

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
May 22, 2006
1:00 p.m.
REVISED AGENDA

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	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE APRIL 24, 2006 COUNCIL MEETING	
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
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	• State House Facilities Committee (Sen. Gagnon, Chair)	
	OLD BUSINESS	
25	Item #1: Council actions taken by ballot (No action required)	Information

NEW BUSINESS

- | | | |
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| 26 | Item #1: Consideration of After Deadline Bill Requests | Decision |
| 28 | Item #2: Task Force to Study Maine's Homeland Security Needs request to submit joint resolution | Decision |
| 30 | Item #3. Maine Development Foundation request for Legislative Training for Policy Leaders Academy | Decision |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

Note: Lunch will be provided for Legislative Council members during the meeting.

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DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
April 24, 2006

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 11:35 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Davis,
Sen. Gagnon, Sen. Weston

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles,
Rep. Duplessie,
Absent: Rep. Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
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 MARCH 2, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of March 2, 2006 be accepted and placed on file. (Motion by Rep. Cummings, second by Sen. Davis, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

A structural engineer and members of Consigli Construction, Inc. will be on-site when the Legislature is not in to investigate a crack that has developed at the top of one of the granite columns at the East Porch. The crack was not thought to be serious but does warrant investigation. Staging will need to be set up for one day.

The State YMCA of Maine's annual Youth in Government Program will be held in the State House Friday, May 5 from around noon until Sunday, May 7, 2006. About 150 high school youth from across the state will participate in the model legislative program.

Thomson West (formerly West Publishing) will hold a 1 day open house on-site to display various legal and legislative products, demonstrate on-line services and answer questions that staff and others may have about products of services the Legislature uses. West will be onsite during the week on May 22nd. The Legislature uses West products extensively, including the annotated and unannotated Maine statutes.

- **Fiscal Report**

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

General Fund Revenue

General Fund revenue was \$32.2 million over budget for the month of March, increasing the positive variance to \$32.6 million for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions but does not include the revenue from the 2006-2007 Supplemental Budget, PL 2005, c. 519, which increased FY 06 General Fund budgeted revenue by \$0.4 million. Most of the major lines performed well in March.

It is too early in April's Individual Income Tax processing to determine whether there is a change in revenues. While collections are behind last year's, the timing of the Patriot's Day holiday this year delayed the filing deadline and the number of returns processed.

Highway Fund

The Highway Fund was over budget in March by \$0.9 million, reducing the negative variance for the FYTD to \$1.2 million (-0.6%). The Fuel Taxes line is the major reason for this negative variance. It remained \$2.3 million under budget despite being revised downward by \$4.1 million in FY 06 in the March 2006 revenue forecast. Fuel Tax revenue may be adversely affected by the recent increases in oil prices. These recent price increases were not anticipated in the economic forecast and, consequently, the revenue forecast.

Cash Pool and Cash Balance Trends

In March, Cash Pool average balance and General Fund average balances were lower than anticipated. MaineCare interim payment recovery performance has adversely affected General Fund cash balances and the total Cash Pool. Internal borrowing from Other Special Revenue Funds increased to \$83.5 million during recent weeks. This internal borrowing will subside in the next few weeks as

Individual Income Tax revenue collections increase General Fund cash balances. Average General Fund cash balances are typically the lowest in each April.

Highway Fund cash balances over the last 2 months have shown a modest recovery over the last 2 months after dipping significantly earlier this fiscal year as a result of the budget problems within the Department of Transportation. The Revenue Forecasting Committee assumes that Highway Fund cash balances will recover to an average of \$30 million each fiscal year through FY 09 after averaging nearly \$60 million last fiscal year.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported the following:

Bill Drafting System

The office is focusing on special bill production and end of session functions: proper formats for bills and amendments, Statute update, publishing Laws of Maine, Enacted Law Digest and Bill Summary publications, and identifying warranty items.

HP has made progress in clearing warranty issues. An HP software release is scheduled for April 27th. The HP Project Manager has been in Augusta on a weekly basis and staff has been coordinating with the Revisor's Office to make sure that HP is working on priority issues.

Data Backup Processing

All data backups are current and are being checked daily. Steps have been taken to improve the backup process and the security of the backup data with copies of the backup being stored both on and off-site. All requests to restore damaged or lost user files are being met promptly. Mr. Mayotte stated that backup time for a major component has been reduced from 12 hours to less than 5 hours.

Speaker Richardson asked what had prompted HP to focus on a number of the warranty items. Mr. Mayotte answered that both he and the Executive Director had been putting pressure on HP to wrap things in the time available and within the warranty. He also said that the project manager for HP who had been assigned to another project was now re-focusing on legislative issues.

A brief discussion was held concerning the recent increase in the amount of SPAM email. Mr. Mayotte was working on the problem, requiring the office to upgrade technology to filter SPAM effectively.

A question was voiced concerning whether the files lost when the computer system was down had been recovered. Mr. Mayotte answered that not all files were recoverable or only partially recoverable but staff attempts to recover lost files if possible when a request was made. He went on to say that the likelihood of a reoccurrence of lost files was small as backups are being done daily.

A Legislative Council member asked whether the HP warranty for the MELD system would extend into next year since some issues have not been completely resolved. Mr. Mayotte responded that the warranty with HP expires in early June and steps are being taken to ensure that outside maintenance support is available after the end of the warranty period. HP is obligated to fix work covered under the warranty even after the warranty period ends if identified during the warranty period. Mr. Mayotte said that his goal was to complete all the work before the warranty expires.

PERSONNEL COMMITTEE

Rep. Cummings said that the Personnel Committee had not met since the last Legislative Council meeting but would meet before the next Council meeting concerning several personnel matters.

REPORTS FROM COUNCIL COMMITTEES

- **State House Facilities Committee**

Senator Gagnon, Chair, State House Facilities Committee reported on the committee's meeting of April 24, 2006.

1. The committee reviewed the proposed work plan for the State House and Grounds for 2006. Among the various projects is a plan to substantially improve the south entrance to the State House, including a new traffic flow, redesigned parking and installation of pedestrian walkways. He said the committee voted unanimously to recommend approval of the plan. Preliminary drawings of the plan were presented for Legislative Council review.

Senator Gagnon explained that given the current condition of the parking and roadways in the Statehouse complex, it is time to improve the south entrance to the State House (part of the work plan). He noted that current traffic pattern is chaotic especially when many vehicles are present. He said the two biggest issues to be addressed were safety, particularly for children visiting, and also making better use of the green space and making it more attractive.

Architect Richard Burt made a brief presentation of the parking/traffic plan. He explained major features and emphasized the safety and traffic flow improvements. He noted that the current parking space layout is not in compliance with ordinances/standards. If it were, the overall reduction would be 4. As currently laid out, the Phase 1 reduction would be about 10 spaces.

The Speaker sought assurances that exterior work in the parking lot would not interfere with the schedule to make repairs to the House Chamber. He also asked that exterior repointing and interim painting be closely coordinated so work will not have to be redone. Sen. Gagnon responded that the plan addresses those issues so all work can be completed properly before the Legislative Session begins.

Richard Burt stated that granite repointing of the east porch and west wing is scheduled for May 15th through October and work in the chamber and exterior walls has been scheduled to begin June 1st. Work will continue until the projects are finished.

2. The committee considered a request by the State House and Capitol Park Committee to share the costs of placing electrical and other utilities along Union Street underground. All other utilities along Capitol Park have been placed underground already. Union Street which borders Capitol Park will be substantially upgraded this summer, similar to the road improvements made to Capitol Street along Capitol Park in 2004. The costs would be shared with 3 other entities and the legislative share of the costs would be approximately \$80,000. He stated that the committee recommended approval.
3. The final item discussed was video broadcasting in the Senate Chamber. The committee received an update from Mr. Mayotte and then reviewed two proposals to provide Internet video broadcasting of Senate proceedings. The committee will continue to work with Senate staff to help decide on equipment options and with Legislative Information Services to smoothly and cost-effectively integrate video broadcasting into existing legislative systems. The Senate President will work with

her staff and the Secretary of the Senate to decide policy and protocol issues relating to video broadcasting.

