

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR



123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL
SEN. CAROL WESTON
SEN. JOHN L. MARTIN
SEN. RICHARD W. ROSEN
REP. HANNAH M. PINGREE
REP. JOSHUA A. TARDY
REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

LEGISLATIVE COUNCIL

April 26, 2007

1:00 P.M.

REVISED AGENDA

Page Item

Action

CALL TO ORDER

ROLL CALL

- 1 SUMMARY OF THE MARCH 22, 2007 MEETING OF
THE LEGISLATIVE COUNCIL**

Acceptance

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

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| 11 | ▪ Executive Director's Report (Mr. Boulter) | Information |
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REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee** (Speaker Cummings, Chair)
No Report
- **State House Facilities Committee** (Rep. Pingree, Chair)
No Report
- **Subcommittee to Review the Study Committee Process** (Sen. Mitchell, Chair)
No Report
- **Budget Subcommittee** (Sen. Martin, Chair)
- **Subcommittee to Administer Technology** (President Edmonds, Chair)
(Meeting held on March 28, 2007)

OLD BUSINESS

15	Item #1 Council Actions Taken By Ballot (No action required)	Information
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NEW BUSINESS

17	Item # 1: Consideration of After Deadline Bill Requests (including addendum)	Roll Call Vote
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21	Item # 2: Legislative Council Policy on Legislative Use of Maine Legislature and Maine.gov. Websites	Decision
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24	Item #3: Legislative Council Policy on Mass Emails	Decision
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26	Item #4: National Conference of Commissions on Uniform State Laws (Dues Increase)	Information
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	Item #5: Request by Senator Mitchell to dedicate the Welcome Center in honor of Robert Cammack	Decision
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29	Item #6: Submission of Annual Report by Maine Energy Council	Acceptance
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30	Item #7: Submission of Assessment of International Trade; Maine Citizen Trade Policy Commission (attached)	Information
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ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

SEN. ELIZABETH H. MITCHELL
SEN. CAROL WESTON
SEN. JOHN L. MARTIN
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REP. ROBERT H. CROSTHWAITE

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
March 22, 2007

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:21 P.M. in the Legislative Council Chamber.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. John Martin, Sen. Carol Weston, Sen. Richard Rosen

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth, Rep. Joshua Tardy, Rep. Robert Crosthwaite

Legislative Officers: Millie MacFarland, Clerk of the House
Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Margaret Matheson, Revisor of Statutes
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

Legislative Council Chair, President Edmonds convened the meeting at 1:21 P.M. with a quorum of members present.

SUMMARY OF FEBRUARY 22, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of February 22, 2007 be accepted and placed on file. Motion by Rep. Faircloth, second by Rep. Mitchell. **Motion passed, unanimous (7-0).** [Sen. Weston, Rep. Tardy, and Rep. Crosthwaite arrived after the vote]

Legislative Council Chair President Edmonds asked if there was any objection to taking one item out of order. No objection was expressed so Legislative Council Chair President Edmonds proceeded to Item 1 under New Business: Consideration of After Deadline Bill Requests.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests

The Legislative Council considered and acted on eighteen after deadline bill requests. The Legislative Council's actions on these requests are included on the attached list.

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

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

State House Facilities Work Plan 2007

A tentative plan for State House renovation and improvement work is being developed for 2007 in consultation with the Legislature's architect and general contractor. It is anticipated that a draft plan will be presented to the State House Facilities Committee for its review prior to presentation to the Legislative Council, hopefully in April.

Artwork in the State House

The artwork currently on display in the first floor lobby of the State House is scheduled to be removed next week and a new arts exhibit will be installed on March 28th. The exhibit will be by *Very Special Arts of Maine*, entitled, "A Matter of Perception." The exhibit is being coordinated by the Maine Arts Commission.

Fiscal Report

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

Revenue Update

General Fund revenue was under budget by \$1.1 million in February, increasing the negative variance for the fiscal year-to-date (FYTD) to \$6.8 million (-0.4%). The 3.6% FYTD growth over last year for the same period compares favorably to the 3.0% growth forecasted for FY 2007.

Although corporate income tax collections were over budget in February, they included an audit resulting in \$4.0 million and would have been negative otherwise. At this time, it is too early to project the outcome of the March 15th corporate income filings.

Individual income tax revenue was \$4.8 million under budget in February, but remained \$1.7 million over budget for the FYTD. Excluding a \$13.9 million FYTD positive variance from the BETR and Circuitbreaker program transfers, individual income tax revenue was under budget by \$11.9 million for the FYTD. However, Maine Revenue

Services' analysis of individual income tax refunds indicates positive signs for April final payments.

Some problematic areas that will be reviewed by the Revenue Forecasting Committee include judicial fines revenue (negative FYTD variance of \$2.3 million) and cigarette and tobacco tax revenue (negative FYTD variance of \$3.3 million).

Highway Fund revenue rebounded in February with a \$1.0 million positive variance, which reduced the FYTD negative variance to \$0.3 million (-0.1%). Fuel tax collections were over budget by \$0.5 million in February but remained under budget for the FYTD by \$0.3 million.

Revenue Forecasting Committee

The Revenue Forecasting Committee (RFC) will meet on Monday, March 26th at 9:30AM in the Legislative Council Chambers. It will review the results of the March 15th corporate income tax filing deadline and finalize the March update to the revenue forecast.

