

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

LEGISLATIVE COUNCIL
March 26, 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 FEBRUARY 28, 2008 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
16	▪ Executive Director's Report (Mr. Boulter)	Information
17	▪ Fiscal Report (Mr. Pennoyer)	Information
	▪ Information Services Report (Mr. Mayotte) (No Report)	Information
21	▪ Status of Legislative Studies (Mr. Norton)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Cummings, Chair) <ul style="list-style-type: none">• 2008 Personnel Policies and Guidelines for Legislative Council Employees	Adoption
	• State House Facilities Committee (Rep. Pingree, Chair) (No Report)	
	• Budget Subcommittee (Sen. Martin, Chair) (No Report)	
	• Subcommittee to Administer Technology (President Edmonds, Chair) (No Report)	

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 February 28, 2008 meeting is attached. | Information |
|-----------|---|--------------------|

NEW BUSINESS

- | | | |
|-----------|--|-----------------------|
| 24 | Item #1: Consideration of After Deadline Bill Requests | Roll-Call Vote |
| 28 | Item #2: Proposal to Consolidate Legislative Program Evaluation and Government Oversight (Joint Standing Committee on State and Local Government) | Decision |
| 29 | Item #3: 2007 Report to the Joint Standing Committee on Corrections on the Activities of the Maine Department of Corrections Office of Advocacy | Acceptance |
| 34 | Item #4: Government Evaluation Act Review of the Department of Professional and Financial Regulation | Acceptance |
| 38 | Item #5: Revised Legislative Council Meeting Schedule for 2008 | Information |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REMINDER: Legislative Council, 123rd Legislature Group Photograph
(immediately following the meeting)

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MEETING SUMMARY
February 28, 2007

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 2:25 P.M. in the Legislative Council Chamber.

ROLL CALL

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

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean
Faircloth, Rep. Joshua Tardy (arrived after start of meeting), Rep.
Robert Crosthwaite

Legislative Officers: Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
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 2:25 P.M. with a quorum of members present.

SUMMARY OF JANUARY 24, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of January 24, 2008 be accepted and placed on file.
Motion by Senator Martin. Second by Representative Pingree. **Motion passed unanimous (9-0).** [Representative Tardy absent for vote.]

President Edmonds asked if there was any objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item 1: Consideration of After Deadline Bill Requests.**

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests

The Legislative Council considered and acted on two and tabled five after deadline bill requests.

Representative Faircloth made a motion to remove from the table LR 2794: "An Act to Create a Tax Deferral Program for Maine Residents 65 Years of Age or Older". Second by Representative Pingree. The Legislative Council voted to remove the request from the table, and by a vote of 3-6-0-1, the motion to accept LR 2794 for introduction failed.

The Legislative Council's actions on these requests are included on the attached list.

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

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

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).

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, Ms. Olken will send out announcements.

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
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

- 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.

Mr. Pennoyer pointed out that in both the General Fund and the Highway Fund there was very slow growth; General Fund -- .07%, and Highway Fund -- .06%.

In response to inquiries about how the proposed \$99 million in General Fund budget reductions relate to the budget shortfall, Mr. Pennoyer stated that \$50 million of the \$99 million relate to estimates of projected revenue shortfalls in the major tax lines. The remaining \$49 million relate to changes in the federal Medicaid regulations (targeted case management, TCM) that will result in decreased reimbursement from the federal government. The revised revenue forecast accounts for about \$12.2 million of the \$49 million.

Speaker Cummings mentioned that the revised revenue forecast does not appear to account for an economic multiplier effect from the federal economic stimulus package passed by the U.S. Congress. Mr. Pennoyer explained that the model used to forecast revenue did factor in the federal stimulus package through the economic forecast, and the Revenue Forecasting Committee made a further adjustment of \$8 million associated with increased disposable income.

Senator Rosen noted that unlike in past economic downturns, it appears that all major revenue lines: personal income taxes, cigarette taxes, sales taxes and corporate income taxes, are trending downward, suggesting a state-wide economic downturn. Mr. Pennoyer commented that most of the revenue changes relate to decreases in consumer consumption, related in part to very high oil prices.

Representative Pingree asked how TCM was factored into the latest revenue forecast, specifically if the forecast presumes that the state will continue to pay for all of the services that would no longer be reimbursable by the federal government under the Medicaid regulation changes.

