. ROBERT W. DUPLESSIE

REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

Legislative Council Policy On the Use of the Hall of Flags

1. Introduction

Since its construction, the Hall of Flags has had a long and distinguished tradition as a Reception room and gathering area for Legislators and the public. With its historic collection of battle flags from the Civil War forward, the Hall of Flags is a place for Maine citizens to honor and reflect upon the many Maine men and women who defended our Country and made the ultimate sacrifice defending freedom and our democratic values and way of life. It is also the most public room in the Maine State House, where members of the public, Executive and Judicial officials and Legislators freely intermingle and communicate in the course of legislative affairs.

In adopting this Hall Use Policy, the Legislative Council establishes protocols for use of the Hall of Flags that: protect the safety of the public; prohibit uses that are inappropriate in the presence of schoolchildren or others; and provide for social discourse and forums for education on governmental matters in ways that bestow respect for the Hall of Flags and honor to the people and events it symbolizes.

2. Authorized Uses

The Hall of Flags may be used only for organized events that have a bona fide educational purpose relating to governmental matters, legislative affairs, legislative or gubernatorial ceremonies or other like category of activity. The Hall of Flags may not be used for any substantially private activity or event unrelated to the conduct of the public's business.

Furthermore, the Hall of Flags may not be used for acts of civil disobedience, petition signing for referenda, clemency petitions or advocacy, private events such as weddings, funerals, dinners or dances, or mercantilism. In addition, activities, including the display or distribution of materials that a reasonable person would find to be offensive, harassing, degrading or unduly disruptive or activities that are inappropriate in the presence of schoolchildren are prohibited.

3. Health and Safety

Protection of the health and safety of persons in the State House takes precedence over all activities and events in the Hall of Flags. The Legislative Council authorizes the Executive Director to establish such procedures and standards as necessary to protect the

health and safety of occupants in the State House at all times and to protect the integrity of the building and its contents. At a minimum: adequate clearances for safe ingress and egress must be maintained at all times in the Hall of Flags; equipment or activities that pose a risk of fire or explosion are prohibited; toxic, noxious or infectious materials are prohibited; and any activity requiring the disabling of smoke detectors, fire alarms or security devices is prohibited.

4. Security

Entities using the Hall of Flags must comply with all facility security requirements and all instructions by security personnel. The Bureau of Capitol Security may remove persons who are threatening, disruptive or in violation of provisions of this policy. Persons who violate this policy or who are disruptive or threatening may be denied future use of the Hall of Flags for any organized event.

5. Limitation on Food Service

The Legislature compensates legislators for some legislative expenses including meals, and legislative staff are sufficiently compensated in their work such that it is unnecessary and inappropriate for others to provide legislators or staff with complementary meals. Escalating levels of food service at Hall of Flag events in recent years have had the unintended but inevitable result of increasing expectations of meal service to be provided by other groups as well as increasing costs to those groups using the Hall of Flags. Furthermore, the serving of meals is unduly disruptive, increases facility maintenance costs, detracts from the overall purposes for use of the Hall of Flags and presents potential facility security risks.

Therefore, except as provided below, the offering of food and beverages in the Hall of Flags is strictly limited to refreshments such as juices, coffee, tea, soda, water, doughnuts, pastries, cookies, fruit and other similar category of foods that does not constitute the offering or serving of a meal or partial meal.

Entities who use the Hall of Flags are not obligated to make available any food or beverage as a condition of their use of the hall. However, to the extent that allowable foods are offered, the proprietor of the State House café must be given first opportunity to provide the desired food service. Furthermore, the Legislative Council encourages the use of locally grown or produced foods to the maximum extent practical when food is served in the State House.

Exceptions: The Legislative Council, acting through its Facilities Committee, may authorize exceptions to this limitation on food when circumstances clearly warrant such an exception. Furthermore, the Legislative Council hereby authorizes such an exception for the following events: Welcome Back Day, New Member Orientation, the Pre-Legislative Conference and other legislative receptions hosted by the Legislature; Maine Community College Day; Maine Agriculture Day; Lincoln County Day; Maine Tourism Day; and school food service day.

6. Equipment and Furnishings

Equipment and furnishing such as chairs, tables, lights, podiums and sound systems used in the Hall of Flags must be those provided by the Legislative Council. However, The Legislative Council authorizes the use of LCD and slide projectors, laptop computers, tabletop displays and other such portable information presentation equipment to be provided by the entity authorized to use the Hall of Flags. Use of other equipment is not allowed unless it is consistent with the intent of this policy and is specifically authorized by the Legislative Council's designee.

7. Nonexclusive Use

The Hall of Flags is a public hall and entities authorized to reserve and use the Hall of Flags often are expected to share the hall with other entities or coordinate activities and schedules. Accordingly, such entities should neither expect nor demand exclusive use of the Hall of Flags. Legislative uses take precedent over other uses in the Hall of Flags, regardless of whether other, nonlegislative entities obtained advance reservations for its use.

8. Times Held for Legislative and Visitor Use

The Clerk of the House shall establish a reservation schedule that provides for unreserved blocks of time in the Hall of Flags each week for legislative press conferences or other unscheduled legislative activities that may arise during the course of the legislative session. In addition, the schedule must provide for convenient times when visitors to the State House may view and reflect upon the collection of historic flags uninterrupted by organized events in the Hall of Flags.

9. Prohibitions

At a minimum, the following are prohibited from the Hall of Flags:

- A. open flames
- B. propane, gasoline, accelerants and other flammable materials
- C. compressed gases and helium-filled balloons
- D. toxic, noxious and infectious materials
- E. grills and fryolators
- F. alcohol
- G. animals, except for service animals
- H. noisemakers, bullhorns and other sound amplification or broadcast devices. However, bona fide members of the news media may use broadcast equipment in the course of their work
- I. strobe lights
- J. signs and banners on wooden or rigid supports that may cause injury
- K. weapons of any type except on the person of a law enforcement who is on duty and when the presence of such weapons has first been disclosed to the Bureau of Capitol Security
- L. altering or disabling electrical, telecommunication or security devices or wiring
- M. affixing signs, banners, displays or other materials to walls, columns, flag cases or portraits. Such signs and displays must be free-standing

- N. active distribution of materials or leaflets
- O. soliciting, marketing or selling of goods or services

10. Security Deposit and Use Agreement

Nonlegislative entities, other than the Chief Executive, Chief Justice or Constitutional Officers, who reserve and use the Hall of Flags must, at the time of reservation or prior to use, provide a security deposit of \$100 and enter into a Use Agreement accepting the terms and conditions of use of the Hall of Flags. The agreement must require such entities to immediately report and accept financial responsibility for any damages to the facility or equipment occurring during their use of the Hall of Flags. The security deposit will be returned unless the entity that uses the Hall of Flags damages legislative equipment or facilities, does not set up or remove all items in a timely fashion, including removing all litter following use, or violates the terms of the Use Agreement.

