

MAINE STATE LEGISLATURE

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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

**LEGISLATIVE COUNCIL
JANUARY 12, 2006
REVISED AGENDA**

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	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE DECEMBER 27, 2005 COUNCIL MEETING	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
6	• Executive Director's Report (David Boulter)	
7	• Fiscal Report (Grant Pennoyer)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Cummings, Chair) Report of the January 12, 2006 Personnel Committee meeting.	
	• State House Facilities Committee (Sen. Gagnon, Chair) No report (Committee will meet following Legislative Council meeting today)	
	OLD BUSINESS	
18	Item #1: Council actions taken by ballot (No action required)	Information

NEW BUSINESS

- | | | |
|----|--|--|
| 19 | Item #1: Consideration of After Deadline Bill Requests | Decision |
| 24 | Item #2: Request for Reconsideration of Council Decision on Extension of Study Reporting Deadline and Holding an Additional Meeting <ul style="list-style-type: none">• Study Commission Regarding Livable Wages (from January 15, 2006 to February 1, 2006 second request for extension request. First request for an extension was from December 7, 2005 to January 15, 2006 was approved at November 28, 2005 Council Meeting; Council denied 2nd request at the December 27th Council meeting.) | Decision |
| 26 | Item #3: Request to Hold Two Additional Meetings and for an Extension of the Reporting Deadline to Submit Legislation <ul style="list-style-type: none">• Task Force to Study Maine's Homeland Security Needs (requests to hold 2 additional meetings in Augusta, additional costs funded by MEMA. Extension of reporting deadline to February 3, 2006 for the Purpose of submitting legislation to the 2nd Regular Session.) | Decision |
| 27 | Item #4: Request to Hold Two Off-Site Meetings <ul style="list-style-type: none">• Commission to Study the Cost of Providing Certain Services in the Unorganized Territories (permission to change timing of the meetings to late January and February, 2006. Request to extend reporting deadline to July, 2006 and to hold two additional meetings after adjournment was approved at the November 28, 2005 Council meeting.) | Decision |
| 28 | Item #5: Submission of Study Reports <ul style="list-style-type: none">• Task Force to Study Cervical Cancer Prevention, Detection and Education• Blue Ribbon Commission on the Future of MaineCare | Acceptance

Acceptance

Acceptance |
| 30 | Item #6: Legislative Youth Advisory Council Request for Meeting with Legislative Council | Decision |
| 31 | Item #7: Presentation by National Conference of State Legislatures on its Report on the Maine Legislature/ An Examination of Practices, Procedures and Organization | Presentation |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN RICHARDSON
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DAVID E. BOULTER
EXECUTIVE DIRECTOR

**MEETING SUMMARY
DECEMBER 27, 2005**

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:28 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Brennan Absent: President Edmonds, Sen. Davis, Sen. Gagnon, Sen. Weston
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	David Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review Patrick Norton, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE NOVEMBER 28, 2005 COUNCIL MEETING

Motion: That the Meeting Summary of November 28, 2005 be accepted and placed on file. (Motion by Rep. Duplessie, second by Rep. Cummings, unanimous).

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

• **Executive Director's Report**

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

1. State House Facilities Project

The final component of this year's renovation work, installation of new rooftop flag poles, was completed last week. With the new flagpoles, maintenance personnel will no longer need to climb onto the roof domes to raise, lower or change flags – a significant improvement in safety.

2. OPLA Analyst Positions: New Hires

As a result of Patrick Norton's appointment as OPLA Director and 2 analyst resignations, OPLA has hired several new committee analysts. They will begin work in December. They are:

- Karen Nadeau-Drillon a former Researcher with OPLA, who will staff the Transportation Committee.
- John Mitchell, a former nonpartisan committee analyst with the Florida Legislature, who will staff the Labor Committee.
- Elizabeth Cooper, a former employee of the Bureau of the Budget, who will (co) staff the Health and Human Services Committee.

3. Bill Drafting for 2nd Regular Session

The Revisor's Office, in cooperation with OPLA and OFPR analysts, has completely drafted all legislator, agency and Governor bills that had been received except for 1 bill and sent them out for signatures. Most bills have been returned and are ready for printing. Total number of new bills is about 280.

• Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented a brief summary of the written materials provided to the Council as follows:

A. Revenue Variance Report for the General Fund and Highway Fund

General Fund revenue was \$7.7 million under budget for the month of November. This variance is from the lower forecast prior to the December 2005 Revenue Forecasting Committee's increase in its December 2005 report. The continuing poor performance of the Sales Tax revenue was exacerbated in November by some timing issues affecting Individual Income Tax collections, resulting in the overall negative variance for the month. Based on the old forecast, General Fund revenue was running ahead of budget of the fiscal year-to-date by \$53.3 million (+5.7%). The December revenue report will reflect the revised forecast, which increased the FY06 General Fund revenue estimate by \$112.1 million.

Highway Fund revenue was under budget in November by \$1.0 million, reducing the positive variance for the fiscal year-to-date to \$0.8 million (+0.7%). Fuel Tax collections continue to be the major drag on Highway Fund revenue performance. The Highway Fund revenue forecast was increased by \$6.0 million in FY06 by the Revenue Forecasting Committee. Mr. Pennoyer noted that shortly after the forecast, the State Tax Assessor identified a collection problem with an audit assessment that contributed more than \$3 million to this revenue increase. Some of the Fuel Tax upward revision in FY06 may be reversed in the March 2006 Revenue Forecasting Committee report.

Mr. Pennoyer also noted that the final report of the Revenue Forecasting Committee along with additional background materials is available through OFPR's web site.

B. Cash Pool and Cash Pool Trends

Mr. Pennoyer also presented a summary of the General Fund and Highway Fund cash trends. He noted that there has been no significant change in trend for the General Fund, which still appears to show gradual improvement after accounting for the effect of reduced Tax Anticipation Note borrowing. However, the Highway Fund bears close scrutiny as the Department of Transportation budget situation will likely reduce cash balances in the months ahead.

The Speaker commented that he had heard that the Department of Transportation's budget problems would result in deferrals of certain projects because federal transportation funds had been earmarked for specific projects. Further, the department had assured him that this condition would not affect the budget. The Speaker asked Mr. Pennoyer to review the transportation funding situation.

Mr. Pennoyer indicated that he would be happy to investigate and report back to the Legislative Council at its next meeting. He also indicated that there would not be an additional request for Highway Fund allocations; The department would likely use existing Highway Fund balances to fund current projects. The use of these balances would negatively affect the Highway Fund cash balance.

• Status of Interim Studies

Patrick Norton, 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, reported on the following items:

MELD Bill Drafting System

The statute printing problem reported earlier has been resolved by HP.

The Attorney General's Office, at the request of the legislative staff, is working to resolve a contract dispute between HP and staff regarding correction of 3 formatting issues related to Constitutional Resolutions.

HP is working on the remaining warranty issues.

Internet Video

Mr. Mayotte reported that Legislative Information Services is assisting the Clerk's Office on the House Internet project to install a video broadcast camera in the House Chamber. Installation will begin shortly and broadcasting should begin by January 24, 2006.

Preparations for the Start of the Second Session

PC and printer replacements for 2005 have been completed. Annual printer preventative maintenance has also been completed. The wireless network is active with adjustments made to improve coverage and service availability. The network disk storage space has been cleaned up and additional network disk drives will be brought on line to provide adequate data storage capacity for session and post session activity. Desktop anti-virus software is being upgraded to include spyware/adware protection.

REPORTS FROM COUNCIL COMMITTEES**• Personnel Committee**

Rep. Cummings, Chair, Personnel Committee reported that the committee met on December 12, 2005 to consider 3 matters:

1. The annual performance review of Executive Director Boulter. The committee asked that Director Boulter meet with both the President and Speaker as part of his performance review.
2. Re-appointment of Margaret Matheson as Revisor of Statutes to a 3-year term. The Committee recommended unanimously that Ms. Matheson be re-appointed to a new term of office.
3. Step increases for constitutional officers. The committee voted unanimously to authorize a step increase for the State Treasurer, Secretary of State and the State Auditor. The Attorney General has declined an increase. No further Council action is required.

Motion: That upon the unanimous recommendation of the Personnel Committee, Margaret Matheson be reappointed to a 3-year term as Revisor of Statutes, the date of reappointment being retroactive to November 8, 2005. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

• State House Facilities Committee (Sen. Gagnon, Chair)

Rep. Duplessie reported that a sub-committee of the State House Facilities Committee will meet on Thursday, December 29, 2005 to discuss Capitol Security.

OLD BUSINESS**Item #1: Council Actions Taken By Ballot**

A copy of a list of actions taken by ballot by the Legislative Council since its November 28, 2005 meeting is attached.

NEW BUSINESS**Item #1: Request for Extension of Study Reporting Deadline and to Hold 1 Additional Meeting**

- Study Commission Regarding Liveable Wages (from January 15, 2006 to February 1, 2006 second request for extension request. First request for an extension was from December 7, 2005 to January 15, 2006 was approved at November 28, 2005 Council meeting).

Motion: That the request from the Study Commission Regarding Liveable Wages to hold 1 additional meeting be approved. (without a motion failed 4-2, Rep. Bowles and Rep. Tardy opposed).

Motion: That the request from the Study Commission Regarding Liveable Wages for an extension of the reporting deadline be approved. (without a motion failed 4-2, Rep. Bowles and Rep. Tardy opposed).

Item #2: Request to Meet After Reporting Deadline

- **Freedom of Access Advisory Committee**

Because of late appointments to the committee, the committee was unable to meet prior to its reporting deadline. It requested that it be authorized to meet after the deadline.

Motion: That the request by the Freedom of Access Advisory Committee to hold its authorized 3 meetings, notwithstanding the reporting deadline, be approved. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

Item #3: 2005 Report of the Land and Water Resources Council on the Land Use Mediation Program

No Council action required.

