

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

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

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL
May 24, 2007
1:00 P.M.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE APRIL 26, 2007 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
11	▪ Executive Director's Report (Mr. Boulter)	Information
12	▪ Fiscal Report (Mr. Pennoyer)	Information
14	▪ Information Services Report (Mr. Mayotte)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Cummings, Chair) Meeting scheduled for May 24, 2007	
	• State House Facilities Committee (Rep. Pingree, Chair) Meeting held on May 9, 2007	
	A. Naming of Welcome Center	Decision
	B. Multi-year Plan for State House Maintenance & Improvements	Decision
	• Subcommittee to Review the Study Committee Process (Sen. Mitchell, Chair) No Report – Subcommittee Work Completed	
	• Budget Subcommittee (Sen. Martin, Chair) No Report	
	• Subcommittee to Administer Technology (President Edmonds, Chair) No Report	

OLD BUSINESS

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

23	Item # 1: Consideration of After Deadline Bill Requests	Roll Call Vote
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26	Item # 2: Maine Legislative Council Policy on Legislative Studies (Implementation of Joint Rule 353)	Decision
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33	Item #3: Request by Joint Standing Committee on Judiciary to Report Out Legislation Having a Nonconforming Legislative Study	Decision
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ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. BETH EDMONDS
CHAIR

SP. GLENN A. CUMMINGS
VICE-CHAIR



123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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MEETING SUMMARY
April 26, 2007

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:43 P.M. in the Legislative Council Chamber.

Lacking a quorum, Legislative Council Chair President Edmonds proceeded to the Executive Director's Report.

Executive Director's Report

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

State House Complex Visitor Parking

In response to requests by members of the public and some legislators, Mr. Boulter is 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.

State House Improvement Projects for 2007

Work is being finalized with the general contractor and 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. Mr. Boulter clarified process was a rolling five year plan with opportunities for annual adjustments as needed.

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.

YMCA Youth in Government Program

The State YMCA of Maine's Youth in Government program will be held at the State House, from Friday, April 27 through Sunday afternoon, April 29. 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.

Following the Executive Director's report, a roll-call was conducted.

ROLL CALL

Senators: President Beth Edmonds, Senator Elizabeth Mitchell, Senator John Martin, Senator Richard Rosen

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

Legislative Officers: Millie MacFarland, Clerk of the House
Joy O'Brien, Secretary of the Senate
David E. Boulter, Executive Director of the Legislative Council
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 proceeded with the agenda items, having a quorum of members present.

SUMMARY OF MARCH 22, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of March 22, 2007 be accepted and placed on file. Motion by Representative Tardy, second by Senator Mitchell. **Motion passed, unanimous (8-0-0-2).**
[Senator Martin arrived after the vote; Senator Weston absent]

Legislative Council Chair President Edmonds asked if there was any objection to taking one item out of order. Hearing no objection, President Edmonds then proceeded to New Business Item 1; Consideration of After Deadline Bill Requests.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests

The Legislative Council considered and acted on twenty-one 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 COUNCIL OFFICES

Fiscal Report

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

Revenue Update

- General Fund revenue was under budget by \$3.4 million in March. This negative variance reflects the revised March revenue 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 \$7.9 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 is nearly completed and the data suggests that the individual income tax line will be over budget by \$10 to \$15 million. This positive variance is not expected to warrant a special meeting of the Revenue Forecasting Committee.
- 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, were under budget for the FYTD by \$0.7 million or -0.4%.

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.
- 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.

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 as a result of 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. Highway fund average balance was \$18.7 million in March. Average March balances for the last 5 years were \$65.1 million.

MaineCare Spending Update

Data reported to the Appropriations Committee by the Department of Health and Human Services on Monday, April 23rd shows that, through April 6, 2007 (week 41 of 52):

- a. State spending on MaineCare shows an improvement largely the result of the implementation of the cap on cycle payments, so that trend now points to year-end spending being much closer to budgeted resources without accessing much of the \$30 million contingency;
- b. Interim payment recoveries have not moved above the trend line of the last few months and appears they will fall approximately \$30 million (both federal and state) short of the target of \$160 million; and
- c. The cap on weekly cycles, which was just lowered from \$36.5 million to \$34.7 for the week ending April 13, 2007, has resulted in the deferral of \$41.6 million. The amount of the deferral is greater than a cycle, meaning that some providers' payments are delayed by 2 weeks.

In its April 23rd weekly MaineCare briefing to the Appropriations Committee, the Department of Health and Human Services revealed that they have been required by CMS (Centers for Medicare and Medicaid Services) to return the federal share of interim payments that providers have entered into agreements to repay (approximately \$69.3 million), but have not yet repaid. The Department indicated it has been able to prepay the federal portion of these funds (approximately \$44 million) out of federal grant award balances. OFPR is still working to confirm the impact of this prepayment on state resources and on interim payment recovery estimates for the current fiscal year (FY 07) and the 2008-2009 biennium.

Information Technology Report

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

MELD Bill Drafting:

Working with the production offices, the office is making improvements to automate the end of session Bill Summary and Enacted Law Digest publishing processes. The office continues to provide support to the Revisor's Office as the focus shifts from bill drafting to amendment production.

Internet Bandwidth Capacity:

Oxford Networks has started the installation of fiber optic cable to the legislative areas. 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 use with remote data backup and recovery.

Migration of Production Bill Tracking/Status from WANG:

Initial work has started to integrate bill status and tracker system from the WANG. Mr. Mayotte's office has developed the hardware and operating software licensing requirements based on input from Voyager Systems.

Members expressed concern about the apparent lack of bill status information and the timeliness of making committee information available on the Internet. Senator Bowman who was present at the meeting spoke of his frustration in not being able to access timely information about the status of bills on the text of committee amendments. Senator Bowman explained that he sought help from the Secretary of the Senate's office who explained that committee information is not available on line, that for current

information he should call the committee clerks. He felt that the information should be available online.