The security deposit may be waived for those entities using the Hall of Flags that require five or fewer tables and 25 or fewer chairs to be set up. Furthermore, the security deposit may be waived or reduced in situations where paying the deposit would result in a serious economic hardship to the entity using the Hall of Flags.

11. Administration

The Clerk of the House of Representatives and the Executive Director of the Legislative Council, jointly, shall administer this policy. The Clerk is responsible for scheduling and reserving the Hall of Flags for authorized activities during regular business hours and for collecting applicable security deposits. The Executive Director is responsible for preparing the Hall for the scheduled activities, maintaining the Hall of Flags and other aspects of administering this policy.

12. Authority and Effective Date

Pursuant to its authority under 3 MRSA, §162, the Legislative Council hereby adopts this Policy on the Use of the Hall of Flags on this 22nd day of September, 2005.

This policy becomes effective on January 1, 2006.

BY: _____
Maine Legislative Council

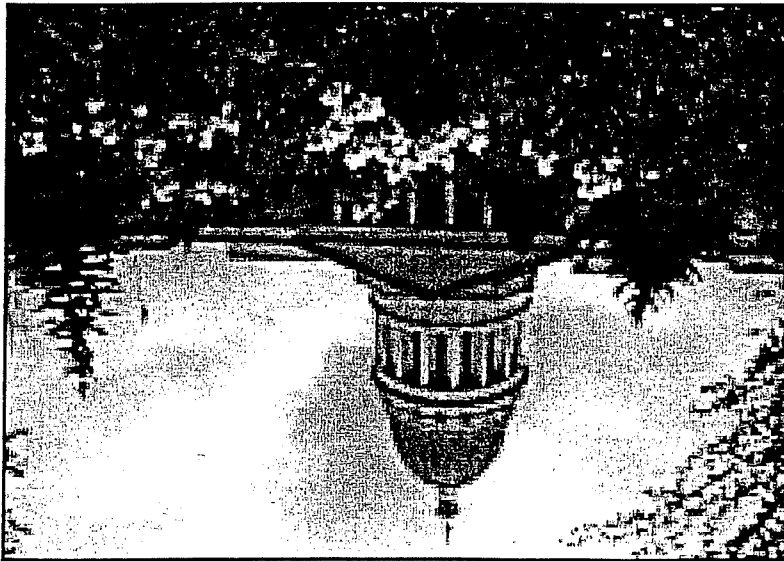
August 2005

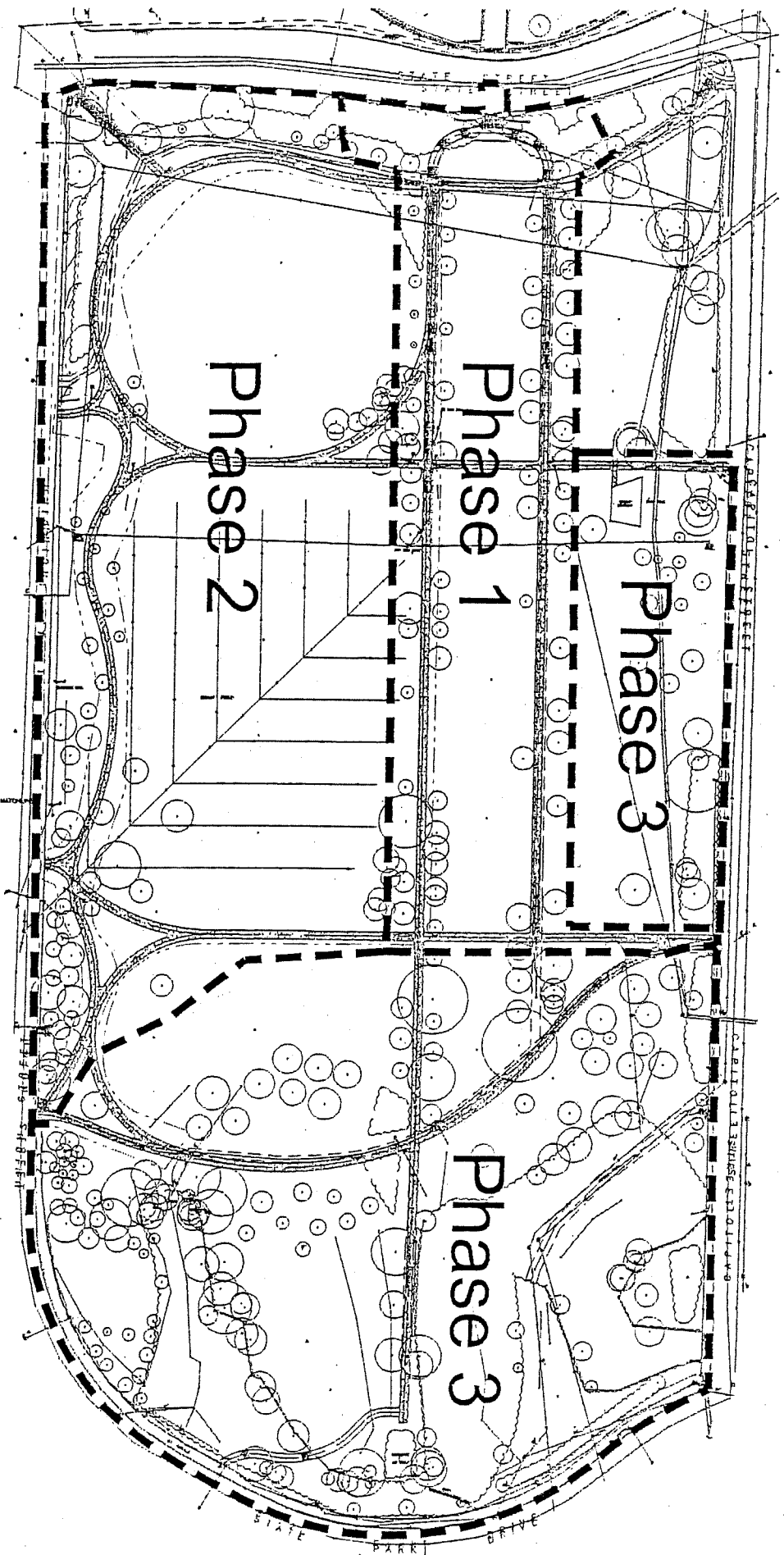
State House and Capitol Park Commission
Legislative Council & the
Prepared for the

