

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. CROTHWAITE

LEGISLATIVE COUNCIL
February 28, 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 JANUARY 24, 2008 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
17	▪ Executive Director's Report (Mr. Boulter)	Information
18	▪ Fiscal Report (Mr. Pennoyer)	Information
22	▪ Information Services Report (Mr. Mayotte)	Information
	▪ Status of Legislative Studies (No Report)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Cummings, Chair)	
	• State House Facilities Committee (Rep. Pingree, Chair) (No Report)	
	• Budget Subcommittee (Sen. Martin, Chair) (No Report)	
	• Subcommittee to Administer Technology (President Edmonds, Chair)	

OLD BUSINESS

- | | | |
|----|---|--------------------|
| 23 | 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 January 24 meeting is attached. | Information |
| | Item #2 Chamber Automation and Pilot Project for Paperless Chamber
[Tabled at January 24, 2008 meeting] | Decision |

NEW BUSINESS

- | | | |
|----|--|-----------------------|
| 25 | Item #1: Consideration of After Deadline Bill Requests | Roll-Call Vote |
| | Item #2: Legislative Council 123rd Group Photo
Scheduled for March 27 th | Information |
| 28 | Item #3: FY09 Dues Request by the Council of State Governments (CSG) for NSAAS and ETC | Decision |
| 29 | Item #4: Legislative Council's Policy on Legislative Confidentiality for Nonpartisan Employees | Discussion |
| | Item #5: MDF Policy Leaders Academy: Planning for 124th Legislature and Schedule [Material will be available at meeting] | Discussion |
| 38 | Item #6: Report on Government Evaluation Act Review of the Department of Labor [Joint Standing Committee on Labor] | Acceptance |
| 41 | Item #7: Final Report of the Commissions to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-Wage, Low-Skilled Adults [Separate Handout] | Acceptance |
| 42 | Item #8: Government Evaluation Act Review of the Office of the State Treasurer | Acceptance |
| 44 | Item #9: Government Evaluation Act Review of the State Planning Office | Acceptance |
| 46 | Item #10: Government Evaluation Act Review of the Maine Municipal Bond Band | Acceptance |
| 48 | Item #11: Government Evaluation Act Review of the Public Utilities Commission | Acceptance |
| | Item #12: Collective Bargaining Matters (Executive Session) | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



SEN. BETH EDMONDS
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123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
January 24, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:30 P.M. in the Legislative Council Chamber.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. Carol Weston, Sen. Richard Rosen, Sen. John Martin (arrived after start of meeting)

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth, 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
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
John Barden, Law and Legislative Reference Library

Legislative Council Chair, President Edmonds convened the meeting at 1:30 P.M. with a quorum of members present.

SUMMARY OF DECEMBER 20, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of December 20, 2007 be accepted and placed on file.
Motion by Senator Mitchell. Second by Representative Pingree. **Motion passed unanimous (9-0). [Senator Martin absent for vote.]**

President Edmonds asked if there was any objection to taking 2 items out of order. Hearing none, the Chair then moved to **New Business, Item 1: Consideration of After Deadline Bill Requests and Item #2: Bill Request(s) by Newly Elected Legislators.**

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests

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

ITEM #2: Bill Request(s) by Newly Elected Legislators

The Legislative Council considered and acted on one bill request by newly elected legislators. The Legislative Council's action on this request is included on the attached list.

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

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

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 on Friday, January 25, 2008.

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 to registrants 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.

5. 2007 Income Tax Packets to Legislators

The Executive Director's office will distribute 2007 income tax information to legislators on Thursday, January 31, 2008.

6. Introduction of John Barden, Director, Law and Legislative Reference Library

Mr. Boulter publicly introduced Mr. John Barden who has been appointed Director of the Law and Legislative Reference Library by the Legislative Council. Mr. Barden began work on January 2, 2008. The members welcomed Mr. Barden.

Fiscal Report

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

Mr. Pennoyer reported the Governor's supplemental budget bill is being produced in record time and a printed LD will be available for the public hearing.

Mr. Pennoyer distributed a memo announcing the release of the latest Compendium of State Fiscal Information.

1. Revenue Update

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 welcomed 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) met 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

- 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.

President Edmonds asked if there was any objection to taking an item out of order in order to accommodate the schedule of the presenter of that item. Hearing none, the Chair then moved to **New Business, Item 3.**

NEW BUSINESS

ITEM #3: New: Maine Town & City Clerks' Association Request for guidance on absentee ballot and election process related to school consolidation (Linda Cohen on behalf of President, (TCCA).

Linda Cohen addressed the council on behalf of the President of the Maine Town & City Clerks' Association requesting guidance on the absentee ballot process as it relates to the school consolidation law. Ms. Cohen explained that among other requirements, the new school consolidation law (P.L. 207, c. 240) requires a vote in the community in certain circumstances related to the referendum election process. In reviewing the required voting process, the Maine Town and City Clerks' Association became aware of a potential conflict in voting processes that led to confusion as the proper manner of administering the vote. The MTCCA seeks legislative guidance on how to run such an election. Of particular concern is the absentee voting process; e.g., what question or questions are to be placed on an absentee ballot, their timing relative to a community's budget vote, and how may the vote be conducted without violating the election laws set forth in Title 21-A and Title 30-A.

The council discussed the matter. Senator Mitchell explained that the Joint Standing Committee on Education and Cultural Affairs is currently considering changes to the school consolidation law to fine tune it in order to improve its administration. She noted that the concerns by the MTCCA are timely ones and that the association should discuss the issue with the committee. Senator Mitchell agreed to assist the MTCCA in becoming aware of the date and time of committee work sessions and to facilitate bringing this issue to the attention of the committee so it may develop a resolution to the matter. The council members thanked Ms. Cohen for raising the issue so it could be resolved this session, and they generally agreed that Senator Mitchell's suggested approach was an appropriate one.

No further action on this matter was taken by the Legislative Council.

President Edmonds asked if there was any objection to taking one additional item out of order; reconsideration of a bill request considered earlier in the meeting under **New Business: Item #1.** Hearing no objection, the chair then moved to that item.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests

Having voted on the prevailing side, Speaker Cummings made a motion to reconsider the Legislative Council's denial of LR 2886: "Joint Resolution Memorializing Congress to Enact Legislation to Ensure Health Care For All" for introduction, second by Representative Faircloth. The Legislative

Council voted to reconsider its action, and by a vote of 6-3-0-1, it voted to accept LR 2886 for introduction.

Senator Martin then made a motion to remove from the table LR 2833: "An Act to Create the Public Power Delivery System". The Legislative Council voted to remove the request from the table, and by a vote of 8-0-0-2, it voted to accept LR # 2833 for introduction.

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

Information Technology Report

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

Production Tracking System

The vendor Voyager System, Inc. provided a software release on 1/17/08, correcting 26 items identified in testing. He reported that 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, and a session to review the application with the Secretary and Clerk has been scheduled.

President Edmonds stated that in an earlier council meeting, the council had asked that Mr. Mayotte meet with the Clerk and the Secretary about their information needs. She asked Mr. Mayotte if their requests made it into this release.

Mr. Mayotte reported that the items requested by the Clerk and Secretary did not make it into this release. This release is the "functional equivalent" of the WANG system so additional requests from the Clerk and Secretary and all users have not been reflected in this release.

President Edmonds then asked if the requested changes can be made immediately. Mr. Mayotte responded by suggesting the request be referred to the Subcommittee to Administer Technology since he did not want to cause his office to violate the council's confidentiality requirements [personnel rules]. President Edmonds agreed that a full discussion of the issue among the council members is appropriate and to establish what information is needed, by whom and for what purpose.

Mr. Boulter clarified that development of the Voyager system does not preclude access to or use of information requested by the Clerk and Secretary; it is not a flaw in the design of the system, it is a policy matter for the council. He further explained that nonpartisan staff is prohibited not by technology policy but the Legislative Council's personnel policies from disclosing certain information relating to legislation. Through long standing policy, nonpartisan staff is prohibited from disclosing confidential information as a condition of employment. The Council, not the staff, may change the policy to allow release of that information. Mr. Boulter suggested that a discussion by the Personnel Committee is appropriate because it is a personnel policy that binds nonpartisan staff.

Senator Martin added that it is a matter for the entire council to review. He indicated that he has concerns about some of the confidential information that would be released. Senator Martin reminded the council members that in past years there was a concerted effort by the "lobby" to gain access to bill information as legislation was being developed, and procedures were instituted to limit access. He suggested that as a start, to identify the information that is currently protected by the confidentiality provisions of the policy and proceed from that point.

Mr. Boulter stated that the personnel policies govern the nonpartisan staff. Eventually it should be a full council discussion but the Personnel Committee probably would be an appropriate committee to begin the review. Senator Weston said if the issue deals with policy the Personnel Committee has adopted, she was not sure what involvement the technology subcommittee would have.

Senator Martin suggested that since a joint Personnel / Technology Subcommittee would comprise most council members, a meeting of the full council would make sense. The members generally agreed. President Edmonds suggested that a meeting be scheduled in conjunction with the next regular meeting of the Legislative Council.

Mr. Mayotte concluded by reaffirming what Mr. Boulter said, that the Voyager system is a very capable system so it is not a technology discussion at this point but a policy discussion about access to confidential information.

Bill Drafting System

No significant activity to report. IS staff is supporting OFPR and ROS to ensure the supplemental budget bill flows through the drafting system in a prompt manner.