Cash Pool and Cash Balance Trends

The average Cash Pool balance was \$532.0 million in February. This is below the average for the last 5 years of \$625.1 million. However, 4 of those years included substantial Tax Anticipation Note (TAN) borrowings (\$250 million in FY 2003, \$275 million in FY 2004, \$190 million in FY 2005 and \$123.6 million in FY 2006). For this fiscal year, the General Fund has relied on internal borrowing from Other Special Revenue Funds rather than TAN borrowing, which has reduced the total Cash Pool balance.

General Fund internal borrowing has increased during recent months as the General Fund headed into a period of its greatest cash shortages before individual income tax collections in April restore General Fund cash balances. General Fund internal borrowing averaged \$103.3 million in February and increased to \$186.0 million in mid-March. The State Controller and the State Treasurer believe that the state will complete this fiscal year without external borrowing.

Highway Fund average cash balance remained relatively low in February when Highway Fund cash balances typically recover. Highway Fund average balance was only \$14.9 million in February; average February balances for the last 5 years were \$60.6 million. Low Highway Fund cash balances will have substantially reduced the Department of Transportation's ability to carry out major projects.

Mr. Pennoyer announced that two publications produced by OFPR have been released and are available on the legislature's website:

"Compendium of State Fiscal Information" (available on line at <http://www.maine.gov/legis/ofpr/06compendium/c06toc.htm>); and "The Fiscal Note Process: An Overview" (Available on the web at <http://www.maine.gov/legis/ofpr/fiscalnote.htm>).

Information Technology Report

Paul Mayotte, Director, Office of Legislative Information Services, reported the following.

Daylight Saving Time

The change in DST on March 11th occurred without incident for the majority of the Legislature's applications and systems. Several desktop PCs advanced two hours rather than one and the issue is being corrected. Staff assisted several offices with the synchronization of Palm Pilot calendars.

MELD Bill Drafting

The Revisor's Office and the Office of Legislative Information Services are working jointly to identify and correct MELD issues as the system is used this session. Identified problems are being addressed on a priority basis.

Voyager Systems, Inc

The contract for the conversion of Wang Tracker and Bill Status applications has been reviewed by the Attorney General's office and should be finalized shortly.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

(No Report)

3. Subcommittee to Review the Study Committee Process

Senator Mitchell, chair of the committee, reported the subcommittee met on February 28, 2007 to follow-up on study committee process issues. The subcommittee found that the current study committee process no longer provides a clear or predictable process for drafting study legislation, study committee membership and procedures vary widely and restricts the ability of the Legislature to direct the course of legislative studies and the efficient use of study-related legislative resources.

The subcommittee unanimously made 13 recommendations for improvements in the study committee process. They are fully described in the report and summarized on pages 1 and 2 of the Executive Summary. Implementing the recommendations will require several amendments to Joint Rule 353 (Studies) and Legislative Council adoption of several policies governing drafting of study-related orders and legislation. Senator Mitchell also explained that she would be offering an amendment (included with the packet) that relates to joint select committees.

Motion: That the final report of the Subcommittee to Review the Study Committee Process, including its recommendations for implementation, and Senator Mitchell's amendment be accepted. Motion by Sen. Martin, second by Rep. Pingree. **Motion passed, unanimous (10-0).**

The Legislative Council chair then asked OPLA Director Pat Norton to prepare the joint rule amendments for introduction and to distribute a summary of the study process changes to all Legislators and staff.

4. Budget Subcommittee

(No Report)

5. Subcommittee to Administer Technology (President Edmonds, Chair)

Senate President Beth Edmonds reported that the subcommittee met on February 22nd and again on March 7th to discuss several technology-related issues, summarized below:

Laptop computers in the chambers

The subcommittee discussed the advantages and feasibility of installing laptops in the chambers. It discussed the need for a plan that identifies the technology to be developed (e.g. “push” or “pull”), integration of systems with other legislative systems, costs to implement, long-term cost savings and a funding strategy. The House has a goal of electronically providing bills, amendments and supplements to the chamber by January 1, 2008.

Use of maine.gov and legislative websites

The subcommittee members feel that the Legislative Council should consider a formal policy on the use of .gov websites to assure that use is appropriate and promotes education about legislative services and operations, and limits partisan announcements and discussions to appropriate locations on the websites. The subcommittee is currently reviewing a draft policy.

Use of mass email

As with the website use, the subcommittee members feel that the Legislative Council should consider a formal policy on the manner and use of mass email by the legislature. It has concluded that policy guidance is needed to assure that mass emails fulfill a legitimate legislative purpose, and are not used for campaigns or other inappropriate purposes. The subcommittee is currently reviewing a draft mass email policy.

The subcommittee has scheduled its next meeting for Wednesday March 28, 2007 to finalize its proposed policies for the Legislative Council’s consideration in April.

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

A copy of the list of actions taken by ballot by the Legislative Council since its February 22, 2007 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests (including addendum)

(See above discussion.)

ITEM #2: Invitation from Kids Consortium for Legislative Council to participate in a ceremony recognizing student's involvement in Project Citizen.

The Legislative Council reviewed the invitation. No action by the Legislative Council was required or taken.

ITEM #3: Request by the Maine Citizen Trade Policy Commission to introduce a Joint Resolution (LR#2572)

This request was considered along with other requests to introduce legislation under Item 1: New Business. No additional action was taken.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:02 P.M. Motion by Sen. Mitchell. **Motion passed, 9-0-0-1 (Rep. Tardy absent for the vote).**

**LEGISLATIVE COUNCIL ACTION ON
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION, 123rd LEGISLATURE
March 22, 2007
(CORRECTED)**

Action

SPONSOR: Rep. Babbidge, Christopher W.