For Years 2006-2010

Multi Year Plan for Park Improvements & Maintenance

Capitol Park Augusta, Maine





Maine State Park Plan

November 11, 2004

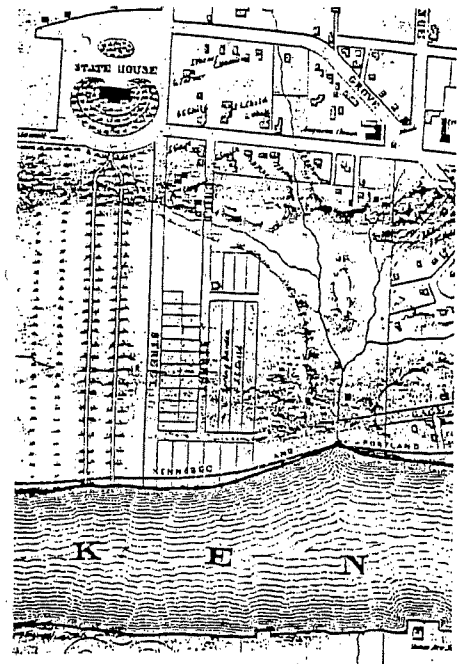
Capitol Park
Augusta, Maine
2005

Phase I Capitol Park Allee

The first allee, which was on direct axis with the Capitol portico, shows on plans as early as 1838 and was planted as early as 1827 as an allee of American Elm. By the 1970s the elms were devastated by disease and age. The current allee was planted in 1984 and since the American Elm has major disease issues the Northern Red Oak was selected to replace it.

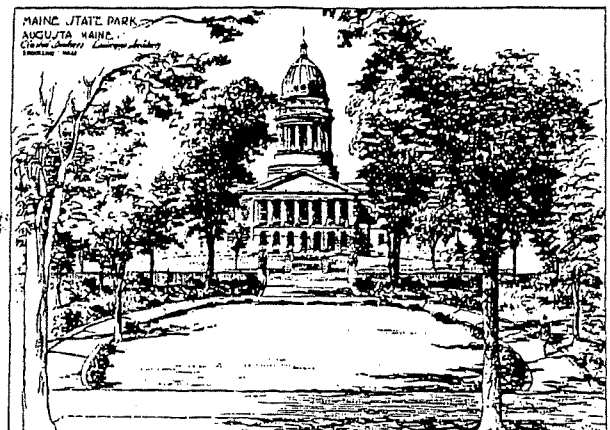
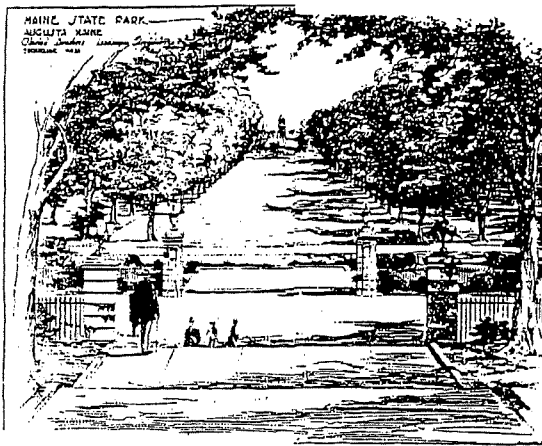
The allee of trees was still in existence before the design of the park in 1920 by Olmsted Brothers of Brookline MA, and they decided to incorporate it into the *Preliminary Plan for Maine State Park dated October 9, 1920*. The Olmsted Brothers were John Charles Olmsted and Frederick Law Olmsted Jr. respectively the stepson and son of Frederick Law Olmsted Sr. the father of American Landscape Architecture and the designer along with Calvert Vaux of Central Park in New York City.

The original axis, the allee of trees, and the green open lawn area between the double rows of trees were incorporated into the Olmsted plans and embellished with a pair of curving ramped steps set on the central axis with the steps down from the Capitol to State Street, paths were formalized within the allee, and a formal paved area with monument proposed at the terminus of the allee to the east. Two perspective sketches by the Olmsted firm show their original concept for this area and the plan shows the grading plan required to construct them as originally designed in 1920.



1851 State House

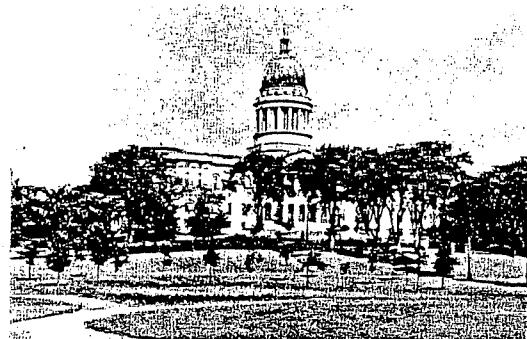
This first phase of the work would restore the original character and features of the Olmsted Plan, except for the eastern terminus, and would reinforce the connection between the State House and Capitol Park.



Olmsted Brothers' perspectives, c.1920 - 'Allee' and stairs with step ramp.

Phase II The Grove

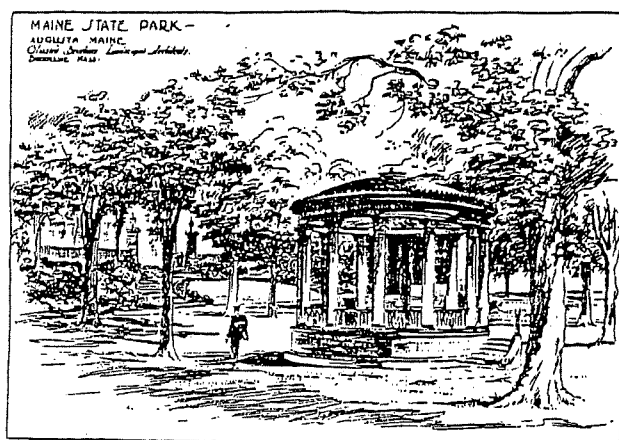
On the original Olmsted Brothers' Preliminary Plan for the park the area south of the central axis featured a grove of trees with a major formal pavilion and an open lawn area to the east. The Olmsted Brothers original sketch illustrates its character and relationship to the State House. The grove is labeled as a "grove for public meeting". Note the photograph of the grove after planting and later photograph as the trees are starting to age; both without the meeting pavilion in place.