Chamber Automation

To be covered in the report from the Subcommittee to Administer Technology.

Senate and House servers

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

Website

Changes are being made to improve the formatting and completeness of the Maine statutes presented on the Legislature's website. [Significant errors in posting statutes to the website were discovered such that the statutes have been removed until corrected programming has been completed.]

Status of Legislative Studies

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

Committee Status:

- Total anticipated bill load for this session is currently estimated at ~ 450 bills. At 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 Committee. The Postsecondary Access Study report will undergo 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 the 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 (LYAC) is meeting on January 29 (to coincide with the Education Committee's public hearing on one of the two LYAC bills).

REPORTS FROM COUNCIL COMMITTEES**1. Personnel Committee**

(No Report)

2. State House Facilities Committee

Representative Pingree presented the report of the State House Facilities Committee which met on January 17, 2008 to consider three matters:

- **State House Security Planning**

The committee discussed the need for security planning and the most recent trial use of metal detectors during the State of the State address. Capitol Security Chief Gauvin urged the committee to continue moving forward in security planning, incrementally as circumstances warrant. The committee will review the recommendations for State House security improvements that were approved by the Legislative Council of the 122nd Legislature, and discuss their implementation at a future meeting.

- **Display of Reproduction of Original Maine Constitution**

This matter was referred to the committee by the Legislative Council at an earlier meeting. The State Archivist has reproduced the 14 pages of the original Maine Constitution at full scale (40" x 32") and the committee is considering appropriate locations where they may be displayed as a group publicly. After discussion, the committee concluded it could better determine where the reproductions are suited for display once they are framed and available due to their large size and number.

Costs to mount and frame the pages would be \$2,000 - \$2,500, which the State Archives is asking the Legislative Council to pay for; labor costs would be absorbed by the Archives. The committee voted to recommend to the Legislative Council that it support the Archives efforts to make publicly available the reproduction of the Maine Constitution.

- **Phase I Parking Lot Improvements**

Finally, the executive director sought and received guidance on options to pursue with the general contractor and further steps to be taken on parking lot corrections for work that was done in 2006. No action by the Legislative Council is required.

Motion: That the Legislative Council authorize payment to the Maine State Archives in an amount not to exceed \$2,000 for the purpose of preparing and making available to the public a full-size framed reproduction of the original Maine Constitution, and further that the reproduction be displayed as a temporary exhibit in a location deemed suitable to the

facilities committee. Motion by Representative Pingree. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Representative Crosthwaite, Representative Cummings absent for vote.]

3. Budget Subcommittee

Senator Martin presented the report of the Budget Subcommittee. The Budget Subcommittee met on January 17, 2008 and considered 3 items.

- **“Efficiency Savings” initiative**
The subcommittee voted to recommend that \$160,000 lapse from various legislative account balances in the manner prescribed by the subcommittee as legislative budget savings pursuant to P.L. 2007, c. 240 (the \$10.1M reduction in FY08).
- **FY 08/09 budget savings**
The subcommittee also voted to recommend that \$415,950 lapse from various legislative account balances in the manner prescribed by the subcommittee as legislative savings to help offset the revenue shortfall in FY 08/09 (the \$95M reduction). Members expressed concern that members of the Executive Branch are treating the legislature as an executive “agency”. The committee also discussed the Governor’s executive order to curtail allotments including legislative funds and the incorrect budget language that appeared in the draft supplemental budget bill. The subcommittee reiterated that the Legislative Council has authority over the legislative budget and the Executive Branch may not curtail legislative funds. The subcommittee asked the executive director to prepare a letter to the state budget officer clarifying the limited role of the Executive in legislative budget matters.
- **Rate negotiations with daily newspapers on publication of legal notices**
The subcommittee received a report on the status of negotiations to reduce the rates charged for publishing public notice of legislative hearings and other activities. Negotiation results have varied, with the subcommittee seeking real cost savings for advertising over a several year period. The subcommittee generally agreed that it should pursue contracts with daily newspapers only if real cost savings can be demonstrated (e.g. Bangor Daily News); otherwise it should more vigorously explore advertising through newspaper inserts in daily or weekly newspapers or through the legislative website on the Internet.

Motion: That upon the unanimous recommendation of the Budget Subcommittee that the Legislative Council lapse to the General Fund \$160,000 in FY 08 and \$415,950 over the FY 08/09 biennium as apportioned among legislative accounts by the subcommittee, and direct the executive director to submit implementing language to the Appropriations Committee for inclusion in the supplemental budget legislation. Motion by Senator Martin. Second by Representative Pingree. **Motion passed unanimous (8-0).** [Representative Crosthwaite, Representative Cummings absent for vote]

Senator Weston asked for a copy of the detail for amounts to be lapsed to the General Fund. Executive Director Boulter agreed to provide a copy to Senator Weston.

4. Subcommittee to Administer Technology

President Edmonds presented the report of the Subcommittee to Administer Technology which met on January 8, 2008 to consider one item: chamber automation proposals.

The subcommittee met to review the vendor proposals relating to increasing automation in the House and Senate chambers, review vendor reference checks and make a recommendation to the Legislative Council on the proposals.

The members discussed the status of the proposal: In response to the Council's RFP, five vendors submitted a proposal to develop software to allow chamber documents to be distributed to legislators electronically. Subsequently, the subcommittee narrowed the number of vendor proposals under consideration to two and sought proposals for a pilot project. The subcommittee reviewed the two pilot project proposals, with the costs ranging from \$10,000 - \$40,000.

While supportive of better utilizing technology to improve legislative operations, a majority of the subcommittee expressed concern about the costs for either the full scale project or a pilot project including purchasing laptop computers for legislators at this time given the State's financial constraints. A majority voted to recommend to the Legislative Council that it not pursue the project and so notify the vendors who submitted proposals. It felt that a future Legislative Council could reconsider the project when financial conditions improve. President Edmonds offered the following motion.

Motion: That the Legislative Council not authorize development of a "paperless chamber" project or a pilot project for the House or Senate chambers, and that potential vendors be so notified.

Senator Martin asked for clarification of the motion; the motion was restated. Senator Martin seconded the motion, adding an amendment that the Executive Director is not authorized to expend any funds from legislative accounts toward this project.

Representative Pingree expressed regret that the Speaker who is spearheading this project is not present and was not at the technology subcommittee meeting. She noted that there was a bipartisan discussion at the committee chairs' meeting earlier that morning where a pilot project was discussed. President Edmonds noted that although a pilot project might be feasible, it is related to a larger scale project so that committing to the smaller project also commits the legislature to the large next step, and that is a concern. Representative Tardy supported Senator Martin's amendment, indicating that the motion would have the effect of preventing the pilot project, a project he did not support.

Tabling the motion was discussed briefly, with some support for tabling the motion as long as the House did not move forward on the project until the proposal was dealt with by the council. Ultimately a tabling motion was not pursued.

President Edmonds asked Mr. Boulter that if the intent is to prohibit the project from proceeding, can it be stopped. Mr. Boulter responded by saying that if the Legislative Council directs that no invoices are to be paid, then they will not be paid.

Senator Martin then amended the motion to state that the Executive Director is not authorized to make any payment until the matter is decided by the council. The motion was seconded by Representative Tardy.

Senator Martin then stated that there are certain expenditures, for example, travel vouchers and travel expenses that the presiding officers authorize for payment: other expenses and purchases must come before Legislative Council for approval and he wanted to make clear, that is always the way it has been since the Council was established.

Motion: That a decision on the pilot project be tabled until further discussion and a final decision on the proposal by Legislative Council and until then the Executive Director is not authorized to make any payment from legislative accounts relating to the project except by approval of the Legislative Council. Motion by Senator Martin. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Speaker Cummings and Representative Crosthwaite absent for vote.]

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 December 20, 2007 meeting was attached. No further action by the Legislative Council was required.

There was no other Old Business.

President Edmonds then proceeded to **Item 4** under New Business.

NEW BUSINESS

- ITEM #4: Report on "The Initiative" to Streamline State Government: Findings and Recommendations (Joint Standing Committee on Appropriations and Financial Affairs) (separate handout)**
- ITEM #5: Biennial Report on the Provision of Housing and Food to State Employees (DAFS, Bureau of the Budget)**
- ITEM #6: Final Report of the Alternative Education Programs Committee (separate handout)**
- Item #7: Final Report of the Commission to Study Primary Care Medical Practice (separate handout)**
- Item #8: Final Report of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry (separate handout)**
- Item #9: Final Report of the Committee to Study Appropriate Funding of the State Police (separate handout)**
- Item #10: Final Report of the Committee on Future Maine Prosperity (separate handout)**
- Item #11: Second Annual Report of the Right to Know Advisory Committee (separate handout)**
- Item #12: Government Evaluation Act Review of the Maine Municipal and Rural Electrification Cooperative Agency**

Motion: To accept the reports noted in Items # 4 through # 12 and place them on file. Motion by Senator Mitchell. Second by Representative Pingree. **Motion passed unanimous (9-0). [Speaker Cummings absent for vote]**

Item #13: Collective Bargaining Matters (Executive Session)

Collective Bargaining Matters (Executive Session)

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the Independent Association of Nonpartisan Legislative Professionals (IANLP) and the Legislative Council.

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

The Council recessed at 3:08 PM to go into an executive session.

Meeting Reconvened

The Legislative Council ended its executive session and the Chair reconvened the meeting at 3:20 p.m.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:20 P.M.

