

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
JANUARY 24, 2008
1:00 P.M.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE DECEMBER 20, 2007 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
9	▪ Executive Director's Report (Mr. Boulter)	Information
10	▪ Fiscal Report (Mr. Pennoyer)	Information
14	▪ Information Services Report (Mr. Mayotte)	Information
15	▪ Status of Committees and Legislative Studies (Mr. Norton)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Cummings, Chair) (No Report)	
	• State House Facilities Committee (Rep. Pingree, Chair)	
	• Budget Subcommittee (Sen. Martin, Chair)	
	• Subcommittee to Administer Technology (President Edmonds, Chair)	

OLD BUSINESS

- | | | |
|-----------|--|--------------------|
| 16 | Item #1 Council Actions Taken By Ballot (No Action Required)
A copy of a list of actions taken by ballot by the Legislative Council since its December 20, 2007 meeting is attached. | Information |
|-----------|--|--------------------|

NEW BUSINESS

- | | | |
|-----------|--|-----------------------|
| 18 | Item #1: Consideration of After Deadline Bill Requests | Roll Call Vote |
| 26 | Item #2: Bill Request(s) by Newly Elected Legislators | Roll Call Vote |
| | Item #3: Maine Town & City Clerk's Association Request for guidance on absentee ballot and election process related to school consolidation (Linda Cohen on behalf of President, MTCCA) | |
| 27 | Item #4: Report on "The Initiative" to Streamline State Government: Findings and Recommendations (Joint Standing Committee on Appropriations and Financial Affairs) (separate handout) | Acceptance |
| 28 | Item #5: Biennial Report on the Provision of Housing and Food to State Employees (DAFS, Bureau of the Budget) | Acceptance |
| 33 | Item #6: Final Report of the Alternative Education Programs Committee (separate handout) | Acceptance |
| 34 | Item #7: Final Report of the Commission to Study Primary Care Medical Practice (separate handout) | Acceptance |
| 35 | Item #8: Final Report of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry (separate handout) | Acceptance |
| 36 | Item #9: Final Report of the Committee to Study Appropriate Funding of the State Police (separate handout) | Acceptance |
| 37 | Item #10: Final Report of the Committee on Future Maine Prosperity (separate handout) | Acceptance |
| 39 | Item #11: Second Annual Report of the Right to Know Advisory Committee (separate handout) | Acceptance |
| 40 | Item #12: Government Evaluation Act Review of the Maine Municipal and Rural Electrification Cooperative Agency | Acceptance |

Item #13: Collective Bargaining Matters (Executive Session)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. BETH EDMONDS
CHAIR
REP. GLENN A. CUMMINGS
VICE-CHAIR



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123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
December 20, 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. Carol Weston, Sen. Richard Rosen [Senator Martin absent]

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

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Margaret Matheson, Revisor of Statutes
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.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

1. Citizen Trade Policy Commission staffing

Ms. Judy Gopaul has been appointed as the new part-time staff person for the Citizen Trade Policy Council. Ms. Gopaul began work on December 14, 2007.

2. Legislative Breakfast Forums

Planning for legislative seminars on topics of legislative interest is continuing. The seminars are generally planned for several mornings in January. The seminar sponsors (University Coalition and MDF) are scheduled to meet with the Legislative Council's planning subcommittee at 3:00 PM on December 20, 2007 to discuss topics for presentation and other matters.

3. Retirement Planning Information Session

A session to discuss retirement planning, including issues relating to the retirement system, Social Security, health insurance for retirees and use of the deferred compensation program, has been scheduled for legislative employees for Friday, January 11, 2008. For more information, contact Debby Olken, Human Resource Director in the Executive Director's office.

4. Appointment of New Employees

Ms. Maureen Dawson was appointed to the position of Principal Analyst in the Office of Fiscal and Program Review, effective on October 17, 2007.

Ms. Susanne Roy was appointed to the position of Analyst in the Office of Fiscal and Program Review, effective on December 17, 2007.

President Edmonds then proceeded to the acceptance of the November 15th Meeting Summary.

SUMMARY OF NOVEMBER 15, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of November 15, 2007 be accepted and placed on file.

Motion by Senator Mitchell. Second by Representative Pingree. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2008 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$224.7	\$216.6	(\$8.1)	-3.6%	\$207.3	4.5%
FYTD	\$1,064.0	\$1,052.6	(\$11.3)	-1.1%	\$1,033.3	1.9%

- General Fund revenue for November was under budget by \$8.1 million, increasing the negative variance for the fiscal year-to-date (FYTD) to \$11.3 million or -0.4%. This variance is based on the forecast prior to the December revisions. The distribution of the December revenue revisions will be reflected in the December revenue report.
- The growth of general fund revenue over FY 2007 improved over the last month but remains modest at 1.9% comparing the first 5 months of each fiscal year.
- There is nothing in the November revenue variances that is inconsistent with the December revisions, although the sales tax line was under budget by less than expected.

Total Highway Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$28.6	\$28.5	(\$0.1)	-0.3%	\$27.6	3.1%
FYTD	\$126.1	\$120.7	(\$5.4)	-4.3%	\$121.0	-0.2%

- Highway fund revenue was under budget in November by \$0.1 million, increasing the negative variance of the FYTD to \$5.4 million or 4.3%. Again, this variance is based on the forecast prior to the December revenue revisions. Highway Fund revenue showed negative growth of 0.2% for the FYTD over the same period in FY 2007.
- As with the general fund, there is no new data with this November revenue report that is inconsistent with the revised forecast.

Revenue Forecast

- The Revenue Forecasting Committee released its report which is posted at: <http://www.maine.gov/legis/ofpr/rfcmmain.htm>.

Cash Balances

- The total cash pool in November was \$613.4 million, which was above the average balances of the last 6 years for November of \$562.9 million.
- The rates of return on the cash pool have dropped over the last 3 months. Some of this can be attributed to the freezing of the \$20 million Mainsail II investment. September's annualized rate of return dropped approximately 25 basis points from August (5.30% to 5.05%). The Federal Reserve Bank's interest rate declines will also bring down rates of return on cash pool investments. In November, the cash pool earned a rate of return of 4.76%.

Information Technology Report

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

Bill Drafting System:

- The Revisor's Office has completed the update of the statutes database to reflect the bills enacted during the 1st Regular Session of the 123rd Legislature.
- The updated Maine Revised Statutes will be available on the Legislative website prior to December 20th.
- The Revisor's Office is proceeding with bill drafting for the 2nd Regular Session of the 123rd Legislature with over 200 bills out for signature.

Production Tracking System:

- A combined testing / staff training session took place for the production offices on December 12th and 13th.
- The production offices and the Information Services office are working to complete testing before the start of session.
- No major problems with the application have been identified to date.
- Reports from the new application for the Secretary and Clerk will be developed on the completion of testing.

Chamber Automation Request for Proposals (RFP):

- Mr. Mayotte said he would present a separate report regarding the Subcommittee for Technology.

Status of Legislative Studies

Pat Norton, Director, Office of Policy and Legal Analysis, reported the following:

Mr. Norton reported that all interim studies except three (Joint Select Committee on Prosperity; Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss; and Committee to Study Appropriate Funding of the State Police) have completed their work. Reports from those studies are either in final staff production or have already been printed.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings reported that the Personnel Committee met earlier on December 20th and considered two items.

1. It approved temporary disability income benefits to a member of the House Majority office staff, consistent with the personnel policies; and
2. It approved a step increase for Secretary of State Matthew Dunlap, State Treasurer David Lemoine, and State Auditor Neria Douglass, consistent with Title 3, section 162-B. Attorney General G. Steven Rowe declined the step increase.

No further action by the council was required.