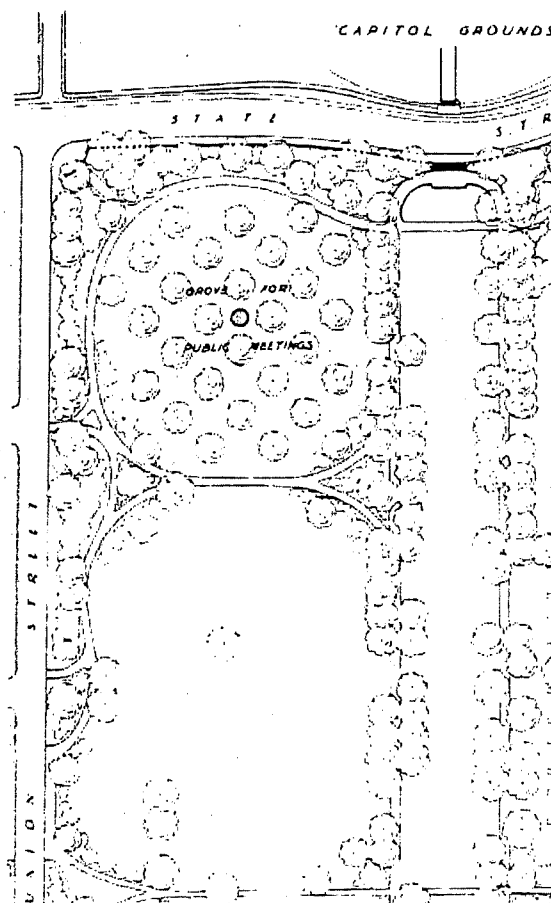
State House and 'The Grove'

The lawn area had drainage problems in the 1920s and the firm designed an underdrainage system for the lawn, which today some seventy-five years later is again in need of correction to make the lawn useable. The refinement of the original design for the grove is shown in the August 1921 Olmsted plan for this area, which is also when the drainage system was constructed. Original shrub plantings shown in this should be restored along State Street and Union Street and paths should be rehabilitated and missing paths restored.

This area could again become a focus for meeting and the lawn returned to full use when drainage issues are resolved.



Olmsted Brothers' perspective - 'The Grove'

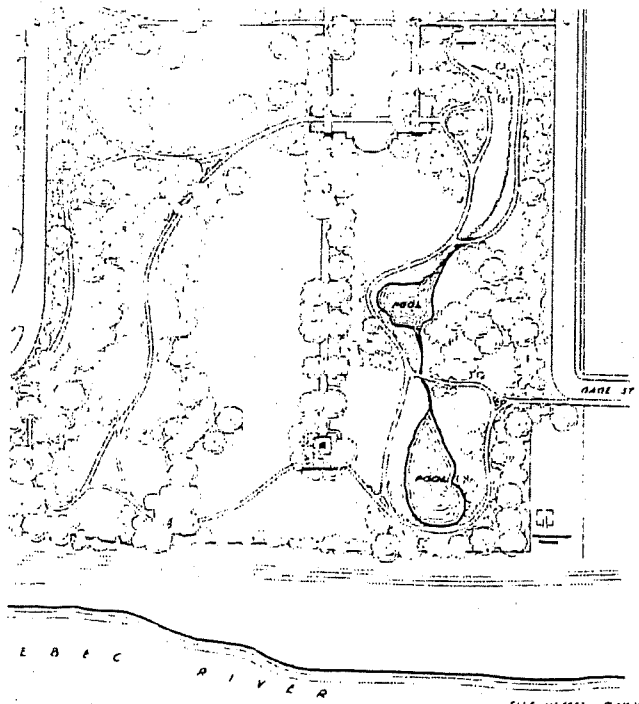


*Preliminary Plan for Maine State Park
Olmsted Brothers, Oct. 9, 1920, 'The Grove'*

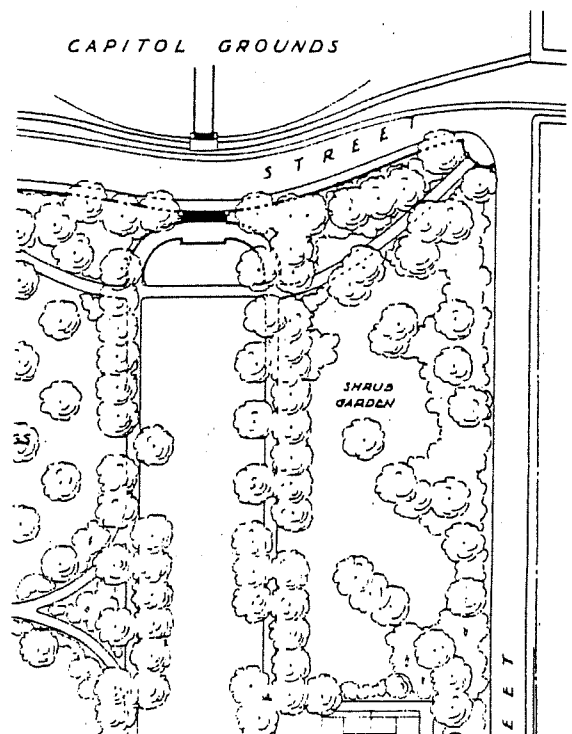
Phase III Governor Lincoln's Tomb and State Park Drive

This phase focuses on the overall upgrade of the remainder of the site including rehabilitation and restoration of the path system, restoration of the south avenue of the allee to Governor Lincoln's Tomb, and repair of the tomb. Introduction of a new lower loop path system to allow access to this area and to connect Union and Capitol Street at the eastern end of the park, as well as an overall upgrade of the major tree plantings including pruning and removal of invasive material would improve accessibility and use of this end of the park. The Olmsted Plan included pools and an extensive path system as illustrated on the plan, but no sketches were provided for this area. The pools may never have been built and restoration of them is not feasible.

The shrub garden along Capitol Street, rehabilitated as the "Living Memorial Garden" in 2004, should be extended along Capitol Street past the Vietnam Memorial and the area around the Tomb should have an overall upgrade of plantings and improved path accessibility.