A lively discussion followed about the need to real time information about bills, and to have amendments posted to the Internet so they can be reviewed prior to the House or Senate sessions. Mr. Mayotte explained that committee information is entered once the committee chairs release the information so there may be a delay up to 12 hours. Several members questioned why amendment text and committee votes are not available by the time the advance calendars for the House and Senate are released the evening before the session. There was further discussion about WANG information and Internet information.

Mr. Boulter offered to arrange for Mr. Mayotte to prepare an explanation of current system of bill status including what information is available on the legislative website, when it is available and any issues that limit timely posting of committee information. The members agreed that an explanation would be helpful given the confusion by many as to what is available. Mr. Boulter said there would be a report back to the Legislative Council before its May meeting.

Email:

Mr. Mayotte reported that a third server was brought online to address the increase in email traffic, notably in SPAM emails and resulting processing delays. 55% of the email being processed is SPAM and 2%+- is virus infected. Mr. Mayotte's office is planning to make further changes to the email system during the legislative interim to increase overall processing and filtering capacity.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

(No Report)

3. Subcommittee to Review the Study Committee Process

(No Report)

4. Budget Subcommittee

Senator Martin made the following motion: That the Legislative Council authorize a total of \$500,000 to lapse to the General Fund from the unencumbered balances in legislative accounts at the close of fiscal year 2006-07. Further, that the Legislative Council direct the Executive Director to prepare and transmit implementing language to the Joint Standing on Appropriations and Financial Affairs on behalf of the Legislative Council as soon as possible. Motion by Senator Martin, second by Representative Pingree. **Motion passed, unanimous (9-0-0-1).**

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

(No Report)

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 March 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: Legislative Council Policy on Legislative Use of Maine Legislature and maine.gov Websites.

The Legislative Council reviewed the policy. Motion: That the Legislative Council adopt the policy on legislative use of Maine Legislative and maine.gov websites as recommended by the Subcommittee to Administer Technology. Motion by Senator Rosen, second by Representative Crosthwaite. **Motion passed, unanimous (9-0-0-1).**

ITEM #3: Legislative Council Policy on Mass Emails

The Legislative Council reviewed the policy. Motion: That the Legislative Council adopt the policy on mass emails as recommended by the Subcommittee to Administer Technology. Motion by Senator Rosen, second by Representative Crosthwaite. **Motion passed, unanimous (9-0-0-1).**

**ITEM #4: National Conference of Commissions on Uniform State Laws
(dues increase)**

The Legislative Council reviewed the letter informing the council that the NCCUSL is substantially increasing its dues over the next several years. No decision by the Legislative Council was needed at this time. The Legislative Council referred the matter to the Budget Subcommittee for its review.

**ITEM #5: Request by Senator Mitchell to dedicate the Welcome Center
in honor of Robert Cammack**

The Legislative Council briefly discussed Senator Mitchell's proposal to name the Welcome Center in honor of former House employee Robert Cammack in recognition of his extensive

service giving tours of the State House and educating visitors. Because of the potential policy implications of naming rooms in the State House after individuals, the matter was referred to the State House Facilities Committee for its review and recommendation. Motion by Senator Mitchell, second by Representative Pingree. **Motion passed, unanimous (9-0-0-1).**

ITEM #6: Submission of Annual Report by Maine Energy Council

The Legislative Council reviewed the report. Motion: to accept the annual report by the Maine Energy Council and place it on file. Motion by Senator Rosen, second by Senator Mitchell. **Motion passed, unanimous (9-0-0-1).**

**ITEM #7: Submission of Assessment of International Trade; Maine
Citizen Trade Policy Commission**

The assessment report prepared by the Forum on Democracy & Trade was submitted to the Legislative Council for informational purposes. No action by the Legislative Council was required.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:43 P.M. Motion by Senator Mitchell. Second by Speaker Cummings. **Motion passed, unanimous (9-0-0-1).**

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

		<u>Action</u>
SPONSOR:	Rep. McFadden, Howard E.	FAILED
LR 2560	An Act To Exempt Legislators from Jury Duty	
SPONSOR:	Rep. Tardy, Joshua A.	FAILED
LR 2588	An Act To Ensure the Development of a Quality Provider Payment Plan	
SPONSOR:	Rep. Tardy, Joshua A.	FAILED
LR 2589	An Act To Ensure Transparency in Interscholastic Sports	
SPONSOR:	Rep. Tardy, Joshua A.	FAILED
LR 2590	An Act To Enhance Local Control in the Administration of Interscholastic Athletics	
SPONSOR:	Sen. Damon, Dennis S.	
LR 2608	An Act To Ensure the Efficient Operation of the Department of Transportation	TABLED
SPONSOR:	Rep. Emery, Harold Ian	WITHDRAWN
LR 2616	An Act to Protect Fishing Families	
SPONSOR:	Rep. Emery, Harold Ian	ACCEPTED
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.	TABLED
LR 2632	An Act To Increase the Size of Businesses That May Offer Small Group Health Plans	

SPONSOR:	Rep. Thibodeau, Michael D.	FAILED
LR 2636	An Act To Require a Student Representative on Each Local School Board	
SPONSOR:	Rep. Faircloth, Sean F.	FAILED
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.	ACCEPTED
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	TABLED
LR 2642	An Act To Establish an Alternative Governance Structure for Education	
SPONSOR:	Rep. Adams, Herbert	ACCEPTED
2646	An Act To Expand Eligibility for Loans from the Maine Health and Higher Education Facilities Authority	
SPONSOR:	Rep. Bliss, Lawrence	ACCEPTED
LR 2647	An Act To Reestablish the Committee for the Training of Firefighters	
SPONSOR:	Rep. Samson, Mark Paul	ACCEPTED
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.	ACCEPTED
LR 2650	An Act To Amend the Definition of Lobbying	

SPONSOR: Sen. Bryant, Bruce

ACCEPTED

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

SPONSOR: Rep. Eaton, Robert N.