3. State House Facilities Committee

(No Report)

4. Budget Subcommittee

(No Report)

The Budget Subcommittee did not meet since the last Legislative Council Meeting. Senator Rosen, a member of the Budget Subcommittee, expressed his deep concern that the Executive Order (09 FY 08/09) issued by the Governor on December 18, 2007 curtailed allotments of funds in legislative accounts unilaterally. While he felt that the legislature should and would do its part and contribute funds to help offset the General Fund budget shortfall for FY 2008-2009, he felt that the Executive Order ran afoul of the separation of powers doctrine; the Chief Executive may curtail allotments of budgets for executive branch agencies but is not empowered to do so to legislative budgets. Administration of legislative accounts approved by the Legislature is the sole purview of the Legislative Council. Finally, Senator Rosen felt that the independence of the legislative branch should be vigorously maintained, and that any budget savings or curtailments be made only through the Legislature, acting through its Legislative Council. Representative Pingree agreed that the Governor does not have jurisdiction over legislative accounts. Other members of the Legislative Council agreed as well. Senator Rosen then made the following motion.

Motion: That the Budget Subcommittee review the curtailment of legislative funds set forth in the Governor's Executive Order and develop recommendations to the Legislative Council as to what curtailments or other budget savings are appropriate for legislative accounts for the current fiscal year. Motion by Senator Rosen. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

5. Subcommittee to Administer Technology

(No Report)

Mr. Mayotte apologized for surprising the council with his report and recommendations on selecting a vendor for the project since it was not on the council agenda and has not yet been presented to the subcommittee. Legislative Council Chair President Edmonds indicated that this matter should properly be presented to the subcommittee, but allowed Mr. Mayotte to proceed to present his report.

Mr. Mayotte gave a brief summary of the results of the request for proposals for the chambers project, and provided a handout. Five proposals were received in response to the RFP and the subcommittee selected two proposals for further evaluation and customer reference checks: Inkriti and International Roll-Call (IRC). The subcommittee requested a brief proposal for a pilot program (including software and hardware) from the two finalist companies which were received. Mr. Mayotte suggested a pilot program for this session would not be feasible at this time, given the need to negotiate a contract with the selected vendor.

Representative Tardy inquired as to the cost of the hardware that would be needed to implement a pilot program. Mr. Mayotte responded that the hardware cost would be approximately \$27,000 which included the cost of 12 laptop computers and a server.

A council member asked that if the Legislative Council approved the pilot program, whether that action would commit the Legislative Council to the full proposal. The answer was not necessarily. However, Mr. Mayotte noted the IRC price for the pilot is \$8,000; that presumes a credit back of \$32,000 if the full proposal was accepted. If not, the cost for the pilot would be \$40,000.

Speaker Cummings asked whether the Legislative Council is obligated to proceed with the full proposal following a modified pilot project. Mr. Mayotte confirmed the Legislative Council is not obligated to do so.

The Legislative Council then referred the matter to the Subcommittee to Administer Technology which will meet in early January.

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 November 15, 2007 meeting was attached. No further action by the Legislative Council was required.

There was no other Old Business.

NEW BUSINESS

ITEM #1: Establishing a Cloture Date for Newly Elected Legislators

Motion: That a cloture date for the five newly elected legislators be set for Friday, January 18, 2008. Motion by Speaker Cummings. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

ITEM #2: Tribal-State Work Group Budget

The executive director of the Maine Indian Tribal-State Commission, who staffs the Tribal-State Work Group, submitted a proposed budget for the work group. The budget submission is required pursuant to Resolve, c. 142. The budget totals \$12,000, consistent with the resolve.

Motion: To approve the Tribal-State Work Group's budget. Motion by Senator Mitchell. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

President Edmonds asked if there was any objection to taking 1 item out of order. Hearing none, the Speaker made the motion to go into Executive Session to discuss collective bargaining matters. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

Executive Session

The Council recessed at 1:55 PM to go into an executive session.

Meeting Reconvened

The Legislative Council ended its executive session and the Chair reconvened the meeting at 2:20 p.m.

Collective Bargaining Matters and Cost of Living Adjustments for Legislative Employees

Motion: That pursuant to its authority under 26 MRSA, Section 979-A, subsection 5, the Legislative Council of the 123rd Legislature ratifies the collective bargaining agreement negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Maine State Employees Association, Local 1989, SEIU on behalf of the Administrative Unit of Legislative Employees on December 19, 2007. Such Agreement shall expire on September 30, 2009. The Legislative Council's ratification of this Agreement is contingent upon and becomes effective only after the bargaining agent for the Administrative Unit of Legislative Employees has notified the Legislative Council's representative in writing that the unit has ratified the Agreement. The Legislative Council authorizes the Executive Director to take all necessary steps to carry out the terms of this Agreement including implementing the salary schedule adjustments.

Further, that the Legislative Council approve a 3% increase in the legislative salary schedule for FY08 and further, a 3% increase in the legislative salary for FY09 for those legislative employees who are not represented by a collective bargaining agent and further to direct

changes in the terms and conditions of employment benefits for those employees comparable to those changes recently agreed to by the Legislative Council and MSEA . The Executive Director shall administer these adjustments as soon as administratively feasible using funds from unexpended balances in legislative accounts for this biennium.

Further, that the Legislative Council authorizes its Executive Director to enter into negotiations with the bargaining agent for the Independent Association of Nonpartisan Legislative Professionals over salary adjustments and other terms and conditions of employment for legislative employees in the IANLP bargaining unit.

Motion by Speaker Cummings. Second by Representative Tardy. **Motion passed unanimous (9-0). [Senator Martin absent for vote].**

The chair then resumed discussion of New Business in agenda order.

ITEM #3: Request by the Committee on Future Maine Prosperity for a Meeting on January 2, 2008

The Committee on Future Maine Prosperity requested approval to hold a final meeting on January 2, 2008 to finalize its recommendations and report before the committee terminates on January 4, 2008. No additional costs will be incurred for the meeting.

Motion: To approve the request by the Committee on Future Maine Prosperity to hold a meeting on January 2, 2008. Motion by Representative Pingree. Second by Representative Faircloth. **Motion passed unanimous (8-0). [Senator Martin, Representative Tardy absent for vote].**

ITEM #4: Request by the Legislative Youth Advisory Council to Authorize LYAC Bills For Introduction in the Second Regular Session [Rep. Farrington]

The Legislative Youth Advisory Council is authorized by law to submit proposed legislation to the Legislative Council for its consideration. The Legislative Council must authorize its introduction if the legislation is to be submitted to the legislature. In its 2007 report submitted to the Legislative Council, the Legislative Youth Advisory Council proposed two bills. The first bill proposes technical changes to the LYAC and requires the Department of Education to establish minimum standards for co-curricular "honor contracts" adopted by school boards. The second bill would allow an eligible person to pre-register to vote in elections upon reaching 16 years of age.

Motion: To approve the request by the Legislative Youth Advisory Council to authorize two LYAC bills for introduction in the Second Regular Session. **Motion by Senator Weston. Second by Representative Pingree. Motion passed unanimous (8-0). [Senator Martin, Representative Tardy absent for vote].**

ITEM #5: After-Deadline Bill Request (*Resolve, To Amend The Reporting Deadline For The Working Group To Study The Effectiveness And Timeliness Of Early Identification And Intervention For Children With Hearing Loss In Maine*) [Rep. Farrington]

The working group did not convene this interim due to a delay in securing all necessary private funding and completing member appointments. Legislation is required to authorize an

extension of the work group so it may meet in 2008 since the Legislative Council's authority to extend the reporting deadline does not extend beyond December 2007.

Motion: That Mr. Norton prepare a joint order for introduction on behalf of the Legislative Council that re-establishes the Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine with members being the same as those appointed pursuant to the resolve, funded using private funds and a reporting date in early March. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ITEM #6: 2008 Legislative Council Schedule

The schedule for Legislative Council meetings in 2008 was presented. (No Action Required.)