Sen. Gagnon made a motion that the Legislative Council authorize maintenance and improvement projects for the State House and Grounds as described in the Multi-Year Plan 2006 Revision, prepared by Richard Burt, Architects, and direct the Executive Director take all necessary measures to implement the plan as revised. Second by Rep. Duplessie. (Approved, Unanimous, 9-0).

Sen. Gagnon made a second motion that the Legislative Council authorize payment of \$80,000 toward the costs of relocating electrical and other utilities from Capitol Park and placing them underground as part of the road improvements to Union Street. \$30,000 of the funds must be come from funds already appropriated to the State House and Capitol Park Commission and the balance must come from unexpended balances in the legislative reserve fund for facility improvements. The Executive Director is authorized to enter into agreements with other parties to cost share the expense and to administer all legislative funds for the project. Second by President Edmonds (Approved, Unanimous, 9-0)

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 April 24, 2006 meeting is attached. No action by the Legislative Council was required

NEW BUSINESS

Item #2: Consideration of After Deadline Bill Requests

Three after deadline bill requests were considered by the Legislative Council. The Council's actions on these requests are included on the attached list.

Item #3 Council of State Government

The Legislative Council considered a request for Contribution to the Council of State Governments' Eastern Regional Conference (CSG/ERC) Northeast States Association for Agriculture Stewardship (NSAAS) in the amount of \$10,000 for Fiscal Year 07 for Maine's share. Motion to approve the request by President Edmonds, second by Rep. Duplessie. (Approved, Unanimous, 9-0)

Item #3 Legislative Youth Advisory Commission

The Legislative Council reviewed the memo presented by Sen. Elizabeth Mitchell recommending a proposed amendment to the Legislative Youth Advisory Council's statutes. Sen. Mitchell briefly explained the current situation noting that the proposal would correct a problem with current funding from the Department of Education and improve the overall functioning of the youth advisory council.

Sen. Mitchell noted that:

- Part A of the proposed legislation is essential to resolve the funding issue related to the \$30,000 that was to be transferred for two regional public forums this fall. This change is

necessary to accommodate changes in the grant agreement between the department and the Carnegie Foundation. Since this change affects the legislative budget, it is within the purview of the Legislative Council. With this change, the youth council would be able to hold the regional public forums as envisioned, but they would be funded by the department directly rather by funds transferred from the department to the legislative account. The cost will be well under \$30,000. The balance of the funding would be used by the department for other purposes allowed under the grant but unrelated to the youth advisory council.

- Part B of the proposed legislation makes several other changes that are necessary to improve the functioning of the youth council. Part B changes the youth council's reporting requirement from annual to biennial, makes the report due in mid-November rather than mid-February, reduces the number of youth members on the council from 18 to 16, and requires that all youth and Legislative members be appointed or reappointed at the start of each new Legislature.

Transition provisions are included that allow current youth members to serve the full 2 year term for which they were appointed. Part B also adds a provision prohibiting any public or private entity from seeking any outside funds to support activities of the Youth Advisory Council without first obtaining prior written approval from the Legislative Council.

Speaker Richardson asked if Legislative Council members were in agreement with the amendment. The vote was unanimous.

Item #4: Action on Legislative Study Requests

David Boulter, Executive Director of the Legislative Council and Pat Norton, Director of OPLA, spoke regarding the suggested protocol that could be used for legislative study requests. Sen. Gagnon made a motion that the Council accept the suggested protocol – second by Rep. Cummings. (Approved, Unanimous 8-0, Rep. Duplessie absent)

The Legislative Council then considered and acted on the study requests. The Legislative Council's action on study requests is included on the attached list.

Senator Gagnon suggested that the OPLA Director and the Executive Director develop a procedure and template that analysts would use with committees so there is consistency among proposals. Mr. Norton pointed them to study drafting guidelines in the back of the packets provided by OPLA which address many study problems and said he would work on a proposal to present to the Council that would address other issues related to studies.

Reconsideration of Study Request

Rep. Cummings made a motion to reconsider LD 1523 (study request). Several motions were then made. The final action is reported on the list of studies.

Submission of Study Reports

The Legislative Council voted to accept the Freedom of Access Committee and the Legislative Youth Advisory Council reports and place them on file.

Item #5: Commission to Study the Cost of Providing Certain Services in the Unorganized Territories

The Commission to Study the Cost of Providing Certain Services in the Unorganized Territories requested approval to hold 3 additional meetings (6 have been held to date) and to extend the reporting deadline to December 1, 2006. Motion to approve the request by President Edmonds, Second by Sen. Brennan (Approved 6-3: Rep. Bowles, Sen. Davis and Sen. Weston Opposed)

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:10 p.m. (Motion by President Edmonds, second by Sen. Davis, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
April 24, 2006**

		Action
SPONSOR: LR 3258	Sen. Courtney, Jonathan, T. E. An Act To Prohibit Protesting Within 2,000 Feet of a Funeral	FAILED
SPONSOR LR 3270	Rep. Vaughn, Michael A. An Act To Protect Funerals	FAILED
SPONSOR: LR 3105	Rep. Makas, Elaine An Act To Establish a Minimum Salary for Teachers	FAILED

**LEGISLATIVE COUNCIL
ACTION ON LEGISLATIVE STUDY REQUESTS
SECOND REGULAR SESSION
April 24, 2006**

		Action
SPONSOR: LD 2077	Sen. Martin, John L. Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway	NO ACTION
SPONSOR: LR 2107	Maine Food Policy Council (Ongoing)	PASSED
SPONSOR: SP 0847	Joint Select Committee on Research, Economic Development and the Innovation Economy (After Reconsideration)	PASSED
SPONSOR: LR 3286	Resolve, to Study the Laws Regarding Sex Offender Registration and Notification	NO ACTION
SPONSOR: LD 2044	Task Force to Study Maine's Homeland Security Needs	NO ACTION
SPONSOR: LD 1772	Sen. Mitchell, Elizabeth H. Subcommittee to Study Early Childhood Special Education	PASSED
SPONSOR: LD 1814	Rep. Miller, Elizabeth S. Work Group to Review and Recommend Improvements for the Certificate of Need Program	FAILED
SPONSOR: LD 1949	Sen. Mayo, Arthur F. Department of Human Services Financial Management Work Group	FAILED
SPONSOR: LD 2111	Right to Know Advisory Committee (Reconsideration by Ballot, 04-28-06) (After Reconsideration)	PASSED
SPONSOR: HP 1502	Commission To Study Access to Birth Certificates and Medical Records	FAILED

SPONSOR: LD 1296	Rep. Marraché, Lisa T. Human Trafficking Task Force	PASSED
SPONSOR: LD 748	Sen. Gagnon, Kenneth T. Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers	NO ACTION
SPONSOR: LD 2013	Sen. Mitchell, Elizabeth H. Commission to Arrange for a Monument Honoring Women Veterans of Maine	PASSED
SPONSOR: LD 1777	Sen. Cowger, Scott W. Blue Ribbon Commission on Solid Waste Management	PASSED
SPONSOR: LD 1984	Sen. Perry, Joseph C. Task Force to Examine Using Stevens School in Hallowell for Veterans' Housing	FAILED
SPONSOR: LD 1557	Sen. Strimling, Ethan K. Commission to Study LD 1660	FAILED
SPONSOR: LD 2041	Rep. Fletcher, Kenneth C. Maine Energy Council (ongoing)	PASSED
SPONSOR: LD 1973	Sen. Rosen, Richard W. Development of a Joint Strategic Plan to Improve Quality and Access to Mental Health Care	PASSED
SPONSOR: LD 1983	Burns, Richard J. Department of Health and Human Services Development of a Model for Community-based Therapeutic Living Settings for Adults with Mental	NO ACTION

**Legislative Council
Executive Director's Report
May 22, 2006**

1. Youth in Government Program

The State YMCA of Maine expresses its appreciation to the Legislature for hosting its annual Youth in Government program at the State House again this year. Youth surveys consistently rate being in the State House as a major attraction for the program. The Y is requesting to hold its 2007 program on either March 30 – April 1 or April 13 - 15, 2007.

2. New Financial Management System

The Department of Administrative and Financial Services is developing a new accounting system to replace the current MFASIS computer system. Legislative accounts receivable and payable systems currently interface with MFASIS, and staff is working to assume a smooth transition to the new system, estimated to occur on October 1, 2006.