ACCEPTED

LR 2652 Resolve, To Modify the 2007 Elver Fishing Season

JOINT RESOLUTION

SPONSOR: Sen. Courtney, Jonathan T.E.

ACCEPTED

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

SPONSOR: Rep. Bliss, Lawrence

ACCEPTED

LR 2639 JOINT RESOLUTION MEMORIALIZING CONGRESS REGARDING NUCLEAR
WASTE

SPONSOR: Rep. Bryant, Mark E.

TABLED

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

SPONSOR: Sen. Damon, Dennis S.

ACCEPTED

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

DAVID E. BOULTER

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report**

May 24, 2007

1. YMCA Youth in Government Program

The program was successfully concluded this year with about 140 students participating. Next year's program in the State House is tentatively scheduled for May 2008, after legislative adjournment.

2. Repairs to walks and plaza

The damaged bollard and pavers at the south plaza are tentatively scheduled to be repaired next week. Frost conditions have damaged the concrete steps leading from the State House to Capitol Street. Loose railings will be stabilized until repairs can be made after adjournment.

Fiscal Briefing

Legislative Council Meeting

May 24, 2007

*Prepared by the
Office of Fiscal & Program Review*

1. Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
Apr '07	408.3	413.4	5.2	1.3%	382.0	8.2%
FYTD	2,275.1	2,288.1	13.0	0.6%	2,221.3	3.0%

- General Fund revenue was over budget by \$5.2 million in April. This increased the positive Fiscal Year-to-date (FYTD) variance to \$13.0 million (+0.6%).
- Individual Income Tax and Estate Tax are major positive variances.
- Cigarette Tax and Insurance Companies Tax were the major negative variances. Insurance Companies Tax negative variance appears to be a timing issue that will be offset in May.
- Other Revenue was under budget in April by \$6.4 million, but \$4.4 million of this was related to liquor profit sharing that was received late.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
Apr '07	24.2	26.6	2.5	10.3%	24.1	10.5%
FYTD	250.7	251.0	0.2	0.1%	248.7	0.9%

- Highway Fund revenue recovered in April. Total Highway Fund revenue was over budget by \$2.5 million in April, resulting in a modest positive variance of \$0.2 million (+0.1%) for the FYTD. Fuel Tax is a concern that might be further affected by the increase in gas prices.

2. Cash Balances Update

- Average Cash Pool balance was \$514.7 million in April. This balance is lower than the average of the last 5 years of \$557.3 million, largely a result of the use of internal borrowing.
- General Fund internal borrowing peaked during this fiscal year in April at \$236.0 million. April individual income tax collections increased General Fund cash and reduced internal borrowing which remained above \$20 million in mid-May.
- Trends of General Fund cash balances as measured by a 12-month moving average showed improvement through February 2007, but have recently turned downward.
- Highway Fund cash balances remain low based on historical standards and cash outlays are being actively managed to maintain positive balances.

3. Medicaid/MaineCare Update

- The Department of Health and Human Services (DHHS) did not provide a summary of MaineCare spending last Friday, but is scheduled to provide an update to the Appropriations Committee on Friday, May 18th. That update will indicate an additional \$13 million shortfall from previous projections based on corrected assumptions.
- See May 2007 Fiscal News article for additional detail.

4. Revenue Forecasting Committee Meeting

- The Revenue Forecasting Committee (RFC) met on Thursday, May 17th, in an emergency meeting called by the State Budget Officer to review revenue performance based on new information available following April revenue collections and to revisit the assumptions surrounding Racino revenue.
- The RFC recommended the following net increases to General Fund and Fund for a Healthy Maine revenue above its March 2007 revenue forecast:

General Fund Summary

	FY07	FY08	FY09	FY10	FY11
Current Forecast	\$2,987,211,473	\$3,057,687,944	\$3,142,467,585	\$3,245,731,326	\$3,309,551,500
Annual % Growth	1.9%	2.4%	2.8%	3.3%	2.0%
Net Increase (Decrease)	\$17,787,281	\$492,048	\$1,052,352	\$1,515,934	\$1,903,456
Revised Forecast	\$3,004,998,754	\$3,058,179,992	\$3,143,519,937	\$3,247,247,260	\$3,311,454,956
Annual % Growth	2.5%	1.8%	2.8%	3.3%	2.0%
Summary of Revenue Revisions by Major Revenue Category					
Individual Income Tax	\$20,500,000	\$0	\$0	\$0	\$0
Cigarette and Tobacco Tax	(\$6,000,000)	\$0	\$0	\$0	\$0
Estate Tax	\$3,000,000	\$0	\$0	\$0	\$0
Transfer to Municipal Rev. Sharing	(\$1,045,500)	\$0	\$0	\$0	\$0
Other Revenues	\$1,332,781	\$492,048	\$1,052,352	\$1,515,934	\$1,903,456
Total Revisions - Increase (Decrease)	\$17,787,281	\$492,048	\$1,052,352	\$1,515,934	\$1,903,456

Fund for a Healthy Maine Summary

	FY07	FY08	FY09	FY10	FY11
Current Forecast	\$46,420,624	\$60,576,711	\$63,055,886	\$68,058,585	\$71,788,653
Annual % Growth	-1.0%	30.5%	4.1%	7.9%	5.5%
Net Increase (Decrease)	\$3,989,370	\$616,945	\$1,104,291	\$1,326,187	\$1,503,637
Revised Forecast	\$50,409,994	\$61,193,656	\$64,160,177	\$69,384,772	\$73,292,290
Annual % Growth	7.5%	21.4%	4.8%	8.1%	5.6%
Summary of Revenue Revisions by Major Revenue Category					
Base Payments	\$3,728,051	\$0	\$0	\$0	\$0
Racino Revenue	\$261,319	\$616,945	\$1,104,291	\$1,326,187	\$1,503,637
Total Revisions - Increase (Decrease)	\$3,989,370	\$616,945	\$1,104,291	\$1,326,187	\$1,503,637