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

	<u>Action</u>
SPONSOR: Sen. Benoit, Paula I.	Failed
LR 3405 An Act To Amend the Requirements for Obtaining a Driver's License	
SPONSOR: Rep. Bliss, Lawrence	Passed
LR 3459 An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services	
SPONSOR: Rep. Cummings, Glenn	Passed
LR 3406 An Act To Promote Transportation Safety	
SPONSOR: Rep. Cummings, Glenn	Passed
LR 3407 An Act To Provide Funding for the Low Income Home Energy Assistance Program	
SPONSOR: Rep. Hanley, Stephen P.	Passed
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.	Passed
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.	Failed
LR 3416 RESOLUTION, To Amend the Constitution of Maine To Freeze Property Valuations of Lakeside Property	

SPONSOR: Rep. Jackson, Troy D. **Passed**

LR 3417 An Act To Amend Laws Governing Trucking

SPONSOR: Rep. Jackson, Troy D. **Failed**

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

SPONSOR: Rep. Jackson, Troy D. **Passed**

LR 3419 An Act To Ensure Adequate Funding for Conservation Districts

SPONSOR: Sen. Martin, John L. **Passed**

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

SPONSOR: Rep. McKane, Jonathan B. **Passed**

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

SPONSOR: Rep. Patrick, John L. **Failed**

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. **Failed**

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. **Passed**

LR 3399 An Act To Amend the Bankruptcy Laws

SPONSOR:	Rep. Pilon, Donald E.	Passed
LR 3385	An Act Concerning Traffic Safety Cameras	
SPONSOR:	Rep. Piotti, John F.	Passed
LR 3469	An Act To Require a Municipality To Move a Body Buried in the Wrong Grave	
SPONSOR:	Sen. Rosen, Richard W.	Passed
LR 3400	An Act To Amend the State's Cash Investment Policies	
SPONSOR:	Sen. Schneider, Elizabeth M.	Passed
LR 3452	An Act To Improve the Operation of "Texas Hold' Em" Tournaments	
SPONSOR:	Sen. Schneider, Elizabeth M.	Passed
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.	Tabled 1/24/08
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.	Failed
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.	Withdrawn
LR 3454	An Act To Provide Relief from High Fuel Prices to the Forest Products Industry	

SPONSOR: Rep. Tuttle, Jr., John L. **Tabled**
1/24/08

LR 3401 An Act To Slow the Increase in Home Foreclosures

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

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

SPONSOR: Rep. Thomas, Douglas A. **Passed**

LR 3477 An Act To Amend the Axle-weight Laws for Trucks Transporting
Unprocessed Agricultural Products and Forest Products

SPONSOR: Sen. Marrache, Lisa T. **Passed**

LR 3479 An Act To Ensure Landowner Access to Land That Is
Intersected by a Railroad

SPONSOR: Rep. Briggs **Passed**

LR 3436 Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain
of Maine Ski Area

JOINT RESOLUTION

SPONSOR: Rep. Cleary, Richard C. **Passed**

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. **Passed**

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

SPONSOR: Sen. John Martin .

Passed

LR 2833 An Act to Create the Public Power Delivery System

JOINT RESOLUTION

SPONSOR: Rep. Craven, Margaret M.

Failed

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

Passed

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

**Tabled
1/24/08**

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



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report**

February 28, 2008

1. Legislative Mini- Forums

The legislative mini-forums led by the Maine Development Foundation and the University of Maine's policy schools are underway, with 3 of the 5 mini-forums having been held. Attendance has been good averaging 15 to 20 legislators and staff and the post-forum evaluations have indicated that attendees have found them to be worthwhile. Two forums remain to be held: March 5 and March 12 (rescheduled from February due to adverse weather).

2. Employee Health Awareness & Wellness Programs

As part of an outreach program, HR Director Debby Olken has distributed information to Legislators and staff on available health programs designed to promote wellness. Upcoming in March will be Kidney Early Evaluation Program screening at no cost sponsored by the National Kidney Foundation. Advance signup is necessary. Already underway and very popular are chair massages. For a small fee, legislators and employees receive a head and shoulder massage. Advance signup is necessary as well, due to its popularity. As other wellness programs become available, Debby will send out announcements.

Fiscal Briefing

Legislative Council Meeting – February 28, 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
January	\$298.2	\$278.0	(\$20.2)	-6.8%	\$280.1	-0.8%
FYTD	\$1,599.9	\$1,571.9	(\$28.0)	-1.8%	\$1,561.6	0.7%

- General Fund revenue for January was under budget by \$20.2 million, increasing the negative variance for the Fiscal Year-to-date (FYTD) to \$28.0 million (1.8%). This variance is based on the revised December 2007 forecast, which lowered FY 2008 General Fund revenue by \$37.8 million.
- The largest negative variance in January was in the Individual Income Tax category, which was under budget by \$20.5 million in January. However, \$10.3 million of the negative variance is related to the timing of payments of the BETR program. BETR payments are still expected to be close to budget for the fiscal year.
- 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
January	\$24.7	\$25.1	\$0.5	2.0%	\$24.8	1.4%
FYTD	\$173.2	\$173.3	\$0.0	0.0%	\$172.2	0.6%

- Highway Fund revenue was over budget in January by \$0.5 million, eliminating the negative variance for the FYTD. FY 2008 Highway Fund revenue through January is just slightly ahead of budget and shows a modest, but positive growth rate of 0.6% over the same period in FY 2007.
- While Fuel Tax revenue was running ahead of budget through January, the Motor Vehicles Registration and Fees category remained under budget by \$1.3 million through January. This category will likely 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 and Preliminary Recommendations

- The Revenue Forecasting Committee (RFC) will be meeting on Monday, February 25th at 1:00 p.m. to revise its revenue forecast using the updated CEFC economic forecast prior to its March 1st statutory report deadline. Preliminary recommendations from Maine Revenue Services for the major tax lines reflect a downward adjustment in the \$80 million range for the 2008-2009 biennium. The significant downward revisions proposed by the Department of Health and Human Services further decrease the General Fund preliminary revenue recommendations to a downward adjustment in the \$95 million range for the 2008-2009 biennium.

3. Cash Balances (see attached)

- The total cash pool in January was \$583.3 million, which was below the average balance of the last 6 years for January of \$600.8 million.
- In January, average balances in the Budget Stabilization Fund (Rainy Day Fund) and the Reserve for General Fund Operating Capital totaled \$158.6 million. The Budget Stabilization Fund increased over last month by approximately \$0.4 million as a result of interest earnings.

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

JANUARY 2008 REVENUE VARIANCE REPORT

Revenue Line	January '08 Budget	January '08 Actual	January '08 Variance	FY08 YTD Budget	FY08 YTD Actual	FY08 YTD Variance	FY08 YTD Variance %	FY08 Budgeted Totals
General Fund								
Sales and Use Tax	99,582,747	96,055,709.18	(3,527,037.82)	540,376,759	535,259,894.34	(5,116,864.66)	-0.9%	985,065,063
Service Provider Tax	4,131,950	4,413,498.66	281,548.66	24,827,689	26,018,109.49	1,190,420.49	4.8%	51,181,910
Individual Income Tax	169,174,028	148,719,712.28	(20,454,315.72)	751,388,356	728,706,421.28	(22,681,934.72)	-3.0%	1,400,953,225
Corporate Income Tax	6,550,000	4,068,427.80	(2,481,572.20)	86,150,000	82,070,802.73	(4,079,197.27)	-4.7%	194,600,000
Cigarette and Tobacco Tax	11,955,612	12,756,143.60	800,531.60	91,524,114	91,173,441.48	(350,672.52)	-0.4%	157,706,180
Public Utilities Tax	0	(245.14)	(245.14)	0	347,735.12	347,735.12	N/A	17,476,987
Insurance Companies Tax	23,560	62,382.60	38,822.60	11,803,801	13,503,086.88	1,699,285.88	14.4%	76,751,673
Estate Tax	3,800,000	3,520,694.93	(279,305.07)	18,700,000	14,656,738.91	(4,043,261.09)	-21.6%	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	(799,476)	147,923.05	947,399.05	1,300,524	2,085,953.64	785,429.64	60.4%	901,571
Transfer to Municipal Revenue Sharing	(14,251,374)	(12,916,124.73)	1,335,249.27	(71,295,082)	(69,974,816.60)	1,320,265.40	1.9%	(134,221,812)
Transfer from Lottery Commission	3,833,400	4,109,814.74	276,414.74	28,750,524	29,185,662.34	435,138.34	1.5%	49,834,250
Other Revenue	14,245,700	17,089,662.26	2,843,962.26	105,967,538	108,585,003.42	2,617,465.42	2.5%	209,801,236
Totals	298,246,147	278,027,599.23	(20,218,547.77)	1,599,897,598	1,571,856,697.03	(28,040,900.97)	-1.8%	3,067,920,438
Highway Fund								
Fuel Taxes	17,631,956	17,657,711.67	25,755.67	115,011,912	116,015,919.59	1,004,007.59	0.9%	223,609,445
Motor Vehicle Registration and Fees	6,129,464	6,270,059.65	140,595.65	47,371,314	46,030,094.48	(1,341,219.52)	-2.8%	87,770,064
Inspection Fees	278,475	215,489.10	(62,985.90)	2,867,538	2,655,790.20	(211,747.80)	-7.4%	4,433,458
Fines	157,406	136,860.27	(20,545.73)	1,158,214	1,045,069.09	(113,144.91)	-9.8%	2,018,239
Income from Investments	45,000	130,537.94	85,537.94	685,000	885,140.27	200,140.27	29.2%	1,000,000
Other Revenue	408,619	722,860.06	314,241.06	6,144,552	6,630,788.43	486,236.43	7.9%	9,806,671
Totals	24,650,920	25,133,518.69	482,598.69	173,238,530	173,262,802.06	24,272.06	0.0%	328,637,877