Mr. Pennoyer's response was yes. The forecast recognizes the loss of revenue to the General Fund as a result of decreased federal reimbursement, but presumes that state costs to support the programs at their current level will continue. He noted that, ultimately, it is the Legislature's decision whether to continue those programs at their current level or make changes to reduce costs in light of the federal regulation changes. Finally, he noted that unlike other federally funded programs that receive a federal match, this portion of targeted case management services is 100% paid for by the General Fund, with federal reimbursement amounts treated as (offsetting) revenue.

Information Technology Report

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

Web Page Statutes:

The Maine Statutes through the 1st Regular Session of the 123rd Legislature have been posted on the Legislature's website now that the inaccuracies have been corrected.

Web Page Server:

- The Legislature's website 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 website content has been moved off of the Janus server.
- The office is coordinating a scope of work within the Legislature to move the remaining legislative content off of the Janus server during 2008 interim.

Status of Legislative Studies

(No Report)

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on February 28, 2008 and considered two items:

Request for Temporary Disability Income Benefits

The committee approved a request for temporary disability income benefits for a member of the Senate staff, to become effective on March 5, 2008.

Corporate Ski Voucher Opportunity

Sugarloaf/Sunday River offers a "corporate" discount with participation in its voucher program subject to certain terms of participation including marketing of the Sugarloaf/Sunday River resort. The committee discussed whether it was appropriate for the legislature to participate. The committee concluded that participation by legislators or legislative staff subject to the terms and conditions of the program was not appropriate given the legislature's law-making role that could include legislation affecting the ski resorts or the ski industry.

No action by the Legislative Council is necessary.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

4. Subcommittee to Administer Technology

Proposal for Electronic Distribution of Documents in the Chambers ("paperless chamber project")

Senate President Edmonds, chair of the subcommittee, presented the subcommittee's report for the meeting held on February 28, 2008 to consider the proposal for electronic distribution of documents in the chambers ("paperless chamber project").

President Edmonds presented the recommendation of the subcommittee, recommending by a 3 to 2 vote, that the Legislative Council reconsider its earlier decision not to authorize the chamber automation as a full scale or pilot project. She stated that after further discussion, the

subcommittee voted to recommend that the Legislative Council authorize a pilot project only for the House chamber that includes limited software development by the selected vendor International Roll-Call (IRC) and the purchase of several laptop computers, to be paid for by savings identified by the Speaker in the House portion of the Legislative Council's budget.

Motion: That the Legislative Council reconsider its earlier decision to 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. Motion by President Edmonds. Second by Senator Martin. **Motion passed (8-2).** Senator Rosen and Senator Weston opposed.

Motion: That the Legislative Council authorize a pilot project only for the House Chamber that includes limited software development by IRC and the purchase of ten laptop computers; five for the House Democrats and five for the House Republicans, to be paid for by savings identified by the Speaker in the House portion of the Legislative Council's current budget. Motion by President Edmonds. Second by Senator Mitchell.

Discussion followed.

Speaker Cummings explained that the rationale for the automation project is to save money and become more efficient by having electronic access to legislative documents at each Legislator's desk. However, given the current budget situation, it is financially improbable to pursue a full scale automation project at this time. Therefore, the request to the Legislative Council is for a pilot project, limited to the House of Representatives to be paid for by savings identified in House funds. The Speaker stated that savings can be achieved using electronic distribution of documents, as evidenced by the West Virginia Legislature's experience where a new system paid for itself in two years. He further explained that even a pilot project would save money, through avoidance of costly software development mistakes that would inevitably result if a small scale pilot was not developed and tested. The pilot can be a model for future Legislatures. Ultimately, money can be saved through reduced document printing costs and in personnel. He concluded that no new funds are needed for the pilot project; funds will be found within "House" accounts.

Senator Weston expressed her opposition to the motion. She emphasized that savings, if any, would come from the full scale project, not the pilot, and the pilot project will result in a net cost. She further stated that if the House has identified savings, then those funds should be considered "surplus" and discussion should focus on how best to use money that is surplus. Senator Weston stated that she could not support starting a new program that could cost \$600,000 in light of the current budget hearings and budget cuts that will occur this session.

Speaker Cummings reiterated that savings would result from avoidance of costly software development mistakes as well as avoiding potential embarrassment over a flawed design. He noted that \$74,000 was authorized by the Legislative Council for constituent services software that will entail on-going maintenance costs. That proposal did not achieve budget savings.