123rd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
May 24, 2007

Legislative Web Page Follow Up from the April Council Meeting:

- The information Senator Bowman was seeking, was available on the Web page
- Based on Senator Bowman's experience, several clarifying improvements to the Web page would simplify user actions to find information
- The process of posting amendment text to the Web page has been changed to provide the text sooner

MELD Bill Drafting:

- No issues to report
- The Systems Office continues to work with the Revisor's Office

Internet Bandwidth Service Upgrade:

- Oxford Networks has completed the installation of the fiber optic cable
- Connection hardware is being installed
- Testing will start once the hardware is in place

Email:

- The email system is performing normally with improved processing speed
- For the week ending May 13th 96,800 emails were processed, 50,200 emails (51.9%) were junk

PAUL E. MAYOTTE
DIRECTOR
LEGISLATIVE INFORMATION SERVICES

TEEN ELLEN GRIFFIN
LEGISLATIVE INFORMATION OFFICE
MANAGER



MAINE STATE LEGISLATURE
OFFICE OF LEGISLATIVE INFORMATION SERVICES

Memo

To: Members of the 123rd Legislative Council

From: Paul Mayotte, Information Services Director *PEM*

Date: May 16, 2007

Re: Report Back to the Legislative Council – Timeliness and Availability of Information on the Legislative Web Page

At the April Legislative Council Meeting Senators Mitchell and Bowmen reported on issues with finding committee information on the Legislature's Web page. The issues were not having the status of bills in committee on the Web page and the timeliness of data. The Council directed that the issues be reviewed and that there be a prompt report back to the Council.

Web Page Data:

After review, I determined that information on the status of bills in committee is on line and available through the Internet. Senator Bowmen's difficulty in finding the information he looking for was related to how the "bill status" page is designed.

Working with Senator Bowmen, it was found that virtually all of the information he was looking for was present on the Legislature's Web page. The following is a partial list of the information available on the Legislative Website:

- Bill (LD) Text
- Bill Sponsors
- Bill Status in Chambers
- List of Chamber Actions
- Bill Status in Committee, including date committee voted, date the bill was reported out and the committee report including text of the amendment
- Hearing Schedules
- Work Session Schedules
- Amendment Text
- Amendment Status in Chambers
- Fiscal Note
- Title and Section Affected
- Subject Area Affected

Senator Bowman is experienced in using computers but he could not easily navigate the Bill Status Web page to find the information he was seeking. Potential changes that would improve user ease in finding data on several Legislative Web pages have been identified for review and proposed improved pages are attached.

Timeliness of Data:

As soon as committee clerks submit their daily committee reports to the Legislative Information Office, they are entered into the system and the Web page is updated in automatically. The Information Office posts this information on a priority basis.

Committee and floor amendments are posted to the Web page when a Senate or House paper number has been assigned and the amendment is "released" for Website posting by the Secretary or Clerk.

The process used to post amendment text to the Legislative Web page was triggered by the release of printed paper documents by the Senate and House. The Information Office would initiate the process of posting amendment text upon receipt of the printed amendment from the Clerk's Office or the Secretary's Office. If for any reason the paper amendment was not received by the Information Office, posting would take place when the amendment appeared on a Calendar or Supplement. The timing of the availability of amendment text on the Legislative Web page is not related to a computer problem or the absence of the data.

In response to the Legislative Council discussion, the process of posting committee amendments to the Web page has now been changed to the same process used for Bill (LD) text and is no longer based on the receipt of a paper amendment document.

Attachments

cc: Joy O'Brien, Secretary of the Senate
Millie MacFarland, Clerk of the House
Rick McCarthy, Chief of Staff, Senate President's Office
Toby McGrath, Chief of Staff, Speaker's Office
David Boulter, Executive Director, Legislative Council
Legislative Council Office Directors

SAMPLE

State of Maine Legislature

Summary of LD 1234

New Search

Summary
of Bill

Bill
Sponsors

Chamber
Actions

Amendment
Status

Bill and
Amendment
Text

Status of Bill
in
Committee

Roll-Call
Votes

Titles and
Sections
Affected

Subject
Area
Affected

Bill Title and Sponsor

LD 1234 (HP 876)

"An Act To Require Clear Warnings on Light Bulbs Containing Mercury"
Sponsored by Representative Elaine Makas

Status of Bills in Senate and House

Reference Committee: **Natural Resources**

Last House Action **04/25/2007** - Committee on Bills in the Second Reading Reports no further verbal amendments necessary
Representative RINES, Chair, House of Representatives Report Accepted.

CONSENT CALENDAR - SECOND DAY.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-97)**

Sent for concurrence. ORDERED SENT FORTHWITH.

Last Senate Action **05/01/2007** - COMMITTEE ON BILLS IN THE SECOND READING REPORTS NO FURTHER VERBAL AMENDMENTS NECESSARY
Senator Strimling, Senate Chair. REPORT ACCEPTED.