Item #4: Submission of Study Reports

- Citizen Trade Policy Commission
- Task Force to Study Maine's Homeland Security Needs

Motion: That the study reports of the Citizen Trade Policy Commission and the Task Force to Study Maine's Homeland Security Needs be accepted and placed on file. (Motion by Speaker Richardson, second by Rep. Cummings, unanimous).

Item #5: Loring Development Authority of Maine 2005 Annual Report

The annual report of the Loring Development Authority of Maine 2005 is on file in the Office of the Executive Director.

No Council action required.

Item #6: Presentation by State Board of Education, Select Panel On Revising Education in Maine

Three members of the Select Panel on Revisioning Education in Maine made a presentation to the Legislative Council. They were: Weston Bonney, State Board of Education member, and retired bank CEO; Jean Guilliver, member and former chair of the State Board of Education; and Colleen Quint, CEO of the Mitchell Institute. The Select Panel members told Council members the report was in draft format. The panel is in the process of gathering public comment on the draft report. Mr. Bonney, Ms. Guilliver and Ms. Quint gave an overview of the report. Once the public input had been completed, the panel will meet again and make any changes they feel are appropriate, and present a final report to the State Board of Education. The Board will make its recommendations to the Legislature by March, 2006.

Chair Richardson and the members of the Legislative Council thanked the Select Panel members for their hard work and the three members for their presentation of the draft report to the Council.

No Council action required.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:41 p.m. (Motion by Rep. Bowles, second by Rep. Duplessie, unanimous).

**Legislative Council Meeting
January 12, 2006**

Executive Director's Report

1. Arrangements are being made to provide for public viewing of the Governor's State of the State Address in the Welcome Center on Tuesday, January 17th.
2. Unnotated versions of Maine Statutes are available to Legislators and others for purchase

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
January 12, 2006

*Prepared by the
Office of Fiscal & Program Review*

- 1. General Fund and Highway Fund Revenue
Variances for December 2005 (See
Attachment A)**

- 2. December Cash Pool and Cash Trends (See
Attachment B)**

Attachment A

General Fund and Highway Fund Revenue Update

General Fund Revenue – December 2005 Variance Report (Page 3):

General Fund revenue was \$29.3 million over budget for the month of December resulting in a positive variance for the fiscal year-to-date (FYTD), the 1st half of FY06, of \$21.6 million (+1.7%). The December variances now reflect the December 2005 revenue revisions of the Revenue Forecasting Committee (RFC), which increased the FY06 General Fund revenue estimate by \$112.1 million. Very strong performances in the Corporate Income Tax and Estate Tax are the major contributors to the positive fiscal year-to-date variance. The performance of the revenue from taxable sales of goods and services remains disappointing and would have been under budget in December except for a \$2.1 million audit settlement. Provided below is an overview of each of the major revenue lines:

- **Sales and Service Provider Taxes** – As noted above, the Sales and Use and Service Provider Taxes performance continued to under-perform despite downward adjustments by the RFC. Despite being over budget by \$1.2 million in December, because of a \$2.1 million audit settlement, these lines were under budget by \$2.3 million (-0.5%) for the FYTD.
- **Individual Income Tax** – Individual Income Tax was over budget in December by \$12.0 million, largely the result of timing issues in the Circuit Breaker (Tax and Rent Refund) and BETR tax programs. For the FYTD, this line was over budget by \$8.0 million (+1.5%).
- **Corporate Income Tax** – December revenue in this line was again very strong, increasing the positive variance for the FYTD to \$16.0 (+21.4%). This performance is very strong, in light of the recent RFC increase of budgeted revenue for this line by \$46.3 million in FY06.
- **Cigarette and Tobacco Tax** – This line was over budget in December by \$3.8 million, increasing the FYTD positive variance to \$8.5 million (+12.4%). This variance is thought to be primarily a timing issue as we finish up a transition period for the purchase of tax stamps on existing inventory at the time of the effective date of the recent tax increase.
- **Public Utilities Tax** – No revenue is budgeted in this line until May.
- **Insurance Company Tax** – This line was under budget by \$0.9 million in December, increasing the negative revenue variance for FYTD to \$3.1 million (-20.6%). Some of this negative variance is thought to be a timing issue within the fiscal year.
- **Estate Tax** – The strong performance in this category continued in December with a \$6.5 million positive variance in December. Again, this was above a significant increase in the budgeted revenue by the RFC. The FYTD positive variance in this category increased to \$6.9 million (+16.9%).
- **Property Tax -Unorganized Territory** – The October transfer represents an estimate based on the prior year and was slightly over budget. The next transfer will be in June, based on actual General Fund expenditures.
- **Income from Investments** – This category was over budget in December, increasing the positive FYTD to \$0.4 million (+16.5%).

- **Revenue Sharing Transfers** – This revenue line is calculated based on 5.1% of Sales, Service Provider, Individual Income and Corporate Income Taxes. The variance in this line reflects the inverse of the total variances for the above mentioned tax lines.
- **Lottery Transfer** – Lottery revenue was under budget for December and for the FYTD despite being adjusted downward by \$3.0 million by the RFC. For the FYTD, Lottery Revenue was under budget by \$0.7 million (-2.6%).
- **Other Revenue** – The General Fund “Other Revenue” line was under budget by \$5.9 million in December. The FYTD negative variance in this line increased to \$10.7 million (-10.5%). The Department of Health and Human Services (under budget for the FYTD by \$8.5 million) and the Judicial Department (under budget for the FYTD by \$3.8 million) were the major factors in this negative variance.

Highway Fund Revenue – December 2005 Variance Report (Page 3)

Highway Fund revenue was under budget in December by \$0.6 million, reducing the positive variance for the FYTD to \$0.5 million (+0.3%). The December Highway Fund variances in this report, as with the General Fund, reflect the revised budgeted revenue of the RFC in its December 2005 report. The RFC increased Highway Fund budgeted revenue in FY06 by \$6.0 million. The fuel tax line has been the major drag on Highway Fund revenue. It was under budget in December and for the FYTD despite revisions. Provided below is an overview of each of the major revenue lines:

- **Fuel Taxes** – This line was under budget by \$0.6 million in December. The FYTD negative variance was \$0.6 million (-0.6%). This negative variance does not yet reflect the negative variance that will result from the failure to collect all of the gas tax audit settlement, which is budgeted in January 2006.
- **Motor Vehicle Registration and Fees** – This revenue line was slightly under budget in December, reducing the positive variance for the FYTD to \$0.5 million (+1.3%).
- **Inspection Fees** – This revenue line was slightly under budget for the FYTD.
- **Fines** – Highway Fund fine revenue line was slightly over budget for the FYTD.
- **Income from Investments** – This revenue line was slightly under budget in December, but remained with a positive FYTD variance of \$0.1 million (+14.5%).
- **Other Revenue** – This revenue line was over budget in December and was over budget for the FYTD by \$0.5 million (+8.7%).

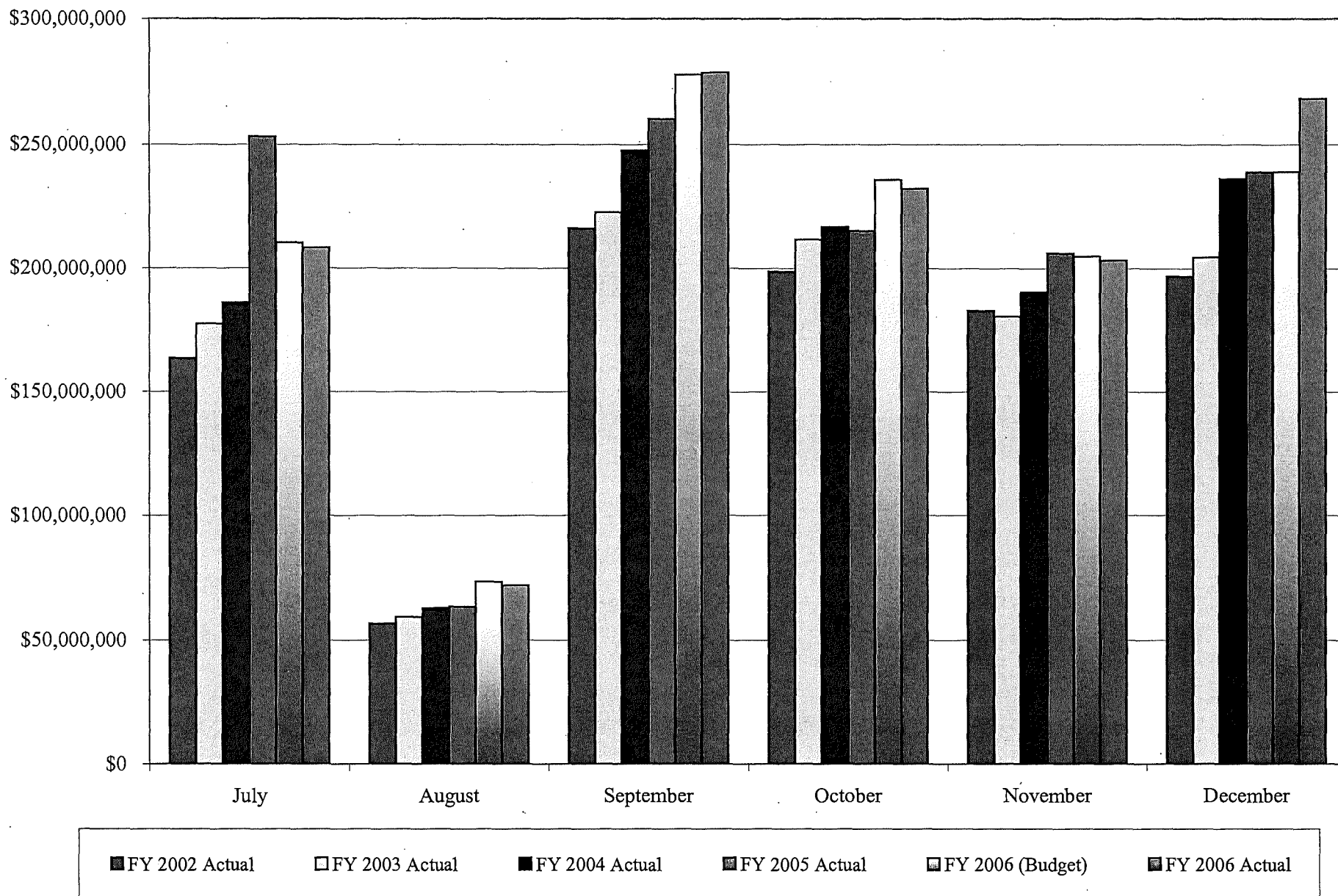
Historical Comparisons of Monthly General Fund and Highway Fund Revenue (See Bar Graphs on Pages 4 and 5)