ITEM #7: Final Report of the Commission to Develop a Strategic Priorities Plan for Maine's Young Children (Separate Handout)

Motion: To accept the final report of the Commission to Develop a Strategic Priorities Plan for Maine's Young Children and place it on file. Motion by Representative Pingree. Second by Representative Faircloth. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ITEM #8: Annual Report of the Legislative Youth Advisory Commission

Motion: To accept the 2007 Annual Report of the Legislative Youth Advisory Commission and place it on file. Motion by Representative Faircloth. Second by Representative Crothwaite. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:30 P.M. **Motion passed unanimous. (8-0)** [Senator Martin, Representative Tardy absent for vote].



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report**

January 24, 2008

1. Legislative Breakfast Forums

The breakfast forums sponsored by the Maine Development Foundation, Muskie School, Margaret Chase Smith Policy Center, and University of Maine School of Law will begin on January 31st. Other forums dates are February 6, 13, 27 and March 5. The forums will be held from 8 – 9 a.m. in the Cross Café. Legislators will be receiving a brochure announcing the forums.

2. New Employee Orientation

HR Director Debra Olken will be conducting an orientation for legislative employees hired after January 2007.

3. National Kidney Foundation Screening

The National Kidney Foundation will be holding a Kidney Early Evaluation Program screening on Thursday, March 27th from 11 am to 2 pm in the Welcome Center. Advanced sign-up is required. Upon registration, a screening questionnaire will be forwarded and will need to be completed and returned prior to the screening.

4. Availability of Maine Statutes

The new edition of the soft cover version of Maine Statutes (unannotated) is now available for purchase by legislators. Cost for the entire set is \$180.00. See the Executive Director's office for more information.

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Fiscal Briefing

Legislative Council Meeting - January 24, 2008

Prepared by the Office of Fiscal & Program Review

1. Revenue Update (see attached)

Total General Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$252.9	\$241.2	(\$11.7)	-4.6%	\$248.1	-2.8%
FYTD	\$1,301.7	\$1,293.8	(\$7.8)	-0.6%	\$1,281.4	1.0%

- General Fund revenue for December was under budget by \$11.7 million, resulting in a \$7.8 million negative variance (-0.6%) for the Fiscal Year-to-date (FYTD). This variance is based on the revised December 2007 forecast.
- The growth of General Fund revenue from the first half of FY 2007 to the first half of FY 2008 remained at a very modest 1.0%.
- Most of the major tax lines were under performing relative to the new revenue forecast.

Total Highway Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$27.2	\$27.4	\$0.2	0.7%	\$26.5	3.6%
FYTD	\$148.6	\$148.1	(\$0.5)	-0.3%	\$147.5	0.4%

- Highway Fund revenue was over budget in December by \$0.2 million, decreasing the negative variance of the FYTD to \$0.5 million or 0.3%. Highway Fund revenue for the 1st half of FY 2008 showed a modest, but positive growth rate of 0.4% over the same period in FY 2007.
- Fuel taxes were over budget by approximately \$1.0 million in December, which is a welcome change for the Highway Fund.
- However, the Motor Vehicles Registration and Fees category was under budget by \$1.0 million. This category may need to be revised downward in the March 2008 revenue forecast based on downward trends in motor vehicle title fees and long-term trailer registration revenue.

2. Revenue Forecasting Schedule

- The Consensus Economic Forecasting Commission (CEFC) is scheduled to meet on Tuesday, January 22nd at 9:30AM in Room 228 of the State House (Appropriations Committee Room). The update to the economic forecast is required by February 1st of each year.
- The Revenue Forecasting Committee (RFC) will be updating its revenue forecast using the updated CEFC economic forecast prior to its March 1st deadline. No meeting date has been set.

3. Cash Balances (see attached)

- The total cash pool in December was \$588.3 million, which was above the average balance of the last 6 years for December of \$536.8 million.
- General Fund reserve fund balances are at their highest aggregate dollar level. In December, average balances in the Budget Stabilization Fund (Rainy Day Fund) and the Reserve for General Fund Operating Capital totaled \$158.2 million. The previous high was at the close of FY 2001, when the combined balances in these reserves totaled \$154.2 million.

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2008
Reflecting Budgeted Amounts Through December 2007 Revenue Forecast

DECEMBER 2007 REVENUE VARIANCE REPORT

Revenue Line	December '07 Budget	December '07 Actual	December '07 Variance	FY08 YTD Budget	FY08 YTD Actual	FY08 YTD Variance	FY08 YTD Variance %	FY08 Budgeted Totals
General Fund								
Sales and Use Tax	75,210,728	73,620,900.76	(1,589,827.24)	440,794,012	439,204,185.16	(1,589,826.84)	-0.4%	985,065,063
Service Provider Tax	4,063,950	4,183,203.00	119,253.00	20,695,739	21,604,610.83	908,871.83	4.4%	51,181,910
Individual Income Tax	119,896,741	117,467,085.17	(2,429,655.83)	582,214,328	579,986,709.00	(2,227,619.00)	-0.4%	1,400,953,225
Corporate Income Tax	28,100,000	26,768,845.60	(1,331,154.40)	79,600,000	78,002,374.93	(1,597,625.07)	-2.0%	194,600,000
Cigarette and Tobacco Tax	12,128,076	10,976,872.09	(1,151,203.91)	79,568,502	78,417,297.88	(1,151,204.12)	-1.4%	157,706,180
Public Utilities Tax	0	0.00	0.00	0	347,980.26	347,980.26	N/A	17,476,987
Insurance Companies Tax	(47,879)	1,244.60	49,123.60	11,780,241	13,440,704.28	1,660,463.28	14.1%	76,751,673
Estate Tax	3,800,000	2,707,184.20	(1,092,815.80)	14,900,000	11,136,043.98	(3,763,956.02)	-25.3%	45,258,169
Property Tax - Unorganized Territory	0	0.00	0.00	10,403,375	10,238,664.00	(164,711.00)	-1.6%	12,611,986
Income from Investments	400,000	219,131.18	(180,868.82)	2,100,000	1,938,030.59	(161,969.41)	-7.7%	901,571
Transfer to Municipal Revenue Sharing	(11,641,841)	(11,324,041.76)	317,799.24	(57,043,708)	(57,058,691.87)	(14,983.87)	0.0%	(134,221,812)
Transfer from Lottery Commission	4,791,762	4,371,678.21	(420,083.79)	24,917,124	25,075,847.60	158,723.60	0.6%	49,834,250
Other Revenue	16,168,862	12,194,143.98	(3,974,718.02)	91,721,838	91,495,341.16	(226,496.84)	-0.2%	209,801,236
Totals	252,870,399	241,186,247.03	(11,684,151.97)	1,301,651,451	1,293,829,097.80	(7,822,353.20)	-0.6%	3,067,920,438
Highway Fund								
Fuel Taxes	19,005,698	19,983,950.22	978,252.22	97,379,956	98,358,207.92	978,251.92	1.0%	234,550,398
Motor Vehicle Registration and Fees	6,805,877	5,802,985.87	(1,002,891.13)	41,241,850	39,760,034.83	(1,481,815.17)	-3.6%	87,290,064
Inspection Fees	611,675	780,153.09	168,478.09	2,589,063	2,440,301.10	(148,761.90)	-5.7%	4,433,458
Fines	159,534	168,657.20	9,123.20	1,000,808	908,208.82	(92,599.18)	-9.3%	2,018,239
Income from Investments	50,000	139,649.23	89,649.23	640,000	754,602.33	114,602.33	17.9%	795,000
Other Revenue	614,458	566,558.96	(47,899.04)	5,735,933	5,907,928.37	171,995.37	3.0%	10,195,906
Totals	27,247,242	27,441,954.57	194,712.57	148,587,610	148,129,283.37	(458,326.63)	-0.3%	339,283,065