READ A SECOND TIME PASSED TO BE ENGROSSED AS AMENDED BY Committee Amendment "A" (H-97) in
concurrence

Last Engrossed by **04/25/2007**
House on

Last Engrossed by **05/01/2007**
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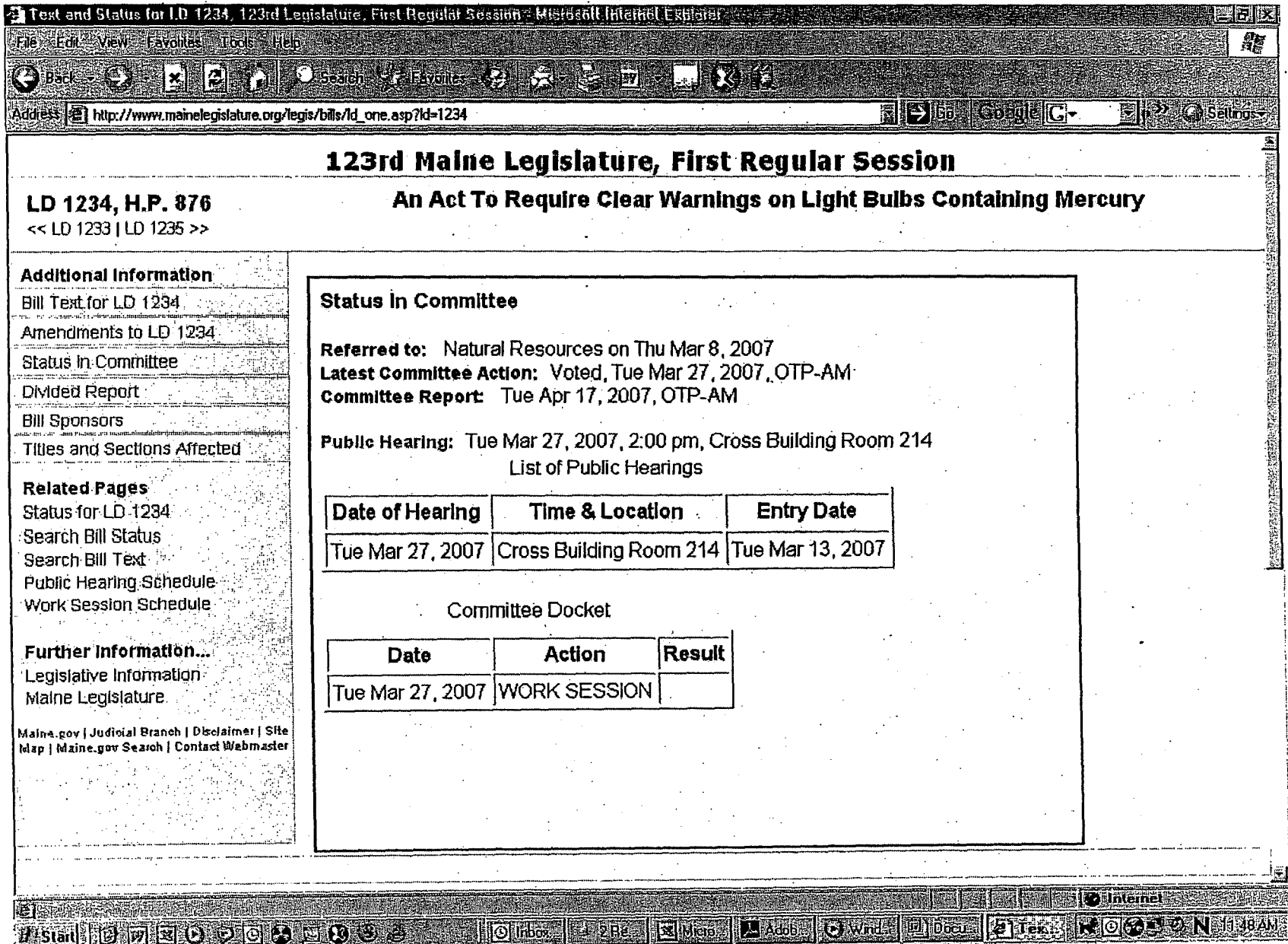
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123rd Maine Legislature, First Regular Session

LD 1234, H.P. 876

<< LD 1233 | LD 1235 >>

Additional Information

- Bill Text for LD 1234
- Amendments to LD 1234
- Status in Committee
- Divided Report
- Bill Sponsors
- Titles and Sections Affected

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Amendments to LD 1234

Filing Number	Amendment	Adopted By	Notes
H-97 View Text Web Page, MS-Word Document, PDF Document	C "A"	House & Senate	Fiscal Impact, Fiscal Note

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123rd Maine Legislature, First Regular Session

LD 1234, H.P. 876
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Additional Information

Bill Text for LD 1234

Amendments to LD 1234

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Bill Text for LD 1234

Bill Text: Web Page, MS-Word Document, PDF Document;
Fiscal Status: No Fiscal Impact, Fiscal Note;
Final Disposition: FINALLY PASSED, Tue May 8, 2007
Governor's Action: SIGNED, Tue May 15, 2007
Adopted Amendments:
CA H-97, Text: Web Page, MS-Word Document, PDF Document

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**Legislative Council Actions
Taken by Ballot Since the
April 26, 2007 Council Meeting**

Request for Introduction of Legislation

- A. 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**

Submitted by: Representative Mark Bryant
Accepted: April 30, 2007 Vote: 6 – 0 – 0 – 4 in favor

- B. LR 2640 **An Act to Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found by a Court to be a Danger to Themselves or Others**

Submitted by: Representative Sean Faircloth
Accepted: May 1, 2007 Vote: 6 – 0 – 0 – 4 in favor

- C. LR 2665 **An Act to Clarify the Authority of Local governmental Councils and Boards**

Submitted by: Representative Deborah Simpson
Accepted: May 8, 2007 Vote: 7 – 0 – 0 – 3 in favor

- D: LR 2678 **JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES AND THE FEDERAL COMMUNICATION COMMISSION TO FORGO IMPOSING A CAP ON FEDERAL UNIVERSAL SERVICE FUND SUPPORT FOR MAINE'S RURAL WIRELESS CARRIERS**

Submitted by: Representative Hannah Pingree
Accepted: May 15, 2007 Vote: 6-0-0-4

E. LR 2677

An Act to Protect Fair Share Workers from Termination

Submitted by: Senator Ethan Strimling

Accepted: May 16, 2007 Vote: 6 – 1 – 0 – 3 in favor

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LEGISLATIVE COUNCIL
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION, 123rd LEGISLATURE
May 24, 2007

Action

SPONSOR: Rep. Gerzofsky, Stanley J.