ACCEPTED

LR 2575 An Act To Permit Greater Voter Participation Regarding
Municipal Expenditures

SPONSOR: Rep. Barstow, Christopher R.

ACCEPTED

LR 2576 An Act To Allow A County Jail To Assess A Surcharge On
Bail As A Processing Fee

SPONSOR: Rep. Berry, Seth A.

ACCEPTED

LR 2565 An Act To Repeal The Use Tax On Employee Meals

SPONSOR: Rep. Blanchette, Patricia A.

ACCEPTED

LR 2569 An Act Regarding The Offense Of Failure To Yield The
Right-Of-Way To An Emergency Vehicle

SPONSOR: Rep. Greeley, Christian D.

FAILED

LR 2480 An Act To Amend The Law Regarding Failure To Provide A
Correct Name

SPONSOR: Rep. Greeley, Christian D.

FAILED

LR 2481 An Act To Allow Refusal To Submit To A Test Grounds For
Conviction For Operating Under The Influence

SPONSOR: Rep. Greeley, Christian D.

FAILED

LR 2482 An Act To Increase The Penalty For Failure To Appear On A
Summons

SPONSOR: Rep. Greeley, Christian D. FAILED

LR 2483 An Act To Require Registered Sex Offenders To Reveal That To
The Police

SPONSOR: Rep. Greeley, Christian D. FAILED

LR 2484 An Act To Include Children As Persons Eligible Under The
Military Family Leave Act

SPONSOR: Rep. Greeley, Christian D. FAILED

LR 2485 An Act To Exempt From Income Tax Military Reenlistment
Bonuses

SPONSOR: Rep. Greeley, Christian D. FAILED

LR 2486 An Act To Increase The Penalties For Cruelty To Animals

SPONSOR: Rep. Jackson, Troy D. ACCEPTED

LR 2587 An Act To Protect Inland Water Access

SPONSOR: Sen. Marrache, Lisa T. FAILED

LR 2563 An Act To Prevent Access For Underage Children For
Mature Or Restricted Dvds And Videos

**SPONSOR: Rep. McFadden, Howard E. TABLED
3/22/07**

LR 2560 An Act To Exempt Legislators From Jury Duty

SPONSOR: Rep. Percy, Leila J. ACCEPTED

LR 2591 An Act To Create A Saltwater Recreational Fishing License
And To Improve Apprenticeships For Recreational Fishermen

SPONSOR: Rep. Percy, Leila J.

ACCEPTED

LR 2592 An Act To Strengthen The Laws Concerning Surface Water
Ambient Toxic Monitoring

SPONSOR: Sen. Rosen, Richard W.

ACCEPTED

LR 2564 Resolve, Directing The Department Of Transportation To
Place Signs On Interstate 95 To Identify The Route To
The Fort Knox Historic Site And The Penobscot Narrows
Bridge And Observatory Tower

SPONSOR: Sen. Rosen, Richard W.

ACCEPTED

LR 2582 An Act To Allow Pressure Boiler Inspections By National
Board Certified Inspectors

SPONSOR: Rep. Tardy, Joshua A.

TABLED
3/22/07

LR 2588 An Act To Ensure The Development Of A Quality Provider
Payment Plan

SPONSOR: Rep. Tardy, Joshua A.

TABLED
3/22/07

LR 2589 An Act To Ensure Transparency In Interscholastic Sports

SPONSOR: Rep. Tardy, Joshua A.

TABLED
3/22/07

LR 2590 An Act To Enhance Local Control In The Administration Of
Interscholastic Athletics

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

FAILED

LR 2580 An Act To Allow Members Of The Maine National Guard To
Run For Office In A Partisan Public Election

JOINT RESOLUTION

SPONSOR: Sen. Bowman, Peter B.

ACCEPTED

LR 1542 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO EXEMPT SCHOOL ADMINISTRATIVE UNITS FROM THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 WHEN STUDENT ATTENDANCE FALLS BELOW THE STATE TARGET DUE TO EXCESSIVE STUDENT ABSENTEEISM

SPONSOR: Sen. Courtney, Jonathan T.E.

TABLED

01/25/07

LR 0040 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REINSTATE THE MILITARY CLASSIFICATION OF "POW" OR "PRISONER OF WAR"

SPONSOR: Rep. Marley, Boyd P.

FAILED

LR 1983 JOINT RESOLUTION MEMORIALIZING CONGRESS TO BOYCOTT CANADIAN SEAFOOD UNTIL THE SLAUGHTER OF PUP SEALS STOPS

SPONSOR: Sen. Rotundo, Margaret

ACCEPTED

LR 2572 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO SAFEGUARD THE STATE'S ROLE IN INTERNATIONAL TRADE AGREEMENTS

SPONSOR: Rep. Savage, David G.

FAILED

LR 2093 JOINT RESOLUTION MEMORIALIZING CONGRESS TO BOYCOTT CANADIAN SEAFOOD DUE TO THE CONTINUING CANADIAN SEAL HUNT

SPONSOR: Rep. Schatz, James M.

FAILED

LR 0949 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES IN OPPOSITION TO MANDATORY IDENTIFICATION OF ANIMALS



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report**

April 26, 2007

1. State House Complex Visitor Parking

In response to requests by members of the public and some legislators, I am working with Capitol Security to explore various options that could increase availability of short term visitor parking in the vicinity of the Cultural Building. Interest in more convenient visitor parking is increasing.

2. State House Improvement Projects for 2007

I am finalizing work with our general contractor and our architect on a draft work plan for 2007 improvements and maintenance to the State House and Grounds. The proposed plan will be presented to the State House Facilities Committee for its review when it next meets, sometime in early May.