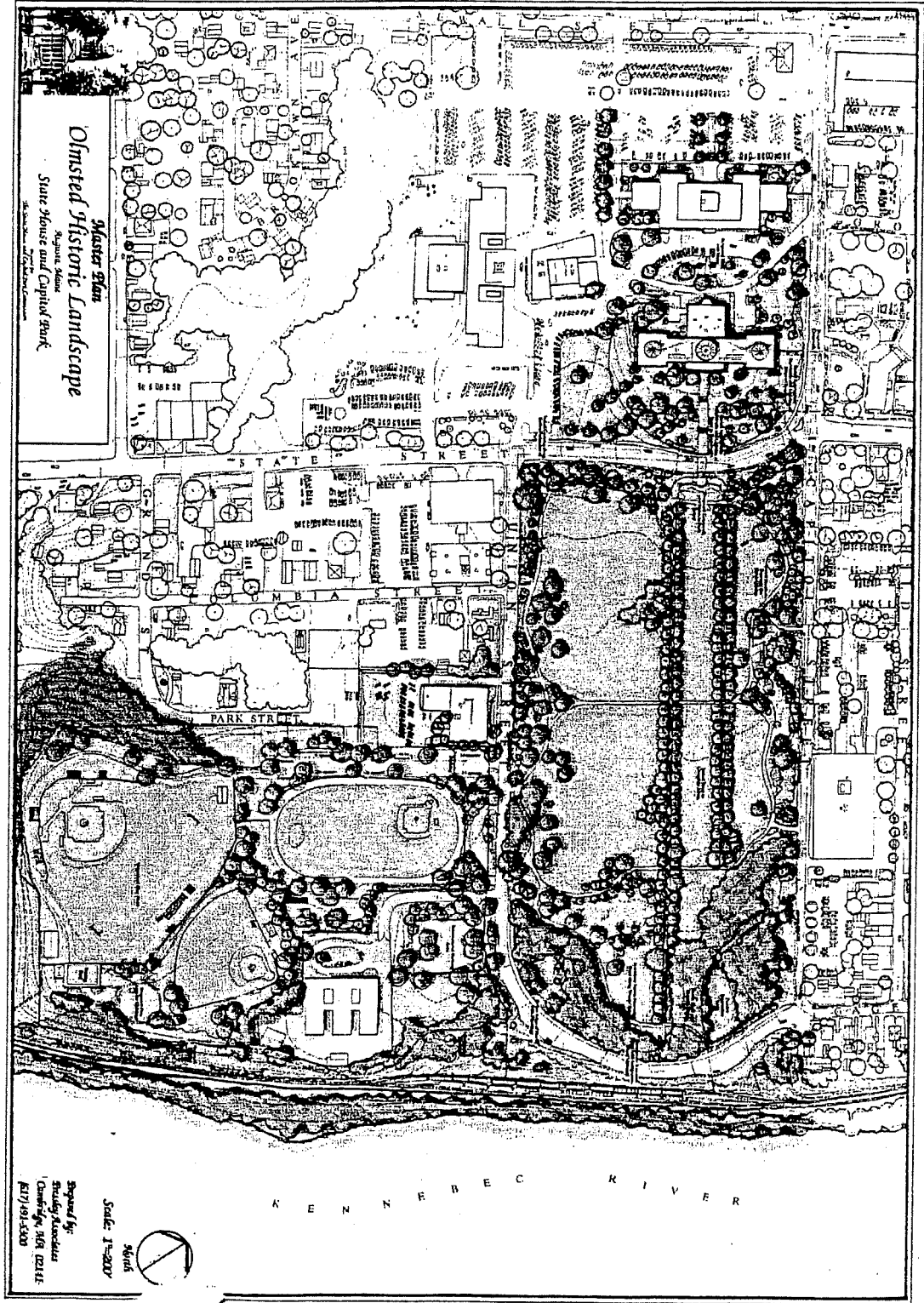


*Preliminary Plan for Maine State Park
Olmsted Brothers, Oct. 9, 1920
'Governor Lincoln's Tomb'*



*Preliminary Plan for Maine State Park
Olmsted Brothers, Oct. 9, 1920
'Shrub Garden'*

Master Plan, Olmsted Historic Landscape, State House and Capitol Park
 Pressley Associates 1990.



Funding

Improvements to Capitol Park will be made in accordance with the approved plans using funding available through the State House and Capitol Park Commission and the Reserve Fund for the State House Preservation and Maintenance, as funds are available annually.

The project will not be bonded, but will be constructed on a pay-as-you-go basis as funds become available.

The State House and Capitol Park Commission is authorized to seek gifts and funds to partially offset project costs. The Office of the Executive Director will administer all such gifts and funds.

Schedule

The project will be built in phases as described in the Multi Year Plan and is estimated to take 4-6 years to complete depending on available funding.

It is anticipated that work will begin in 2006.

Living Memorial Garden in Capitol Park

The Multi Year Plan builds on and complements the Living Memorial Garden that was authorized by the Legislature and constructed in 2004. The Living Memorial Garden is located in the northwest section of Capitol Park, at the intersection of State and Capitol streets.

Maine State Park

COST ESTIMATE

November 10, 2004

SUBTOTAL: \$677,485
CONTINGENCY @ 20%: \$135,497

TOTAL Phase 1: \$812,982

PHASE 1- OAK ALLEE

OAKS, PATHS, PLANTING AND CROSSWALK

Site Preparation

	Quantity	Unit	Unit Price	Amount
Remove and dispose of bituminous concrete(existing road)	1,000	SF	\$1.00	\$1,000
Sawcut bituminous concrete (existing road)	100	LF	\$1.25	\$125
Removal/ disposal of stonedust and existing path material	12,640	SF	\$1.00	\$12,640
Removal/ disposal of existing trees	3	EA	\$800.00	\$2,400
Removal/ disposal of existing shrubs	6,396	SF	\$1.50	\$9,594
Topsoil stripping and stock piling	2,416	SF	\$2.00	\$4,832
Selective pruning of existing trees	86	EA	\$300.00	\$25,800
Erosion control fence	260	LF	\$2.50	\$650
Protective fence	2,360	LF	\$2.50	\$5,900

Total Site Preparation \$62,941

Site Improvements

Bituminous concrete with rolled stone	14,000	SF	\$5.50	\$77,000
Granite cobbled crosswalk	1,000	SF	\$35.00	\$35,000

Total Site Improvements \$112,000

Planting

Shrubs	13,640	SF	\$5.00	\$68,200
s - Oak Allee (4 1/2"-5" caliper)	39	EA	\$2,000.00	\$78,000
Trees - Shade Trees (3 1/2"-4" caliper)	12	EA	\$1,200.00	\$14,400
Sod	10,800	SF	\$1.25	\$13,500
Lawn rehabilitation (Loam and seed)- oak allee	60,800	SF	\$0.75	\$45,600

Total Planting \$219,700

FORMAL STEPS

Site Preparation

Remove and stock pile bollards	5	EA	\$250.00	\$1,250
Remove and stock pile existing steps	105	LF	\$12.00	\$1,260
Remove and stock pile existing piers	2	EA	\$500.00	\$1,000
Topsoil stripping and stock piling	6,100	SF	\$2.00	\$12,200
Remove and stock pile curbs	6	LF	\$12.00	\$72