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

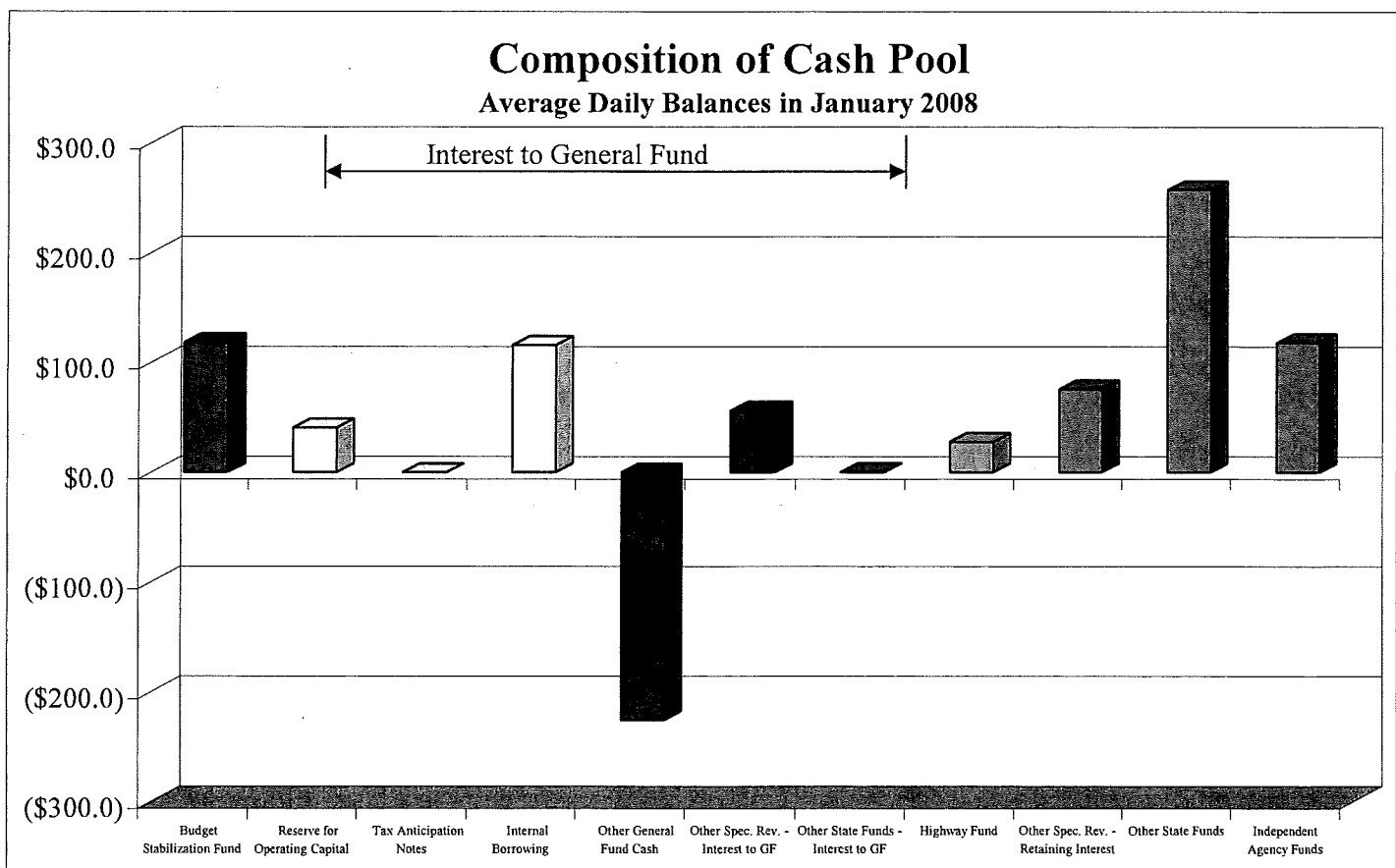
REVENUE CATEGORY	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg
GENERAL FUND										
Sales and Use Tax	\$497,849,160.48	7.7%	\$494,925,790.31	3.7%	\$513,456,218.41	3.7%	\$532,632,785.75	3.7%	\$535,259,894.34	0.5%
Service Provider Tax	\$0.00	N/A	\$21,310,682.71	N/A	\$23,022,256.14	8.0%	\$23,872,776.86	3.7%	\$26,018,109.49	9.0%
Individual Income Tax	\$672,490,319.37	6.5%	\$716,573,079.38	6.6%	\$746,293,732.81	4.1%	\$784,297,902.72	5.1%	\$822,619,978.15	4.9%
Individual Income Tax (Circuitbreaker)	\$0.00	N/A	(\$24,497,612.41)	N/A	(\$36,193,933.66)	-47.7%	(\$37,744,640.33)	-4.3%	(\$39,414,907.09)	-4.4%
Individual Income Tax (BETR)	\$0.00	N/A	\$0.00	N/A	(\$54,849,530.76)	N/A	(\$45,858,175.02)	16.4%	(\$54,498,649.78)	-18.8%
Corporate Income Tax	\$49,374,235.20	21.8%	\$67,762,594.88	37.2%	\$94,895,605.08	40.0%	\$79,080,475.60	-16.7%	\$82,070,802.73	3.8%
Cigarette and Tobacco Tax	\$56,793,787.94	-2.9%	\$57,997,230.77	2.1%	\$87,587,650.83	51.0%	\$96,340,925.68	10.0%	\$91,173,441.48	-5.4%
Public Utilities Tax	(\$293,687.83)	-106.2%	(\$150,000.00)	48.9%	\$2,264.39	101.5%	(\$116,564.00)	-5247.7%	\$347,735.12	398.3%
Insurance Companies Tax	\$12,883,674.25	10.2%	\$14,940,592.35	16.0%	\$11,890,563.34	-20.4%	\$11,583,827.28	-2.6%	\$13,503,086.88	16.6%
Estate Tax	\$12,096,985.78	-13.4%	\$17,459,599.66	44.3%	\$49,367,403.81	182.8%	\$31,082,350.51	-37.0%	\$14,656,738.91	-52.8%
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	\$1,143,187.88	-28.9%	\$2,310,366.90	102.1%	\$3,458,620.13	49.7%	\$1,614,548.75	-53.3%	\$2,085,953.64	29.2%
Revenue Sharing Transfers	(\$62,205,399.48)	-7.5%	(\$65,079,801.26)	-4.6%	(\$65,617,841.75)	-0.8%	(\$68,150,337.41)	-3.9%	(\$69,974,816.60)	-2.7%
Liquor Transfers	\$16,751,853.49	3.5%	\$50,013,788.33	198.6%	\$11,850.00	-100.0%	\$14,971.36	26.3%	\$0.00	-100.0%
Lottery Transfers	\$24,622,765.73	15.1%	\$29,632,072.93	20.3%	\$28,970,855.82	-2.2%	\$29,901,429.08	3.2%	\$29,185,662.34	-2.4%
Other Revenue	\$111,466,592.64	33.8%	\$111,452,586.00	0.0%	\$107,308,351.12	-3.7%	\$112,598,299.12	4.9%	\$108,585,003.42	-3.6%
TOTAL GENERAL FUND REVENUE	\$1,401,910,567.45	8.5%	\$1,504,289,347.55	7.3%	\$1,519,164,464.71	1.0%	\$1,561,553,950.95	2.8%	\$1,571,856,697.03	0.7%
HIGHWAY FUND										
Fuel Taxes	\$110,380,787.79	14.7%	\$116,010,600.88	5.1%	\$114,789,282.40	-1.1%	\$115,902,925.01	1.0%	\$116,015,919.59	0.1%
Motor Vehicle Registration and Fees	\$42,398,300.02	-1.7%	\$44,018,765.86	3.8%	\$46,751,990.29	6.2%	\$46,098,179.22	-1.4%	\$46,030,094.48	-0.1%
Inspection Fees	\$2,892,806.18	12.4%	\$2,553,344.89	-11.7%	\$2,673,189.39	4.7%	\$2,740,108.40	2.5%	\$2,655,790.20	-3.1%
Fines	\$1,087,593.52	-24.1%	\$1,033,122.89	-5.0%	\$1,056,699.39	2.3%	\$1,013,164.37	-4.1%	\$1,045,069.09	3.1%
Income from Investments	\$304,365.58	-60.1%	\$479,271.15	57.5%	\$956,578.43	99.6%	\$469,611.99	-50.9%	\$885,140.27	88.5%
Other Revenue	\$5,852,885.70	2.7%	\$5,751,709.87	-1.7%	\$6,378,015.68	10.9%	\$6,021,032.19	-5.6%	\$6,630,788.43	10.1%
TOTAL HIGHWAY FUND REVENUE	\$162,916,738.79	8.7%	\$169,846,815.54	4.3%	\$172,605,755.58	1.6%	\$172,245,021.18	-0.2%	\$173,262,802.06	0.6%