3. Status of Recommendations of the Subcommittee to Review the Study Committee Process

A joint order to implement the recommendations of the subcommittee has been referred to the Joint Select Committee on Joint Rules. The select committee will meet on Monday, April 30th at 4:00PM to review the recommendations and related joint order.

4. YMCA Youth in Government Program

The State YMCA of Maine's *Youth in Government* program will be held at the State House this week, from Friday through Sunday afternoon. About 200 students and youth advisers from across the state, from Ashland to Kennebunk, will participate. The program is part of a national program run by the YMCA in the United States to educate high school students about the principles of democratic government and civic engagement. The program consists of a mock legislature with students writing legislation, holding leadership elections and public hearings and debating legislation. The program will conclude by 3:00PM on Sunday.

Fiscal Briefing

Legislative Council Meeting April 26, 2007

*Prepared by the
Office of Fiscal & Program Review*

1. Revenue Update

Total General Fund Revenue - FY 2007 (Millions of \$'s)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
Mar '07	177.0	173.6	(3.4)	-1.9%	197.7	-12.2%
FYTD	1,866.8	1,874.6	7.9	0.4%	1,839.3	1.9%

- General Fund revenue was under budget by \$3.4 million in March. This negative variance reflects the revised March Forecast, which reduced FY 07 General Fund revenue estimates by \$33.7 million, and as a result the Fiscal Year-to-date (FYTD) reflects a positive variance of \$6.8 million (-0.4%).
- The Cigarette and Tobacco Tax and Insurance Companies Tax lines were the only negative variances among the major revenue lines.
- Individual Income Tax processing for April has been going well and is running ahead of budget in all categories (final payments, estimated payments and refunds). It is still too early to tell whether this is just faster processing that will dry up (as in April 2002).

Total Highway Fund Revenue - FY 2007 (Millions of \$'s)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
Mar '07	28.7	26.7	(2.0)	-6.9%	28.2	-5.4%
FYTD	226.6	224.3	(2.3)	-1.0%	224.6	-0.1%

- Highway Fund revenue was under budget by \$2.0 million in March, largely as a result of a timing issue in the receipt of Motor Vehicle Registration and Fees. For the FYTD, Highway Fund revenue was under budget by \$2.3 million (-1.0%). Fuel Tax receipts, which had shown a modest turn around in February, retreated again in March and were under budget for the FYTD by \$0.7 million or -0.4%.

2. Tobacco Settlement Payments

- Maine received its annual payment under the Tobacco Settlement Agreement on Monday, April 16th and another payment on April 18th. Combined with an additional payment in December 2006, Maine's tobacco settlement payments into the Fund for a Healthy Maine are approximately \$3.7 million more than budgeted revenue. Other FHM revenue sources are performing well through March and it looks like this variance will hold up.
- Legal proceedings under the Master Settlement Agreement continue and participating manufacturers continue to withhold a portion of their annual payments pending the outcome of the proceedings. While still too early to determine the cause of the variance, most of it may be related to a single manufacturer deciding not to withhold from its April 2007 payment.

Fiscal Briefing (continued)

3. Cash Balances Update

- Average Cash Pool balance was \$444.8 million in March. This is below the March average balances of the last 5 years of \$534.6 million. This primarily reflects the reliance on internal borrowing from Other Special Revenue Funds rather than using Tax Anticipation Note (TAN) borrowing, which has reduced the total Cash Pool.
- General Fund internal borrowing has increased during recent months as the General Fund headed into a period of its greatest cash shortages before individual income tax collections in April buoy General Fund cash balances. General Fund internal borrowing averaged \$185.4 million in March and grew to \$236.0 million for the 1st half of April.
- General Fund cash position has recovered very quickly after April 17th from both the individual income tax processing and the repayment of \$20 million of General Fund cash advances to the Fund for a Healthy Maine.
- Highway Fund average cash balance remained relatively low in March. The Department of Transportation has not been contracting for many projects due to the tight Highway Fund cash position. MDOT has been exploring options for internal borrowing or other cash flow borrowing to address this situation. Highway Fund average balance was only \$18.7 million in March as opposed to average March balances of the last 5 years of \$65.1 million.

Summary of Treasurer's Cash Pool

March 2007 Average Daily Balances

Millions of \$'s

General Fund (GF) Total	\$13.4
General Fund (GF) Detail:	
Budget Stabilization Fund	\$112.8
Reserve for Operating Capital	\$40.6
Tax Anticipation Notes	\$0.0
Internal Borrowing	\$185.4
Other General Fund Cash	(\$325.4)
Other Spec. Rev. - Interest to GF	\$56.8
Other State Funds - Interest to GF	\$22.0
Highway Fund	\$18.7
Other Spec. Rev. - Retaining Interest	\$51.7
Other State Funds	\$170.2
Independent Agency Funds	\$112.1
Total Cash Pool	\$444.8

4. MaineCare Spending Update

- Data reported in the Fiscal News tracks MaineCare spending and interim payment recoveries. Through April 6, 2007, week 40 of 52, data indicates the following:
 1. State spending on MaineCare shows a trend that indicates that a substantial portion of the \$30 million contingent payment will be required in FY 07 and will not be available for hospital payments in FY 08;
 2. Interim payment recoveries have not moved above the trend line of the last few months and look like they will fall approximately \$30 million (both federal and state) short of the target of \$160 million; and
 3. The cap on weekly cycles has deferred a total of \$27.2 million.
- A major concern regarding MaineCare funding and the reliance on interim payments recoveries as a major strategy to reduce the State's shortfall is the potential for the federal government to claim 100% of these recoveries before any of the State's share can be recognized. OFPR is trying to confirm with DHHS the status of negotiations on these interim payment recoveries. If the federal government preempts the crediting of the State share of these recoveries, then the General Fund shortfall will increase above the \$50 million MaineCare shortfall to which DHHS has currently recognized.