3. Porch Column Fracture

Investigation of the 3rd floor porch column by a structural engineer has revealed a stress fracture of the column capital. The crack should not lead to column failure or risk to the porch but needs to be repaired to prevent the damaged column capital from falling.

4. Union Street Upgrade

The rebuilding of Union Street awaits a decision by MDOT about cost sharing of placing utility lines underground. All other parties have committed to share in the costs.

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
May 22, 2006

*Prepared by the
Office of Fiscal & Program Review*

Executive Summary

1. General Fund and Highway Fund Revenue Update (See Attachment A)

- General Fund revenue was \$8.3 million over budget for the month of April, increasing the positive variance to \$40.9 million (+1.9%) for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions and all legislative changes enacted through the end of April. All major tax lines performed well in April. However, revenue collected by the Department of Health and Human Services and Judicial Department were the only major continuing negative variances in the General Fund, \$8.0 million and \$3.5 million, respectively, under budget through April. Some other negative variances in the Service Provider Tax line and Property Tax - Unorganized Territory line represented timing issues and are expected to be offset by the end of the fiscal year.
- Highway Fund revenue was under budget in April by \$2.6 million, increasing the negative variance for the FYTD to \$3.8 million (-1.5%). The Fuel Taxes line is the major reason for this negative variance. The negative FYTD variance for the Fuel Tax line increased to \$2.9 million (-1.7%). Higher fuel prices than anticipated in the economic forecast have lowered consumption and revenue below projections. This negative variance is expected to continue and grow.

2. Cash Pool and Cash Balance Trends (See Attachment B)

- In April, the total Cash Pool average balance and General Fund average balances were lower than last April's balances, but are higher than the average of the last 4 fiscal years.
- MaineCare interim payment recovery performance has adversely affected General Fund cash balances and the total Cash Pool. As a result, General Fund internal borrowing from Other Special Revenue Funds spiked up to \$83.5 million in the early part of April. With the collection of April tax revenue, General Fund internal borrowing was eliminated during the last week in April.
- Highway Fund cash balances have begun to recover over the last 3 months after dropping precipitously earlier this fiscal year as a result of the budget problems within the Department of Transportation. This recovery may be shortened by the additional demands on Highway Fund resources as a result of the flood damage in southern Maine.

General Fund and Highway Fund Revenue Update

Highlights and Summary – April 2006 Revenue

General Fund Revenue

General Fund revenue was \$8.3 million over budget for the month of April, increasing the positive variance to \$40.9 million for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions and enacted law through the end of April. All of the major tax lines performed well in April.

General Fund Revenue – April 2006 Variance by Major Category/Line

- **Sales and Use Tax** – April: +\$2.5 million FYTD: +\$12.8 million (+1.8%). This revenue category was revised downward by \$3.1 million in the March 2006 revenue revision. This revision was based on revenue performance through January 2006 and the downward revision of the economic forecast. Sales Tax revenue, which rebounded significantly in February (20.7% higher than February 2005) and in March (8.0% higher than April 2006), showed strong growth in April (6.9% higher than April 2005). FYTD revenue through April is 5.7% above the same period of the prior fiscal year. Sales Tax is budgeted to increase by only 3.8% in FY06 over FY05.
- **Service Provider Tax** – April: -\$2.5 million FYTD: -\$2.7 million (-7.8%). This negative variance was primarily due to a delay in the recording of certain accounting transactions. Most of this negative variance should be offset in May.
- **Individual Income Tax** – April: +\$5.5 million FYTD: +\$16.6 million (+1.7%). April Final Payments and Estimated Payments were ahead of budget, but Refunds were higher than anticipated. Withholding growth has been below budget and remained \$4.8 million under budget for the FYTD. \$4.6 million of this revenue line's FYTD positive variance was related to Business Equipment Tax Reimbursement payments being less than anticipated.
- **Corporate Income Tax** – April: +\$3.5 million FYTD: +\$14.4 million (+10.8%). This category was increased by \$9.9 million in FY06 in March 2006 revenue forecast, yet it has continued to generate positive variances. April performance was again significantly above the upward revision and indicates a substantial positive variance in this category through the end of FY06. FYTD revenue in this revenue line was 47.2% higher than the same period in FY05
- **Cigarette and Tobacco Tax** – April: +\$0.1 million FYTD: +\$3.4 million (+2.7%). This category was increased by \$4.5 million in the March 2006 forecast to account for the previously unbudgeted inventory effect of the recent tax increase. FYTD performance still exceeded revised budgeted amounts.
- **Public Utilities Tax** – No revenue is budgeted in this line until May.
- **Insurance Company Tax** – April: +\$4.6 million FYTD: +\$4.2 million (+11.7%). This revenue category recovered well in March and April after being significantly under budget through February. The March 2006 forecast adjusted this category downward by \$5.0 million based on the poor performance through February.
- **Estate Tax** – April: -\$0.9 million FYTD: \$2.5 million (+4.1%). This category was increased by \$6.0 million in FY06 by the March 2006 forecast. While April revenue was under budget, some monthly variances are expected. FYTD estate tax revenue collections continued to be very strong, 168% above the same period last fiscal year.
- **Property Tax -Unorganized Territory** – April: -\$1.6 million FYTD: -\$1.5 million (-13.9%). The negative variance in April is the result of an error in the monthly distribution. The October transfer represents an estimate based on the prior year and was slightly over budget. The only other transfer this fiscal year will be in June, based on actual General Fund expenditures.

- **Income from Investments** – April: +\$0.1 million FYTD: +\$0.2 million (+3.4%). The rate of return on the cash pool for the month of March representing April revenue climbed close to 5% (the forecast assumed a return closer to 4.5%). The positive General Fund revenue variances have also contributed to the improved earnings. Forecast for investment income was revised upward by \$1.3 million in the March 2006 forecast.
- **Revenue Sharing Transfers** – April: -\$0.5 million FYTD: -\$2.1 million (-2.2%). 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 5.1% of the inverse of the total variances for the above mentioned tax lines.
- **Lottery Transfer** – April: -\$0.3 million FYTD: +\$0.7 million (+1.6%). Lottery revenue was under budget in April, but remained ahead of budget for the FYTD.
- **Other Revenue** – April: -\$2.3 million FYTD: -\$7.4 million (-4.4%). Major contributors to the negative FYTD variance included: revenue collected by the Department of Health and Human Services, which remained under budget for the FYTD by \$8.0 million (a downward revision in March of \$3.5 million was distributed in the last quarter of FY06, so that some of this negative variance may shrink); and Judicial Department fine revenue, which remained under budget by \$3.5 million for the FYTD despite a downward revenue revision of \$2.5 million in the March revenue forecast.

Highway Fund Revenue

Highway Fund revenue was under budget in April by \$2.6 million, increasing the negative variance for the FYTD to \$3.8 million (-1.5%). The Fuel Taxes line has been the major reason for this negative variance. It remained \$2.9 million under budget despite being revised downward by \$4.1 million in FY06 in the March 2006 revenue forecast. High fuel prices appear to have significantly affected fuel consumption and the volume of the fuel sales. This negative variance is expected to continue and grow.

Highway Fund Revenue – April 2006 Variance by Major Category/Line

- **Fuel Taxes** – April: -\$0.6 million FYTD: -\$2.9 million (-1.5%). See discussion above.
- **Motor Vehicle Registration and Fees** – April: -\$1.9 million FYTD: -\$1.4 million (-2.0%). A \$1.6 million payment received on the last day of April was not record as part of April revenue.
- **Inspection Fees** – This revenue line is running slightly under budget for the FYTD.
- **Fines** – Highway Fund fine revenue was under for the FYTD by \$0.1 million (-7.2%).
- **Income from Investments** – April: +\$0.1 million FYTD: +\$0.1 million (+9.5%). Highway Fund cash balances have recovered from near 10-year lows and the improved rate of return were the reasons for the positive variance. Recent flood damage may increase Highway Fund cash flow pressures in the coming months.
- **Other Revenue** – April: -\$0.1 million FYTD: +\$0.5 million (+6.4%).