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

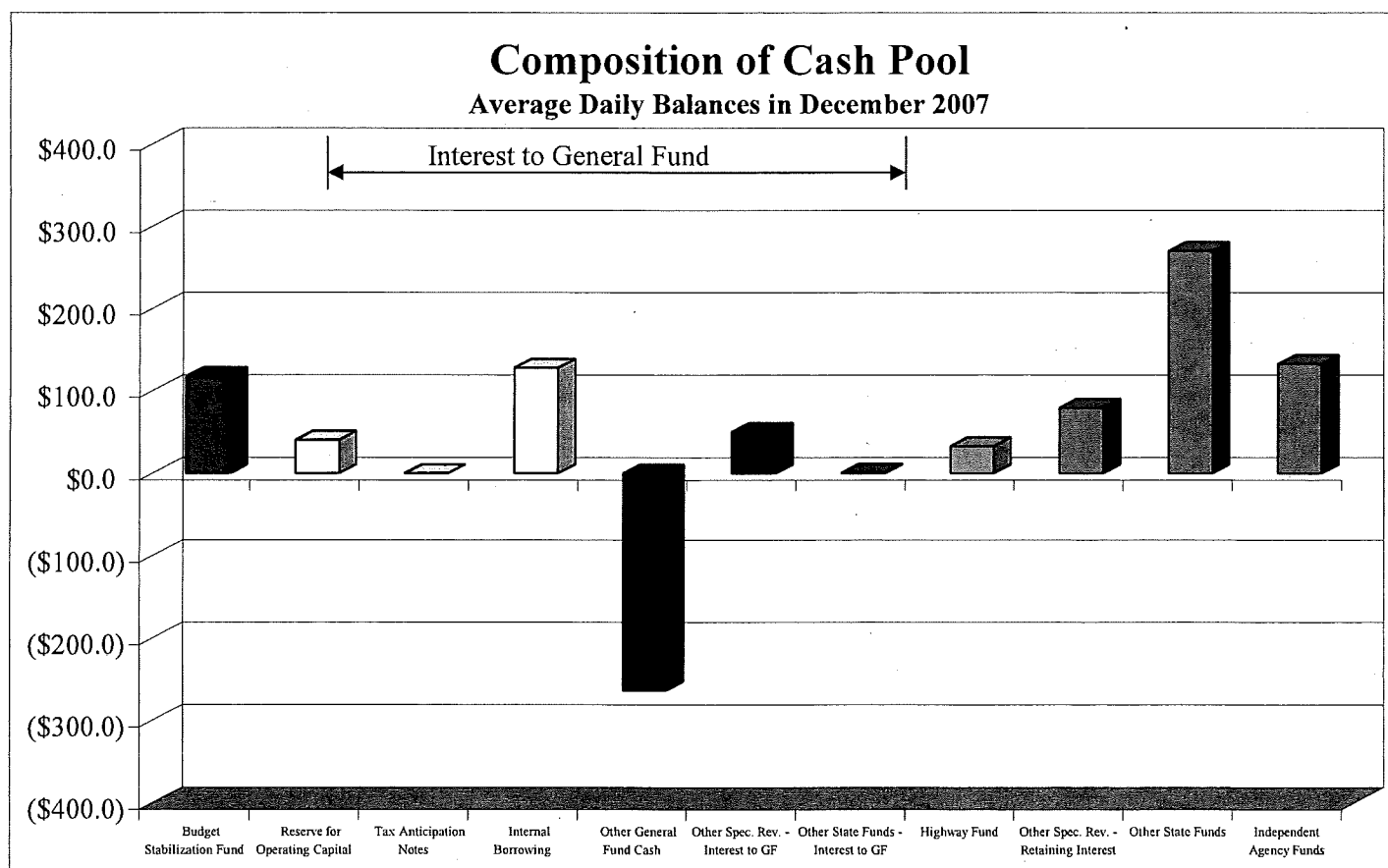
REVENUE CATEGORY	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg
GENERAL FUND										
Sales and Use Tax	\$408,189,897.08	7.5%	\$405,149,718.96	3.8%	\$418,714,548.29	3.3%	\$434,204,745.64	3.7%	\$439,204,185.16	1.2%
Service Provider Tax	\$0.00	N/A	\$18,525,818.29	N/A	\$18,622,863.08	0.5%	\$19,899,748.03	6.9%	\$21,604,610.83	8.6%
Individual Income Tax	\$524,838,576.81	6.0%	\$566,624,897.95	8.0%	\$601,139,418.04	6.1%	\$627,282,395.89	4.3%	\$654,470,832.13	4.3%
Individual Income Tax (Circuitbreaker)	\$0.00	N/A	(\$22,648,007.38)	N/A	(\$33,646,723.94)	-48.6%	(\$35,480,955.57)	-5.5%	(\$36,436,513.13)	-2.7%
Individual Income Tax (BETR)	\$0.00	N/A	\$0.00	N/A	(\$44,201,072.58)	N/A	(\$39,643,863.41)	10.3%	(\$38,047,610.00)	4.0%
Corporate Income Tax	\$46,599,878.38	18.3%	\$60,725,525.27	30.3%	\$90,767,543.44	49.5%	\$72,702,166.48	-19.9%	\$78,002,374.93	7.3%
Cigarette and Tobacco Tax	\$50,662,442.32	-1.6%	\$49,996,215.75	-1.3%	\$76,821,990.42	53.7%	\$84,624,488.38	10.2%	\$78,417,297.88	-7.3%
Public Utilities Tax	(\$293,687.83)	-106.0%	(\$167,633.34)	42.9%	\$0.00	100.0%	(\$116,564.00)	N/A	\$347,980.26	398.5%
Insurance Companies Tax	\$12,855,317.23	12.2%	\$15,059,488.32	17.1%	\$11,885,217.41	-21.1%	\$11,536,110.23	-2.9%	\$13,440,704.28	16.5%
Estate Tax	\$10,531,610.72	10.3%	\$15,636,391.40	48.5%	\$47,701,811.13	205.1%	\$27,246,546.26	-42.9%	\$11,136,043.98	-59.1%
Property Tax - Unorganized Territory	\$8,937,092.00	-3.9%	\$9,638,377.00	7.8%	\$9,560,399.00	-0.8%	\$10,403,375.00	8.8%	\$10,238,664.00	-1.6%
Income from Investments	\$1,014,755.07	-28.5%	\$1,907,749.24	88.0%	\$2,918,778.76	53.0%	\$1,852,341.21	-36.5%	\$1,938,030.59	4.6%
Revenue Sharing Transfers	(\$49,961,045.98)	-7.2%	(\$52,447,275.59)	-5.0%	(\$53,621,225.39)	-2.2%	(\$55,027,176.09)	-2.6%	(\$57,058,691.87)	-3.7%
Liquor Transfers	\$14,837,299.16	3.2%	\$50,013,353.52	237.1%	\$11,850.00	-100.0%	\$11,671.36	-1.5%	\$0.00	-100.0%
Lottery Transfers	\$20,950,501.64	7.6%	\$24,607,810.77	17.5%	\$25,453,919.23	3.4%	\$25,650,002.45	0.8%	\$25,075,847.60	-2.2%
Other Revenue	\$90,565,379.39	26.6%	\$94,430,523.25	4.3%	\$91,020,216.16	-3.6%	\$96,271,729.97	5.8%	\$91,495,341.16	-5.0%
TOTAL GENERAL FUND REVENUE	\$1,139,728,015.99	7.9%	\$1,237,052,953.41	8.5%	\$1,263,149,533.05	2.1%	\$1,281,416,761.83	1.4%	\$1,293,829,097.80	1.0%
HIGHWAY FUND										
Fuel Taxes	\$92,886,837.98	14.8%	\$98,054,337.80	5.6%	\$96,743,673.36	-1.3%	\$98,323,156.04	1.6%	\$98,358,207.92	0.0%
Motor Vehicle Registration and Fees	\$36,775,727.29	0.2%	\$37,505,170.83	2.0%	\$40,237,605.78	7.3%	\$39,671,640.89	-1.4%	\$39,760,034.83	0.2%
Inspection Fees	\$2,144,487.68	-6.4%	\$2,380,476.76	11.0%	\$2,459,568.89	3.3%	\$2,467,490.62	0.3%	\$2,440,301.10	-1.1%
Fines	\$939,306.68	-24.6%	\$886,896.79	-5.6%	\$922,398.97	4.0%	\$898,260.82	-2.6%	\$908,208.82	1.1%
Income from Investments	\$256,310.33	-61.5%	\$380,400.69	48.4%	\$865,591.55	127.5%	\$425,656.53	-50.8%	\$754,602.33	77.3%
Other Revenue	\$5,275,722.94	-1.4%	\$5,059,588.10	-4.1%	\$5,743,458.79	13.5%	\$5,681,529.35	-1.1%	\$5,907,928.37	4.0%
TOTAL HIGHWAY FUND REVENUE	\$138,278,392.90	8.7%	\$144,266,870.97	4.3%	\$146,972,297.34	1.9%	\$147,467,734.25	0.3%	\$148,129,283.37	0.4%