LR 2672 An Act Regarding the Sale of Firearms to Minors

SPONSOR: Sen. Hastings III, David R.

LR 2674 An Act To Increase the Minimum Distance from a Residence
that a Firearm May Be Discharged

SPONSOR: Rep. Lansley, Scott E.

LR 2653 An Act To Increase the Number of Androscoggin County
Commissioners

SPONSOR: Rep. Moore, Gary W.

LR 2680 Resolve, Directing Various State Agencies To Consolidate the
Administration and Oversight of Activities Related to
Alcoholic Beverages, the Lottery, Harness Racing and Games
of Chance

SPONSOR: Rep. Rector, Christopher

LR 2679 An Act Regarding the Sentencing of Certain Persons Convicted
of Gross Sexual Assault against Victims under 12 Years of
Age

SPONSOR: Rep. Vaughan, Michael A.

WITHDRAWN

LR 2673 An Act Regarding Vacancies on Municipal Boards

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Damon, Dennis S.

**TABLED
04/26/07**

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

SPONSOR: Rep. Joy, Henry

**TABLED
04/26/07**

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

SPONSOR: Rep. Tardy, Joshua A.

**TABLED
04/26/07**

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

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
May 24, 2007**

Action

JOINT RESOLUTION

SPONSOR: Rep. Miramant, David

LR 2686 JOINT RESOLUTION TO MEMORIALIZE THE FEDERAL AVIATION
ADMINISTRATION TO NOT IMPOSE CERTAIN USER FEES

JOINT RESOLUTION

SPONSOR: Rep. Thomas, Douglas A.

LR 2687 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO
RAISE THE WEIGHT LIMIT ON I-95

SPONSOR: Rep. MacDonald, W. Bruce

LR 2689 An Act To Adjust the State Valuation of Boothbay Harbor

SPONSOR: Rep. Bliss, Lawrence

LR 2692 An Act To Amend the Maine Yankee Decommissioning Agreement

SPONSOR: Rep. Craven, Margaret M.

LR 2693 An Act To Conform the Laws Governing the Sale of Firearms to
Persons under 18 Years of Age with Federal Law



Maine State Legislature
Office of Policy and Legal Analysis

MEMORANDUM

May 24, 2007

To: Legislative Council

From: Patrick Norton, OPLA Director *PN*

Re: Legislative Council policy on legislative studies

On March 22nd, the Legislative Council unanimously endorsed changes to Joint Rule 353 and revised Council policies on legislative studies, based on recommendations from the Council's subcommittee to review the legislative study process.

The attached Legislative Council policy on legislative studies implement the policies on legislative studies endorsed by the Council on March 22nd and the changes to Joint Rule 353 adopted by the House and Senate on May 15th, as amended by the Joint Select Committee on Joint Rules. Now that the revisions to Joint Rule 353 have been passed, this policy is offered for your final consideration and adoption.

A copy of the final draft of these policies is attached, along with a copy of the newly adopted Joint Rule 353.

I would be happy to answer any questions you may have about this.

cc: Joy O'Brien, Secretary of the Senate
Millie MacFarland, Clerk of the House
Rick McCarthy, Chief of Staff for the President
Toby McGrath, Chief of Staff for the Speaker
Dave Boulter, Executive Director, Legislative Council

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

**Maine Legislative Council Policy
On Legislative Studies**

1. Introduction

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of that Joint Rule 353.

2. Council authorization of legislative studies

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that the approval of a 2/3rd majority of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

3. Funding of legislative studies

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided:

A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new Board or commission or as the result of an amendment to an existing Board or commission shall be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;

B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources; and

C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

6. Council review of committee requests to vary from Joint Rule 353

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative and must include the committee's recommended draft language for the proposed study along with a list of the ways in which proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

7. Authority and effective date

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 24th day of May, 2007.

This policy takes effect on May 24, 2007.

BY: _____
Maine Legislative Council

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Joint Rule 353
As adopted on May 15, 2007

Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. A joint standing or joint select committee may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with this Joint Rule.

- **1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:
 - A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;
 - B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and
 - C. The term “non-legislative study” or “non-legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.
- **2. Establishing legislative studies.** A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.
- **3. Appointment of members.** A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of

Joint Rule 353
As adopted on May 15, 2007

non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

- **4. Appointment of chairs.** Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.
- **5. Committee size.** Legislative study committees may consist of no fewer than 3 and no more than 13 members.
- **6. Staffing.** Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.
- **7. Reporting dates.** All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.
- **8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.
- **9. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

Joint Rule 353
As adopted on May 15, 2007

- **10. Study table.** All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.
- **11. Legislative Council study policies.** The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

ADOPTED: May 15, 2007 as SP 663, as amended by Committee Amendment "A" from the Joint Select Committee on Joint Rules.

BARRY J. HOBBS, District 5, Chair
 JOHN M. NUTTING, District 17
 DAVID R. HASTINGS III, District 13

ARGARET J. REINSCH, Legislative Analyst
 JUSAN M. PINETTE, Committee Clerk



DEBORAH L. SIMPSON, Auburn, Chair
 JANET T. MILLS, Farmington
 MARK E. BRYANT, Windham
 MICHAEL E. DUNN, Bangor
 ALAN M. CASAVANT, Biddeford
 CYNTHIA A. DILL, Cape Elizabeth
 JOAN M. NASS, Acton
 ROBERT A. BERUBE, Lisbon
 LAWRENCE E. JACOBSEN, Waterboro
 BONNIE S. GOULD, South Berwick
 DONNA M. LORING, Penobscot Nation

State of Maine

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON JUDICIARY

May 23, 2007

TO: Hon. Beth Edmonds, Chair
 Legislative Council
 123rd Maine Legislature

FROM: Sen. Barry J. Hobbins, Senate Chair
 Rep. Deborah L. Simpson, House Chair
 Joint Standing Committee on Judiciary

Re: LD 1263, Resolve, to Continue the Tribal-State Work Group

The Judiciary Committee respectfully requests permission to report out LD 1263, Resolve, to Continue the Tribal-State Work Group, even though it does not comply with the provisions of Joint Rule 353, pertaining to legislative studies. LD 1263 is intended to continue the Tribal-State Working Group, established by Executive Order 19 FY 06/07. We recognize that the Resolve falls under the definition of a "legislative study" as it uses legislative resources by including more than two legislators as members.