Senator Martin noted that he did not support the full scale project because he is uncertain that it is going to be successful or that legislators would use it appropriately. However, he stated that he is comfortable with this pilot project; it may not work but use of the pilot will allow the Legislature to find out if it is workable. He noted that the cost is not \$0.75 million but something closer to \$35,000 - \$45,000. Senator Martin commented that the hardware is of secondary importance as legislators can use their own laptop computers if the Legislative

Council chooses not to proceed beyond the pilot project. Finally, Senator Martin emphasized that the legislative budget is within the sole jurisdiction of the Legislative Council; there is no House money or Senate money or accounts.

Representative Crosthwaite explained that at various times he supported and opposed the proposal. He inquired into what savings could be achieved this fiscal year in light of Legislative adjournment in April, and whether savings would be achieved by staff position eliminations. Speaker Cummings reiterated that the savings to be achieved would be avoided costs from project design.

Senator Mitchell concluded the discussion by indicating she supports this small pilot proposal so there will be an opportunity to test this approach to see if it is a viable alternative to the current approach of paper processing and distribution.

With the discussion having concluded, President Edmonds restated the motion and called for a vote. **The motion passed 7 – 3.** Senator Rosen, Senator Weston and Representative Crosthwaite opposed.

NEW BUSINESS

ITEM #2: Legislative Council 123rd Group Photograph

The Legislative Council was reminded that a group photograph of the Legislative Council for the 123rd Legislature is scheduled for March 26, 2008 directly following the Council meeting.

President Edmonds requested that Legislative Council meetings for the remainder of the year be moved from Thursdays to Wednesdays to accommodate the schedule of a Legislative Council member. Mr. Boulter agreed to accommodate the request and provide a revised schedule to the members.

ITEM #3: FY09 Dues Request by the Council of State Governments (CSG) for NSAAS And ETC

Mr. Boulter reported that the Council of State Governments (CSG) dues are paid on an annual basis. These are supplemental appropriation requests that have been paid in the past. The first is for Eastern Regional Conference Northeast States Association for Agriculture Stewardship (NSAAS) in the amount of \$10,000 for FY 09 and second is for the Eastern Trade Council in the amount of \$5,500. In the past, as these are not the regular annual dues, the requests have been referred to the Budget Subcommittee for recommendation.

Motion: To refer the FY 09 CSG dues request to the Budget Subcommittee for its review and recommendation. Motion by Representative Pingree. Second by Senator Mitchell. **Motion passed (9-1).** Senator Rosen opposed.

Senator Mitchell commented that the Budget Subcommittee should take note that the Council of State Governments, Eastern Regional Conference hopes to hold its annual conference in Maine in 2010 which would be a great economic benefit to the state.

ITEM #4: Legislative's Council's Policy on Legislative Confidentiality for Nonpartisan Employees

Senate President Edmonds recommended that Legislative's Council's policy on legislative Confidentiality for nonpartisan employees be referred to the Personnel Committee for its review and recommendation.

Senate President Edmonds explained that she and House Speaker Cummings are seeking ways to receive information in a timely fashion about amendments to bills, and that raises the issue about the prerogative of a legislator to keep confidential his or her amendment. She emphasized that she is looking for the number of amendments and where they are, not the content.

Mr. Boulter explained that the long standing policy (nearly 30 years) of the Legislative Council is to require bill and amendment information and their status in the process to be kept confidential except as released by the sponsor. He noted that this practice is consistent with many other state legislatures. Senator Rosen commented that once a sponsor signs off on an amendment it becomes public.

Secretary of the Senate Joy O'Brien stated that the information she is looking for is how many Senate amendments there are and by which political party. In that way, she could discuss with party floor leaders about amendments being prepared by their members. Senator Weston commented that members may not want that information disclosed, even to their leaders.

Revisor Margaret Matheson commented that she routinely provides aggregate information to the presiding officers about the status of amendments in process, as allowed by the council's policy on confidentiality.

Senate President Edmonds concluded the discussion by indicating these issues are important for the Personnel Committee to discuss, so that an appropriate level of legislator confidentiality is maintained but still provide a smooth process. Representative Tardy added that at the same time nonpartisan employees should be protected which is why this is a personnel issue.

Motion: To refer the proposal to change the Legislative Council's policy on legislative confidentiality for nonpartisan employees to the Personnel Committee for its review and recommendation. Motion by Speaker Cummings. Second by Senator Mitchell. **Motion passed (7-1)**, Senator Weston opposed. [Senator Martin and Representative Faircloth absent for vote.]