123rd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
April 26, 2007

MELD Bill Drafting:

- Working with the Production Offices, Systems is making improvements to automate the end of session Bill Summary and Enacted Law Digest publishing process
- Systems continues to provide dedicated support to the Revisor's Office with the focus shifting from bill drafting to amendment production
- Planning in Systems will begin in May for MELD end of session processing schedule for review with the Revisor

Internet Bandwidth Capacity:

- Oxford Networks has started the installation of fiber optic cable to the Legislative Campus
- On completion of the fiber installation, the capacity of the Legislature's Internet bandwidth will double
- Oxford Networks is also installing point to point communications between the State House and the Central Maine Commerce Center for remote data backup and recovery

Migration of Production Bill Tracking/Status from WANG:

- Initial work has started
- Systems has developed the hardware and operating software licensing requirements based on input from Voyager Systems

Email:

- A third server was brought online to address the volume increase in SPAM emails and processing delays
- Data maintained by the Email System indicates that 55% of the email being processed is SPAM and 2%+- is virus infected
- Systems is planning to make further changes to the Email System during the 2007 Interim to increase overall processing and filtering capacity

**Legislative Council Actions
Taken by Ballot Since the
March 22, 2007 Council Meeting**

Request for Introduction of Legislation

- A. LR 2580 **An Act To Allow Members Of The Maine National Guard To Run For Office In A Partisan Public Office**

Submitted by: Representative John Tuttle
Accepted: April 5, 2007 Vote: 10 – 0 in favor

- B. LR 2601: **An Act To Generate Savings By Changing Public Notice Requirements**

Submitted by: Representative Teresea Hayes
Accepted: April 3, 2007 Vote: 10 – 0 in favor

- C. LR 2613 **Joint Resolution Memorializing The President And Congress Of The United States To Increase Funding For Community Development Block Grants.**

Submitted by: Representative Glenn Cummings, Speak of the House
Accepted: April 6, 2007 Vote: 8 – 0 – 0 – 2 in favor

- D. LR 2617 **Resolve, Directing The Department Of Health And Human Services To Adopt Rules Governing The Safety Of Children At Day Care Facilities With Swimming Pools.**

Submitted by: Timothy Driscoll
Accepted: April 11, 2007 Vote: 6 – 0 – 0 – 4 in favor

- E. LR 2618 **An Act To Provide Flexibility Within The Monhegan Island Lobster Conservation Area To Ensure The Viability Of The Island Community**

Submitted by: Representative Leila Percy
Accepted: April 3, 2007 Vote: 10 – 0 in favor

F. LR 2631

**An Act Authorizing Municipalities to Consolidate Voting Districts
For Special Elections**

Submitted by: Rep. Patsy Crockett

Accepted: April 13, 2007 Vote: 6-0-0-4 in favor

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**LEGISLATIVE COUNCIL
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION, 123RD LEGISLATURE
April 26, 2007**

Action

SPONSOR: **Sen. Damon, Dennis S.**

LR 2608 An Act To Ensure the Efficient Operation of the Department
 of Transportation

SPONSOR: **Rep. Emery, Harold Ian**

WITHDRAWN

LR 2616 An Act to Protect Fishing Families

SPONSOR: **Rep. Emery, Harold Ian**

LR 2621 An Act To Create Jobs through the Establishment of a Fund To
 Enhance Maine's Marine Resource Economy

SPONSOR: **Rep. Tardy, Joshua A.**

LR 2632 An Act To Increase the Size of Businesses That May Offer
 Small Group Health Plans

SPONSOR: **Rep. Thibodeau, Michael D.**

LR 2636 An Act To Require a Student Representative on Each Local
 School Board

JOINT RESOLUTION

SPONSOR: **Rep. Bryant, Mark E.**

LR 2602 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT OF
 THE UNITED STATES TO ENACT THE LYME AND TICK-BORNE DISEASE
 PREVENTION, EDUCATION AND RESEARCH ACT OF 2007

JOINT RESOLUTION

SPONSOR: **Sen. Damon, Dennis S.**

LR 2629 JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2007
 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO UTILIZE THE AREA
 MANAGEMENT CONCEPT FOR GROUND FISH MANAGEMENT

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. McFadden, Howard E.

TABLED
03/22/07

LR 2560 An Act To Exempt Legislators from Jury Duty

SPONSOR: Rep. Tardy, Joshua A.

TABLED
03/22/07

LR 2588 An Act To Ensure the Development of a Quality Provider
Payment Plan

SPONSOR: Rep. Tardy, Joshua A.

TABLED
03/22/07

LR 2589 An Act To Ensure Transparency in Interscholastic Sports

SPONSOR: Rep. Tardy, Joshua A.

TABLED
03/22/07

LR 2590 An Act To Enhance Local Control in the Administration of
Interscholastic Athletics

JOINT RESOLUTION

SPONSOR: Sen. Courtney, Jonathan T.E.

TABLED
01/25/07

LR 0040 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REINSTATE THE
MILITARY CLASSIFICATION OF "POW" OR "PRISONER OF WAR"

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
April 26, 2007**

Action

JOINT RESOLUTION

SPONSOR: Rep. Bliss, Lawrence

LR 2639 JOINT RESOLUTION MEMORIALIZING CONGRESS REGARDING NUCLEAR
WASTE

SPONSOR: Rep. Faircloth, Sean F.