Total Site Preparation(Formal Steps) \$15,782

Site Improvements

Earthworks	344	CY	\$12.00	\$4,128
Fencing (Match existing State Capital Park)	73	LF	\$300.00	\$21,900
Large formal granite clad piers	2	SF	\$20,000.00	\$40,000
Decorative lights for top of piers	2	EA	\$1,500.00	\$3,000
Small stone piers (2'x2'x4')	6	SF	\$3,000.00	\$18,000
Granite Wall under fence (8" high x 1'-4" wide)	73	LF	\$100.00	\$7,300
Granite Block Cheek walls- On radius (8" high x 1' wide)	144	LF	\$350.00	\$50,400
Granite Block Cheek walls-On radius (8" high x 1' -4"wide)	8	LF	\$350.00	\$2,800
Granite rounds (8"- 2' dia)	4	EA	\$2,800.00	\$11,200
Concrete Paving	976	SF	\$7.00	\$6,832
Granite steps	624	LF	\$160.00	\$99,840
Granite band (20 'x 2')	40	SF	\$30.00	\$1,200
Granite curb (Flush and transition)	13	LF	\$30.00	\$390
Granite curb reinstall	6	LF	\$12.00	\$72

Total Site Improvements(Formal Steps) \$267,062

Note- Estimate does not include lighting

Phase 1 Sub Total: \$677,485

Maine State Park

COST ESTIMATE

November 10, 2004

SUBTOTAL: \$998,604
CONTINGENCY @ 20%: \$199,721

TOTAL Phase 2: \$1,198,324

PHASE 2- THE GROVE

	Quantity	Unit	Unit Price	Amount
Site Preparation				
Removal/ disposal of stonedust and existing path material	4,400	SF	\$1.00	\$4,400
Removal/ disposal of existing trees	0	EA	\$800.00	\$0
Removal/ disposal of existing shrubs	8,067	SF	\$1.50	\$12,101
Topsoil stripping and stock piling	142,000	SF	\$2.00	\$284,000
Selective pruning of existing trees	50	EA	\$300.00	\$15,000
Erosion control fence	250	LF	\$2.50	\$625
Protective fence	2,751	LF	\$2.50	\$6,878
Total Site Preparation				\$323,003
Site Improvements				
Bituminous concrete with rolled stone	19,040	SF	\$5.50	\$104,720
Total Site Improvements				\$104,720
Site Drainage				
Catch Basin	1	Ea	\$2,500.00	\$2,500
Connecting Plastic pipe	20	LF	\$9.00	\$180
Under drainage - Perforated plastic pipe	2,810	LF	\$3.87	\$10,875
Excavating and back fill for under drain and CB pipe	313	CY	\$12.00	\$3,756
Total Site Drainage				\$17,311
Planting				
Shrubs	52,754	SF	\$5.00	\$263,770
Trees - Red oaks (4 1/2"-5" caliper)	28	EA	\$2,000.00	\$56,000
Trees - Shade Trees (3 1/2"-4" caliper)	12	EA	\$1,200.00	\$14,400
Sod (Loam from stockpile)	134,000	SF	\$1.25	\$167,500
Rehabilitation of circular lawn (Loam and Sod)	58,000	SF	\$0.75	\$43,500
Total Planting				\$545,170
Additional Path				
Topsoil stripping and stock piling	1,120	SF	\$2.00	\$2,240
Bituminous concrete with rolled stone	1,120	SF	\$5.50	\$6,160
Total Additional Path				\$8,400

Note- Estimate does not include lighting

Phase 2 Sub Total: \$998,604

Maine State Park

COST ESTIMATE

November 10, 2004

SUBTOTAL: \$960,196
CONTINGENCY @ 20%: \$192,039

TOTAL Phase 3: \$1,152,235

PHASE 3- MONUMENT & STATE PARK DRIVE

	Quantity	Unit	Unit Price	Amount
LIVING MEMORIAL EXTENSION				
Site Preparation				
Topsoil stripping and stock piling	2,520	SF	\$2.00	\$5,040
Removal/ disposal of existing trees	6	EA	\$800.00	\$4,800
Clear and Grub existing vegetation	4,973	SF	\$2.50	\$12,433
Protective fence	1,129	LF	\$2.50	\$2,823
Total Site Preparation				\$25,095
Site Improvements				
Bituminous concrete with rolled stone (4' Wide)	2,520	SF	\$5.50	\$13,860
Total Site Improvements				\$13,860
Planting				
Shrubs	22,435	SF	\$5.00	\$112,175
Trees - Shade Trees (3 1/2"-4" caliper)	12	EA	\$1,200.00	\$14,400
Sod	7,093	SF	\$1.25	\$8,866
Total Planting				\$135,441
Living Memorial Extension Sub Total:				\$174,396

OAKS ALLEE AND PATHS

Site Preparation				
Removal/ disposal of stonedust and existing path material	7,620	SF	\$1.00	\$7,620
Removal/ disposal of existing trees	10	EA	\$800.00	\$8,000
Removal/ disposal of existing shrubs	0	SF	\$1.50	\$0
Topsoil stripping and stock piling	3,920	SF	\$2.00	\$7,840
Selective pruning of existing trees	40	EA	\$500.00	\$20,000
Erosion control fence	0	LF	\$2.50	\$0
Protective fence	2,347	LF	\$2.50	\$5,868
Total Site Preparation				\$49,328
Site Improvements				
Bituminous concrete with rolled stone	11,680	SF	\$5.50	\$64,240
Planting				
Trees - Oak Allee (4 1/2"-5" caliper)	10	EA	\$2,000.00	\$20,000
Sod	4,380	SF	\$1.25	\$5,475
Total Planting				\$25,475
Oaks, Alee and Paths Sub Total:				\$139,043

LOWER LOOP PATH AND PLANTING

Site Preparation				
Removal/ disposal of bituminous retain base material	13,500	SF	\$0.75	\$10,125
Clear and Grub existing vegetation	13,600	LF	\$2.50	\$34,000
Protective fence	1,946	LF	\$2.50	\$4,865
Total Site Preparation				\$48,990
Site Improvements				
Bituminous concrete sidewalk	9,000	SF	\$2.50	\$22,500
Total Site Improvements				\$22,500
Planting				
Shrubs	23,222	SF	\$5.00	\$116,110
Trees - Shade Trees (3 1/2"-4" caliper)	5	EA	\$1,200.00	\$6,000
Sod	9,000	SF	\$1.25	\$11,250
Total Planting				\$133,360
Lower Loop Path and Planting Sub Total:				\$204,850

PATH AND STEPS - NORTH OF MONUMENT

Site Preparation				
Topsoil stripping and stock piling	1,040	SF	\$2.00	\$2,080
Removal/ disposal of existing trees	5	EA	\$800.00	\$4,000

Removal/ disposal of existing shrubs	1,800	SF	\$1.50	\$2,700
Total Site Preparation				\$8,780