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2006
REFLECTING DECEMBER 2005 RFC ADJUSTMENTS

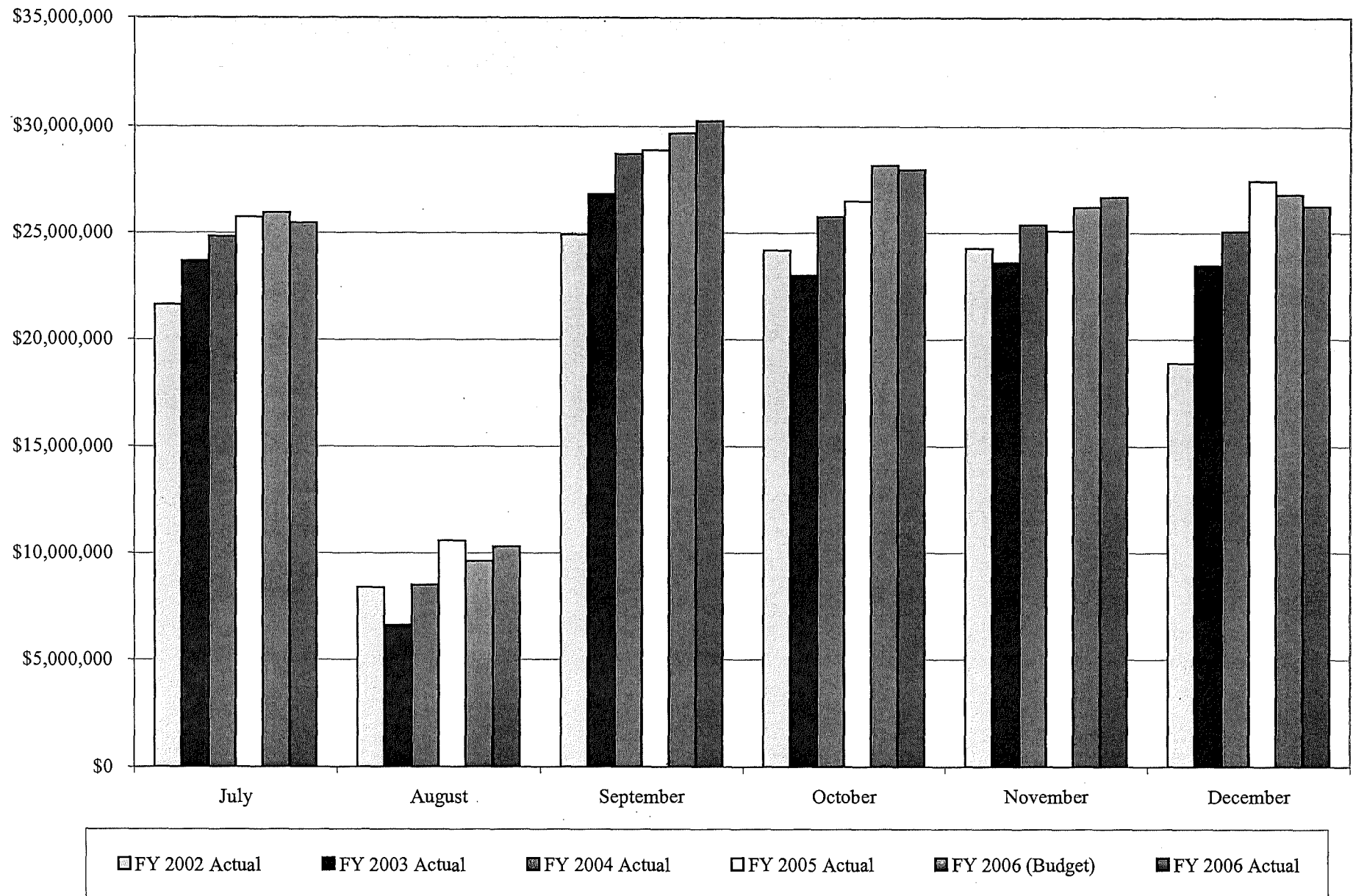
DECEMBER 2005 VARIANCE REPORT

Revenue Line	Dec. '05 Budget	Dec. '05 Actual	Dec. '05 Var.	FY06 YTD Budget	FY06 YTD Actual	FY06 YTD Variance	FY06 YTD Variance %	FY06 Budgeted Totals
General Fund								
Sales and Use Tax	71,033,935	71,301,862.15	267,927.15	420,885,863	418,714,548.29	(2,171,314.71)	-0.5%	933,701,080
Service Provider Tax	4,032,526	4,925,382.06	892,856.06	18,786,967	18,622,863.08	(164,103.92)	-0.9%	46,494,165
Individual Income Tax	111,565,559	123,612,742.36	12,047,183.36	515,324,343	523,291,621.52	7,967,278.52	1.5%	1,239,297,845
Corporate Income Tax	23,037,622	37,029,667.25	13,992,045.25	74,766,145	90,767,543.44	16,001,398.44	21.4%	165,220,000
Cigarette and Tobacco Tax	13,066,550	16,898,827.70	3,832,277.70	68,321,543	76,821,990.42	8,500,447.42	12.4%	147,238,325
Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	0.0%	21,440,000
Insurance Companies Tax	932,134	(12,621.62)	(944,755.62)	14,977,937	11,885,217.41	(3,092,719.59)	-20.6%	77,141,931
Estate Tax	2,961,704	9,418,264.18	6,456,560.18	40,810,755	47,701,799.74	6,891,044.74	16.9%	64,079,793
Property Tax - Unorganized Territory	0	0.00	0.00	9,522,077	9,560,399.00	38,322.00	0.0%	11,278,476
Income from Investments	249,784	489,456.48	239,672.48	2,505,807	2,918,717.45	412,910.45	16.5%	4,286,062
Transfer to Municipal Revenue Sharing	(10,846,152)	(12,080,352.35)	(1,234,200.35)	(52,229,428)	(53,621,225.39)	(1,391,797.39)	2.7%	(121,620,368)
Transfer from Lottery Commission	4,839,839	4,547,087.24	(292,751.76)	26,135,103	25,453,919.23	(681,183.77)	-2.6%	50,334,250
Other Revenue	18,197,288	12,274,230.90	(5,923,057.10)	101,703,472	91,032,138.86	(10,671,333.14)	-10.5%	216,529,079
Totals	239,070,789	268,404,546.35	29,333,757.35	1,241,510,584	1,263,149,533.05	21,638,949.05	1.7%	2,855,420,638
Highway Fund								
Fuel Taxes	18,806,431	18,187,613.84	(618,817.16)	97,362,491	96,743,673.36	(618,817.64)	-0.6%	230,922,713
Motor Vehicle Registration and Fees	6,526,982	6,380,997.53	(145,984.47)	39,711,299	40,237,600.78	526,301.78	1.3%	87,172,358
Inspection Fees	614,344	524,595.60	(89,748.40)	2,464,931	2,459,568.89	(5,362.11)	-0.2%	4,397,970
Fines	161,053	141,922.76	(19,130.24)	918,120	922,398.97	4,278.97	0.5%	1,973,665
Income from Investments	131,217	123,026.30	(8,190.70)	756,217	865,591.55	109,374.55	14.5%	1,600,000
Other Revenue	589,659	917,187.39	327,528.39	5,284,550	5,743,463.79	458,913.79	8.7%	9,286,173
Totals	26,829,686	26,275,343.42	(554,342.58)	146,497,608	146,972,297.34	474,689.34	0.3%	335,352,879

Monthly Historical Comparisons - General Fund Revenue FY 2002 - FY 2006



Monthly Historical Comparisons - Highway Fund Revenue FY 2002 - FY 2006



Attachment B

Cash Pool and Cash Balance Trends

December 2005 Cash Pool Average Balances (Page 2) – General Fund cash position averaged \$27.2 million in December. This amount included \$123.6 million in Tax Anticipation Notes (TAN's), \$47.7 million in the Budget Stabilization Fund, \$23.1 million in the Reserve for General Fund Operating Capital and \$15.0 million of internal borrowing from Other Special Revenue (Note: this documentation of internal borrowing was new effective for the October 2005 cash report). Without the TAN, Reserve Fund balances and other internal borrowings, the General Fund cash position would have had a negative average balance of -\$182.3 million. This represents an improvement from a year ago when this equivalent average balance was -\$196.2 million. See trend discussion below.