Adjusted for Service Provider Tax Split

Composition of State's Cash Pool

January 2008 Average Daily Balances

	January 2008
General Fund - Total	\$49,048,405
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$117,970,292
Reserve for General Fund Operating Capital	\$40,615,146
Tax Anticipation Notes	\$0
Internal Borrowing from Other Funds	\$115,806,452
General Fund - Other	(\$225,343,484)
Highway Fund	\$27,810,185
Other Special Revenue - Contributing to General Fund	\$56,087,179
Other Special Revenue - Retaining Interest Earned	\$75,546,235
Other State Funds - Contributing Interest to General Fund	\$38,623
Other State Funds	\$256,959,879
Independent Agency Funds	\$117,826,398
Total Cash Pool	\$583,316,904



**Information Services Report to the Legislative Council
Paul Mayotte, Director, Office of Legislative Information Services
Preliminary Report
February 22, 2008**

Web Page Statutes:

- The Statutes through the 1st 123rd are posted on the Web site

Web Page Server:

- The Legislature's Web page is hosted on the "Janus" server physically housed at the InforME facility
- The Janus server is obsolete and will be phase-out service by InforME in 2008
- The majority of the Legislature's Web page content has been moved off of the Janus server
- IS is coordinating to move the remaining legislative content off of the Janus server during 2008 interim

**Legislative Council Actions
Taken by Ballot Since the
January 24, 2008 Council Meeting**

Request for Introduction of Legislation

- A. LR 3481 **An Act to Provide Temporary Weight Limits for Trucks Carrying Forest Products**

Submitted by: Representative Cotta

Accepted: January 28, 2008 Vote: 6 – 0 – 0 – 4 in favor

- B. LR 3482 **An Act to Expand the Economic Development Benefit of Tax Increment Financing in Counties with Unorganized Territory**

Submitted by: Senator Kevin Raye

Accepted: February 6, 2008 Vote: 7 – 0 – 0 – 3 in favor

- C. LR 3494 **Resolve, Authorizing the State Tax Assessor to Sell 2 Certain Parcels of Land in the Unorganized Territory**

Submitted by: Representative Carter

Accepted: February 5, 2008 Vote: 6 – 0 – 0 – 2 in favor

- D. LR 3501 **An Act to Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340(b) of the Public Health Act**

Submitted by: Representative Treat

Accepted: February 5, 2008 Vote: 9 – 0 – 0 – 1 in favor

- E. LR 3512 **An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District**

Submitted by: Senator Richard Rosen

Accepted: February 19, 2008 Vote: 7 – 0 – 0 – 3 in favor

- F. LR 3513 **An Act to Name a Road in Dexter After Harold Alfond**

Submitted by: Senator Debra Plowman

Accepted: February 13, 2008 Vote: 10 – 0 in favor

JOINT RESOLUTION

G. LR 3500

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO ACT IN THE
BEST INTEREST OF MAINE CITIZENS CONCERNING MEDICAID
CHANGES**

Submitted by: Senator Rotundo

Accepted: February 1, 2008

Vote: 6 – 0 – 0 – 4 in favor

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**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 21, 2008**

Action

SPONSOR: Rep. Barstow, Christopher R.

LR 3506 An Act Concerning Working Papers of the State Controller

SPONSOR: Rep. Cray, Dean A.

LR 3520 An Act To Prohibit Full-time State Employees from Enrollment
in MaineCare

SPONSOR: Rep. Lansley, Scott E.

LR 3478 An Act To Exempt Individuals and Businesses from the Federal
Economic Stimulus Package

SPONSOR: Rep. Makas, Elaine C.

LR 3499 An Act To Preserve Opportunities for Higher Education by
Controlling the Costs of Textbooks

SPONSOR: Sen. Mitchell, Elizabeth H.

LR 3518 An Act To Increase Public Participation in Elections

SPONSOR: Rep. Rines, Peter L.

LR 3473 An Act To Provide Incentives for Departmental Savings

SPONSOR: Rep. Thibodeau, Michael D.

Withdrawn

LR 3505 An Act To Properly Fund Foster Care in This State

JOINT RESOLUTION

SPONSOR: Rep. Cummings, Glenn

LR 3502 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CLOSE THE ENRON LOOPHOLE

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Sherman, Roger L.

**TABLED
01/24/08**

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: Rep. Tuttle, Jr., John L.

**TABLED
01/24/08**

LR 3401 An Act To Slow the Increase in Home Foreclosures

JOINT RESOLUTION

SPONSOR: Sen. Strimling, Ethan

**TABLED
01/24/08**

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

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
February 28, 2008**

Action

JOINT RESOLUTION

SPONSOR: Sen. Edmonds, Beth G.

LR 3535 JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF HOMELAND
SECURITY IN OPPOSITION TO THE DEPARTMENT'S NEW CITIZEN
DECLARATION RULES



Co Chairs
 Senator Shirley Turner
 Senate President Pro Tempore
 New Jersey

Senator Sean Kean
 New Jersey

Assemblyman John Wisniewski
 Deputy Speaker
 New Jersey

Assemblyman Reed Gusciora
 Assistant Majority Leader
 New Jersey

Co Vice Chairs
 Senator William Doyle
 Minority Leader
 Vermont

Representative Carolyn Partridge
 Majority Leader
 Vermont

Director
 Alan V. Sokolow


The Council of State Governments
 Eastern Regional Conference

EXECUTIVE DIRECTOR'S
 OFFICE

2008 FEB 19 A 11:25

100 Wall Street, 20th Floor
 New York, NY 10005
 T: (212) 482-2320
 F: (212) 482-2344
 www.csgeast.org

February 15, 2008

TO: Mr. David Boulter, Executive Director, Legislative Council
 FROM: Alan V. Sokolow, Director, CSG Eastern Office 
 RE: NSAAS/ETC FY 2009 Appropriation Requests

Enclosed are the appropriation requests for the Council of State Governments (CSG), the CSG Eastern Regional Conference Northeast States Association for Agriculture Stewardship (NSAAS) and Eastern Trade Council dues for FY 2009. The amounts are: NSAAS - \$10,000 and ETC - \$5,500; I understand that these amount will be placed in the Legislative Council budget as do other membership dues items.

Should you have any questions, please contact me at your earliest convenience. We greatly appreciate Maine's support of the Council of State Governments' Eastern Regional Conference's agriculture and international trade programs.

cc: Senate President Beth Edmonds
 Speaker Glenn Cummings

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memorandum

February 22, 2008

To: President Beth Edmonds, Chair
Speaker Glenn Cummings, Vice Chair and
Members of the Legislative Council
D.B.
From: David E. Boulter, Executive Director of the Legislative Council
Re: Background on legislative confidentiality

This memo provides some background on the judicial and statutory basis for the confidentiality of legislative records and on the history and purpose of the Legislative Council's policies for nonpartisan legislative staff relating to legislative confidentiality. This information is provided to the Council in anticipation of its February discussion on the request by the presiding officers for access to confidential legislative information that is not currently allowable under the Council's policy on legislative confidentiality. At the January meeting of the Council, the Senate President indicated that additional information could be useful to the presiding officers in managing floor action in the chambers.

Because the type of additional information being requested has not been specifically discussed, this memo only provides a general background on the important history of legislative confidentiality. It is likely that access to additional confidential information by the presiding officers will require a change to the council's existing policy on legislative confidentiality, so some background on the history of that policy seems appropriate. I have prepared this memo in consultation with the directors of the nonpartisan production offices whose offices generate the confidential information.

This memo provides a brief history of the issue of legislative confidentiality, outlines the current policy on legislative confidentiality, including who is covered by that policy, describes the types of legislative information currently held as confidential and notes some issues that merit council consideration when considering changes to the policies.

A brief history of legislative confidentiality

The issue of the confidentiality of legislative documents first arose in Maine in 1975 when Representative Stephen Perkins sued the Office of Legislative Research (OLR), which is now the Revisor's office, after being denied access by the OLR to files of another legislator containing materials related to bill drafts. At that time, the Maine Freedom of Access (FOA) laws did not include specific exceptions to the definition of a "public record" for legislative documents; however the Kennebec County Superior Court nevertheless held that some of the contents of the files were subject to a claim of confidentiality by individual legislators. Several months prior to that decision, the Maine Legislature had rejected a Joint Order presented by Representative Perkins proposing an amendment to the Joint Rules that would have required the OLR to allow a member of the Legislature access to files in the custody of the OLR that contained "information and data used in the preparation of a bill or resolve."¹ Following the defeat of that order, and with a potential lawsuit pending, the Legislature, in a floor amendment to an Errors bill, amended the FOA laws to create a statutory exception from the definition of "public records" for various types of legislative records and working papers.² The initial enactment of this provision in 1975 was the subject of extensive debate in both the House and the Senate.³ Those opposing the amendment generally argued that the working papers of the Legislature should be open to the public as a matter of principle. Those on the prevailing side argued that legislators should have an expectation of confidentiality during the time in which they are initially developing their legislative proposals so that they can develop those proposals in an environment that is free of unwanted influence from the Executive, lobbyists or others. They argued that that confidentiality should extend to the working papers being developed during that period, but recognized that once the bill or amendment was released by them to the floor, it should be considered a public record. One legislator summarized that argument at that time on the floor by stating:

'It seems to me that as I am working out in my own mind what I want for the content of the bill or content of an amendment that that input, the working papers which go into that input deserve to be confidential. When I take that amendment and put it on the floor of this House, then it is for the people and, at that time, of course, I do have nothing to hide.'⁴

Following the enactment of the exception to the FOA definition of a "public record" for legislative records, the Attorney General's Office responded to several questions posed by David Silsby, then director of the OLR, with an opinion stating, in part, that "the Director of Legislative Research may continue present policies controlling public access to those documents and *requiring permission of the individual for whom those documents were prepared before granting access.*"⁵ The opinion noted that this right to limit access to those records only applies, under the new exception, during the legislative biennium in which the records are prepared.