OTHER REVENUE SUMMARY MATERIALS THAT FOLLOW INCLUDE:

- **Summary Table of April Revenue Variances for the General Fund and Highway Fund (Page 3)**
- **Comparison of Fiscal Year-to-Date Revenue through April for FY03, FY04, FY05 and FY06 (Page 4)**
- **Graphs of Monthly Revenue History:**
 - **General Fund (see page 5)**
 - **Highway Fund (see page 6)**

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2006
REFLECTING MARCH 2006 RFC ADJUSTMENTS AND OTHER BUDGETED REVENUE ENACTED TO DATE

APRIL 2006 REVENUE VARIANCE REPORT

Revenue Line	April '06 Budget	April '06 Actual	April '06 Variance	FY06 YTD Budget	FY06 YTD Actual	FY06 YTD Variance	FY06 YTD Variance %	FY06 Budgeted Totals
General Fund								
Sales and Use Tax	69,494,368	71,999,491.08	2,505,123.08	693,468,365	706,246,052.23	12,777,687.23	1.8%	930,641,080
Service Provider Tax	4,237,444	1,697,942.84	(2,539,501.16)	34,398,325	31,725,611.56	(2,672,713.44)	-7.8%	46,494,165
Individual Income Tax	245,895,451	251,414,315.94	5,518,864.94	964,983,159	981,537,581.44	16,554,422.44	1.7%	1,228,307,845
Corporate Income Tax	22,103,810	25,605,957.54	3,502,147.54	133,712,504	148,101,567.51	14,389,063.51	10.8%	175,150,000
Cigarette and Tobacco Tax	13,125,966	13,270,780.97	144,814.97	123,740,349	127,091,870.93	3,351,521.93	2.7%	151,738,325
Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	0.0%	21,440,000
Insurance Companies Tax	7,692,316	12,310,473.02	4,618,157.02	35,911,684	40,131,292.98	4,219,608.98	11.7%	72,141,931
Estate Tax	2,680,765	1,771,705.64	(909,059.36)	59,376,259	61,839,813.63	2,463,554.63	4.1%	70,099,322
Property Tax - Unorganized Territory	1,581,236	0.00	(1,581,236.00)	11,103,313	9,560,399.00	(1,542,914.00)	-13.9%	11,278,476
Income from Investments	274,348	396,847.41	122,499.41	4,801,656	4,964,560.15	162,904.15	3.4%	6,563,582
Transfer to Municipal Revenue Sharing	(17,428,288)	(17,886,603.07)	(458,315.07)	(93,161,826)	(95,248,151.46)	(2,086,325.46)	-2.2%	(121,410,248)
Transfer from Lottery Commission	4,839,839	4,529,993.77	(309,845.23)	42,590,528	43,290,026.10	699,498.10	1.6%	50,334,250
Other Revenue	19,153,320	16,864,660.81	(2,288,659.19)	169,486,118	162,076,173.24	(7,409,944.76)	-4.4%	214,959,376
Totals	373,650,575	381,975,565.95	8,324,990.95	2,180,410,434	2,221,316,797.31	40,906,363.31	1.9%	2,857,738,104
Highway Fund								
Fuel Taxes	17,296,815	16,696,839.26	(599,975.74)	168,371,413	165,486,725.60	(2,884,687.40)	-1.7%	226,776,993
Motor Vehicle Registration and Fees	7,983,706	6,049,635.74	(1,934,070.26)	70,023,211	68,654,656.11	(1,368,554.89)	-2.0%	87,172,358
Inspection Fees	361,465	313,611.40	(47,853.60)	3,568,153	3,529,493.11	(38,659.89)	-1.1%	4,397,970
Fines	176,735	178,757.75	2,022.75	1,605,582	1,490,743.45	(114,838.55)	-7.2%	1,973,665
Income from Investments	66,217	146,490.33	80,273.33	1,156,085	1,265,384.20	109,299.20	9.5%	1,300,000
Other Revenue	794,999	738,587.32	(56,411.68)	7,778,993	8,278,376.75	499,383.75	6.4%	9,286,173
Totals	26,679,937	24,123,921.80	(2,556,015.20)	252,503,437	248,705,379.22	(3,798,057.78)	-1.5%	330,907,159

May 2006 Fiscal Briefing - General Fund and Highway Fund Revenue Update
 Prepared by the Office of Fiscal and Program Review
 Attachment A - Page 3 of 6

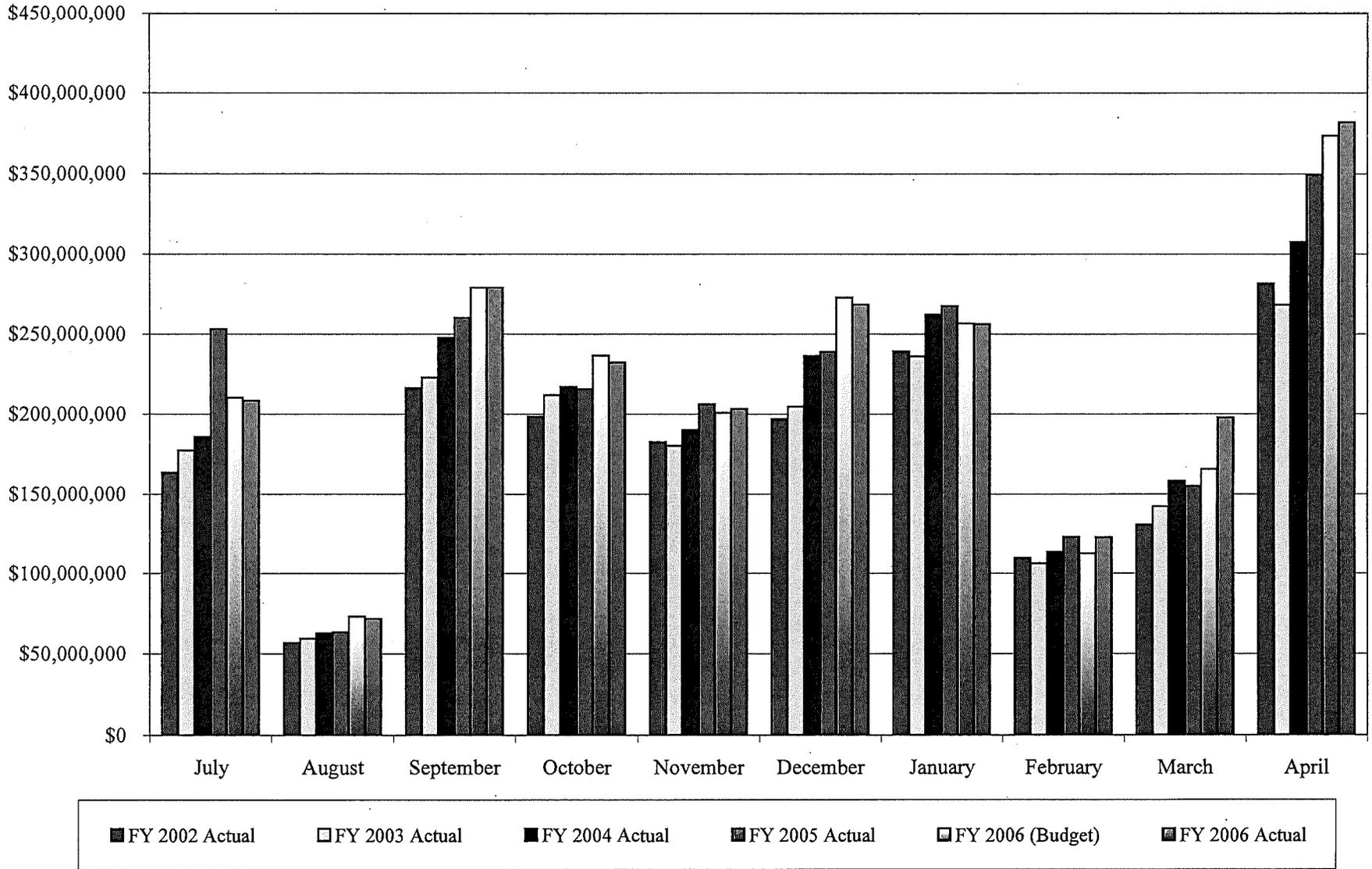
Comparison of Actual Year-to-Date Revenue Through April of Each Fiscal Year