The Resolve does not meet the legislative study drafting requirements because the Working Group is to consist of 17 members, when Joint Rule 353 limits legislative studies to not more than 13 members. In addition, only eight of the 17 members are legislative members, thus not making up the majority of the membership. The Resolve expands the membership from the Executive order to include two additional House members, as well as the Tribal Representative of the Passamaquoddy Tribe and the Tribal Representative of the Penobscot Nation.

The Resolve does not meet the requirements in two other aspects. First, the Resolve includes a reporting date of January 2, 2008. Second, the Resolve includes the standard extension language (that used to be required in study legislation, but is now obsolete because of Joint Rule 353).

We believe the first two deviations from the legislative study drafting requirements are necessary to provide appropriate representation on the Working Group. We request your approval to report out the Resolve as drafted, with the amended appropriation and fiscal note. We will be happy to amend the Resolve to correct the reporting date to December 5, 2007, and delete the extension language should you otherwise grant permission to report out of the Resolve. We are fully aware that permission to report out the Resolve is not the same as approval and funding. We know that the cost of the study will land it on the Council Table as a legislative study, and we know that the General Fund appropriation to MITSC to provide staffing will also need review.

Thank you for your consideration of our request. We are attaching a copy of the bill and the corrected appropriation and fiscal note.



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1263

H.P. 891

House of Representatives, March 8, 2007

Resolve, To Continue the Tribal-State Work Group

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHARD of Old Town.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: CLEARY of Houlton, HILL of York, LORING of the Penobscot Nation,
NASS of Acton, PERRY of Calais, SIMPSON of Auburn, SOCTOMAH of the
Passamaquoddy Tribe, Senator: RAYE of Washington.

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

3 **Whereas,** this resolve needs to take effect before the expiration of the 90-day period
4 in order for the tribal-state work group originally created by Executive Order 19 FY
5 06/07 to continue working during and after the First Regular Session of the 123rd
6 Legislature and for its study and report to be completed in time for submission to the next
7 legislative session; and

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

12 **Sec. 1. Tribal-State Work Group established. Resolved:** That the Tribal-
13 State Work Group, referred to in this resolve as "the work group," is established; and be it
14 further

15 **Sec. 2. Work group membership. Resolved:** That the work group consists of
16 17 members appointed as follows:

17 1. Two members of the Senate, one belonging to the political party holding the
18 largest number of seats in the Senate and one belonging to the political party holding the
19 second largest number of seats in the Senate, appointed by the President of the Senate;

20 2. Six members of the House of Representatives, 3 belonging to the political party
21 holding the largest number of seats in the House and 3 belonging to the political party
22 holding the second largest number of seats in the House, appointed by the Speaker of the
23 House;

24 3. Seven representatives of the Native American community, one appointed by each
25 of the top elected leaders of the 5 Wabanaki Tribal Governments: the Chief of the
26 Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the
27 Governor of the Passamaquoddy Tribe at Indian Township, the Governor of the
28 Passamaquoddy Tribe at Pleasant Point and the Chief of the Penobscot Nation; the
29 Passamaquoddy Tribal Representative to be appointed by the Joint Tribal Council of the
30 Passamaquoddy Tribe; and the Penobscot Tribal Representative appointed by the Chief of
31 the Penobscot Nation;

32 4. One member appointed by the Governor; and

33 5. One representative of the Maine Indian Tribal-State Commission; and be it further

34 **Sec. 3. Cooperation and participation of the Attorney General. Resolved:**
35 That the Attorney General is requested to have a representative attend all meetings of the
36 work group and respond to requests during the work group's deliberations regarding the
37 Attorney General's opinion concerning the constitutionality and legal interpretation of any
38 possible changes to AN ACT to Implement the Maine Indian Claims Settlement or
39 related statutes and agreements; and be it further

1 **Sec. 4. Chair. Resolved:** That the first-named Senate member is the Senate chair
2 of the work group and the first-named House of Representatives member is the House
3 chair of the work group; and be it further

4 **Sec. 5. Duties. Resolved:** That the work group may hold up to 6 meetings and
5 shall examine the issues identified in the framework document prepared for the Assembly
6 of the Governors and Chiefs held May 8, 2006, the minutes for that meeting, Tribal-
7 Maine Issues: Issues That Have Been Litigated or Are in Litigation, and Tribal-Maine
8 Issues: Macro Issues prepared for the May 31, 2006 review of AN ACT to Implement
9 the Maine Indian Claims Settlement, the federal Maine Indian Claims Settlement Act of
10 1980 and other settlement acts pertaining to the Wabanaki Tribes for the meeting held at
11 Indian Island May 31, 2006, the minutes for the May 31, 2006 meeting and the final
12 report of the tribal-state work group created by Executive Order 19 FY 06/07; and be it
13 further

14 **Sec. 6. Staff assistance. Resolved:** That, upon adequate appropriation by the
15 Legislature, the Maine Indian Tribal-State Commission shall provide necessary staffing
16 services to the work group; and be it further