The exception from the FOA definition of "public records" for legislative records has not changed substantively since its initial enactment in 1975. One change, however, has been to narrow the period during which the records are confidential from the "biennium" in which they are prepared to the "session or sessions" in which the records are prepared or considered.

¹ Legislative Record – House, March 21, 1975. p. B238.

² PL 1975, c. 623 (effective July 1, 1975).

³ See the House and Senate Legislative Records for June 24 and 25, 1975.

⁴ Legislative Record – House, June 25, 1975, p. B2299.

⁵ Opinion of Donald Alexander, Assistant Attorney General dated November 4, 1975. (*emphasis added*)

The exception from the FOA definition of “public records” for legislative records is presently codified as 1 MRSA, §402, sub-§3, ¶C and provides confidentiality for:

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intra-office memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over;

Although the underlying law that provides confidentiality to legislative records was enacted in 1975, it was not until 1988 that the Legislative Council adopted its first written policies governing nonpartisan staff disclosure of confidential legislative records.⁶ It should be emphasized that the policies themselves do not establish the confidentiality of legislative records; they merely prescribe the conduct of nonpartisan staff with respect to how they must handle that confidential information.

The 1988 adoption of these confidentiality policies followed a period of several years during the 1980s in which the nonpartisan staff offices were reorganized and placed under the direction of an executive director who reports directly to the council. This was also a period in which computerized information technology was becoming increasingly important in the production, storage and management tracking of bills and amendments. By the mid-1980s, the Legislature had an integrated main-frame computer system that digitally stored essentially all the confidential information, including the text of bills and amendments, that in 1975 were maintained only in paper files. As computerization made that information more accessible and decentralized, the council adopted a policy to protect the confidentiality of that information by expressly prohibiting nonpartisan staff from disclosing it.

As originally adopted in 1988, the confidentiality policies prohibited the disclosure by the nonpartisan staff of any information about drafts of bills, orders, amendments and related memoranda, research requests and legislative inquiries, including disclosure by the nonpartisan staff of even the existence of such documents. In 2002 the policies were amended to require nonpartisan staff to provide to the presiding officers, at their request, aggregate information on the number and status of bills, orders and amendments in production. Although this change allowed disclosure of the existence of confidential documents, it required that the aggregate information be reported specifically by a nonpartisan office director and in a way that did not disclose the identity of the sponsor, drafter, the date requested or drafted, or any other substantive aspects of a bill, amendment or order. Since 2002, this type of aggregated information has been provided to the presiding officers on a periodic basis by the nonpartisan directors.

In addition to the council policies on legislative confidentiality, Joint Rule 207 has, since 1997, specified that titles of bill requests are public after the bill cloture date. The titles and sponsors of bill requests filed after cloture or for consideration at a special session become public information when transmitted to the Legislative Council. Joint Rule 207 also allows the Governor to direct that the title of any bill or resolve submitted by the Governor remain confidential until printed.

⁶ The Council’s first written policies on legislative confidentiality were adopted by the Legislative Council on March 22, 1988.

What is the current policy on legislative confidentiality?

The Legislative Council's policy on legislative confidentiality is found in the Legislative Council's *Personnel Policies and Guidelines for Legislative Council Employees* under the section governing general standards of employee conduct for nonpartisan staff.⁷ A copy of those policies is attached.

The legislative confidentiality policies prohibit nonpartisan staff, as a condition of employment, from releasing any information about drafts of bills or amendments, related internal memoranda and requests for assistance or information, unless specifically authorized to do so by the legislator making the request. These policies provide general protection to all legislative documents that are confidential under Maine's FOA laws by prohibiting their disclosure by nonpartisan legislative staff; the staff who are specifically charged with researching and drafting those documents. *This policy is specifically designed to ensure that individual legislators retain complete control over the disclosure and dissemination of their confidential records by allowing them to be released by nonpartisan staff only with the legislator's express permission at a time and to the extent of their choosing.*

Specifically, the policy reflects the FOA exception by stating that:

'...legislative papers, reports, drafts and interoffice and intra-office memoranda that relate directly to a specific request for drafting of a bill, order or amendment are not public records during the legislative session or session in which the papers or reports are prepared or considered...and, therefore, are not subject to public disclosure during the legislative session(s).'

The policies require nonpartisan staff to treat all drafts of bills, amendments and other written materials related to the preparation of those drafts as confidential:

'Non-partisan legislative employees may release drafts of bills, orders, amendments, or other records, working papers and interoffice and intra-office memoranda *only to the sponsor or requesting entity unless that person or entity specifically authorized the release to other persons in person, in writing or orally.*

The policy also requires nonpartisan staff to treat legislators' requests for assistance or information as confidential:

'*No information concerning these requests may be divulged by nonpartisan legislative employees unless the Legislator or other authorized requestor specifically authorizes release to another person in writing or orally.* During the course of their legislative work, nonpartisan legislative employees may seek necessary information of the requestor, the requestor's designee, or other knowledgeable persons without divulging the specific request.'

As mentioned earlier, a 2002 amendment to these policies created an exception to the prohibition on release of this information by requiring nonpartisan office directors to release certain aggregate information on bill and amendment production to the presiding officers:

'Upon the specific request of a presiding officer, the Secretary of the Senate or the Clerk of the House, *the executive director or office director* shall release to the presiding officer information on the number and status of bills, amendments and

⁷ Legislative Council Employees' Handbook, adopted August 21, 2002. pp. 32-34.

orders not yet released, as requested by the presiding officer. *However, such information must be aggregated and reported in a manner that precludes disclosure of the sponsor, drafter, the date requested or drafted or any substantive aspects of a bill, amendment or order.*

In summary, other than requiring the release of aggregate data by the nonpartisan office directors to the presiding officers upon their request, the council's legislative confidentiality policies prohibit nonpartisan staff from releasing any confidential information in any form to anyone without the express permission of the sponsor during the session or sessions in which the bill is introduced or considered.

What type information is confidential?

Confidential information in the Legislature's bill tracking database include large amounts of detailed information on drafts of bills, amendments (committee and floor), Joint Resolutions & Joint Orders. There are typically several hundred such confidential documents being tracked at any given time, amounting to thousands of records by the end of each session. Each document is maintained as a separate record in the database and each record has dozens of separate fields to record metadata associated with that record. The combination of thousands of individual records and dozens of associated fields results in a confidential database that can include tens of thousands individual pieces of information. Information maintained on each confidential document includes such things as:

- Name and party affiliation of sponsors and cosponsors
- Authority for introduction (Legislator, Governor, department, pursuant to law, etc)
- Date request created
- Name of requestor (Individual or committee)
- Who may be contacted, and who may not be contacted by the drafter
- Amendment type (Committee, House or Senate)
- Drafter (specific to the individual)
- Fiscal analyst (specific to the individual)
- Drafting office
- Session ID
- Type of document (Act, Resolve, P&S, Con Res, etc)
- Production status, including current custody (by individual and office), the production status (whether it is being drafted, is in production, etc), the status of the fiscal request and whether the request has been voided, placed on hold or released
- Latest logging action date and time (used to monitor the progress of individual documents through the production process)
- Text of the bill or amendment, including the summary and associated fiscal information

A person with access to this database has access to all this detailed information, in real time, for every one of the thousands of confidential records in the database. This includes knowing immediately when a new draft of a bill, order or amendment has been requested, who requested it, who is sponsoring it, who is drafting it, who has custody of the document, the fiscal status of the request and, once a draft is in production, the actual text of the draft document itself. This information is the principal tool used by nonpartisan office directors to track and manage the internal workload of staff in their respective offices. The database is used in conjunction with the public "bill status" database by nonpartisan staff when preparing aggregated status reports for the presiding officers as required by the confidentiality policy.

Once a confidential document is released by the sponsor or committee, it becomes a public document and is tracked from that point forward in the public bill status system.

Who is covered by the confidentiality policy?

The Legislative Council's policy on prohibiting disclosure of confidential information applies, as a condition of employment, only to the nonpartisan staff. The council specifically applied this policy only to nonpartisan staff when it first adopted the policy.⁸ By virtue of their function as the principal research, drafting and production offices for the Legislature, the nonpartisan staff generate and have primary custody of most of that information. Applying this prohibition to that staff provides a very high level of assurance to every member of the legislature that confidential information relating to their legislative request will not be disclosed by the nonpartisan staff. Unlike the nonpartisan staff, other staff who are in possession of confidential information are not prohibited as a condition of employment from releasing confidential legislative information to others.

Issues for consideration

Legislative records are confidential by law, not by council policy. The Legislative Council's confidentiality policies are personnel policies that govern the conduct of the nonpartisan staff by prohibiting them from releasing confidential information. The confidentiality policy reflect a long tradition of providing a very high level of assurance to each individual legislator that his or her confidential information will not be disclosed without that individual member's permission.