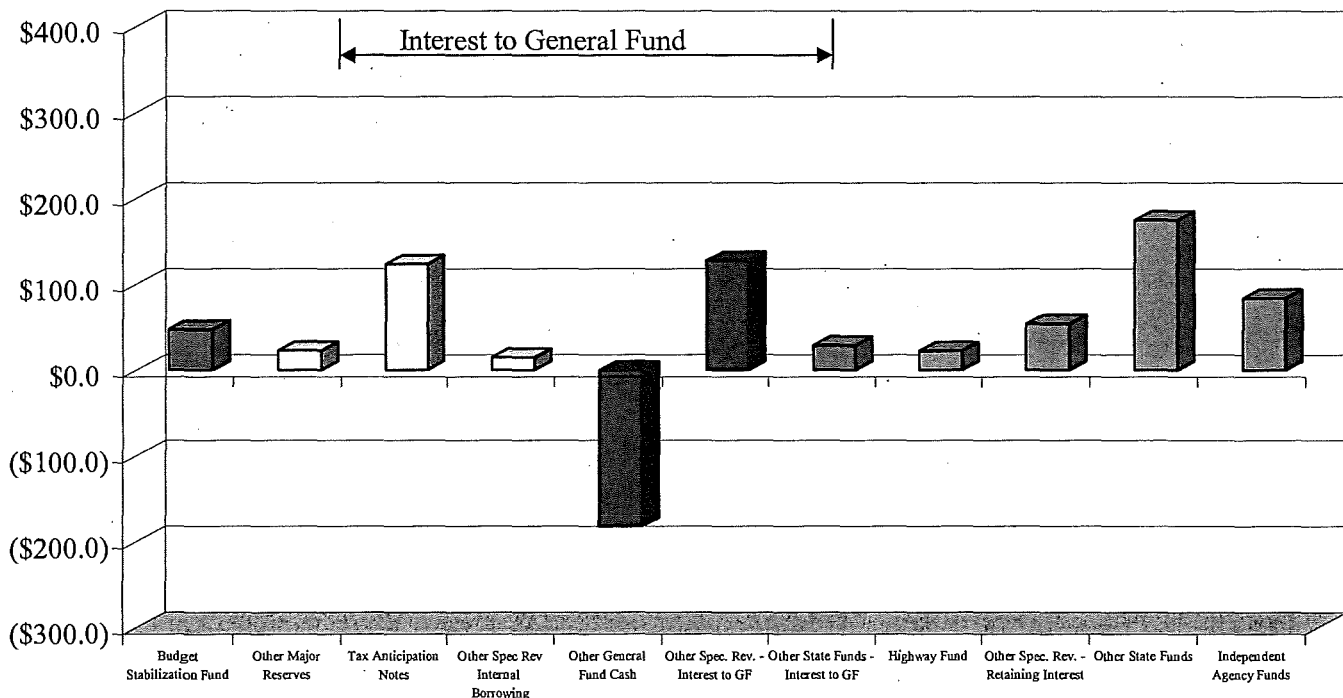
General Fund Cash Balances (Page 3 & 4) – The 2 graphs on page 3 and 4 of this attachment show the historical trends in General Fund cash balances. The average monthly balances in these graphs are generated by OFPR staff looking up and entering daily beginning balances and averaging them over each month. The first graph includes the cash proceeds from 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 has recently declined. This decline largely reflects the reduced reliance on TAN's and the amounts issued. The second graph eliminates the effect of the reduced TAN borrowing and gives a better sense of the underlying General Fund trend. The trends still appears to be positive in the 2nd graph. The current trend has been positive despite the adverse effect on cash position created by the \$42.5 million borrowing from Other Special Revenue funds in the "Part 3" Budget Bill (PL 2005, c. 457, Part III). This change, absent any other factors, would have a tendency to reduce cash balances in FY06 and begin to build them back up in FY07. This positive trend is likely due to the recent positive revenue variances.

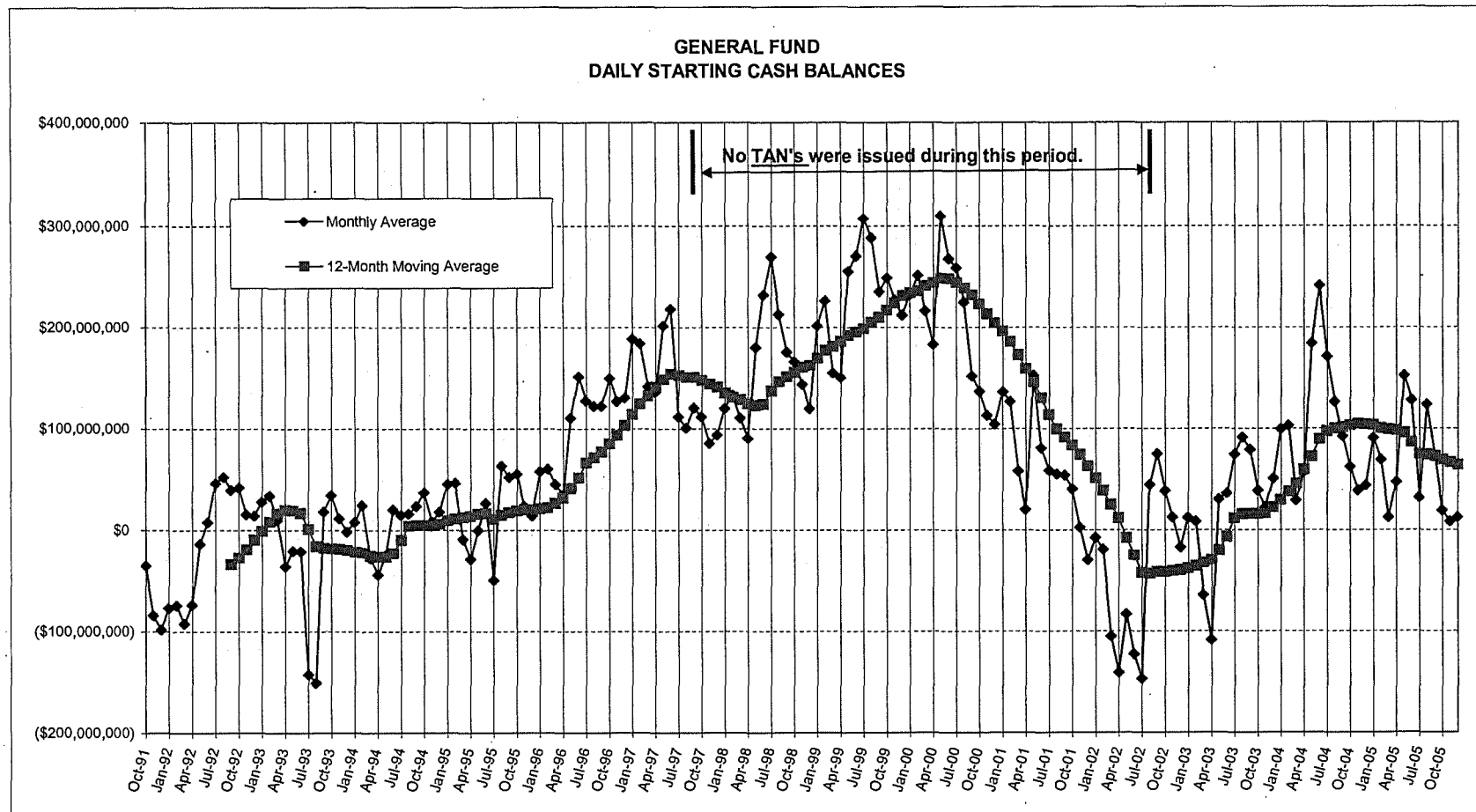
Highway Fund Cash Balances (Page 5) – The graph on page 5 of this attachment shows the historical trends in Highway Fund cash balances, very similar to the General Fund graphs (this data is also compiled by OFPR staff). After trending upward during the second half of FY04 and most of FY05, the Highway Fund trend is now heading downward during FY06. Highway Fund cash balances in December 2005 dropped to their lowest level since February 1998. This greater than normal drop during the 1st half of FY06 has been precipitated by the delay in the receipt of federal funds. The receipt of federal funds typically can offset Highway Fund expenditures and Highway Fund balances are increased. Some additional federal funds are expected soon so that Highway Fund cash balances will improve, but they are expected to remain some \$20 million below the average FY05 amounts. The earmarking of a greater portion of the federal funds in the recent federal transportation reauthorization act will also mean the delay in the offset of Highway Fund expenditures.

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

	December 2005
General Fund - Total	\$27,153,888
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$47,738,624
Reserve for General Fund Operating Capital	\$23,093,792
Tax Anticipation Notes	\$123,625,000
Internal Borrowing from Other Special Revenue	\$15,000,000
General Fund - Other	(\$182,303,528)
Highway Fund	\$22,869,703
Other Special Revenue - Contributing to General Fund	\$127,892,672
Other Special Revenue - Retaining Interest Earned	\$54,307,766
Other State Funds - Contributing Interest to General Fund	\$29,198,365
Other State Funds	\$175,058,782
Independent Agency Funds	\$84,067,179
Total Cash Pool	\$520,548,355