LR 2640 An Act To Bring Maine into Compliance with Federal Law
Regarding Purchases of Firearms By Mentally Incompetent
Persons

SPONSOR: Sen. Martin, John L.

LR 2641 An Act To Provide Additional Financing for Costs Associated
with the Remediation of a Waste Oil Site in Plymouth

SPONSOR: Rep. Joy, Henry

LR 2642 An Act To Establish an Alternative Governance Structure for
Education

SPONSOR: Rep. Adams, Herbert

LR 2646 An Act To Expand Eligibility for Loans from the Maine Health
and Higher Education Facilities Authority

SPONSOR: Rep. Bliss, Lawrence

LR 2647 An Act To Reestablish the Committee for the Training of
Firefighters

SPONSOR: Rep. Samson, Mark Paul

LR 2649 An Act To Allow the City of Auburn To Adjust the Definition of "Original Assessed" Value for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District

SPONSOR: Rep. Canavan, Marilyn E.

LR 2650 An Act To Amend the Definition of Lobbying

SPONSOR: Sen. Bryant, Bruce

LR 2651 An Act Concerning All-terrain Vehicle Registration, All-terrain Vehicle Clubs and Trail Maintenance

SPONSOR: Rep. Eaton, Robert N.

LR 2652 Resolve, To Modify the 2007 Elver Fishing Season



SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL
SEN. CAROL WESTON
SEN. JOHN L. MARTIN
SEN. RICHARD W. ROSEN
REP. HANNAH M. PINGREE
REP. JOSHUA A. TARDY
REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

**Legislative Council Policy
on Legislative Use of
Maine Legislature and Maine.gov Websites**

Policy Statement

It is the policy of the Maine Legislative Council to provide information through legislative websites and the Maine.gov website to assist with and promote education about governmental services and operations, public access to governmental information, and public service to citizens and businesses, and to provide current and accurate information to website visitors about the Maine Legislature and its activities. Posting of information relating to commercial or private interests is prohibited.

In doing so, the Legislative Council provides information directly on its website about legislative and other governmental activities and may establish hypertext links to external websites and pages containing information created and maintained by public and private organizations other than the Legislature or Maine.gov. These hypertext links may be created by the Legislative Council if it determines that establishing those external links are for informational purposes consistent with this policy or where the linked external websites are required by law.

Furthermore, it is the policy of the Legislative Council that the Legislature and its various offices and representatives comply with the Program Guidelines for all .gov domains as established by the U.S. General Accountability Office (GAO) for all .gov domains, including the prohibition on using the .gov domain for political, political party or campaigning activities. As such, it is the policy of the Legislative Council to prohibit use of the legislature's websites or the Maine.gov website for a campaign. For the purposes of this policy, the term "campaign" has the meaning given to it in 21-A MRSA §1052, sub-§1.

Use of Governmental Websites

The Legislature shall maintain a legislative website including a homepage that provides one or more hypertext links to the Maine House of Representatives, Maine Senate and to each office of the Legislature. Active links shall be maintained between and among each of the offices and the legislature's home page. The home page for each legislative office must identify it as the official website for that office, and must include a hypertext link that allows email communication to the website administrator.

The Legislature shall maintain websites for individual legislator profiles on the legislative website. These websites may not be linked directly to any legislator website that is not within the .gov domain.

No legislator, legislative employee or office may place information on its website or any website of the legislature or Maine.gov in violation of 5 MRSA, section 7056-A or 3 MRSA, sections 170 & 170-A. The Legislative Council shall direct the immediate removal of information determined by the Legislative Council to be in violation upon such determination of violation. Violations of 5 MRSA, section 7056-A and 3 MRSA, sections 170 & 170-A are subject to prosecution as provided by law.

No legislator, legislative employee or legislative office may post news releases, statements, text or images on the Maine.gov online news service or on the legislature's homepage. All partisan or political information from any source must be confined to the official websites of the following offices: Senate majority and minority offices, House majority and minority offices, Office of the Senate President and Office of the Speaker of the House of Representatives.

Legislative offices shall make reasonable efforts to inform website visitors when they leave legislative-authorized websites by notice or other appropriate disclaimer.

Authorized Software for Website Development and Postings

After having giving notice to the presiding officer for that office and within available resources, each partisan office is authorized to purchase, install and maintain web development software such as Adobe Dreamweaver, to design, develop and maintain standards-based websites and related applications. Such software must be compatible with other legislative software and the Office of Information Services is charged with assuring compatibility. The Office of Information Services shall maintain legislatively purchased software with software updates and patches as they become available. No legislative employee or office may circumvent virus detection software or other security controls used on legislative systems. Furthermore, unlicensed or pirated software or software in violation of copyright protections may not be installed on legislative equipment.

Linking Policy

The Legislature's websites and Maine.gov may provide hypertext links to many websites that are not controlled, maintained, or regulated by the Maine Legislature, Maine.gov, or any organization affiliated with Maine.gov, and as such is not responsible for the content of those websites. Use of information obtained from those external websites is discretionary to the user, and reliance on that information should be undertaken only after an independent review of its accuracy. References at those websites to any specific commercial product, process, or service by trade name, trademark, point of view, or otherwise do not constitute or imply endorsement, recommendation, or favoring by the Maine Legislature.