Given the long and complex history of issues surrounding the confidentiality of legislative records, several aspects of this issue warrant careful consideration before amending the confidentiality policy. Those aspects include:

- **What information is needed?** As noted earlier, the confidential databases of the Legislature contain an enormous amount of very specific data on virtually every aspect of each confidential legislative request or document, including the text of draft bills and amendments. In order to continue the tradition of providing each legislator with the highest level of assurance possible that his or her confidential information will be protected, if additional information, now held as confidential, is now needed to meet the goals of managing the chamber process, it should be carefully, perhaps narrowly, defined so as to not result in releasing bill or legislator information that could undermine a legislator's prerogatives.
- **Who has access to this additional information?** The current policies are very specific with respect to who has access to what confidential information. Changes in the policy to allow greater access to this information should be equally as specific with respect to who has access to that information and under what controls or circumstances. Even within the nonpartisan staff, confidential information is shared among staff only when necessary, in accordance with those policies.
- **Data as a predictor of floor action.** Where bills and amendments are in the production process is not necessarily an accurate predictor of when the bill or amendment will appear

⁸ See Council meeting minutes for March 22, 1988.

on the floor of a chamber. Nonpartisan office directors are responsible for moving bills and amendments through the production process as efficiently as possible, but the decision to release (or not release) a bill or amendment to the floor ultimately rests with the sponsor of the bill or floor amendment or, for committee amendments, with the committee chairs. Even after the production process is complete and a bill or amendment is ready for release, the sponsors can decide not to release the bill or amendment, or committees can reconsider a bill and change an amendment, which sends it back into the production process. A more reliable predictor of bills or amendments that might soon appear on the floor would be those bills, orders and amendments that have been fully drafted and released to individual legislators or committees but are not yet introduced by them to the floor. Even though that would capture the legislative documents that are most likely to appear on the floor in the short term, there is still a fairly high degree of uncertainty as to when, or whether, any individual item will ever appear, since that decision ultimately rests with the sponsor or the committee chairs. For example, during the 122nd Legislature, 26% of all floor amendments were fully drafted but never introduced by their sponsor.

- **Neutrality of nonpartisan staff.** By definition, nonpartisan staff must perform their work without reference to or deference to a political party. In order to maintain that neutrality, whenever nonpartisan or other confidential information is released it has been released generally, e.g. bill titles. Changes to the confidentiality policies that would have the effect of providing confidential information to one group only may have the unintended consequence of reducing the extent to which staff are perceived as nonpartisan.

The nonpartisan directors and I appreciate the opportunity to provide this background information and hope that the council members find it helpful in their discussions.

Attachment

G:\executive director\personnel matters\memo to legislative council pertaining to legislative confidentiality (02-2008).doc

III. GENERAL STANDARDS OF EMPLOYEE CONDUCT

A. LEGISLATIVE CONFIDENTIALITY

Maine's Freedom of Access Law (1 MRSA §401 et seq.), requires information defined under the law as "public records" to be open to public inspection and copying. Among other exceptions, however, the law provides an exception to the disclosure requirement for public records for the following legislative documents:

Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over (1 MRSA, §402, sub-§, ¶).

While the Legislative Council supports public access to information concerning the legislative process, the Legislative Council must balance that access with the need to protect certain oral and written communications that, if disclosed, would hinder the legislative process. The Legislative Council has, therefore, adopted the following policies and procedures to govern disclosure of records that are excepted from the definition of "public records", information contained in those records and disclosure of certain oral communications.

1. Policies and Procedures

Confidentiality is a responsibility shared by both legislators and legislative employees. Legislative employees must treat the following documents and communications as privileged communications and, therefore, confidential unless the Legislator or other authorized person has given express permission to do otherwise. Legislative employees shall exercise diligence in protecting the confidentiality of these documents and communications, which includes taking appropriate steps to reasonably assure the security of these materials. Confidential information may be shared among other non-partisan legislative employees when necessary to carry out legislative functions, in accordance with procedures established by the executive director.

2. Bill Drafts and Committee Reports and Amendments

Pursuant to 1 MRSA, §402 sub-§3, ¶C, legislative papers, reports, drafts and interoffice and intraoffice memoranda that relate directly to a specific request for drafting of a bill, order or amendment are not public records during the legislative session or sessions in

which the papers or reports are prepared or considered or to which the paper or report is carried over and, therefore, are not subject to public disclosure during the legislative session(s).

Only the sponsor, committee or other requesting entity permitted by law or rule to file legislation may request that a non-partisan legislative employee prepare or revise any draft of a bill, order or amendment. During the course of their legislative work, non-partisan legislative employees may seek necessary drafting-related information of the requestor, the requestor's designee, or other knowledgeable persons without divulging the specific request.

Non-partisan legislative employees may release drafts of bills, orders, amendments, or other records, working papers and interoffice and intra-office memoranda only to the sponsor or requesting entity unless that person or entity specifically authorizes the release to other persons in person, in writing or orally.

Bill drafts, orders, amendments or other related information are no longer considered confidential once they have been presented or distributed to a committee in a public hearing or work session or printed and distributed to the House or the Senate for reference or other action.

3. Requests for Assistance or Information

Under Legislative Council policy, a legislator's request for assistance, advice, or information is regarded as confidential. No information concerning these requests may be divulged by nonpartisan legislative employees unless the Legislator or other authorized requestor specifically authorizes release to another person in writing or orally. During the course of their legislative work, non-partisan legislative employees may seek necessary information of the requestor, the requestor's designee, or other knowledgeable persons without divulging the specific request.

4. Release of Certain Information Authorized

Following the cloture date for submission of bill requests, Legislative Council offices shall make public the titles of bills, names of primary sponsors and the policy area to which the bills may relate, at the direction of the Legislative Council.

Upon the specific request of a presiding officer, the Secretary of the Senate or the Clerk of the House, the executive director or office director shall release to the presiding officer information on the number and status of bills, amendments and orders not yet released, as requested by the presiding officer. However, such information must be aggregated and reported in a manner that precludes disclosure of the sponsor, drafter, the date requested or drafted or any substantive aspects of a bill, amendment or order.

SENATE

ETHAN STRIMLING, District 8, Chair
NANCY B. SULLIVAN, District 4
DANA L. DOW, District 20

CAROLYN RUSSO, Legislative Analyst
GAIL KERNS, Committee Clerk



HOUSE

JOHN L. TUTTLE, JR., Sanford, Chair
TROY D. JACKSON, Allagash
HERBERT E. CLARK, Millinocket
TIMOTHY E. DRISCOLL, Westbrook
ANNE M. HASKELL, Portland
RICHARD JOHN BURNS, Berwick
BRIAN M. DUPREY, Hampden
JAMES M. HAMPER, Oxford
DOUGLAS A. THOMAS, Ripley
PETER B. JOHNSON, Greenville

State of Maine

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR

Date: January 31, 2008

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

From: Senator Ethan K. Strimling, Senate Chair *ES*
Representative John L. Tuttle, House Chair
Joint Standing Committee on Labor *J.L.T.*

Subject: Government Evaluation Act Review of the Office of the Department of Labor

This memorandum is to inform you that the Joint Standing Committee on Labor has submitted its findings and recommendations from the review and evaluation of the Office of the Department of Labor under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

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

JOINT STANDING COMMITTEE ON LABOR

Review of the Office of the Department of Labor under the Government Evaluation Act January 2008

The Government Evaluation Act

The Government Evaluation Act (“Act”) provides for a system of periodic review of the efficacy and performance of state government agencies. The review of an agency’s finances and programs must include a review of agency management and organization, program delivery, goals and objectives, statutory mandates, and fiscal accountability (3 MRSA § 951 et seq.). The law was enacted in the 117th Legislature to replace the former Government Audit and Program Review Committee and substituted a legislative audit of each agency on a rotating basis with an agency self assessment.

The focus of the Act is the agency program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment that the committee of jurisdiction uses as a starting point for its evaluation of the agency’s effectiveness, efficiency, and performance. The components that must be included in the report are: the agency’s enabling state and federal legislation; program descriptions; organizational structure, position count, and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; and emerging issues for the agency.

Review Process

On April 30, 2007, the Joint Standing Committee on Labor notified the Department of Labor of its intent to review the agency pursuant to the schedule established in section 959 of Title 3. The Department of Labor submitted its program evaluation report in December 2007 as requested.

On January 16, 2008, the Department of Labor presented the Program Evaluation Report to the Joint Standing Committee on Labor. The committee did not hold any follow-up meetings after Commissioner Laura Fortman’s presentation. The Joint Standing Committee on Labor voted unanimously to accept the report as presented on January 29, 2008.

Findings and Recommendation

The Joint Standing Committee on Labor has reviewed the Department of Labor and finds that it is operating within statutory authority. The mission of the Maine Department of Labor is “[t]o promote the economic well-being of people in the labor force and employers by attracting and retaining a wide range of employment opportunities, by promoting independence and lifelong learning, by fostering economic stability and by ensuring the safe and fair treatment of all people on the job.” Detailed information about the Maine Department of Labor can be found in the department’s report, submitted as part of this program evaluation, which meets the criteria set forth in statute (3 MRSA §956).



MAINE STATE LEGISLATURE
Augusta, Maine 04333

Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults

January 29, 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 Joint Order, Senate Paper 717, the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-Wage, Low-Skilled Adults is pleased to submit its report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Mitchell".

Senator Elizabeth Mitchell, Senate Chair

A handwritten signature in cursive script that reads "Dawn Hill".