Adjusted for Service Provider Tax Split

Composition of State's Cash Pool

December 2007 Average Daily Balances

	December 2007
General Fund - Total	\$22,781,359
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$117,554,640
Reserve for General Fund Operating Capital	\$40,615,146
Tax Anticipation Notes	\$0
Internal Borrowing from Other Funds	\$127,903,226
General Fund - Other	(\$263,291,652)
Highway Fund	\$33,022,024
Other Special Revenue - Contributing to General Fund	\$50,230,161
Other Special Revenue - Retaining Interest Earned	\$79,355,037
Other State Funds - Contributing Interest to General Fund	\$507,733
Other State Funds	\$269,587,106
Independent Agency Funds	\$132,806,252
Total Cash Pool	\$588,289,672



Information Services Report to the Legislative Council
Paul Mayotte, Director, Office of Legislative Information Services
Preliminary Report
January 17, 2008

Production Tracking System:

- The vendor, Voyager, provided a software release on 1/17/08 correcting 26 items identified in testing.
- Verification testing of the corrections is underway.
- A final software release from Voyager, correcting items found in testing, is planned by Voyager during the week of 1/21/08.
- A session to review the application with the Secretary and Clerk has been scheduled.

Bill Drafting System:

- No significant activity to report.
- Systems staff is supporting OFPR and ROS to insure the Supplemental Budget Bill flows through the drafting system in a prompt manner.

Chamber Automation:

- To be covered in the report from the Subcommittee for Technology

Senate and House Servers:

- Additional memory has been installed in the server supporting the LawMaker application.
- The 9-year old "Session" servers were successfully replaced before the start of the session.

Web Page:

- Changes are being made to improve the formatting and completeness of the Statutes presented on the Legislature's Web Page.



Maine State Legislature
Office of Policy and Legal Analysis

MEMORANDUM

January 17, 2008

To: Senator Beth Edmonds, Chair
Representative Glenn Cummings, Vice Chair
Legislative Council

From: Patrick Norton, OPLA Director

Re: Status of committees and legislative studies

Committee Status:

- Total anticipated bill load for this session is currently estimated at ~450 bills. A present, nearly 90% (396) of the currently anticipated bills have printed and referred to committees, and nearly 25% (110) of them have already been voted or reported out. This estimate of bill load includes the 169 carryovers, but does not include any after-deadline bill requests that are still pending, committee bills that may be introduced later in the session pursuant to law or Joint Rule 353 (committee bills introduced after receipt of a study report) or unanticipated Governor's bills.
- The AFA committee has scheduled two weeks of joint hearings with the policy committees on the supplemental budget beginning on January 28. Although these joint budget hearings (and subsequent work sessions) will affect the pace at which some committees will be able to work through their bills, committees have coordinated with the AFA committee to avoid conflicts with other committee work and to allow other committee work to continue during that period to the extent possible.

Status of legislative studies staffed by OPLA:

- Recently published study reports include those for the Harness Racing study, the Prosperity Committee study and the annual report of the Right to Know Advisory Commission. The Postsecondary Access Study report will go out for study committee review this week and should be published before the end of January. The Joint Order establishing the Hearing Loss Study passed earlier this month and the chairs have scheduled their first meeting for January 23rd (4 meeting total; reporting date of March 3). The Citizen Trade Policy Commission is meeting on January 18, and the Legislative Youth Advisory Council is meeting on January 29 (to coincide with the EDU Committee's public hearing on one of the two LYAC bills).

Thank you. Please let me know if you have any questions.

Cross Office Building, Room 215
13 State House Station, Augusta, Maine 04333-0013
TELEPHONE: (207) 287-1670 · FAX: (207) 287-1675

**Legislative Council Actions
Taken by Ballot Since the
December 20, 2007 Council Meeting**

Request for Introduction of Legislation

- A. LR 3409 **An Act to Further Clarify Worker Payments for Clothing and Equipment**

Submitted by: Representative Nancy Smith
Accepted: December 21, 2007 Vote: 9 – 0 – 0 – 1 in favor

- A. LR 3143 **An Act to Continue Maine's Leadership in Providing Health Insurance Coverage to the Uninsured**

Submitted by: Representative Hannah Pingree
Accepted: December 28, 2007 Vote: 6 – 0 – 0 – 4 in favor

- A. LR 3431 **An Act To Protect Consumers' Gift Card Interests**

Submitted by: Representative Deborah Simpson
Accepted: January 8, 2008 Vote: 8 – 1 – 0 – 1 in favor

- A. LR 3432 **An Act Regarding the Disposition of the Assets of the Greater Portland Public Development Commission upon Termination of its Operations**

Submitted by: Speaker Glenn Cummings
Accepted: January 11, 2008 Vote: 9 – 1 in favor

- A. LR 3410 **An Act Relating to Studded Tires**

Submitted by: Senator Bill Diamond
Accepted: January 17, 2008 Vote: 7 – 2 – 0 – 1 in favor

- A. LR 3036 **An Act to Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters**

Submitted by: Senator Beth Edmonds
Accepted: January 18, 2008 Vote: 8 – 0 – 0 – 2 in favor

JOINT RESOLUTION

A. LR 3430

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT
THE CREATION OF A NATIONAL AFFORDABLE HOUSING
TRUST FUND**

Submitted by: Speaker Glenn Cummings

Accepted: January 2, 2008 Vote: 9 – 1 in favor

G:\Council\123rd Legislative Council\After Deadline Bill Requests\January 2008\Actions Taken By Ballot By Since 2007-12-20 Meeting.Doc1/18/2008 11:14:22 AM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 17, 2008**

Action

SPONSOR: Sen. Benoit, Paula I.

LR 3405 An Act To Amend the Requirements for Obtaining a Driver's License

SPONSOR: Rep. Bliss, Lawrence

LR 3459 An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

SPONSOR: Rep. Cummings, Glenn

LR 3406 An Act To Promote Transportation Safety

SPONSOR: Rep. Cummings, Glenn

LR 3407 An Act To Provide Funding for the Low Income Home Energy Assistance Program

SPONSOR: Rep. Hanley, Stephen P.

LR 3393 An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

SPONSOR: Rep. Hogan, Sr., George W.

LR 3437 An Act To Amend the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco

SPONSOR: Rep. Jackson, Troy D.

LR 3416 RESOLUTION, To Amend the Constitution of Maine To Freeze Property Valuations of Lakeside Property

SPONSOR: Rep. Jackson, Troy D.

LR 3417 An Act To Amend Laws Governing Trucking

SPONSOR: Rep. Jackson, Troy D.

LR 3418 An Act To Amend the Laws Identifying Labor Market Areas for
Purposes of Collective Bargaining

SPONSOR: Rep. Jackson, Troy D.

LR 3419 An Act To Ensure Adequate Funding for Conservation Districts

SPONSOR: Sen. Martin, John L.

LR 3420 An Act To Repeal Laws Governing Reports Related to Natural
Resources

SPONSOR: Rep. McKane, Jonathan B.

LR 3382 An Act To Ensure Full Payment of Annuity Death Benefits

SPONSOR: Rep. Patrick, John L.