ITEM #5: MDF Policy Leaders Academy: Planning for 124th Legislature and Schedule

The University System and its policy centers and law school, the Community College System and the Maine Development Foundation would like to continue the partnership with the Legislature in developing and delivering orientation programs that are tailored to the interests and needs of the legislators. MDF President Laurie Lachance requested that Executive Director Boulter and the six chiefs of staff to work with the Maine Development Foundation, University policy schools and the Community College System to develop a comprehensive program of legislative orientation for the Council's review and approval.

Motion: To authorize the Executive Director, chiefs of staffs and members of the Legislative Council to plan for and develop a proposed legislator orientation program for the 124th Legislature following adjournment of the legislative session. Motion by Representative

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

- Item #6: Report on Government Evaluation Act Review of the Department of Labor**
- 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)
- Item #8: Government Evaluation Act Review of the Office of the State Treasurer**
- Item #9: Government Evaluation Act Review of the State Planning Office**
- Item #10: Government Evaluation Act Review of the Maine Municipal Bond Band**
- Item #11: Government Evaluation Act Review of the Public Utilities Commission**

The Legislative Council unanimously accepted and placed on file the reports noted in Items 6 - 11.

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 Speaker Cummings. Second by President Edmonds. **Motion passed unanimous (8-0).** [Senator Martin and Senator Weston absent for vote.]

The Legislative Council recessed at 4:48 p.m. to go into an executive session. The Legislative Council ended its executive session at 4:51 p.m. and reconvened its general meeting.

Collective Bargaining Matters and Cost of Living Adjustments for Legislative Employees in IANLP Bargaining Unit

Motion: That pursuant to its authority under 26 MRSA, Section 979-A, subsection 5, the Legislative Council of the 123rd Legislature ratifies the tentative agreement entered into by authorized representatives of the Legislative Council and the Independent Association of Nonpartisan Legislative Professionals (IANLP) on February 27, 2008. The Legislative Council's ratification of this agreement is contingent upon and becomes effective only after the bargaining agent for the IANLP has notified the Legislative Council's representative in writing that the unit has ratified the agreement. The Legislative Council authorizes the Executive Director to take all necessary steps to carry out the terms of this Agreement including implementing the salary schedule adjustments. **Motion** by Speaker Cummings. Second by

Senator Rosen. **Motion passed unanimous (8-0).** [Senator Martin and Senator Weston absent for vote.]

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:53 P.M.

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**LEGISLATIVE COUNCIL ACTION ON
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION 123RD LEGISLATION
February 28, 2008**

		Action
SPONSOR:	Rep. Barstow, Christopher R.	Tabled
LR 3506	An Act Concerning Working Papers of the State Controller	2/28/08
SPONSOR:	Rep. Cray, Dean A.	Failed
LR 3520	An Act To Prohibit Full-time State Employees from Enrollment in MaineCare	
SPONSOR:	Rep. Lansley, Scott E.	Withdrawn
LR 3478	An Act To Exempt Individuals and Businesses from the Federal Economic Stimulus Package	
SPONSOR:	Rep. Makas, Elaine C.	Tabled
LR 3499	An Act To Preserve Opportunities for Higher Education by Controlling the Costs of Textbooks	2/28/08
SPONSOR:	Sen. Mitchell, Elizabeth H.	Withdrawn
LR 3518	An Act To Increase Public Participation in Elections	
SPONSOR:	Rep. Rines, Peter L.	Tabled
LR 3473	An Act To Provide Incentives for Departmental Savings	2/28/08
SPONSOR:	Rep. Thibodeau, Michael D.	Withdrawn
LR 3505	An Act To Properly Fund Foster Care in This State	

JOINT RESOLUTION

SPONSOR: Rep. Cummings, Glenn **Tabled**
2/28/08

LR 3502 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CLOSE THE ENRON
LOOPHOLE

SPONSOR: Sen. Edmonds, Beth G. **Tabled**
2/28/08

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

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

**LEGISLATIVE COUNCIL ACTION ON
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION 123RD LEGISLATION
January 17, 2008**

Action

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Edmonds, Beth G.

**TABLED
10/26/07**

LR 3261 Resolve, To Establish the Maine Guaranteed Health Coverage
Commission

SPONSOR: Rep. Faircloth, Sean F.

**TABLED
10/26/07**

LR 2896 An Act To Improve School Nutrition

SPONSOR: Sen. Martin, John L.

**TABLED
10/26/07**

LR 2833 An Act To Create the Public Power Delivery System

SPONSOR: Sen. Martin, John L.