Representative Dawn Hill, House Chair

Enclosure

ELIZABETH M. SCHNEIDER, DISTRICT 30, CHAIR
 JOSEPH C. BRANNIGAN, DISTRICT 9
 PAULA I. BENOIT, DISTRICT 19

ANNA BROOME, LEGISLATIVE ANALYST
 SUZANNE ARMSTRONG, COMMITTEE CLERK



EXECUTIVE DIRECTOR'S
 OFFICE

2008 FEB 26 A 9:41

STATE OF MAINE

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 JAMES M. SCHATZ, BLUE HILL
 ANDREA M. BOLAND, SANFORD
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 PHILIP A. CURTIS, MADISON
 H. DAVID COTTA, CHINA
 WINDOL C. WEAVER, YORK

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON STATE AND LOCAL GOVERNMENT

Date: February 12, 2008

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

From: Senator Elizabeth Schneider, Senate Chair
 Representative Christopher Barstow, House Chair
 Joint Standing Committee on State and Local Government

Subject: Government Evaluation Act Review of the Office of the State Treasurer

This memorandum is to inform you that the Joint Standing Committee on State and Local Government has submitted its findings and recommendations from the review and evaluation of the Office of the State Treasurer under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

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

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

**Review of the Office of the State Treasurer under the
Government Evaluation Act
February 2008**

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

On April 23, 2007, the Joint Standing Committee on State and Local Government notified the Office of the State Treasurer of its intent to review the agency pursuant to the schedule established in 3 MRSA, §959. The Office of the State Treasurer submitted its program evaluation report as requested.

On January 28, 2008, the State Treasurer presented the Program Evaluation Report to the Committee. The State Treasurer completed his presentation and presented some additional information to the Committee on February 6. The State and Local Government Committee held no further follow-up meetings.

Findings and Recommendations

The Joint Standing Committee on State and Local Government has reviewed the Office of the State Treasurer and finds that it is operating within its statutory authority. The Office of the State Treasurer is charged with debt management, cash management, trust fund administration and unclaimed property administration for the state of Maine. The Treasurer is also on numerous directorships of Maine's quasi-governmental debt-issuing agencies, administers the municipal revenue sharing program and oversees a number of financial literacy efforts. Detailed information about the Office of the State Treasurer can be found in the Treasurer's Program Evaluation Report, which meets the criteria set in statute (3 MRSA §956).

SENATE

ELIZABETH M. SCHNEIDER, DISTRICT 30, CHAIR
JOSEPH C. BRANNIGAN, DISTRICT 9
PAULA I. BENOIT, DISTRICT 19

ANNA BROOME, LEGISLATIVE ANALYST
SUZANNE ARMSTRONG, COMMITTEE CLERK



EXECUTIVE DIRECTOR'S
OFFICE

2008 FEB 26 A 9:41

STATE OF MAINE

HOUSE

CHRISTOPHER R. BARSTOW, GORHAM, CHAIR
STEPHEN R. BEAUDETTE, BIDDEFORD
JAMES M. SCHATZ, BLUE HILL
ANDREA M. BOLAND, SANFORD
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PHILIP A. CURTIS, MADISON
H. DAVID COTTA, CHINA
WINDOL C. WEAVER, YORK

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

Date: February 13, 2008

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

From: Senator Elizabeth Schneider, Senate Chair
Representative Christopher Barstow, House Chair
Joint Standing Committee on State and Local Government

Subject: Government Evaluation Act Review of the State Planning Office

This memorandum is to inform you that the Joint Standing Committee on State and Local Government has submitted its findings and recommendations from the review and evaluation of the State Planning Office under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

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

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

**Review of the State Planning Office under the
Government Evaluation Act
February 2008**

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

On April 23, 2007, the Joint Standing Committee on State and Local Government notified the State Planning Office of its intent to review the agency pursuant to the schedule established in 3 MRSA, §959. The State Planning Office submitted its program evaluation report as requested.

On January 28, 2008, the Director of the State Planning Office presented the Program Evaluation Report to the Committee. The Committee held an additional meeting on February 8 to receive additional information. The State and Local Government Committee held no further follow-up meetings.

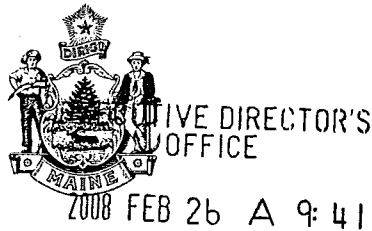
Findings and Recommendations

The Joint Standing Committee on State and Local Government has reviewed the State Planning Office and finds that it is operating within its statutory authority. The State Planning Office is charged with assisting in building a sustainable future for Maine's businesses, residents and communities. The Office advises the Governor on developing and implementing policy, assists the Legislature with information and analyses, and provides local and regional financial and technical assistance. Detailed information about the State Planning Office can be found in the Office's Program Evaluation Report, which meets the criteria set in statute (3 MRSA §956).

SENATE

ELIZABETH M. SCHNEIDER, DISTRICT 30, CHAIR
JOSEPH C. BRANNIGAN, DISTRICT 9
PAULA I. BENOIT, DISTRICT 19

ANNA BROOME, LEGISLATIVE ANALYST
SUZANNE ARMSTRONG, COMMITTEE CLERK



STATE OF MAINE

HOUSE

CHRISTOPHER R. BARSTOW, GORHAM, CHAIR
STEPHEN R. BEAUDETTE, BIDDEFORD
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H. DAVID COTTA, CHINA
WINDOL C. WEAVER, YORK

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

Date: February 14, 2008

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

From: Senator Elizabeth Schneider, Senate Chair
Representative Christopher Barstow, House Chair
Joint Standing Committee on State and Local Government

Subject: Government Evaluation Act Review of the Maine Municipal Bond Bank

This memorandum is to inform you that the Joint Standing Committee on State and Local Government has submitted its findings and recommendations from the review and evaluation of the Maine Municipal Bond Bank under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

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

<p style="text-align: center;">JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT</p>
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**Review of the Maine Municipal Bond Bank under the
Government Evaluation Act
February 2008**

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

On April 23, 2007, the Joint Standing Committee on State and Local Government notified the Maine Municipal Bond Bank of its intent to review the agency pursuant to the schedule established in 3 MRSA, §959. The Maine Municipal Bond Bank submitted its program evaluation report as requested.

On January 28, 2008, the Executive Director of the Maine Municipal Bond Bank presented the Program Evaluation Report to the Committee. The State and Local Government Committee held no further follow-up meetings.

Findings and Recommendations

The Joint Standing Committee on State and Local Government has reviewed the Maine Municipal Bond Bank and finds that it is operating within its statutory authority. The Maine Municipal Bond Bank is charged with assisted local governments in financing infrastructural needs. Since 1973, the Bank has served more than 440 governmental units across the state entering into over 1450 loan agreements. It works cooperatively with several governmental agencies such as the Department of Environmental Protection, the Finance Authority of Maine, the Department of Conservation, Maine State Housing Authority and the Department of Transportation. The Bank does not receive any General Funds money and has maintained an excellent credit rating from the appropriate rating agencies. Detailed information about the Maine Municipal Bond Bank can be found in the Bank's Program Evaluation Report, which meets the criteria set in statute (3 MRSA §956).

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BARRY J. HOBBS, DISTRICT 5
DOUGLAS M. SMITH, DISTRICT 27

LUCIA NIXON, LEGISLATIVE ANALYST
KRISTEN GOTTLIEB, COMMITTEE CLERK



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MICHAEL THIBODEAU, WINTERPORT

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON UTILITIES AND ENERGY

MEMORANDUM

Date: February 26, 2008, 2008

To: Senator Beth G. Edmonds, Chair
Legislative CouncilFrom: Senator Philip L. Bartlett, II, Chair
Representative Lawrence Bliss, Chair
Joint Standing Committee on Utilities and Energy

Re: Government Evaluation Act Review of the Public Utilities Commission

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 Public Utilities Commission.

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

<p style="text-align: center;">JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY</p>
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**Review of Public Utilities Commission
Under the Government Evaluation Act
February 2008**

The Government Evaluation Act

The Government Evaluation Act ("Act") provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA § 951 et seq). The law provides for a legislative review of each agency based on an agency self-evaluation presented in a "program evaluation report," the contents of which are prescribed in statute. The program evaluation report provides a starting point for the committee of jurisdiction to conduct its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

On April 20, 2007, the chairs of the Joint Standing Committee on Utilities and Energy, on behalf of the committee, sent notice to the Public Utilities Commission (PUC) of the committee's intent to review the PUC pursuant to 3 MRSA §959 during the second regular session of the 123rd Legislature and directed the PUC to submit its program evaluation report in accordance with 3 MRSA §956.

On November 1, 2007, the PUC submitted its report in compliance with 3 MRSA §956, and on January 8, 2008, representatives of the PUC presented the GEA report to the committee. Immediately following the presentation, the committee discussed the report and made the following findings and recommendations.

Findings and Recommendations

The committee finds that the PUC is acting within its statutory authority and it is doing so effectively and efficiently. The committee also finds that the nature and extent of Public Utilities Commission Regulatory Fund expenditures on matters related to entities that are not subject to the regulatory fund assessment under current law (35-A MRSA §116) is an issue that merits further consideration. Based on this finding, the committee requests that the PUC examine this issue in the course of preparing its recommendations for the FY10-FY11 biennial budget and report its findings and recommendations, along with any necessary legislation, as part of the biennial budget presentation to the committee required under 35-A MRSA §116, sub§2.