External website hypertext links may be created by the Legislature if it determines that establishing the external links will be consistent with assisting or furthering the purpose of the web portal, which is to significantly and diligently promote public service to citizens and businesses by:

- Expanding business and citizen access to government services and government information
- Offering an easy and convenient process for citizens and businesses to conduct transactions with State government online

- Accelerating the development and delivery of an increased volume of high quality online government services
- Improving the level of customer service from State government
- Extending electronic government services to municipalities and county government
- Providing current and reliable information about the Maine Legislature

No legislative website may provide a hypertext link to any political party, campaign website or office.

No legislative website may provide a hypertext link to any website that otherwise meets the purpose of this web portal but is generally regarded as partisan unless the link is only to the official website of one or more of the following: Senate majority and minority offices, House majority and minority offices, Office of the Senate President and Office of the Speaker of the House of Representatives, *and the Law and Legislative Reference Library if relevant to its online research services.*

The Maine Legislative Council, in its sole discretion, will determine whether the external website meets the purpose of this web portal or for the specified informational purposes. Hypertext links to external websites and pages may be removed or replaced at the sole discretion of the Legislative Council at any time and without notice.

Effective Date

This policy takes effect immediately upon approval by the Legislative Council.

Adopted by the Legislative Council at its meeting on _____, 2007.

BY: _____

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL
SEN. CAROL WESTON
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REP. HANNAH M. PINGREE
REP. JOSHUA A. TARDY
REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

**Legislative Council Policy
on Mass Emails**

Policy Statement

The purpose of this policy is to ensure that mass emails distributed to others using legislative resources fulfill a legitimate legislative purpose, are appropriate for distribution and do not interfere with the efficient operation of the Legislature or its electronic communication systems.

Definition

For the purpose of this policy, the term "mass email" means any solicited or unsolicited electronic mailing in which a message is sent to a group of email address holders outside of the Legislature. It does not include individual email-based distribution or work-related email databases established by the Legislature or other units of government. It does not include email distribution lists created using Microsoft Outlook or Microsoft Exchange Server and maintained by the Legislature. "Unsolicited" email, sometimes referred to as "opt-out" email, does not include email to persons who have requested or agreed to receive email, persons with whom the legislative employee, legislative office or legislator has had contact on governmental matters, persons within the legislative branch or constituents within a legislator's legislative district.

Acquiring Mass Email Software or Services

Software whose principal purpose is to amass and manage email addresses or to distribute mass emails, including mass email services provided by paid subscription, may be installed or used on legislative computer systems to transact legislative business only if the software or software services are purchased by the Legislature or other governmental entity.

The Office of Legislative Information Services (LIS) shall identify various commercial mass email software or services that fulfill a legitimate legislative purpose, are compatible with legislative systems and are cost-effective. After first having given notice to the presiding officer for that office, a partisan office may obtain and use an LIS-identified mass email subscription service for email list sizes of 2,500 or fewer addresses or software application. A partisan office that seeks to purchase a subscription to a mass email service for email lists having more than 2,500 addresses must obtain approval from the presiding officer for that additional service.

Use of Mass Email Software or Services

Use of mass email software or services by legislative employees, legislative offices or legislators constitutes an agreement that such use must at all times be in accordance with this

policy and any relevant provisions of law. Mass emails are subject to the provisions of 1MRSA §401 et seq. and, therefore, may be “public records,” subject to public inspection.

Use of mass email software or services by legislative employees, legislative offices or legislators is allowed if that use fulfills a legitimate legislative purpose, is consistent with this policy, is not otherwise prohibited and the mass email provides an “unsubscribe” mechanism that is readily visible and working to delete a recipient’s email address at his or her request. Legislative employees, legislative offices and legislators may establish listservs, newsgroups, discussion groups and other “opt-in” mass email distribution lists provided that they do not categorically exclude others from joining.

The Office of Legislative Information Services shall report quarterly to the Legislative Council on the use of mass email software and subscription services by legislative offices.

Prohibitions

Mass emails may not be used for commercial, private or personal purposes, including any non-legislature related solicitation of goods or services.

Mass emails may not be used for a campaign. For the purposes of this policy, the term “campaign” has the meaning given to it in 21-A MRSA §1052, sub-§1.

No legislative employee, legislative office or legislator may provide or cause to be provided mass email lists that were developed or maintained on legislative computer systems or for which the Legislature paid a subscription to any political party or organization or officer or employee of any political party or organization.

No legislative employee, legislative office or legislator may send unsolicited mass emails.

Effective Date

This policy takes effect immediately upon approval by the Legislative Council.

Adopted by the Legislative Council at its meeting on _____,
2007.

BY: _____

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Rudman&Winchell

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ALBERT H. WINCHELL, JR. (1924-1992)

Paul W. Chaiken

207.992.2301

pchaiken@rudman-winchell.com

March 29, 2007

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Kristy M. Smith

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Paul L. Rudman

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Nathan Dane III

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115 State House Station
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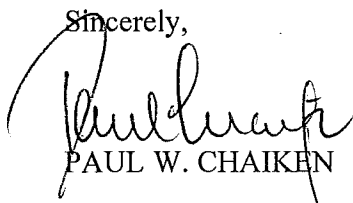
Re: National Conference of Commissioners on Uniform State Laws

Dear Mr. Boulter:

I enclose the dues statement for the National Conference of Commissioners on Uniform State Laws for the fiscal year ending June 30, 2008. It presents a bill in the amount of \$22,600.00. I note that is an increase from last year's bill, but it is a reduction from the dues allocated to the State of Maine. I enclose the March 20, 2007 letter from Charles Trost, Treasurer of the National Conference, to me. It explains the dues structure and the phase in plan.