LR 3381 An Act To Amend the Laws Governing Unemployment Compensation
with Regard to Persons Who Work on a Commission Basis

SPONSOR: Rep. Patrick, John L.

LR 3383 An Act To Amend the Laws Governing Workers' Compensation
Regarding the Rights of Injured Workers Undergoing Medical
Examination

SPONSOR: Sen. Perry, Joseph C.

LR 3399 An Act To Amend the Bankruptcy Laws

SPONSOR: Rep. Pilon, Donald E.

LR 3385 An Act Concerning Traffic Safety Cameras

SPONSOR: Rep. Piotti, John F.

LR 3469 An Act To Require a Municipality To Move a Body Buried in
the Wrong Grave

SPONSOR: Sen. Rosen, Richard W.

LR 3400 An Act To Amend the State's Cash Investment Policies

SPONSOR: Sen. Schneider, Elizabeth M.

LR 3452 An Act To Improve the Operation of "Texas Hold' Em"
Tournaments

SPONSOR: Sen. Schneider, Elizabeth M.

LR 3453 An Act To Establish A Rebate Program for Diesel Fuel Taxes
for Members of the Forest Products Industry

SPONSOR: Sen. Sherman, Roger L.

LR 3403 An Act To Extend the Date by which Certification Must Be
Received To Change the Membership of the Maine Indian
Tribal-State Commission

SPONSOR: Sen. Smith, Douglas M.

LR 3388 An Act To Require Parental Permission To Dispense
Prescription Drugs to a Person 14 Years of Age and under

SPONSOR: Rep. Thomas, Douglas A.

LR 3454 An Act To Provide Relief from High Fuel Prices to the Forest
Products Industry

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

LR 3401 An Act To Slow the Increase in Home Foreclosures

SPONSOR: Rep. Wheeler, Sr., Walter A.

LR 3447 An Act To Allow the Town of Kittery To Implement a Program
To Abate Taxes for Senior Citizens in Exchange for Public
Service

JOINT RESOLUTION

SPONSOR: Rep. Cleary, Richard C.

LR 2961 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO SUPPORT ASSURED FUNDING FOR VETERANS' HEALTH CARE

JOINT RESOLUTION

SPONSOR: Rep. Conover, Jill M.

LR 2886 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION
TO ENSURE HEALTH CARE FOR ALL

JOINT RESOLUTION

SPONSOR: Rep. Craven, Margaret M.

LR 3269 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED
STATES AND CONGRESS OF THE UNITED STATES TO INTERVENE
CONCERNING VIDEO FRANCHISING AND THE FEDERAL COMMUNICATIONS
COMMISSION

JOINT RESOLUTION

SPONSOR: Rep. Hill, Dawn

LR 3414 JOINT RESOLUTION URGING THE FEDERAL EMERGENCY MANAGEMENT
AGENCY TO IMPLEMENT THE MODERNIZATION OF MAINE'S FLOOD
HAZARD MAPS

JOINT RESOLUTION

SPONSOR: Sen. Strimling, Ethan

LR 2743 JOINT RESOLUTION MEMORIALIZING CONGRESS TO INSTITUTE
IMPEACHMENT PROCEEDINGS AGAINST PRESIDENT BUSH

**LEGISLATIVE COUNCIL
BILL REQUESTS FILED BEFORE CLOTURE
SECOND REGULAR SESSION
January 17, 2008**

Action

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Edmonds, Beth G.	TABLED 10/26/07
LR 3261	Resolve, To Establish the Maine Guaranteed Health Coverage Commission	
SPONSOR:	Rep. Faircloth, Sean F.	TABLED 10/26/07
LR 2896	An Act To Improve School Nutrition	
SPONSOR:	Sen. Martin, John L.	TABLED 10/26/07
LR 2833	An Act To Create the Public Power Delivery System	
SPONSOR:	Sen. Martin, John L.	TABLED 10/26/07
LR 2933	An Act Pertaining to Labor Relations	
SPONSOR:	Sen. Mitchell, Elizabeth H.	TABLED 10/26/07
LR 3257	An Act To Address the Affordability and Comprehensiveness of Health Coverage in Maine	
SPONSOR:	Rep. Pilon, Donald E.	TABLED 10/26/07
LR 2794	An Act To Create a Tax Deferral Program for Maine Residents 65 Years of Age or Older	
SPONSOR:	Rep. Pingree, Hannah	TABLED 10/26/07
LR 3351	An Act To Lower Maine's Tax Burden on Maine People	

SPONSOR:	Rep. Rand, Anne M.	TABLED
		10/26/07
LR 3099	An Act To Authorize Municipal Property Tax Deferral Programs in Municipalities	
SPONSOR:	Rep. Robinson, John C.	TABLED
		10/26/07
LR 3155	An Act To Promote Sustainable Prosperity by Streamlining and Modernizing State Government	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3116	An Act To Repeal the School District Consolidation Laws	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3168	An Act To Reduce Income Tax Rates	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3169	An Act To Create Tax Equity for Working Spouses	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3355	An Act To Postpone the Effects and Implementation of the School District Consolidation Law for One Year	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3366	An Act To Facilitate Formation of the Northwest Maine Regional School Unit	
SPONSOR:	Sen. Smith, Douglas M.	TABLED
		11/15/07
LR 3367	An Act To Cap the Additional Charge on All Motor Vehicle Oil Changes	

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

**TABLED
11/15/07**

LR 3038 An Act To Improve the Working Conditions, Health and
Personal Safety of Dispatchers at the Maine State Police
Barracks in Gray, Maine

123 rd Legislature-Second Regular Session
Bill Requests for Screening for Newly Elected Legislators

TRANSPORTATION

ROADS

DIRECTIONAL SIGNS

LR: 3436

Sponsor: Representative Briggs of Mexico

Title: Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of
Maine Ski Area

Comments: This bill would place a sign on the Maine Turnpike for the Black Mountain
of Maine Ski Area

SENATE

MARGARET ROTUNDO, DISTRICT 16, CHAIR
JOHN L. MARTIN, DISTRICT 35
KARL W. TURNER, DISTRICT 11

JAMES K. DIONNE, LEGISLATIVE ANALYST (OFPR)
DIANE PRUETT, COMMITTEE CLERK



HOUSE

JEREMY FISCHER, PRESQUE ISLE, CHAIR
MARGARET M. CRAVEN, LEWISTON
JANET T. MILLS, FARMINGTON
EMILY ANN CAIN, ORONO
LINDA M. VALENTINO, SACO
DAVID C. WEBSTER, FREEPORT
H. SAWIN MILLETT, JR., WATERFORD
PATRICK S.A. FLOOD, WINTHROP
JOHN C. ROBINSON, RAYMOND
JAYNE CROSBY GILES, BELFAST

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

January 8, 2008

Senator Beth G. Edmonds, Chair
Representative Glenn A. Cummings, Vice Chair
Members of the Legislative Council
115 State House Station
Augusta, ME 04333

Dear Members,

Pursuant to Public Law 2007, chapter 240 Part QQQ, the Appropriations and Financial Affairs Committee is pleased to submit its final report. Copies of the report will be posted on the committee's website and will be made available to the public from the Office of Fiscal and Program Review.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Rotundo".
Sen. Peggy Rotundo
Senate Chair

A handwritten signature in black ink, appearing to read "Jeremy Fischer".
Rep. Jeremy Fischer
House Chair

Enclosure

cc: Members, Appropriations and Financial Affairs Committee
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Boulter, Executive Director of the Legislative Council



STATE OF MAINE

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES

Bureau of the Budget
State House Station #58
Augusta, Maine 04333

To: Beth Edmonds, President of the Senate
Glen Cummings, Speaker of the House
Members of the Legislative Council
From: Ellen Jane Schneider, State Budget Officer
Date: December 26, 2007
Subject: Biennial Report on the Provision of Housing and Food to State Employees

The State Budget Officer is required by 5 M.R.S.A., Section 8-F, to approve rules and regulations established by each department that must carry out the purposes of sections 8-B and 8-C concerning the provision of housing and food to employees. The following departments are affected by 5 M.R.S.A., Section 8-B and 8-C, and therefore subject to the provision:

Agriculture, Food and Rural Resources

The Department has not provided housing on a regular basis to its employees for several years. However, during the winter months from approximately late October to late January, a seasonal employee from the seed potato certification program is assigned to the Department's Test Farm in Homestead, Florida. This person stays at the farmhouse to provide continual oversight of the test crop thereby ensuring proper management, including irrigation and pest control. The employee is provided furnished living quarters and receives half the per diem rate because there are kitchen facilities. This employee is an Agricultural Worker I at pay range 14.