17 **Sec. 7. Compensation. Resolved:** That the legislative members of the work
18 group are entitled to receive the legislative per diem, as defined in the Maine Revised
19 Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses
20 related to their attendance at authorized meetings of the work group. Public members not
21 otherwise compensated by their employers or other entities that they represent are entitled
22 to receive reimbursement of necessary expenses and, upon a determination of financial
23 hardship, a per diem equal to the legislative per diem for their attendance at authorized
24 meetings of the work group; and be it further

25 **Sec. 8. Report. Resolved:** That no later than January 2, 2008, the work group
26 shall submit a report that includes its findings and recommendations, including suggested
27 legislation, for presentation to the Second Regular Session of the 123rd Legislature, the
28 Governor, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the
29 Passamaquoddy Tribe at Indian Township, the Passamaquoddy Tribe at Pleasant Point
30 and the Penobscot Nation. The work group is authorized to introduce legislation related
31 to its report to the Second Regular Session of the 123rd Legislature at the time of
32 submission of its report; and be it further

33 **Sec. 9. Extension. Resolved:** That, if the work group requires a limited
34 extension of time to complete its study and make its report, it may apply to the
35 Legislative Council, which may grant an extension; and be it further

36 **Sec. 10. Work group budget. Resolved:** That the chairs of the work group,
37 with assistance from the work group staff, shall administer the work group's budget.
38 Within 10 days after its first meeting, the work group shall present a work plan and
39 proposed budget to the Legislative Council for its approval. Upon notice to the Executive
40 Director of the Legislative Council that all seats on the work group have been filled, the
41 personal services portion of the work group budget must be paid in full to the Maine
42 Indian Tribal-State Commission. The work group may not incur expenses that would

1 result in the work group's exceeding its approved budget. Upon request from the work
2 groups, the Executive Director of the Legislative Council shall promptly provide the
3 work group chairs and staff with a status report on the work group's budget, expenditures
4 incurred and paid and available funds; and be it further

5 **Sec. 11. Appropriations and allocations. Resolved:** That the following
6 appropriations and allocations are made.

7 **MAINE INDIAN TRIBAL-STATE COMMISSION**

8 **Tribal-State Work Group**

9 Initiative: Provides funds for administrative and staffing support for the Tribal-State
10 Work Group.

11			
12	GENERAL FUND	2007-08	2008-09
13	Personal Services	\$4,400	\$4,400
14	All Other	\$670	\$670
15			
16	GENERAL FUND TOTAL	\$5,070	\$5,070

17 **MAINE INDIAN TRIBAL-STATE**
18 **COMMISSION**

19	DEPARTMENT TOTALS	2007-08	2008-09
20	GENERAL FUND	\$5,070	\$5,070
21			
22	DEPARTMENT TOTAL - ALL FUNDS	\$5,070	\$5,070

23 **LEGISLATURE**

24 **Tribal-State Work Group**

25 Initiative: Provides funds for the legislative per diem and other expenses for 6 meetings
26 of the Tribal-State Work Group.

27			
28	GENERAL FUND	2007-08	2008-09
29	Personal Services	\$9,930	\$9,930
30	All Other	\$670	\$670
31			
32	GENERAL FUND TOTAL	\$10,600	\$10,600

33 **LEGISLATURE**

34	DEPARTMENT TOTALS	2007-08	2008-09
35	GENERAL FUND	\$10,600	\$10,600
36			

1	DEPARTMENT TOTAL - ALL FUNDS	\$10,600	\$10,600
2	SECTION TOTALS	2007-08	2008-09
3			
4	GENERAL FUND	\$15,670	\$15,670
5			
6	SECTION TOTAL - ALL FUNDS	<u>\$15,670</u>	<u>\$15,670</u>

7 **Emergency clause.** In view of the emergency cited in the preamble, this
8 legislation takes effect when approved.

9 **SUMMARY**

10 This resolve establishes the Tribal-State Work Group to continue the work of the
11 body created by Executive Order 19 FY 06/07. The work group is charged with
12 examining potential changes to AN ACT to Implement the Maine Indian Claims
13 Settlement and other issues affecting tribal-state relations. It is required to report its
14 findings to the Legislature, Governor and Wabanaki Tribes by January 2, 2008.

**123rd MAINE LEGISLATURE****LD 1263****LR 1295(02)****Resolve, To Continue the Tribal-State Work Group****Fiscal Note for Bill as Amended by Committee Amendment " "****Committee: Judiciary****Fiscal Note Required: Yes**

Fiscal Note**Legislative Cost/Study**

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$15,900	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$15,900	\$0	\$0	\$0

Legislative Cost/Study

This bill includes a General Fund appropriation to the Legislature of \$10,830 in fiscal year 2007-08 for legislative per diem and other expenses for 6 meetings of the Tribal-State Legislative Work Group. The additional costs associated with providing staffing assistance to the work group during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources.

Fiscal Detail and Notes

This bill also includes a General Fund appropriation to the Maine Indian Tribal-State Commission of \$5,070 in fiscal year 2007-08 for administrative and staffing support for the Tribal-State Work Group.

ROS - Strike and replace approp section with the one below instead of any other.
Marc

Sec. Appropriations and Allocations. The following appropriations and allocations are made.

INDIAN TRIBAL-STATE COMMISSION, MAINE

Tribal-State Work Group N021

Initiative: Provides funds for administrative and staffing support for the Tribal-State Work Group.

GENERAL FUND	2007-08	2008-09
All Other	\$5,070	\$0
GENERAL FUND TOTAL	\$5,070	\$0
INDIAN TRIBAL-STATE COMMISSION, MAINE		
DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$5,070	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$5,070	\$0

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides funds for legislative per diem and other expenses for 6 meetings of the Tribal-State Legislative Work Group.

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,280	\$0
All Other	\$5,550	\$0
GENERAL FUND TOTAL	\$10,830	\$0
LEGISLATURE		
DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$10,830	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$10,830	\$0
SECTION TOTALS		
GENERAL FUND	\$15,900	\$0
SECTION TOTAL - ALL FUNDS	\$15,900	\$0