Revenue Line	FY 2003	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg
General Fund							
Sales and Use Tax	\$635,424,745	\$685,087,843	7.8%	\$668,317,945	2.3%	\$706,246,052	5.7%
Service Provider Tax	\$0.00	\$0	N/A	\$32,834,678	N/A	\$31,725,612	-3.4%
Individual Income Tax	\$842,536,626	\$929,449,943	10.3%	\$1,044,071,920	12.3%	\$1,088,940,290	4.3%
Ind. Income Tax - BETR & CB Transfers	\$0	\$0	N/A	(\$26,010,600)	N/A	(\$107,402,709)	312.9%
Corporate Income Tax	\$68,050,412	\$83,601,917	22.9%	\$100,637,174	20.4%	\$148,101,568	47.2%
Cigarette and Tobacco Tax	\$81,391,141	\$79,711,297	-2.1%	\$80,118,652	0.5%	\$127,091,871	58.6%
Public Utilities Tax	\$62,464	(\$268,757)	-530.3%	\$419,106	-255.9%	\$0	-100.0%
Insurance Companies Tax	\$41,327,279	\$39,139,169	-5.3%	\$36,252,973	-7.4%	\$40,131,293	10.7%
Estate Tax	\$21,195,357	\$18,168,114	-14.3%	\$23,070,614	27.0%	\$61,839,814	168.0%
Property Tax - Unorganized Territory	\$9,300,585	\$8,937,092	-3.9%	\$9,638,377	7.8%	\$9,560,399	-0.8%
Income from Investments	\$2,004,945	\$1,552,011	-22.6%	\$3,647,688	135.0%	\$4,964,560	36.1%
Transfer to Revenue Sharing	(\$78,846,601)	(\$86,605,125)	9.8%	(\$92,812,407)	7.2%	(\$95,248,151)	2.6%
Transfer from Liquor Commission	\$21,462,396	\$22,632,063	5.4%	\$50,022,131	121.0%	\$2,554,641	-94.9%
Transfer from Lottery Commission	\$32,791,195	\$34,653,636	5.7%	\$41,093,518	18.6%	\$43,290,026	5.3%
Other Revenue	\$127,968,498	\$164,795,134	28.8%	\$160,127,086	-2.8%	\$159,521,532	-0.4%
General Fund Totals	\$1,804,669,043	\$1,980,854,337	9.8%	\$2,131,428,855	7.6%	\$2,221,316,797	4.2%
Highway Fund							
Fuel Taxes	\$139,629,213	\$159,269,766	14.1%	\$165,176,286	3.7%	\$165,486,726	0.2%
Motor Vehicle Registration and Fees	\$65,707,952	\$66,062,088	0.5%	\$67,285,835	1.9%	\$68,654,656	2.0%
Inspection Fees	\$3,370,612	\$3,766,985	11.8%	\$3,437,869	-8.7%	\$3,529,493	2.7%
Fines	\$2,113,960	\$1,579,964	-25.3%	\$1,373,084	-13.1%	\$1,490,743	8.6%
Income from Investments	\$1,079,551	\$479,781	-55.6%	\$933,884	94.6%	\$1,265,384	35.5%
Other Revenue	\$7,752,475	\$8,036,191	3.7%	\$7,656,321	-4.7%	\$8,278,377	8.1%
Highway Fund Totals	\$219,653,764	\$239,194,775	8.9%	\$245,863,279	2.8%	\$248,705,379	1.2%

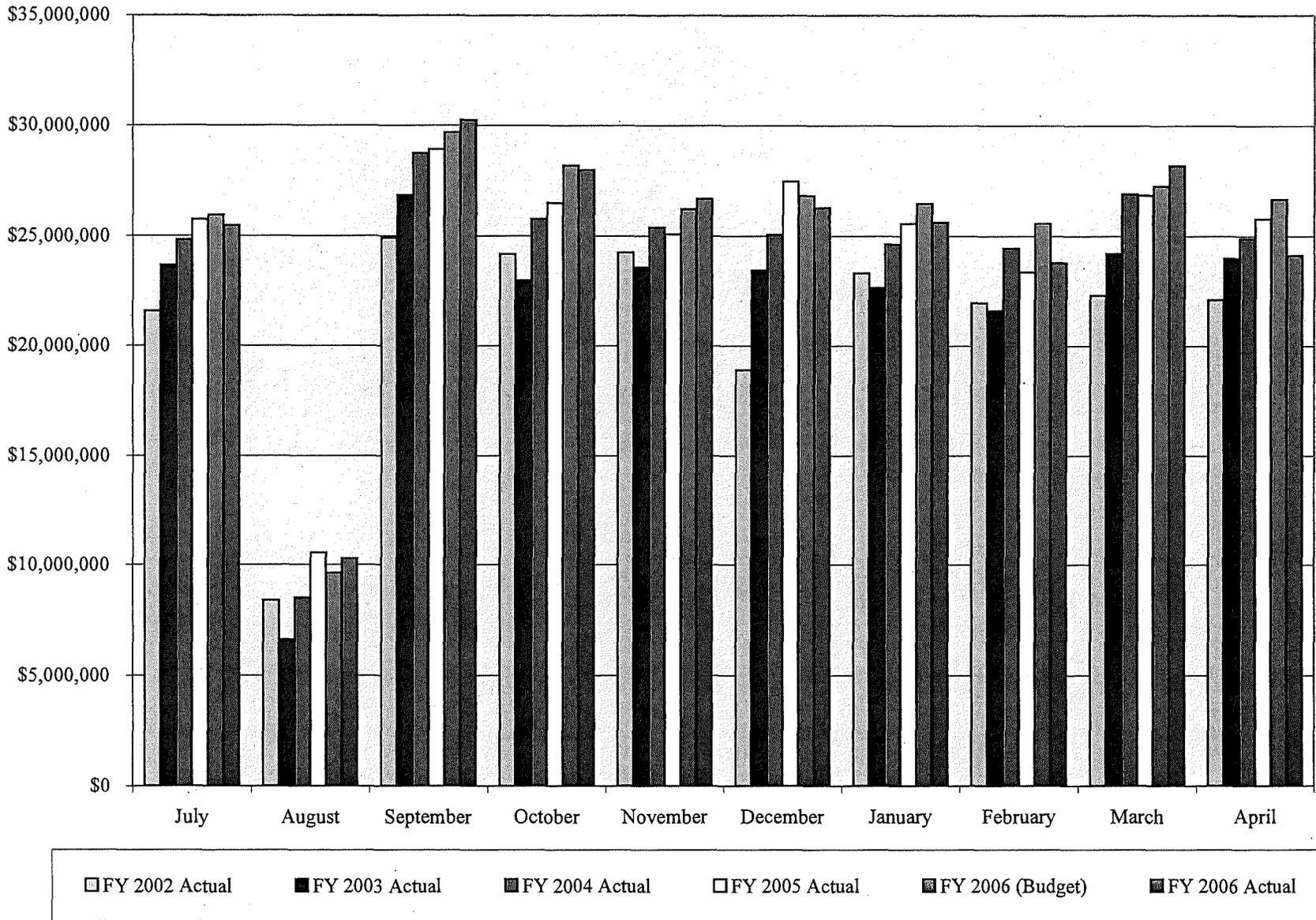
Adjusted for Service Provider Tax Split

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

May 2006 Fiscal Briefing - General Fund and Highway Fund Revenue Update
 Prepared by the Office of Fiscal and Program Review
 Attachment A - Page 5 of 6



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



Cash Pool and Cash Balance Trends Summary

April 2006 Cash Pool Average Balances (see pages 2)

- Average balance of the Cash Pool was \$624.6 million in April. This is above the average balance since the beginning of FY 2002 of \$594.5 million, but is less than last April's balance of \$689.7 million.
- Highway Fund balance has recovered slightly from the very low average balances of December and January to an average balance of \$42.4 million in April. This is still significantly below the recent 12-month moving average balance of approximately \$60 million and is substantially below last April's average balance of \$68.5 million. Also see trend discussion below.
- General Fund cash position averaged \$48.7 million in April. This amount included \$123.6 million in Tax Anticipation Notes (TAN's), \$48.5 million in the Budget Stabilization Fund, \$23.1 million in the Reserve for General Fund Operating Capital and \$51.9 million of internal borrowing from Other Special Revenue. Absent these reserve balances and temporary borrowing, the General Fund would have had a negative average balance in April of \$198.4 million. This is \$5.1 million more negative than a year ago. See trend discussion below.
- Other State Funds and Independent Agency Funds at \$533.6 million in aggregate in April were above the averages over the last 4½ years, but due to the substantial internal borrowing was \$40.8 million less than a year ago.