In addition, the Department has two dwellings on the Porter Nuclear Seed Farm in Masardis, Maine. Recently, the dwellings have been rented to non-employees but one residence is currently vacant and may be rented to an employee of the farm who has expressed interest. This would not be a condition of employment, but rather a matter of convenience to the employee who currently travels a fair distance to work at the farm. This would be the same Agricultural Worker I as mentioned above whom also has a seasonal position at Masardis for nine months of the year. He would be charged the equivalent of the estimated costs of maintenance for the dwelling and would be expected to pay all utility charges. Therefore, the Department believes that it is in compliance with the State policy with all housing occupied by state employees.

Department of Conservation

This department continues to utilize the housing policies it developed in 1987 and remains in compliance with State guidelines. The department maintains 49 housing units throughout the State that are broken down between the Bureau of Parks and Lands and Bureau of Forestry.

Department of Corrections

The department maintains seven (7) housing units at the Maine State Prison. They continue to use the state approved housing policies that were developed in 1995, which are in compliance with the State Guidelines.

Department of Inland Fisheries & Wildlife

The Department maintains 20+ housing units throughout the state and is divided into three segments: 1) Warden Services, 2) Hatcheries, and 3) Public Information & Education-Maine Wildlife Park. The Department continues to use the policies set forth in the "Guidelines on State Housing".

Department of Transportation

The Department maintains housing units as part of the function of the Maine State Ferry Service. The Ferry Service has developed and maintained a set of housing policies since 1994. These policies are in full compliance with the policies as set forth in the "Guidelines on State Housing".

This housing is on the islands served by the ferry service, and is for crew members who do not reside on the island, but must layover and/or remain on call.

I have enclosed for the Council's review the aforementioned "Guidelines on State Housing" as developed by the Bureau of the Budget to provide uniformity in department rules and regulations.

EJS/kb

cc: Grant Pennoyer, Director, Office of Fiscal & Program Review
Rebecca Wyke, Commissioner, Administrative & Financial Services

GUIDELINES ON STATE HOUSING

- A. Eligibility for State Housing. The State of Maine shall provide a housing facility to a State employee only when the employee's "residence elsewhere will ... substantially impair the effective management and operation of the State department or institution" (Title 5, M.R.S.A., Section 8-B).
- B. Excess Housing. Where the amount of available housing at any facility exceeds housing required to meet the criteria of Section A, the agency should consider alternative uses for such excess housing. Alternatives might include conversion of facilities to another use, transferring ownership to another State agency, "mothballing" or sale of facilities.
- C. Housing as Compensation. Provision of State housing is NOT intended to be a form of compensation. In addition, no State funds, regardless of source, shall be paid to any employee to compensate the employee for the expense of housing, whether State-owned, privately owned or rented.
- D. Dislodgment Notice. A State agency shall give an individual renting State housing 60 days written notice if the agency requires the individual to vacate such housing.
- E. Housing as a Condition of Employment. "No charge shall be made for the provision of housing facilities when the State employee involved is required as a condition of his employment to reside in such housing facilities and when the State employee involved receives a salary less than the salary received by an employee at pay range 23, step 8 of the compensation plan for classified employees." (Title 5, M.R.S.A., Section 8-B - Emphasis added) The provision of housing under this condition must be authorized by the appropriate department or agency head and is subject to existing Executive policy or any agreement resolved pursuant to Title 26, M.R.S.A., Section 979.
- F. Housing Provided when it is Beneficial to the State. When provision of State housing cannot be justified as a condition of employment, but yet is determined to be beneficial to the State, a rent should be charged based on insured value and the cost of fuel and utilities (see Sections G & H). The provision of housing under this condition must be authorized by the appropriate department or agency head and is subject to existing Executive policy or any agreement resolved pursuant to Title 26, M.R.S.A., Section 979.
- G. Billings for Fuel and Utilities.
 - (1) Wherever it is feasible, the cost of fuel and utilities should be directly billed to the occupant(s) using the facility; in no instance will these expenses be billed to the State. This policy will apply to ALL occupants of State housing regardless of whether or not they are required to live in State housing as a condition of their employment.
 - (2) Wherever it is not feasible for the cost of fuel and utilities to be directly billed to the appropriate individuals, a determination should be made to see if the cost of the alterations necessary for direct billings is less than the previous year's fuel and utilities expense. If the cost of alterations is less expensive, those alterations should be instituted.

- (3) Any facilities that are not insulated (exterior walls, roof and windows) and are needed for employees who qualify for housing as a condition of their employment, should be insulated at State expense. Before any direct billings to employees for fuel and electricity (where the facility is heated electrically) occurs, proper insulation should be completed.

H. Rent Determination.

- (1) Rents should be based on 5% of structure's insured value (i.e., the Actual Cash Value, unless the building is insured at Replacement Cost and this is less than the Actual Cash Value) to recover the costs of capital, insurance and maintenance. In some cases a structure will be insured for only a demolition value. When this occurs, the department should establish a rental charge based on a review of similar employee housing within the state and equitable treatment for the employees involved. The insured value should not include the value of State-owned furnishings. For those facilities which must have the fuel and utilities billed to the State, the rent should also recover these expenses (by prorating the cost of fuel and utilities on a square foot basis).
- (2) Over a period of twelve months, a multi-unit dwelling must derive at least 75% of the projected maximum rental. If less than 75% of the yearly revenue is received, the rental rates should be adjusted so that all costs to the State are recovered, or the provision of Section B should be followed. A shortfall of projected revenue resulting from the provision of housing as a condition of employment should not force the adjustment of the established rentals as long as 75% of the units are occupied.
- (3) Employees occupying residences rented/leased by the State from private parties should not be charged a rent in that this practice should occur only when housing is provided as a condition of employment.

I. Shared Residences.

- (1) Whenever a residence (including dormitory style rooms) is occupied by more than one employee, each employee should pay an equal share of the rental as determined under Section H.
- (2) Rooms other than those regularly utilized and charged to the host employees which are occupied by nonofficial guests visiting employees with the approval of the head of the institution or facility should be charged at a daily rate of at least one-thirtieth of the full rent for the residence.

J. Rental Responsibility. No reduction in rent is allowed for any absence. If the resident employee is off the State payroll, he continues, nevertheless, to be responsible for the rental charge until he officially gives up his assigned quarters and vacates the premises of all his personal property.

- K. Repairs and Maintenance. Repairs and maintenance should be carried out as needed to keep the structure in adequate condition. Major rehabilitation should be undertaken only when the structure is necessary for "the effective management and operating of the State department or institution" and when economically feasible.
- L. Rentals to other than State Employees. Rentals to non-State employees should not occur in accordance with the provisions of Section A.
- M. Updating Rental Charges. It is the responsibility of each agency providing housing to update the rental charges in accordance with the above Sections A through L at the beginning of each fiscal year. The revised charges shall be collected by the agency. The Bureau of the Budget shall be notified of the rental charge for all units of housing on copies of the form provided with this guideline. Any exceptions to this policy shall be approved by the appropriate agency head and the Budget Officer.