I trust you will be in touch should you need additional information. I do note that the Conference of Commissioners, this year, is occurring during the last week of July and first week of August, so our requests for reimbursement will not be submitted until an accounting can be generated in mid August.

Sincerely,



PAUL W. CHAIKEN

PWC/dms

Enclosure

cc: Robert C. Robinson, Esq., w/enc.

Bruce A. Coggeshall, Esq., w/enc.

EXECUTIVE DIRECTOR'S
OFFICE
2007 MAR 30 A 11:18

National Conference of Commissioners on Uniform State Laws

211 East Ontario Street, Suite 1300

Chicago, Maine 60611

(312) 915-0195 Facsimile (312) 915-0187

ANNUAL DUES NOTICE FOR THE

STATE OF MAINE

March 2007

The Annual Dues allocation of the State of Maine toward expenses of the National Conference of Commissioners on Uniform State Laws for the fiscal year ending June 30, 2008, is as follows:

Total Amount of Dues: \$22,600

Thank you for the continued participation of the State of Maine.
Please remit payment to:

National Conference of Commissioners on Uniform State Laws
211 East Ontario Street, Suite 1300
Chicago, IL 60611

National Conference of Commissioners on Uniform State Laws

211 East Ontario Street, Suite 1300, Chicago, IL 60611 PH: 312/915-0195 FX: 312/915-0464 www.nccusl.org

RECEIVED

MAR 23 2007

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Treasurer

Nashville City Center

511 Union St., Suite 2700

Nashville, TN 37219

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Vice President

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UNIFORM LAW FOUNDATION

ROBERT A. STEIN

Chair

University of Minnesota Law School

229 19th Avenue South

Minneapolis, MN 55455

March 20, 2007

Mr. Paul Chaiken

P.O. Box 1401

84 Harlow St.

Bangor, ME 04402-1401

Dear Paul:

The National Conference of Commissioners on Uniform State Laws requests payment of the enclosed annual Dues Notice. Timely payment by the State of Maine is critical to support of the ongoing work of the Conference for the fiscal year ending June 30, 2008.

The enclosed Dues Notice reflects our revised, simplified dues structure, utilizing a five tier approach as follows:

Tier I:	\$ 30,000
Tier II:	\$ 50,000
Tier III:	\$ 70,000
Tier IV:	\$100,000
Tier V:	\$140,000

This new structure will be easier to administer and, at the same time, is designed to assure continued service to Maine at the high level that we know you expect.

The State of Maine falls into Tier I at \$30,000 per year. We recognize that immediate implementation of the new dues structure may not be feasible in your state. We have developed a phase in plan for your state's dues by increasing them 15% a year until the dues reach the assigned tier and thereafter increasing dues at an annual rate of 3% through FY 2012. Therefore, Maine's dues for the fiscal year ending June 30, 2008, are \$22,600.

Your long standing support of the Conference is greatly appreciated, and we look forward to hearing from you soon.

Sincerely,

Charles A. Trost

Charles A. Trost

Treasurer

MAINE ENERGY COUNCIL



Senator Philip L. Bartlett II, Co-Chair

Representative Herbert Adams, Co-Chair

March 22, 2007

To: Utilities & Energy Committee Members

From: Senator Philip L. Bartlett, II, Maine Energy Council Co-Chair *P.L.B.*
Representative Herbert Adams, Maine Energy Council Co-Chair *H.A.*

Subject: Maine Energy Council Report

During last year's session, the Legislature enacted An Act To Enhance Maine's Energy Independence and Security (Act), P.L. 2005, ch. 677. Part D of the Act established the Maine Energy Council (Council) to evaluate matters affecting electricity supply and costs and to provide recommendations to the Governor, the Public Utilities Commission, other appropriate state agencies and the Legislature regarding these matters. The Act specifies that the Council shall submit a report to the Utilities and Energy Committee. The report is due March 15, 2007. The Council has made substantial progress on the report and it should be completed and submitted in the near future.

cc: Honorable Betheda Edmonds, Chair, Legislative Council
Honorable Glenn A. Cummings, Vice-Chair, Legislative Council
Members of the Legislative Council
David Boulter, Executive Director, Legislative Council
Patrick Norton, Director, Office of Policy and Legal Analysis
Lucia Nixon, Office of Policy and Legal Analysis

MAINE CITIZEN TRADE POLICY COMMISSION



Senator Margaret Rotundo, Co-Chair

Representative John Patrick, Co-Chair

March 22, 2007

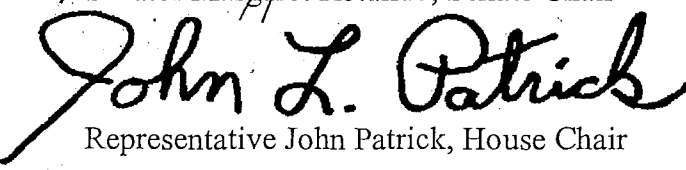
The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
115 State House Station
Augusta, ME 04333

Dear Chair Edmonds and Vice-Chair Cummings:

This letter is to inform you that the Citizen Trade Policy Commission has submitted its annual assessment pursuant to Public Law 2003, c. 699. Attached is the assessment prepared by the Forum on Democracy & Trade. Copies of the report have also been placed on file with the Law and Legislative Reference Library and the assessment is available electronically at the Commission's website: <http://www.maine.gov/legis/opla/citpol.htm>. If you have any questions, please feel free to contact us.

Sincerely,


Senator Margaret Rotundo, Senate Chair


Representative John Patrick, House Chair

Enclosure

cc: Legislative Council Members