Composition of Cash Pool Average Daily Balances in November 2005



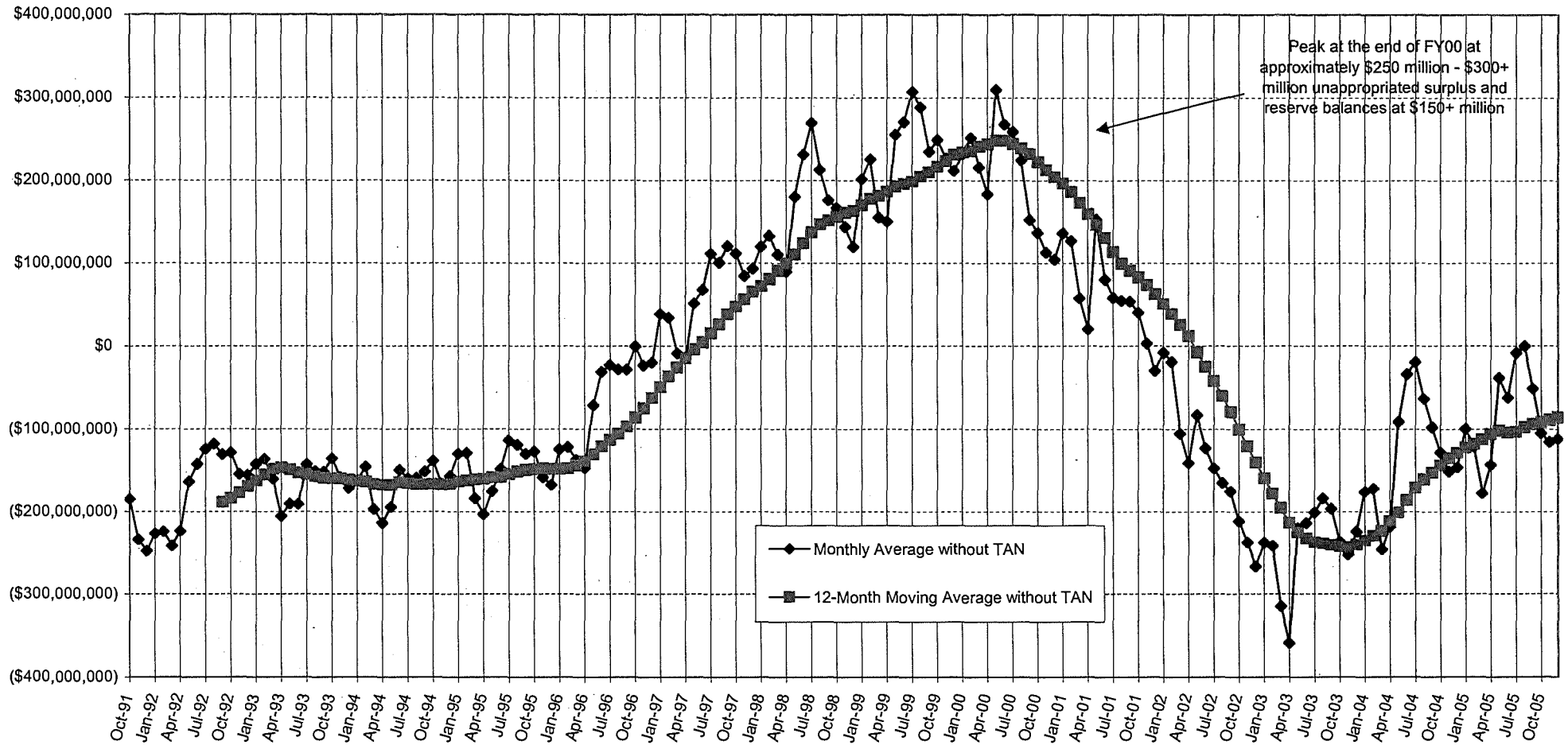


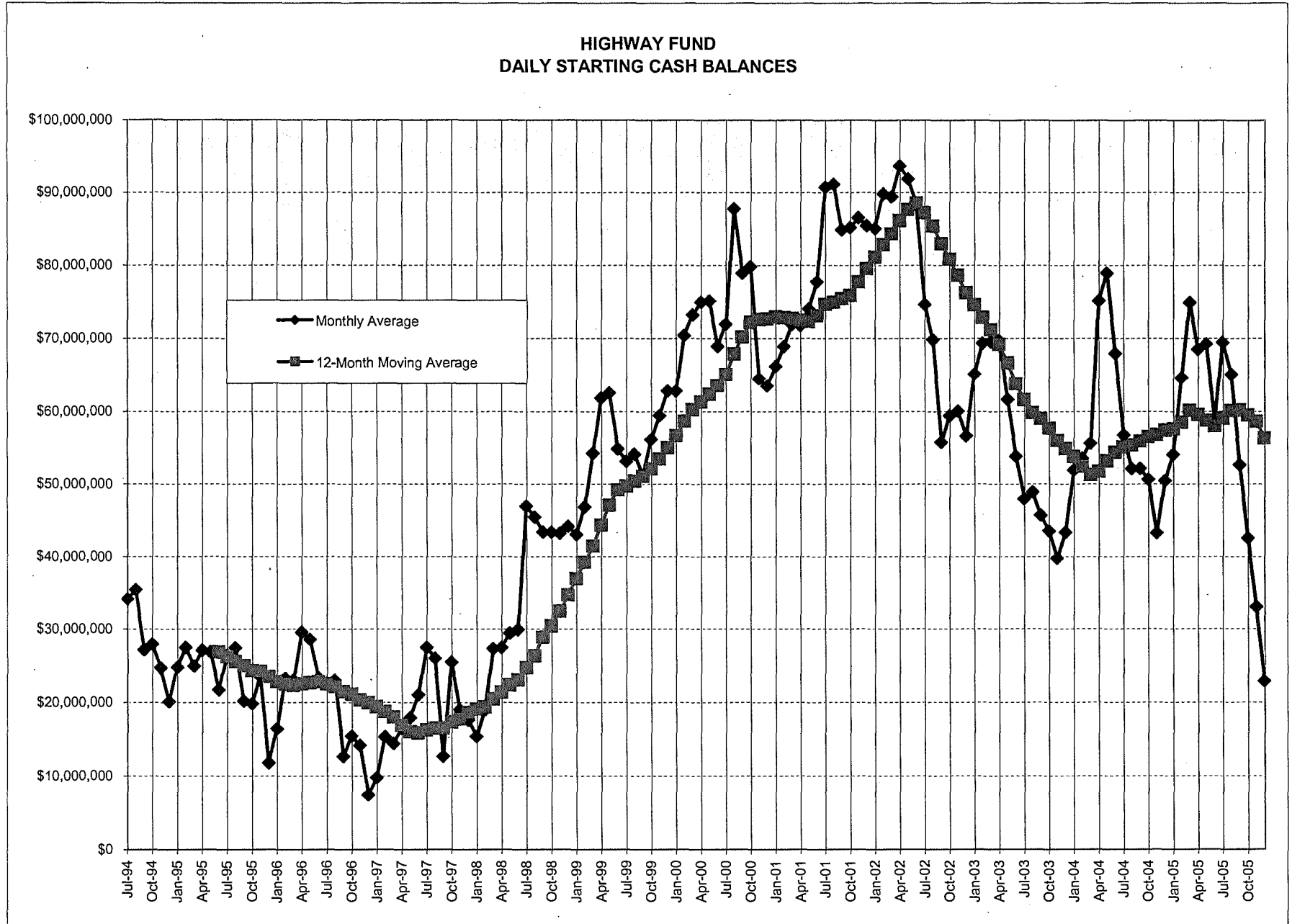
TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

Fiscal Year	Amount Authorized	Amount Issued	Reference
2005-06 ⁽¹⁾	\$314,718,914 ⁽¹⁾	\$123,625,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2004-05 ⁽¹⁾	\$309,540,537 ⁽¹⁾	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 ⁽¹⁾	\$293,657,381 ⁽¹⁾	\$275,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2002-03 ⁽¹⁾	\$282,869,203 ⁽¹⁾	\$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: ⁽¹⁾ 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





**Actions Taken by Ballot by
the Legislative Council Since
the December 27, 2005 Council Meeting**

1. Request for Introduction of Legislation

- A. LR 3069: **An Act to Replace Municipal Revenues Subject to Business Personal Property Tax Exemption**

Submitted by: Representative David Bowles
Co-sponsor: Speaker John Richardson
Accepted: December 28, 2005, 10 – 0 – 0 – 0

- B. LR 3062: **An Act to Allow Consolidation of the Winterport Sewer District and the Winterport Water District to Create Incentives for Consumers to Pay Water Bills**

Submitted by: Representative Jeff Kaelin
Accepted: January 3, 2006, 10 – 0 – 0 – 0

- C. LR 3071 **Resolve, to Ensure Proper Accounting for Funds at the Department of Health and Human Services**

Submitted by: Senator Arthur Mayo
Accepted: December 27, 2005, 7 – 0 – 0 – 3

- D. LR 3068 **An Act to Ensure the Ability of Municipalities to Provide Assistance to Its Citizens**

Submitted by: Senator John Nutting
Accepted: January 6, 2006, 7 – 0 – 0 – 3

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 12, 2006

Action

SPONSOR: Rep. Berube, Robert A.

LR 3097 An Act To Amend the Charter of the Lisbon Water
Commission

SPONSOR: Rep. Blanchette, Patricia A.

LR 3049 An Act To Prohibit Clean Election Candidates from
Organizing Political Action Committees

SPONSOR: Rep. Brautigam, John R.

LR 3092 An Act To Protect the Privacy of Cellular Telephone
Customers

SPONSOR: Rep. Burns, Richard J.

LR 3080 An Act To Ensure Efficiencies in the Billing and
Delivery of Outpatient Clinical Services

SPONSOR: Rep. Burns, Richard J.

LR 3094 An Act To Establish Therapeutic Foster Care for Adults

SPONSOR: Rep. Craven, Margaret M.

LR 3057 Resolve, Directing the Department of Environmental
Protection To Establish Standards for the Clean-up
of Mold

SPONSOR: Rep. Cummings, Glenn

LR 3037 An Act To Prevent Unauthorized Practice of Immigration
And Naturalization Law

SPONSOR: Rep. Cummings, Glenn

LR 3041 An Act To Ensure the Integrity of Maine's Clean Election Law

SPONSOR: Rep. Cummings, Glenn

LR 3055 An Act Relating to Mergers and Consolidations of Corporations without Capital Stock

SPONSOR: Rep. Cummings, Glenn

LR 3084 An Act To Allow Maine Educational Center for the Deaf And Hard of Hearing to Lease Space to Independent Schools For Use as Classrooms for the Schools

SPONSOR: Sen. Diamond, Bill

LR 3077 An Act To Support Fishing Derbies

**ACCEPTED
BY BALLOT
1/10/06**

SPONSOR: Rep. Faircloth, Sean F.

LR 3042 An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony

SPONSOR: Rep. Fisher, Charles D.

LR 3072 An Act To Raise the Debt Limit of the City of Brewer High School District

SPONSOR: Rep. Jackson, Troy D.

LR 3095 An Act To Amend the Laws Dealing with a Work-Restricted License

SPONSOR: Rep. Jackson, Troy D.

LR 3096 An Act To Grandfather Owners of Property With Respect To Highway Cuts

SPONSOR: Rep. Makas, Elaine

LR 3066 An Act to Increase Consumer Awareness of Prescription Drug Pricing

SPONSOR: Rep. Marrache, Lisa T.