Site Improvements

Earthworks	395	CY	\$12.00	\$4,740
Granite steps	336	LF	\$160.00	\$53,760
Concrete Paving	720	SF	\$7.00	\$5,040
Handrails	104	EA	\$120.00	\$12,480
Total Site Improvements				\$76,020

Path and steps- North Sub Total: **\$84,800**

PATH AND STEPS - SOUTH OF MONUMENT

Site Preparation

Topsoil stripping and stock piling	1,400	SF	\$2.00	\$2,800
Removal/ disposal of existing trees	5	EA	\$800.00	\$4,000
Removal/ disposal of existing shrubs	1,600	SF	\$1.50	\$2,400
Total Site Preparation				\$9,200

Site Improvements

Earthworks	442	CY	\$12.00	\$5,304
Granite steps	336	LF	\$160.00	\$53,760
Concrete Paving	1,064	SF	\$7.00	\$7,448
Handrails	104	EA	\$120.00	\$12,480
Total Site Improvements				\$78,992

Path and steps- South Sub Total: **\$88,192**

WOODED AREA

Selective Clearing and Grubbing of existing vegetation	54,606	SF	\$2.50	\$136,515
Selective pruning of existing trees	108	EA	\$300.00	\$32,400
Total Wooded Area				\$168,915

Wooded Area Sub Total: **\$168,915**

GOVERNOR LINCOLN'S TOMB

Restoration of existing monument		Allowance	\$100,000
Tomb Sub Total:			\$100,000

Note- Estimate does not include lighting

Phase 3 Sub Total: **\$960,196**

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL




MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Members, Legislative Council

From:  Dave Boulter
Executive Director of the Legislative Council

Date: September 21, 2005

Re: Acceptance of private funds for study

Pursuant to Resolve, c. 121, Establishing the Task Force to Study Cervical Cancer Prevention, Detection and Education, acceptance of private funds to support the task force is subject to Legislative Council approval. The American Cancer Society proposes to fund the study and has committed \$4,480.00 to cover all first year costs of the 2-year study. It plans to fund the second year as well and will so certify. The American Cancer Society has certified that it has no pecuniary or other vested interest, as required by the resolve.

I recommend that the Legislative Council accept the funds and authorize the Task Force to convene.

Attachment

G:\COUNCIL\122nd\Memo to Mbrs-Accept private funds for study-9-21-05.doc

MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Office of the Executive Director of the Legislative Council
Mail: 115 State House Station, Augusta, Maine 04333-0115
Office: Room 103, State House, Augusta, Maine
Tel: (207) 287-1615 Fax: (207) 287-1621

SEP 21 2005

LEGISLATIVE COUNCIL OFFICE
115 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0115

CERTIFICATION RELATING TO CONTRIBUTIONS FOR STUDY

Name of Study: Task Force to Study Cervical Cancer Prevention, Detection and Education

CONTRIBUTOR IDENTIFICATION

Full name of contributor: American Cancer Society	Date of contribution: 9/21/05
Address (number and street) of contributor: One Main St., Suite 300	Amount of contribution: \$ 4,480.00
City, state, zip code: Topsham, ME 04086	If in-kind, list fair market value here and itemize in space provided below. \$
SS# OR FED ID #: [REDACTED]	
Occupation: Non profit organization	
Principal place of business:	Contributor is: Individual <input type="checkbox"/> partnership <input type="checkbox"/> corporation <input checked="" type="checkbox"/> foundation <input type="checkbox"/>

IN-KIND CONTRIBUTION

Describe goods, services, etc. to be contributed:

I, Megan D. Hannan, the undersigned, hereby swear or affirm that the information contained in this report is true and complete, that no information is knowingly withheld and that the purpose of the contribution is not to influence the outcome of the above named study or any subsequent legislative action. I further certify that I, and the employer or organization I represent, if applicable, do not have any pecuniary or other vested interest in the outcome of the above named study. I understand that this contribution is subject to acceptance by the Legislative Council.

Signature of contributor: <u>[Signature]</u>	Date: <u>9/21/05</u>
Title: Maine Director of Government Relations and Advocacy	
Witness: <u>[Signature]</u>	Date: <u>9/21/05</u>

LEGISLATIVE COUNCIL ACTION

Accept Contribution: YES ☐ NO ☐

Date:

2003

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 899 - L.D. 1302

Resolve, Establishing The Task Force To Study Cervical
Cancer Prevention, Detection and Education

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

Whereas, this resolve establishes the Task Force to Study Cervical Cancer Prevention, Detection and Education; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

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

Sec. 1. Task force established. Resolved: That the Task Force to Study Cervical Cancer Prevention, Detection and Education, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of the following 16 voting members:

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

- A. One member of the Senate;
- B. One representative of a women's health organization;
- C. One communications consultant;
- D. One representative of the American Academy of Pediatrics;
- E. One representative of the American Academy of Family Physicians;
- F. One licensed registered nurse; and
- G. One representative of the Maine Medical Association or its successor;

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

- A. Two members of the House of Representatives;
- B. One representative of the American Cancer Society who is an oncologist;
- C. One representative of the health insurance industry;
- D. One representative of the American College of Obstetricians and Gynecologists;
- E. One member of the Maine Osteopathic Association or its successor; and
- F. One person who has survived cervical cancer;

3. The medical director of the Maine Cancer Registry or the medical director's designee; and

4. The Director of the Maine Breast and Cervical Health Program within the Department of Health and Human Services, Bureau of Health and other members of the Bureau of Health, as necessary to the work of the task force, who serve as ex officio nonvoting members of the task force.

When making appointments to the task force, each appointing authority shall ensure that appointees reflect the composition of the State's population with regard to ethnicity, race and age; and be it further

Sec. 3. Chair. Resolved: That the Senate member shall serve as chair and the first-named House member shall serve as vice-chair; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days after the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chair shall call and convene the first meeting of the task force by August 1, 2005; and be it further

Sec. 5. Quorum. Resolved: That a majority of the task force constitutes a quorum for the transaction of its business; and be it further

Sec. 6. Committees. Resolved: That the task force chair may establish committees for the purpose of making special studies pursuant to its duties and may appoint persons who are not members of the task force to serve on each committee as resource persons. Resource persons are voting members of the committees to which they are appointed. Committees may meet with the frequency needed to accomplish the purposes of this resolve; and be it further

Sec. 7. Duties. Resolved: That the task force shall:

1. Review statistical and qualitative data on the prevalence and incidence of cervical cancer in Maine;

2. Review preventive strategies and new technologies, including newly introduced vaccines and their effectiveness in preventing and controlling the risk of cervical cancer, as well as their relative costs;

3. Identify and examine the strengths and limitations of existing laws, regulations, programs and services regarding coverage and awareness of cervical cancer;

4. Consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention and treatment and their ideas for improving prevention, diagnosis and treatment in Maine;