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ALTERNATIVE EDUCATION PROGRAMS COMMITTEE

MEMBERS

Sen. Peter B. Bowman, Chair
Rep. Emily Ann Cain, Chair
Sen. S. Peter Mills
Rep. Jacqueline R. Norton
Rep. Roberta M. Muse
Rep. John C. Robinson

A. James Artesani
Christopher B. Bean
A. Pender Makin
Emanuel Pariser
Shelley Reed
Jonathan Ross

January 3, 2008

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

Dear Chair and Vice-Chair:

Pursuant to Resolve 124, 2007, the Alternative Education Programs Committee is pleased to submit its annual report and recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

Senator Peter B. Bowman, Chair

Representative Emily Ann Cain, Chair

cc: Joint Standing Committee on Education and Cultural Affairs
Law and Legislative Reference Library
Members, Alternative Education Programs Committee

Enclosure



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMISSION TO STUDY PRIMARY CARE MEDICAL PRACTICE

January 2, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Commission to Study Primary Care Medical Practice has completed its work and submitted its final report, including recommended legislation, pursuant to Senate Paper 732. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script, reading 'Lisa T. Marrache'.

Senator Lisa T. Marrache', Senate Chair

A handwritten signature in cursive script, reading 'Gary A. Connor'.

Representative Gary A. Connor, House Chair

Enclosure



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**COMMISSION TO STUDY THE PROMOTION, EXPANSION AND REGULATION OF
THE HARNESS RACING INDUSTRY**

January 9, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry has completed its work and submitted its final report, including recommended legislation, pursuant to Resolve 2007, chapter 128.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Nutting".

Senator John M. Nutting, Senate Chair

Representative Troy D Jackson, House Chair

Enclosure

A handwritten signature in black ink, appearing to read "Troy Jackson".

cc: Commissioner Bradstreet, Department of Agriculture
Commissioner Anne Jordan, Department of Public Safety

EXECUTIVE DIRECTOR'S
OFFICE

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MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMITTEE TO STUDY APPROPRIATE FUNDING OF THE STATE POLICE

January 10, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Committee to Study Appropriate Funding of the State Police has completed its work and submitted its final report, including recommended legislation, pursuant to Joint Order, SP 725.

Sincerely,

A handwritten signature in cursive script, reading "Dennis S. Damon".

Senator Dennis S. Damon, Senate Chair

A handwritten signature in cursive script, reading "Anne M. Haskell".

Representative Anne M. Haskell, House Chair

cc: Members, Committee on Appropriations and Financial Affairs

Enclosure

Sen. Dennis S. Damon, Chair

Rep. John F. Piotti, Chair



Staff:
Natalie Haynes, Esq., Legislative Analyst
Elizabeth Cooper, Legislative Analyst
Julie Jones, Esq., Legislative Analyst

STATE OF MAINE

COMMITTEE ON FUTURE MAINE PROSPERITY

January 10, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

The Joint Select Committee on Future Maine Prosperity was established during the First Regular Session of the 123rd Legislature and is pleased to announce that it voted unanimously to support the recommendations and draft legislation in the report, which has been submitted pursuant to House Paper 1018. Many of the Committee's recommendations involve specific legislation; however, several are recommendations for consideration by the various joint select committees of the Legislature. The Committee recognizes the valuable expertise of the joint standing committees and respectfully requests their support in advancing legislation that will advance Maine toward a more prosperous future.

The Committee's report includes specific legislation and contains numerous recommendations for specific action to be taken by the 123rd Legislature through an omnibus joint order that directs several joint standing committees to report out legislation to advance Maine toward a more prosperous future. The Committee recognizes the expertise of the joint standing committees to develop this legislation, along with public participation through the public hearing process. It became clear during the Committee's deliberations that in order to bring about meaningful change to advance prosperity in Maine, the Legislature must think and act beyond traditional committee jurisdictions and become more proactive, so that public policy will truly serve the State's long-term needs.

During its deliberations, the Committee discussed the need for reforms within the Legislature that will improve the analysis of potential fiscal impacts of legislative proposals, as

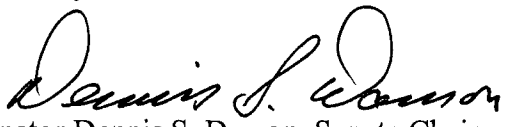
well as encourage coordination and collaboration among joint standing committees. As the joint standing committees consider legislation that impacts the State's economy and future prosperity, it is important to reduce the "silo" effect that occurs when the Legislature lacks the forum and time to address cross-cutting issues that affect multiple committees.

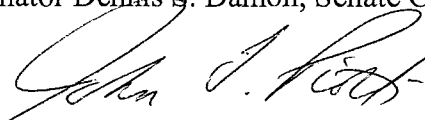
Specifically, the Committee respectfully requests your consideration of the following recommendations:

1. The Committee recommends the Legislative Council, working with committee leadership, identify measures joint standing committees can take to work collaboratively in creating policies that support the vision for sustainable prosperity in Maine.
2. The Committee recommends the Legislative Council develop a process for using the Maine Economic Growth Council's valuable report (*Measures of Growth in Focus: Performance Measures and Benchmarks to Achieve a Vibrant and Sustainable Economy for Maine*), for consideration of proposed legislation.

We look forward to working with you to move Maine's economy forward on the road to prosperity.

Sincerely,


Senator Dennis S. Damon, Senate Chair


Representative John F. Piotti, House Chair

c: David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis

HON. BARRY J. HOBBS, CHAIR
HON. DEBORAH L. SIMPSON
SHENNA BELLOWS
KARLA BLACK
ROBERT DEVLIN
MARK DION
RICHARD FLEWELLING
JAMES T. GLESSNER



SUZANNE GOUCHER
MAL LEARY
JUDY MEYER
MAUREEN O'BRIEN
LINDA PISTNER
HARRY PRINGLE
CHRIS SPRUCE
RALPH STETSON

STATE OF MAINE

RIGHT TO KNOW ADVISORY COMMITTEE

January 14, 2008

The Honorable Beth Edmonds, Chair
The Honorable Glenn Cummings, Vice-Chair
Legislative Council
123rd Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Right to Know Advisory Committee has completed its work and submitted its report, including recommended legislation, pursuant to Title 1, chapter 13, section 411. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script, reading "Barry J. Hobbins".

Senator Barry J. Hobbins, Chair
Right to Know Advisory Committee

Enclosure

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

PHILIP L. BARTLETT II, DISTRICT 6, CHAIR
 BARRY J. HOBBS, DISTRICT 5
 DOUGLAS M. SMITH, DISTRICT 27

LUCIA NIXON, LEGISLATIVE ANALYST
 KRISTEN GOTTLIEB, COMMITTEE CLERK



EXECUTIVE DIRECTOR'S
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STATE OF MAINE

LAWRENCE BLISS, SOUTH PORTLAND, CHAIR
 HERBERT ADAMS, PORTLAND
 PETER L. RINES, WISCASSET
 RICHARD D. BLANCHARD, OLD TOWN
 SETH A. BERRY, BOWDOINHAM
 JON HINCK, PORTLAND
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 PHILIP A. CURTIS, MADISON
 STACEY ALLEN FITTS, PITTSFIELD
 MICHAEL THIBODEAU, WINTERPORT

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON UTILITIES AND ENERGY

MEMORANDUM

Date: January 15, 2008

To: Senator Beth G. Edmonds, Chair
 Legislative Council

From: Senator Philip L. Bartlett, II, Chair *sub*
 Representative Lawrence Bliss, Chair *KB*
 Joint Standing Committee on Utilities and Energy

Re: Government Evaluation Act Review of the Maine Municipal and Rural Electrification
 Cooperative Agency

This is to inform you that the Joint Standing Committee on Utilities and Energy, pursuant to the Government Evaluation Act (3 MRSA chapter 35), has submitted to the Legislature its findings and recommendations with respect to the Maine Municipal and Rural Electrification Cooperative Agency.

Cc: Members, Legislative Council
 David Boulter, Executive Director, Legislative Council