General Fund Cash Balance Trends (see charts on pages 3 and 4)

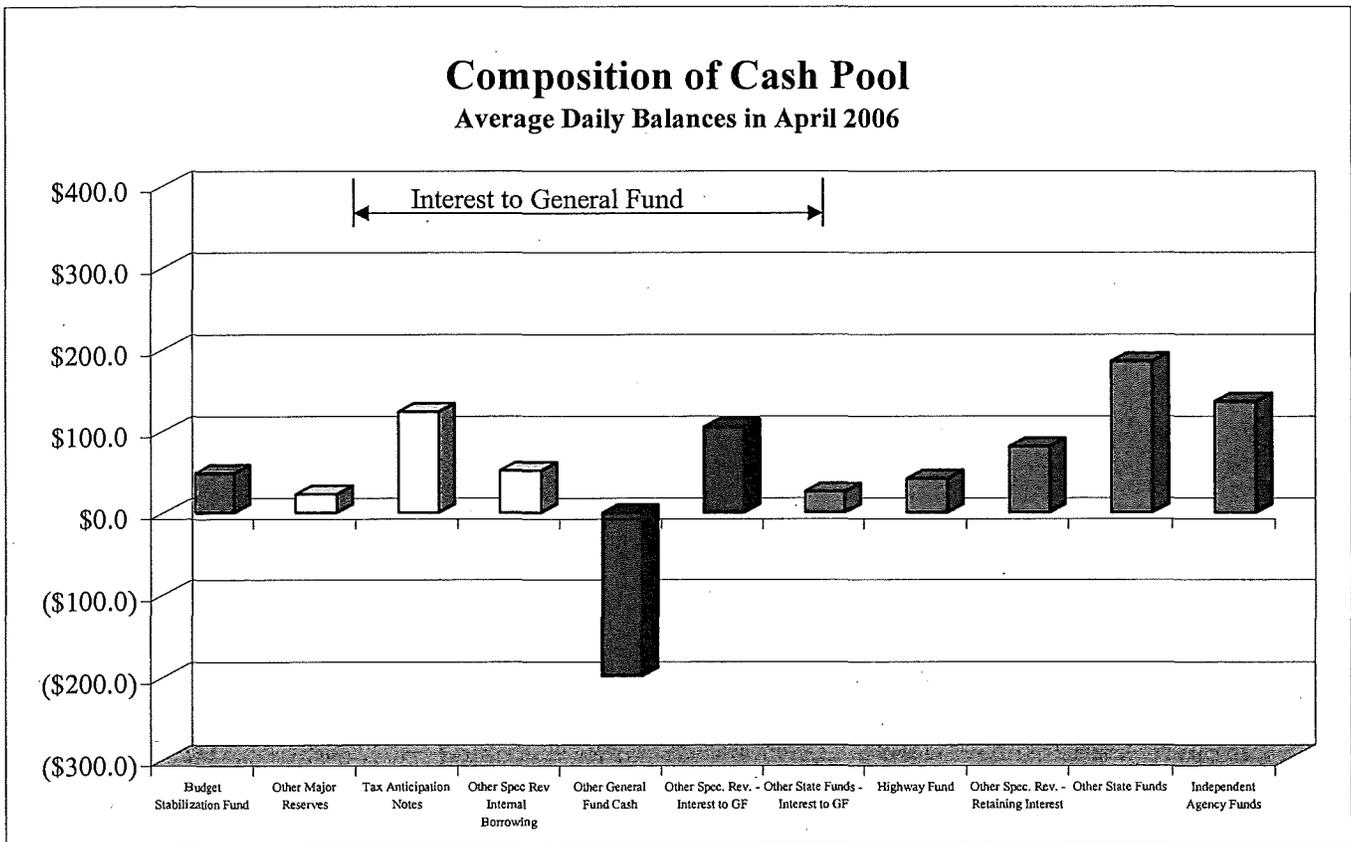
- General Fund trend (as measured by a 12-month moving average) continues to improve in the chart on page 4, which factors out the effect of the General Fund's reduced reliance on Tax Anticipation Notes (TAN's).
- The declining trend in the chart on page 3 reflects reduced TAN borrowing, which has decreased from \$275 million in FY04 to \$190 million in FY05 and to \$123.6 million in FY06.
- Internal borrowing has been very high in recent months, largely the result of MaineCare interim payment recovery performance, but with April's tax collections this borrowing was eliminated in the last week of April.

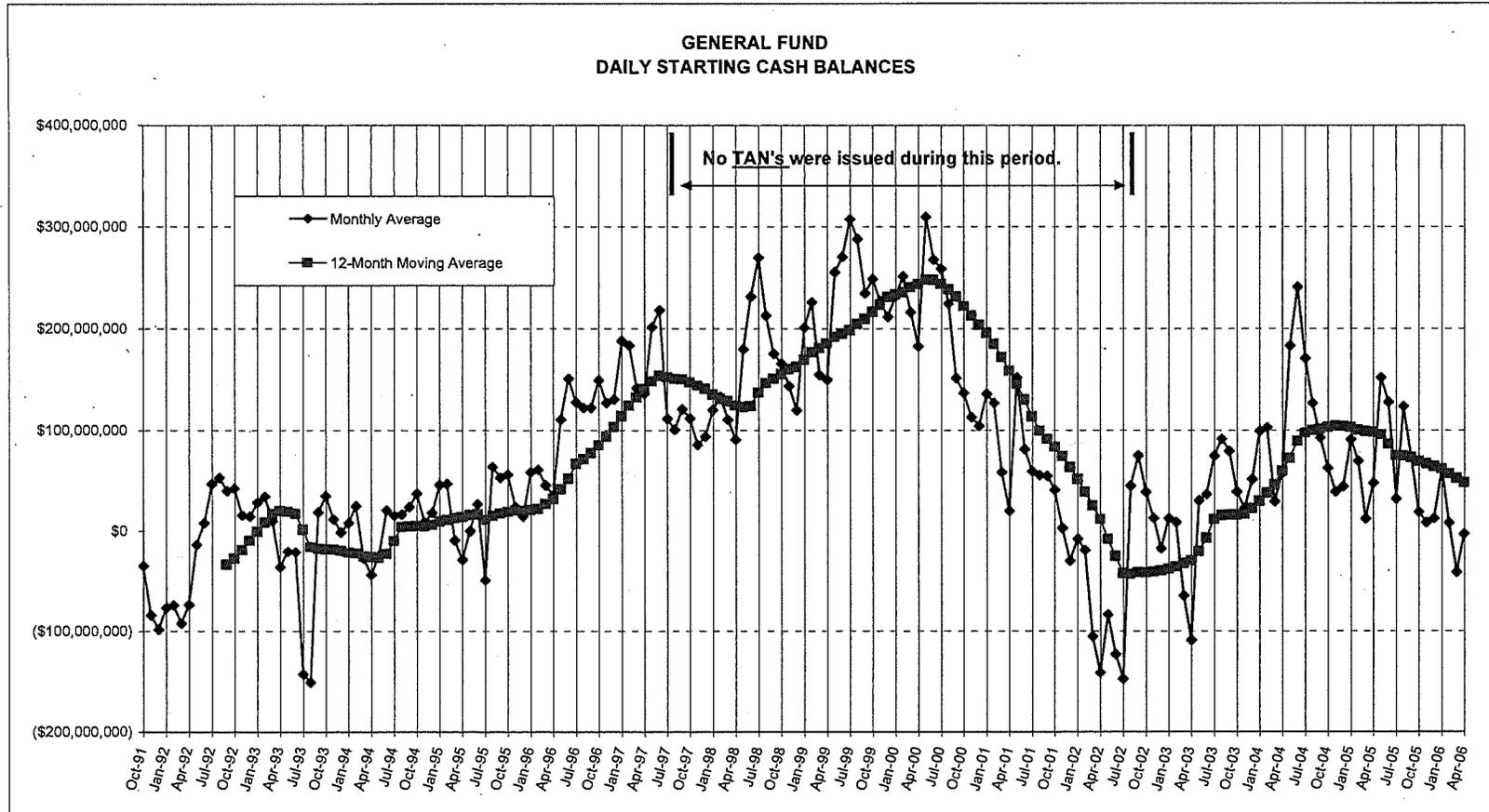
Highway Fund Cash Balance Trends (see chart on page 5)

- Highway Fund cash balances, which had dropped precipitously during the early part of this fiscal year and have begun to recover. However, the trend, using a 12-month moving average continues to decline.
- The recent flood damage in southern Maine will likely increase budgetary pressures on the Highway and Bridge Improvement program within the Department of Transportation and slow or reverse this recent recovery.