**ACCPED
BY BALLOT
1/10/06**

LR 3079 Resolve, To Provide Influenza Immunization To All
Doctors In the State

SPONSOR: Sen. Martin, John L.

LR 3087 An Act To Make Adjustments to the Allagash Wilderness
Waterway

SPONSOR: Rep. Merrill, Barbara E.

LR 3050 An Act To Protect the Mental Health of Prisoners

SPONSOR: Sen. Mitchell, Elizabeth H.

LR 3063 Resolve, Regarding a Monument for Women Veterans of Maine

SPONSOR: Sen. Rosen, Richard W.

LR 3086 Resolve, To Improve Quality and Access to Care Through the
Development of a Joint Strategic Plan

SPONSOR: Sen. Rosen, Richard W.

LR 3091 Resolve, To name the New Bridge Over the Penobscot River

SPONSOR: Rep. Smith, William J.

LR 3093 An Act To Preserve Patient Records

SPONSOR: Sen. Strimling, Ethan

LR 3075 Resolve, To Return To J & L Discatio Corporation Money
Paid by It To Maine Revenue Services

SPONSOR: Rep. Tuttle, Jr., John L.

LR 3051 An Act To Amend the State Compensation Commission

SPONSOR: Rep. Woodbury, Richard G.

LR 3048 An Act To Implement the Constitutional Amendment to
Current Use Valuation of Waterfront Land Used for
Commercial Fishing

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

January 9, 2006

TO:

FROM:  Dave Boulter, Executive Director

SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Thursday, January 12, 2006
1:00 p.m.
Room 334, Legislative Council Chamber**

In accordance with the Joint Rules, the Council will consider After Deadline Bill Requests at that time, including the request(s) you have filed with the Revisor's Office. In addition, the Council is required by Joint Rule 35 to decide all requests for Memorials (Joint Resolutions that memorialize another governmental agency or official) for introduction.

You should plan to attend this Council meeting or present your request(s) to a member of the Legislative Council prior to the meeting. The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present, so it will have the benefit of information from the sponsor when it votes.

The Council's review of After Deadline Requests is pursuant to Joint Rule. Please be advised that the Council asks that all sponsors first research whether there is an existing bill or LR available to a committee that could accommodate their request. The review procedure then will be as follows:

1. The Council Chair, Speaker John Richardson, will read the name of the sponsor and the title of the request.
2. Once recognized to speak by the Chair, the sponsor may proceed to the microphone. The sponsor should be prepared to concisely answer the following:
 - Why the bill request is "late" (filed after the cloture date);
 - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
 - Whether the likely committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Council members may also ask questions related to the content or the intent of the bill to clarify the request, although sponsors generally are not asked to speak to the merits of the bill.

3. Following the questions Council members will vote on bill requests individually; a roll call vote is required pursuant to Joint Rule.

A complete list of the Council's action on After Deadline Requests is distributed to Council members and all sponsors as soon after adjournment of the Council meeting as possible. The list and the roll call votes are available in the Executive Director's office if you should have any questions.

I hope this information is useful. Please drop by or call me if you have any questions.

Attachment

cc: Members, Legislative Council

STUDY COMMISSION REGARDING LIVEABLE WAGES

MEMORANDUM

TO: The Honorable John Richardson, Chair
Legislative Council

FROM: Senator Philip Bartlett, Senate Chair *PS*
Representative Arthur Lerman, House Chair *AL*
Study Commission Regarding Liveable Wages

DATE: January 4, 2006

SUBJ: **Request for Reconsideration**

On behalf of the Study Commission Regarding Liveable Wages, we are requesting that the Legislative Council reconsider our request for an extension of the deadline for filing our report and for one additional meeting. It is our understanding that the Council denied the Commission's request at the Council's December 27th meeting.

As noted in our initial request (which is attached), the Commission is requesting an extension of our report date to February 1, 2006 and for permission to hold 1 more meeting. The extension and additional meeting are necessary to allow Commission members the opportunity to review and comment on the draft report, including proposed legislation, before the report is submitted to the Legislature.

Thank you for your reconsideration of our request for one additional meeting and an extension of the report date to February 1, 2006. Please feel free to contact either of us if you have any questions. We look forward to hearing from you.

Enclosure

cc: The Honorable Beth Edmonds, Vice-chair, Legislative Council
David Boulter, Executive Director, Legislative Council
Patrick Norton, Director, OPLA

JAN - 5 2006

STUDY COMMISSION REGARDING LIVEABLE WAGES

MEMORANDUM

TO: The Honorable John Richardson, Chair
Legislative Council

FROM: Senator Philip Bartlett, Senate Chair *PB*
Representative Arthur Lerman, House Chair *AL*
Study Commission Regarding Liveable Wages

DATE: December 19, 2005

SUBJ: Request for extension of report date and one additional meeting

The Study Commission Regarding Liveable Wages is writing to request an extension of the deadline for filing our report with the Legislature and for one additional meeting. The commission held its final authorized meeting on December 15th and developed numerous recommendations. However, given the timeframe we were operating under we were unable to review the report and recommendations within our authorized meeting dates. Therefore, we are requesting an extension of our report date to **February 1, 2006** and for permission to hold 1 more meeting to allow us the opportunity to review the report, including proposed legislation, before the report is submitted to the Legislature.

Currently, there are 5 meetings authorized and a total of \$4,485 budgeted for the commission. Thus far, \$1,951.26 has been spent, leaving a balance of \$2,533.74. We have scheduled the requested additional meeting for Wednesday, January 18th - a day the Legislature is scheduled to be in session - so legislators on the commission will not be requesting additional reimbursement. Therefore, there appears to be sufficient funds to cover an additional meeting.

Thank you for your consideration of this request for one additional meeting and an extension of the report date to February 1, 2006. Please feel free to contact either of us if you have any questions. We look forward to hearing from you.

cc: The Honorable Beth Edmonds, Vice-chair, Legislative Council
David Boulter, Executive Director, Legislative Council
Patrick Norton, Director, OPLA



TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

Date: January 10, 2006

Memo to: Representative John E. Richardson, Chair, Legislative Council
Senator Beth G. Edmonds, Vice-Chair, Legislative Council

From: Senator Ethan Strimling, Senate Chair
Representative Stan Gerzofsky, House Chair

Re: Homeland Security Task Force request

As you know, due to the Homeland Security Task Force being formed two months later than expected, the Task Force members were not prepared to formulate any legislative proposals at the time of their December interim report. Having now had the benefit of public input at meetings held throughout the State, we are now respectfully requesting approval to hold two work session meetings in order to formulate possible legislative recommendations. These meetings would be held in Augusta, and any additional costs for these meetings would be funded by MEMA. We are also requesting an extension of our reporting deadline to February 3rd for the purpose of submitting legislation to the 2nd Regular Session of the 122nd Legislature.

Thank you for your consideration of this request. We look forward to your decision.

CC: David Boulter, Executive Director, Legislative Council
Patrick Norton, OPLA Director

JAN 11 2006



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMISSION TO STUDY THE COST OF
PROVIDING CERTAIN SERVICES IN
THE UNORGANIZED TERRITORIES**

January 10, 2006

Legislative Council
State House Station 115
Augusta, Maine 04333

Dear Members of the Legislative Council

Last Fall the Legislative Council approved the request of our commission to hold two meetings after the adjournment of the Second Regular Session in locations outside of Augusta that are convenient for permitting the residents and taxpayers in the unorganized territory to provide the commission with important information about UT services and funding.

At our most recent meeting, the commission determined that it would best expedite the commission's work if we were able to hold the two off-site meetings in late January and February. Therefore, we request Legislative Council permission to change the timing of the two meetings to be held at locations convenient to the unorganized territory.

We believe we can hold these two meetings without exceeding the commission's previously approved budget. If you have any questions about this study, please do not hesitate to contact us.

Sincerely:

Handwritten signature of Bruce S. Bryant in cursive.

Sen. Bruce S. Bryant
Senate Chair

Sincerely:

Handwritten signature of Robert W. Duplessie in cursive.

Rep. Robert W. Duplessie
House Chair

Encl:

cc: David Boulter
Grant Pennoyer
Julie Jones
Teen Griffin

JAN 10 2006



MAINE STATE LEGISLATURE
Augusta, Maine 04333

TASK FORCE TO STUDY CERVICAL CANCER PREVENTION,
DETECTION AND EDUCATION

January 2, 2006

The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council
122nd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Representative Richardson and Senator Edmonds:

This letter is to inform you that the Task Force to Study Cervical Cancer Prevention, Detection and Education has completed its work and submitted its initial report pursuant to Resolve 2005, Chapter 121.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Sullivan".

Senator Nancy Sullivan, Senate Chair
Task Force to Study Cervical Cancer Prevention, Detection and Education

A handwritten signature in cursive script that reads "Lisa Marrache".

Representative Lisa Marrache, House Chair
Task Force to Study Cervical Cancer Prevention, Detection and Education

Enclosure

cc: Members of the Legislative Council (w/enc.)

JAN - 5 2006



MAINE STATE LEGISLATURE
Augusta, Maine 04333

BLUE RIBBON COMMISSION ON THE FUTURE OF MAINECARE

January 10, 2006

The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council
122nd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Representative Richardson and Senator Edmonds:

This letter is to inform you that the Blue Ribbon Commission on the Future of MaineCare has completed its work and submitted its final report pursuant to Resolve 2005, Chapter 117.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Michael Brennan'.

Senator Michael F. Brennan, Senate Chair
Blue Ribbon Commission on the Future of MaineCare

A handwritten signature in cursive script, appearing to read 'William R. Walcott'.

Representative William R. Walcott, House Chair
Blue Ribbon Commission on the Future of MaineCare

Enclosure

cc: Members of the Legislative Council (w/enc.)