5. Develop, in consultation with the Department of Health and Human Services, a statewide comprehensive cervical cancer prevention plan and strategies for plan implementation and for promoting the plan and awareness of the causes, risk factors,

prevention, early detection and treatment of cervical cancer to the general public, state and local elected officials and various public and private organizations, associations, businesses, industries and agencies; and

6. Recommend strategies for coordination and communication among state and local agencies and organizations regarding their involvement in achieving the aims of the cervical cancer prevention plan; and be it further

Sec. 8. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 9. Compensation. Resolved: That legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 10. Report. Resolved: That, no later than December 7, 2005, the task force shall submit an initial report to the Joint Standing Committee on Health and Human Services and the Governor. The task force is not authorized to meet from December 21, 2005 to April 25, 2006 or to introduce legislation. The task force shall submit its final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by November 1, 2006. The joint standing committee of the Legislature having jurisdiction over health and human services matters in the First Regular Session of the 123rd Legislature may report out legislation on cervical cancer prevention, detection and education; and be it further

Sec. 11. Task force funding. Resolved: That the task force shall seek outside funds to fully fund all costs of the task force. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the task force may not be accepted from any party having pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council

that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the task force. The executive director shall notify the chair of the task force when sufficient funding has been received; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides an allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Task Force to Study Cervical Cancer Prevention, Detection and Education. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$880	\$880
All Other	\$3,600	\$3,600
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$4,480</u>	<u>\$4,480</u>

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

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Members, Legislative Council
From: *Dave* Dave Boulter
Executive Director of the Legislative Council
Date: September 21, 2005
Re: Health Policy Forum Proposal

As the attached letter indicates the Maine Development Foundation, jointly with the Margaret Chase Smith Policy Center, Muskie School of Public Service, and the Maine Health Access Foundation, proposes to develop and conduct a 1-day health policy forum for legislators. The policy forum would be held in December or in early 2006, whichever is more convenient for the Legislature. The proposed forum is intended to offer in-depth presentations and small group discussions on selected health policy issues and options relevant to Maine.

The Maine Development Foundation is proposing to work with the Maine Health Access Foundation to provide funding to cover all policy forum costs.

If the Legislative Council accepts the proposal, the Maine Development Foundation proposes that the Legislative Council appoint a small, bipartisan group of Legislators to help guide the policy forum agenda.

Attachment



MAINE DEVELOPMENT FOUNDATION

POLICY LEADERS ACADEMY



September 21, 2005

David Boulter
Executive Director
Legislative Council
Maine State Legislature
115 State House Station
Augusta, Maine 04333-0115

Dear David:

On behalf of the Margaret Chase Smith Policy Center at the University of Maine, the Muskie School of Public Service at the University of Southern Maine, and the Maine Development Foundation, I am delighted to submit this proposal to the Legislative Council for a day-long health policy forum for the 122nd Maine Legislature.

Our aim in this workshop will be to offer an intensive, in-depth set of presentations and smaller group discussions of a limited set of health policy issues and options that can inform the upcoming legislative session. This new approach with an enhanced focus on "hot topics" was developed in consultation with the Maine Health Access Foundation, and we have collaboratively developed this draft list of potential topics.

We invite the Legislative Council to guide the selection of the most relevant and timely topics from this list, and/or suggest others. The list is by no means exhaustive; and we welcome any revisions or suggestions you and the Council might have to make these sessions as helpful and relevant as possible. To this end, we would ask that you please appoint a small, bi-partisan group of Legislators to help us select the top 3 or 4 topics that would be of greatest interest to the Legislature.

We plan to draw on the expertise of nationally recognized policy analysts, University of Maine System faculty, and others to present informed, balanced, nonpartisan information. All presenters, panelists, and moderators will place particular emphasis on showing legislators how they can use the information in policy decision making.

We are working closely with the Maine Health Access Foundation to secure funding to cover all costs related to speaker honoraria and travel, meals, and facilities.

We will be in touch after the Council's September 22 meeting to discuss your response and look forward to working with you and the Legislative Council in developing a timely, non-partisan, educational forum on this extremely important topic.



MAINE DEVELOPMENT FOUNDATION
POLICY LEADERS ACADEMY



Thank you very much for your time and consideration.

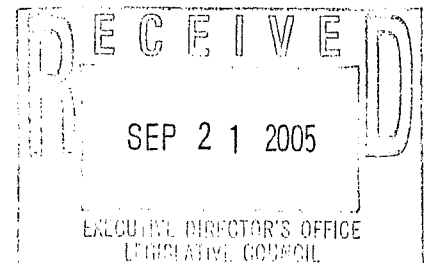
Sincerely,

Laurie G. Lachance
President, Maine Development Foundation

Cc:
Jonathan Rubin, Ph.D.
Interim Director
Margaret Chase Smith Policy Center

Andrew Coburn, Director
Institute for Health Policy
Muskie School of Public Service

Wendy Wolf, MD, MPH
President & CEO
Maine Health Access Foundation



Legislative Health Policy Workshop
Potential Topics
(3-4 would be selected)

National Developments

- Prescription Drugs: Implementing Medicare Part D—Implications for Maine
- Medicaid: State responses to changing federal policy and the Medicaid Commission Report
- Federal Policy on Drug Re-importation

State Health Reform Strategies

- Policy and program strategies from other states for addressing issues of access, quality and cost

A Review and Discussion of State Roles in Health Care:

- Protecting the public's health
- Ensuring adequate infrastructure, including work force, facilities, and technology
- Being a provider of last resort (safety net role)
- Ensuring quality
- Purchasing services (through MaineCare, Corrections, State Employee Health Plan, etc.)

Maine's Mental Health System

- How is the State's role changing in the post-institutional era?
- What are the key elements of current reform efforts?
- The status and effectiveness of managed behavioral health care

Long-term Care

- New development in long term care policy-estate recovery, managed care, community partnerships

Health Information and Communication Technologies

- How can the state enhance current technology initiatives to increase access, reduce urban-rural disparities, and control costs?
- The prospects for interoperable electronic medical records and interconnectivity of health providers—federal and state perspectives and opportunities



MAINE DEVELOPMENT FOUNDATION

POLICY LEADERS ACADEMY



"Consumer-driven strategies" for Health Benefits Design

- Evaluating trends in health benefit design nationally and in Maine

Public Health

- Prevention strategies for addressing the growing burden of chronic illness
- Building a prevention strategy for addressing substance abuse
- Emergency preparedness: How prepared are we?

Sustaining and Maintaining Rural Healthcare Access

- How to maintain small, rural hospitals
- Telemedicine
- How to attract and retain practitioners
- Hospitals as economic development entities