Composition of State's Cash Pool April 2006 Average Daily Balances

	April 2006
General Fund - Total	\$48,672,029
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$48,451,005
Reserve for General Fund Operating Capital	\$23,093,792
Tax Anticipation Notes	\$123,625,000
Internal Borrowing from Other Special Revenue	\$51,933,333
General Fund - Other	(\$198,431,102)
Highway Fund	\$42,353,389
Other Special Revenue - Contributing to General Fund	\$104,767,840
Other Special Revenue - Retaining Interest Earned	\$81,190,624
Other State Funds - Contributing Interest to General Fund	\$26,058,344
Other State Funds	\$185,232,976
Independent Agency Funds	\$136,358,847
Total Cash Pool	\$624,634,048



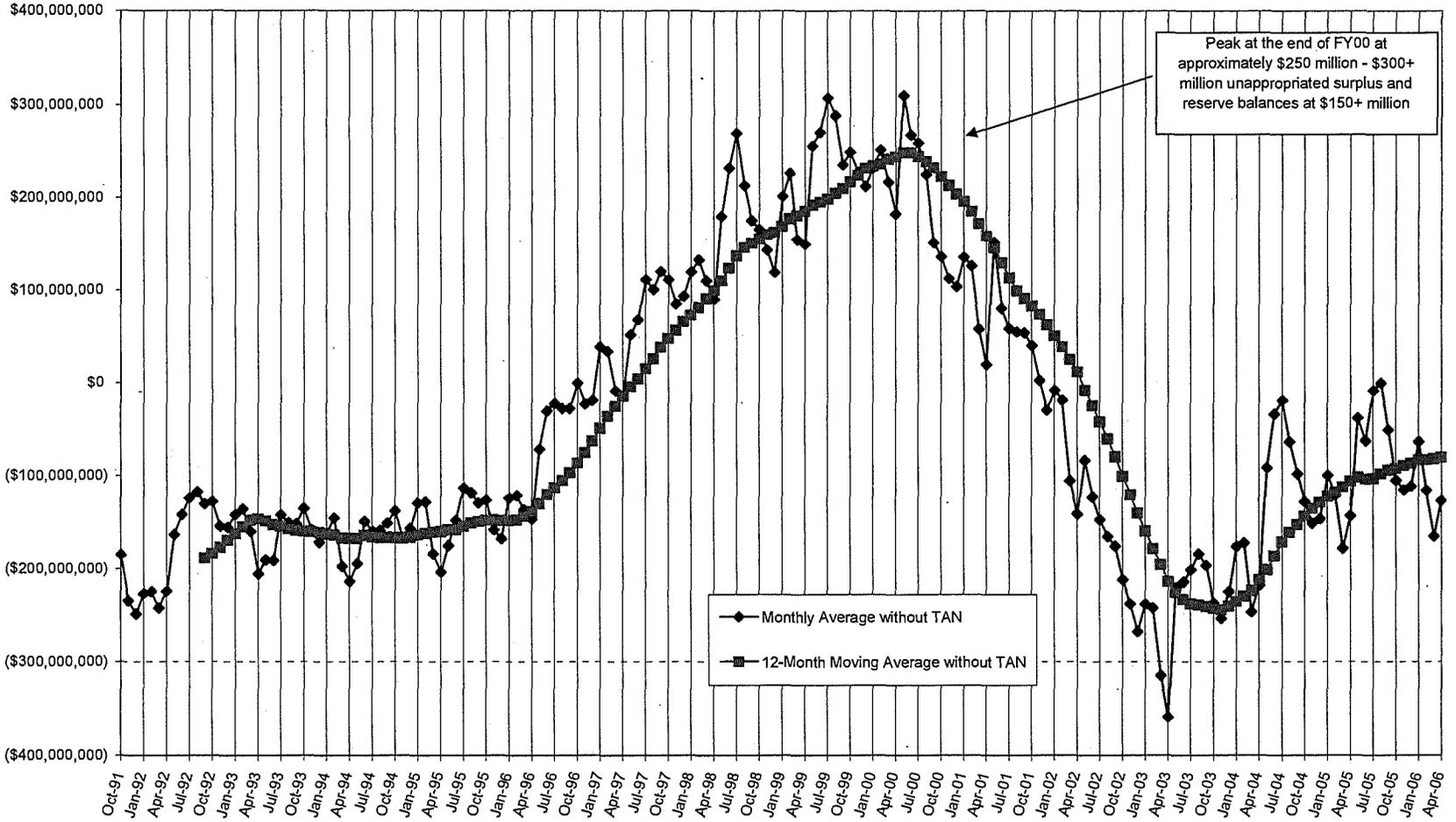


TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

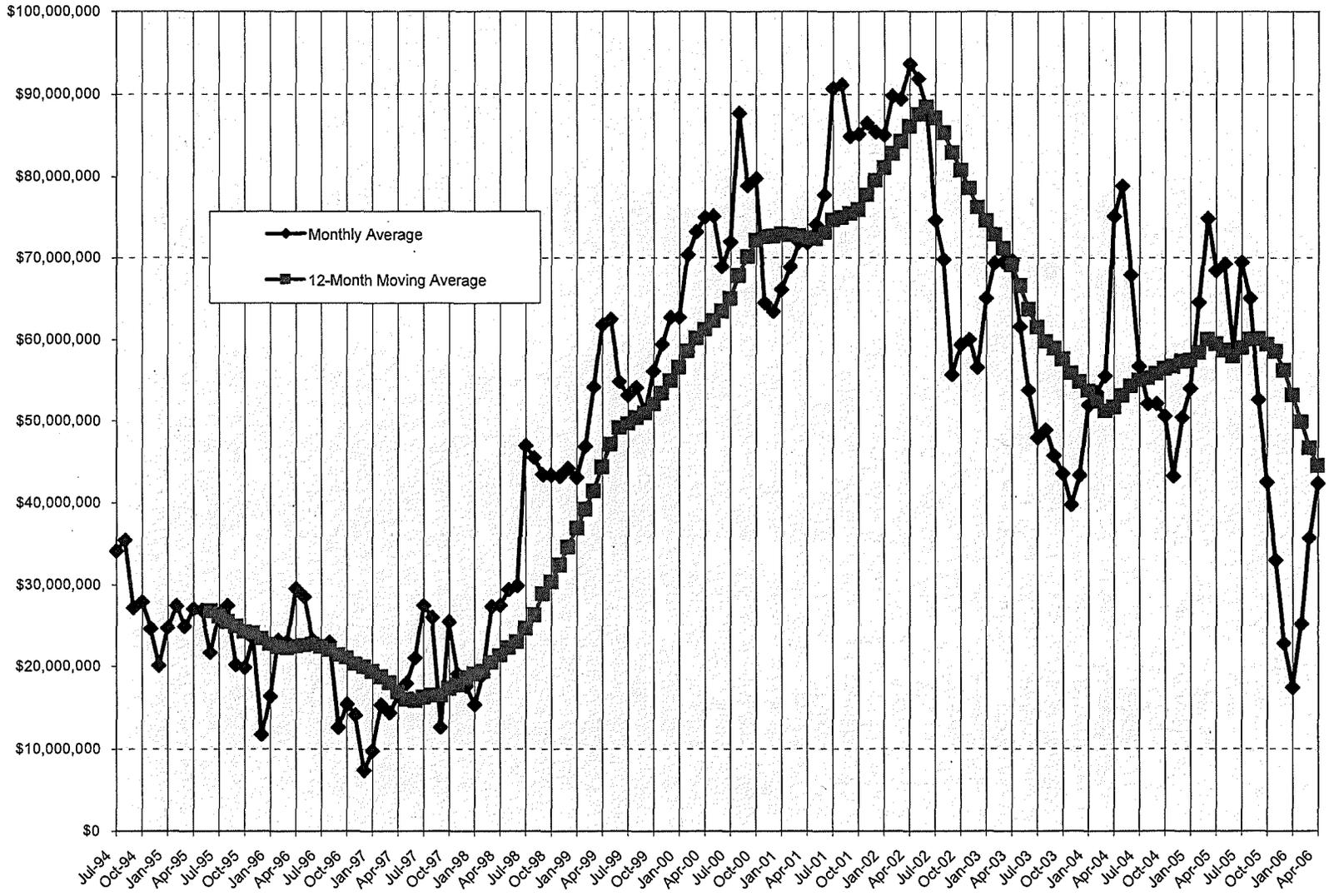
Fiscal Year	Amount Authorized	Amount Issued	Reference
2005-06 ⁽¹⁾	\$314,718,914 ⁽¹⁾	\$123,625,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2004-05 ⁽¹⁾	\$309,540,537 ⁽¹⁾	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 ⁽¹⁾	\$293,657,381 ⁽¹⁾	\$275,000,000	5 MRSA, §150 (as amended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