JAN 12 2006

Legislative Youth Advisory Council

Established Pursuant to 3 MRSA, §168-A



Youth Members

Henry Beck
Daniel Black
Carolyn Boyle
Meghan Brewer
Kala Clark
Ian Engdahl
Claire Howard
Hannah Lennett
Heather Pratt
James Redstone
Jennifer Thompson
Grace Wright

Legislative Members

Sen. Elizabeth H. Mitchell, Legislative Chair
Sen. Carol Weston
Rep. Rosaire Paradis, Jr.
Rep. David A. Trahan

Staff

Phillip D. McCarthy, Ed.D.
Alison L. Ames
Maine State Legislature
Office of Policy & Legal Analysis
13 State House Station
Augusta, ME 04333
Phone: (207) 287-1670
Maine Relay Services: 1-800-437-1220

December 30, 2005

MEMO TO: The Honorable John Richardson, Chair, Legislative Council;
The Honorable Beth Edmonds, Vice Chair, Legislative Council; and
Members, Legislative Council

FROM: Senator Elizabeth H. Mitchell, Legislative Chair, *EM pdm*
Legislative Youth Advisory Council

SUBJ: Legislative Youth Advisory Council Meeting with the Legislative Council

I write on behalf of the legislative and youth members of the Legislative Youth Advisory Council ("LYAC") to request a breakfast meeting with Legislative Council members to review the purpose and duties of the LYAC in advising the Legislature regarding policy matters affecting the youth of the State.

As you may know, the LYAC will be convened on January 6, 2006. The LYAC members hope to schedule a breakfast meeting with Legislative Council members as soon as possible in January to discuss how the LYAC can be restored as an effective "advisory council" within the policymaking environment of the Maine Legislature.

Please let me know if there is anything that I can do to assist your offices in the process of scheduling this breakfast meeting. Thank you for your consideration of this request and for your time and attention to this matter.

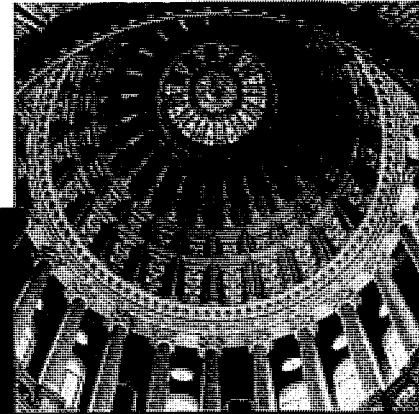
cc: Members, Legislative Youth Advisory Council
Rickmond McCarthy, Chief of Staff, Senate President
Ted Potter, Chief of Staff, Speaker of the House
David Boulter, Executive Director, Legislative Council
Patrick Norton, Director, Office of Policy & Legal Analysis
Teen Ellen Griffin, Manager, Legislative Information Office

JAN - 5 - 2006



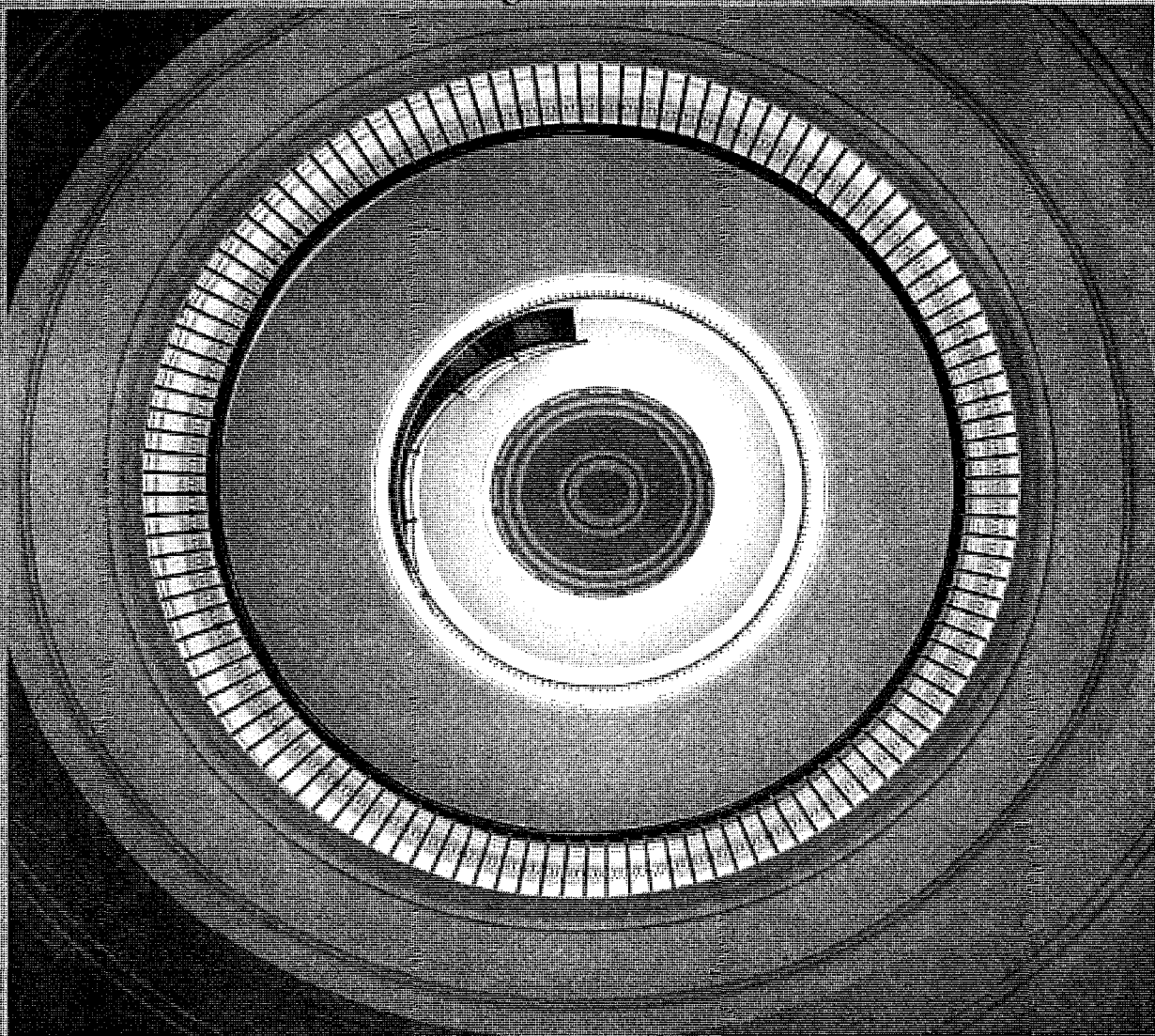
NATIONAL CONFERENCE
of STATE LEGISLATURES

The Forum for America's Ideas



The Maine Legislature

An Examination of Practices,
Procedures and Organization



Final Report

Presentation to the Maine Legislative Council

January 12, 2006

In April 2005 the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) for the systematic study and evaluation of legislative operations and practices at the Maine State Legislature. The goals of the study were to identify opportunities for improved efficiency and effectiveness in key legislative areas and to present specific recommendations that responded to those opportunities. We were asked to focus on the following goals:

1. To assess the efficiency and effectiveness of key legislative operations in Maine;
2. To assess the logic, effectiveness and efficiency of the current organizational structure of the Maine Legislature;
3. To examine the relevance and efficiency of each staff agency and/or staff group currently providing services to the Maine Legislature;
4. To review the role and structure of the Legislative Council; and
5. To identify practical opportunities for streamlining legislative operations that preserve the integrity of essential legislative activities and services.

We observed a Maine Legislature that provides excellent service to the state's citizens. Legislators take their work seriously, and leaders in both parties show a genuine desire to improve effectiveness and efficiency, even when tough decisions are involved. Maine staff are similarly devoted, showing a strong work ethic and loyalty to their staff organizations.

NCSL's recommendations are based on survey results, interviews, observations of committee and floor proceedings and review of work products such as bills and fiscal notes. In addition, we reviewed our basic recommendations with a team of staff directors from Connecticut, Iowa and Nevada; with key Maine leaders in both parties and both houses; and with key Maine staff directors. We also sought considerable comparative information from legislatures in Arizona, Arkansas, Colorado, Connecticut, Iowa, Indiana, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, South Dakota and Vermont, as well as selected information from other state legislatures.

Chapter 1. Maine Legislative Budget Issues

The Legislative Council has not fully exercised its legal authority over the budget. The Legislature's budget is primarily one consolidated account with limited autonomy, cost accountability and transparency by chamber.

Recommendations:

1. The Legislative Council should re-assert its legal authority over the Legislature's budget. Any and all changes affecting the budget (including new positions and adjustments to line items) should receive advance Council approval before being implemented.
2. The House and Senate office budgets should be partitioned into separate reporting organizations under Maine's budget management system.
3. Upon final budget approval by the Legislative Council, the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber.
4. The presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.
5. To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

Chapter 2. Legislative Council

The institutional importance of the Legislative Council cannot be overstated. Especially in an era of term limits, the role of the Legislative Council becomes critical to the institution's success. The NCSL study team is impressed with the stature of the Legislative Council within the Maine Legislature, with its routine of regular meetings, and with its record of engagement on key institutional matters and decisions. Term limits make the role of the Council increasingly important. Its work, influence and strategic institutional role should be fostered and encouraged.

Recommendations:

6. The Maine Legislative Council should fully execute its statutory authority and role, especially in areas of institutional reform and progress that require longer-term strategic planning and where actions by the Council can promote consensus and a sense of shared mission among all legislators and legislative employees.
7. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system and to develop strategic goals, objectives and deliverables for finalizing the bill drafting system and to set the stage for future deployment and application of information technology within the Legislature. (See chapter 4 for details on this recommendation.)

Chapter 3. The Maine Legislative Services Agency

The so-called “federation” of offices reporting to the Legislative Council could be more coordinated in their planning and services. They should be more closely bound together in purpose and mission through the creation of a single identity for all nonpartisan employees who currently work beneath the Legislative Council umbrella.