HIGHWAY FUND DAILY STARTING CASH BALANCES



**122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
May 22, 2006**

SPAM Filtering: (follow up)

- Incoming SPAM volumes continue to increase
- The filters have been checked and monitored for proper operation
- Improvements to the filtering process will be made post-session

Bill Drafting System:

- The Revisor's Office and Systems are in the process of using/evaluating all MELD functions during the warranty period
- Issues are being reported to HP as they are identified
- HP resolved several bill type issues with the most current software release
- A software release has been promised for the week of May 15th
- In my opinion, HP will not complete the correction of all warranty items by the end of the warranty period
- Post session work schedules are being finalized for both Wang and MELD updates

Data Backup Processing:

- All backups are current and being performed to the established procedure
- The procedures and technologies for the backup and recovery of legislative data are being reviewed and revised to insure current and future needs can be adequately supported
- Several actions will be recommended to the Executive Director to improve the reliability and performance of the process

**Actions Taken by Ballot by
The Legislative Council Since
The April 24, 2006 Council Meeting**

1. Request To Reconsider Earlier Legislative Council Action

A. LD 2111 An Act To Implement the Recommendations of the Freedom of
Access Advisory Committee

Submitted by: Senate President Beth Edmonds
Accepted: April 28, 2006, 10 - 0

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
May 18, 2006

Action

SPONSOR: Rep. Merrill, Barbara E.

LR 3294 Resolve, To Establish the Task Force To Study Future Public
Lands Access

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
May 22, 2006

Action

SPONSOR: Rep. Craven, Margaret M.

LR 3299 JOINT RESOLUTION ENCOURAGING THE PRESIDENT AND UNITED
STATES CONGRESS TO ESTABLISH SATELLITE VOTING FOR
DISPLACED RESIDENTS OF HURRICANE KATRINA



TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

To: Rep. John E. Richardson, Speaker of the House, Chair, Legislative Council
Sen. Beth G. Edmonds, President of the Senate, Vice Chair, Legislative Council
c/o David E. Boulter, Executive Director, Legislative Council

From: Sen. Ethan Strimling, Senate Chair
Rep. Stan Gerzofsky, House Chair

Date: May 16, 2006

Re: Joint Resolution Memorializing the Congress and President of the United States

The Task Force to Study Maine's Homeland Security Needs respectfully requests your approval to introduce a joint resolution memorializing the Congress and the President of the United States to shift funding priorities and to support the equitable disbursement of homeland security funds. This joint resolution was included as proposed legislation within the Task Force's interim report.

Pursuant to Joint Rule 214, "*a memorial is not in order for introduction unless approved by a majority of the Legislative Council.*" The Task Force strongly believes that this joint resolution is necessary to ensure that Maine and all other states receive their fair share of homeland security funds in order to provide our emergency management agency, law enforcement and first responders with the necessary tools to protect our citizens from security threats and to achieve our national preparedness goals. Accordingly, the Task Force would greatly appreciate your support and approval of this memorial.

Thank you very much for your time and attention to this matter.

Cc: Patrick Norton, Director, Office of Policy and Legal Analysis
Members, Task Force to Study Maine's Homeland Security Needs

TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SHIFT FUNDING PRIORITIES AND SUPPORT THE EQUITABLE DISBURSEMENT OF HOMELAND SECURITY FUNDS AS OUTLINED IN UNITED STATES SENATE BILL 21, SPONSORED BY SENATOR SUSAN COLLINS, IN ORDER TO ENSURE THAT ALL STATES EFFECTIVELY CONTRIBUTE TO OUR NATIONAL SECURITY GOALS AND EMERGENCY PREPAREDNESS

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Session, most respectfully present and petition the Congress and the President of the United States as follows:

WHEREAS, the success of our nation's homeland security response strategy relies on the success of our cohesive Federal, State, and local prevention and response efforts; and

WHEREAS, the State of Maine's homeland security and emergency preparedness funding has dropped from thirty-five million dollars in 2004 to a projected sixteen million dollars in 2006; and

WHEREAS, a baseline level of funding is necessary for every state and territory to effectively support emergency management, Federal, State and local law enforcement and first responders in the continuation of their rigorous efforts to protect our citizens from security threats and vulnerabilities posed by our ports, borders, agricultural food production and supply, water supply, fuel, and computer systems; and

WHEREAS, every state and territory needs flexibility to address its unique local or regional needs, while working cooperatively to achieve national preparedness goals, and Congress has the responsibility to ensure that all states and territories have the tools necessary to make their own individual contributions to our collective national security; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress shift spending priorities and enact Senate bill 21, the Homeland Security Grant Enhancement Act of 2005, sponsored by Senator Susan Collins, to provide each state with their fair and reasonable share of homeland security funding as well as public health bioterrorism grant funding, to establish essential capabilities to prevent and respond to the next terrorist attack; and be it further

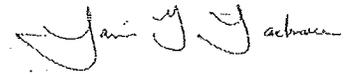
RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

MAINE DEVELOPMENT FOUNDATION

May 22, 2006

To: Speaker John Richardson, Chair of the Legislative Council
President Beth Edmonds, Vice-Chair of the Legislative Council
Distinguished Members of the Legislative Council

From: Laurie Lachance, President of the Maine Development Foundation



Re: Policy Leaders Academy – Legislative Training

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I am writing on behalf of the University of Maine System, the Maine Community College System, the Margaret Chase Smith Policy Center, the Muskie School of Public Service and the Maine Development Foundation to seek your guidance and engagement in planning the Policy Leaders Academy bus tours and legislative forums for the incoming 123rd Legislature. As you may know, the Margaret Chase Smith Center and the Muskie School have developed and delivered a number of policy forums in the past and the Development Foundation has run economic bus tours for legislators for two decades as well as policy forums and legislative job shadowing programs. As you are also acutely aware, term limits have led to enormous turnover in the Legislature and have put tremendous pressure on newly-elected legislators to come up to speed very quickly on highly complex policy issues.

The University System and its Policy Centers, the Community College System and the Maine Development Foundation would like to formalize our partnership in developing and delivering programs that are tailored to your interests and needs, and we would like to institutionalize the planning process to allow for the development of a thoughtful and comprehensive set of programs.

With that in mind, what we are asking of you today is to please consider:

- 1) Providing us your feedback as to if you would find our newly-established partnership to be a more helpful and efficient way to develop legislative training programs.
- 2) Asking the Executive Director and the 4 Chiefs of Staff to work with the Development Foundation, University and Community College System to shape a comprehensive program of legislative training that could be brought back to the Council for your review and consideration.
- 3) Appointing a bi-partisan sub-committee of legislators to guide our planning process and shape the curriculum to best suit your needs and interests.

We would like to begin the planning process in early June and report back to you at subsequent Legislative Council meetings. We are all anxious to begin the planning process and to raise the funds necessary to provide the very best training experiences possible. Thank you for your kind consideration of our request. We look forward to working with you in the months ahead.

I

45 Memorial Circle, Suite 302, Augusta, Maine 04330
Tel: 207/622-6345 Fax: 207/622-6346
E-Mail: mdf@mdf.org