Recommendations:

8. The Maine Legislature should establish a Maine Legislative Services Agency (MLSA) to be directed by the executive director of the Legislative Council, who should serve as the Agency’s chief administrative officer. The MLSA should be created through the merger of all nonpartisan staff and offices that currently report to the Council, including the Office of the Revisor, the Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office of Legislative Information Services and the Office of the Executive Director. The MLSA should not include the Office of Program Evaluation and Government Accountability. The Maine State Law and Legislative Reference Library should be placed under the jurisdiction of the Maine State Library.
9. The executive director to the Legislative Council should have final authority regarding the hiring, review and firing of all employees of the Maine Legislative Services Agency. However, the hiring of directors should be subject to the approval of the Legislative Council. The current three-year term of appointment for directors should be repealed.
10. The executive director of the Maine Legislative Services Agency should institute strategies to improve and maintain communication and build trust among MLSA offices and staff and also between the MLSA and the staff of the House and Senate.

Chapter 4. Maine Legislative Information Technology Issues

The Legislature needs to strengthen information technology oversight and planning. The NCSL study team has identified strategic actions that should be taken to ensure that information technology improves efficiency within the Legislature, reduces redundant work processes, and meets the needs of legislators and staff. The Legislature should take the following approaches to institute oversight and accountability measures, increase user input, improve long-term strategic planning, and ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives and legislative agencies may be improved.

Recommendations:

11. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature.
12. Legislative Information Services (LIS) should be housed within the Executive Director’s office. The LIS legislative indexer position should be moved from LIS to the Office of the Revisor. The Office of Legislative Information should be removed from LIS. Its committee clerk function and

staff should be moved to the Office of Policy and Legal Analysis. The public information staff should be placed within the Executive Director's office as a separate and distinct function.

13. The Legislature should create a permanent Information Systems Review Team, comprising the secretary of the Senate, the clerk of the House of Representatives or their designees, the director of each of the legislative staff offices or their designees, and a staff member appointed by the majority and minority party of each chamber. The goal of this group is to identify needs, set priorities, monitor progress on IT projects, and develop a long-term strategic plan for information technology for review and approval by the Legislative Council.
14. The LIS director and the Information Systems Review Team should develop a long-term plan for the system, including a mission statement, list of goals, activities to reach the goals, and performance measures to gauge whether the goals have been met.

Chapter 5. Maine State Law and Legislative Reference Library

In the 50 states, the Maine State Law and Legislative Reference Library is unique, representing the only case where a "state law library" is supported separately within the legislative branch of government. Its unique status in the state and its broad charge to serve the public, the legal community, the Legislature and state government could be better served by removing it from the jurisdiction of the Legislative Council and the Legislature.

Recommendations:

15. The Maine State Law and Legislative Reference Library should be removed from the jurisdiction of the Legislature and placed within the organizational structure of the Maine State Library. Its operations should remain located at the State House, and the Legislature should stipulate that the Law and Legislative Reference Library continue to provide specific services, including those related to legislative history, to the Legislature.
16. The State Law Librarian (also called the director of the Maine State Law and Legislative Reference Library) should report to the State Librarian. All personnel oversight functions related to the State Law Librarian should be invested in the State Librarian. Current law stipulating that the State Law Librarian is appointed by the Legislative Council should be repealed.
17. The Maine State Law and Legislative Reference Library should significantly amend or discontinue its current newspaper clipping service, at the same time being careful to preserve the contents of its existing newspaper clipping subject files through its conversion into an electronic database. This conversion should be performed by a private contractor.

Chapter 6. Revisor of Statutes

The Office of the Revisor of Statutes should streamline its bill drafting procedure and take advantage of technological improvements.

Recommendation:

18. The Office of the Revisor of Statutes should:

- Commit its drafters to electronic drafting.
- Direct drafters to create “polished” first drafts.
- Separate editing and proofreading steps in the drafting procedure.
- Allow position reduction to occur naturally in the transition to electronic drafting.

Chapter 7. Sentiments

The Maine Legislature spends too much time and too many resources on legislative sentiments.

Recommendations:

19. The Maine Legislature should use a legislative citation or certificate—which does not require drafting, introduction, committee hearing, floor debate or vote—as the main instrument for expressing commendation, condolences, appreciation or congratulations.
20. The Maine Legislature should strengthen chamber rules to restrict the use of formally drafted ceremonial resolutions.

Chapter 8. The Constituent Services Unit

Legislator demand for constituent service assistance from staff is on the rise. The Maine Legislature currently uses a caucus-based system of staff support on constituent problems. NCSL believes that an alternative approach could improve the effectiveness of Maine's constituent service and also reduce the overall cost of providing that service.

Recommendation:

21. The Maine Legislature should create a nonpartisan Constituent Services Unit (CSU), organized within the current Office of Policy and Legal Analysis. The CSU should be staffed with six full-time analysts, one of whom would serve as manager of the unit. The partisan staff offices should be reduced by a total of 10 FTEs, contributing six to the new CSU, with the remaining four FTEs eliminated and contributed to savings in the legislative budget.

Chapter 9. The Legislative Information Office

The functions of the Legislative Information Office could be redeployed to improve service to legislators and the public. Changes in the method of hiring committee clerks would enhance the nonpartisan status of these employees. Benefits paid to committee clerks and other session-only employees are generous compared to most other state legislatures.

Recommendations:

22. The Legislative Information Office should be discontinued and its two main functions reorganized as follows:
 - The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
 - The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive

Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.

23. The Maine Legislature should reexamine its policy that pays year-round benefits to session-only employees.

Chapter 10. Legislator Training

Maine legislators need more training on institutional and policy topics and skills due to the effects of term limits and the increasing complexity of state issues.

Recommendation:

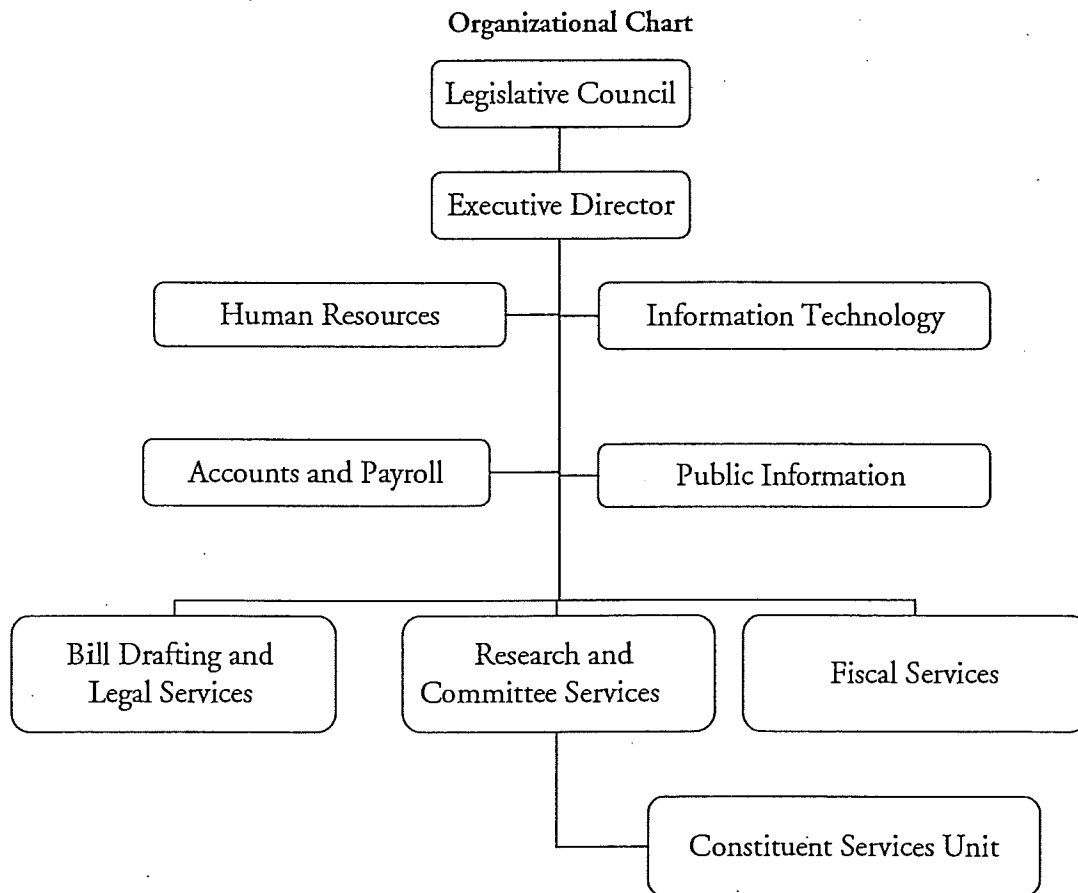
24. Maine legislator training should be revised to:

- Make the training more interactive and practically focused.
- Increase planning time and develop a working group of leaders, new legislators and senior staff.
- Increase the outreach effort about the importance of training.
- Revise committee chair and leader training to emphasize best practices in building consensus; strategic planning, time management; and working with leaders, colleagues, staff and the media.
- Provide a participant-centered focus to the legislative policy forums so that attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

Legislator Survey Results

Table 1. Legislator Satisfaction with Staff Services	
<i>Satisfaction</i> with services provided to you by the following legislative staff offices and groups.	Average Score
1. Office of Executive Director of the Legislative Council	3.7
2. Office of Fiscal and Program Review	3.9
3. Office of Information Services (computer services)	3.8
4. Committee Clerks to Standing Committees (located within Office of Information Services)	4.3
5. Office of Policy and Legal Analysis	4.4
6. Office of the Revisor of Statutes	4.4
7. Office of Secretary of the Senate or Clerk of the House (as applicable in your chamber)	4.2
8. Law and Legislative Reference Library	4.0
9. Office of the Speaker of the House (as applicable in your chamber)	4.0
10. Office of the President of the Senate (as applicable in your chamber)	3.9
11. Your Caucus Staff Office	4.4

Proposed Maine Legislative Service Agency (MLSA)



Source: National Conference of State Legislatures, 2005.