**TABLED
10/26/07**

LR 2933 An Act Pertaining to Labor Relations

SPONSOR: Sen. Mitchell, Elizabeth H.

**TABLED
10/26/07**

LR 3257 An Act To Address the Affordability and Comprehensiveness of
Health Coverage in Maine

SPONSOR: Rep. Pilon, Donald E.

**Failed
2/28/08**

LR 2794 An Act To Create a Tax Deferral Program for Maine Residents
65 Years of Age or Older

SPONSOR: Rep. Pingree, Hannah

**TABLED
10/26/07**

LR 3351 An Act To Lower Maine's Tax Burden on Maine People

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

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

**TABLED
11/15/07**

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



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report**

March 26, 2008

1. Celebration of 175th Anniversary of Blaine House

First Lady Karen Baldacci and the Friends of the Blaine House are organizing a public event to celebrate the 175th anniversary of the Blaine House. Now home to Maine governors, the Blaine House was constructed in 1833 by Captain James Hall and was gifted to the State in 1919 by the daughter of James G. Blaine. The celebration is tentatively scheduled for 2 days in August, and may include tours, a State dinner and other events in the Blaine House, and the State House subject to Legislative Council approval. The event organizers will be in touch with the council as celebration plans are developed that relate to the State House.

2. YMCA Youth in Government Program

As a reminder, this year's YMCA of Maine's *Youth in Government Program* is scheduled to be held in the State House on May 9-11, 2008. Approximately 200 high school students and advisors participate in the program that provides hands-on experience in how Maine's legislative process works.

3. Reproduction of Original Maine Constitution Update

State Archivist David Cheever is arranging for the production and framing of a complete reproduction of the original Maine Constitution in response to the Legislative Council's action several months ago. Work is well underway and the Archives staff anticipate that the work will be completed by early April.

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Fiscal Briefing

Legislative Council Meeting – March 26, 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
February	\$134.5	\$138.1	\$3.6	2.7%	\$139.5	-1.0%
FYTD	\$1,706.5	\$1,710.0	\$3.5	0.2%	\$1,701.0	0.5%

- General Fund revenue was over budget by \$3.6 million in February reflecting the March 2008 forecast, which lowered FY 2008 General Fund revenue by \$26.9 million. For the Fiscal Year-to-date (FYTD), General Fund revenue was over budget by \$3.5 million or 0.2%. Growth for the FYTD remains modest at 0.5% over the same period in FY 2007.
- In February, the State finally received a very large, single estate tax payment of \$3.8 million as anticipated in the forecast, but the Estate Tax remained under budget for the FYTD by \$1.5 million.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$23.6	\$23.1	(\$0.5)	-2.2%	\$25.4	-9.1%
FYTD	\$195.9	\$196.3	\$0.4	0.2%	\$197.6	-0.6%

- Highway Fund revenue was under budget in February by \$0.5 million based on the new forecast, but remained above budget for the FYTD by \$0.4 million or 0.2%. FY 2008 Highway Fund revenue was revised downward in the March 2008 forecast by \$2.3 million.
- Highway Fund revenue through February showed negative growth of 0.6% over the same period in FY 2007.

2. Revenue Forecasting Update

- The Consensus Economic Forecasting Commission (CEFC), based on concerns about the rapidly deteriorating national economy, held a conference call on Monday, March 17th, to discuss their current forecast and whether or not it should be revised.
- The CEFC decided not to change its forecast at this time. They acknowledged uncertainty surrounding the current forecast but noted that it already assumes a mild national recession, or at least a dramatic slowdown in national growth. They do not anticipate any events that would justify meeting before the end of the legislative session.

3. Cash Balances (see attached)

- The total cash pool in February was \$472.1 million, which was well below the average balance of the last 6 years for February of \$609.6 million. This degradation in the cash position is largely due to the General Fund revenue shortfall and the normal low point in the General Fund cash position before April income tax collections provide a recovery in late April. The General Fund balance, excluding reserve balances (\$159.0 million) and internal borrowing (\$124.5 million), was negative by \$285.3 million. March has the lowest General Fund cash balances.
- The Treasurer has begun to reserve a portion of cash pool earnings in the event that the \$20 million Mainsail II investment needs to be written off or suffers a substantial loss.

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

FEBRUARY 2008 REVENUE VARIANCE REPORT

Revenue Line	February '08 Budget	February '08 Actual	February '08 Var.	FY08 YTD Budget	FY08 YTD Actual	FY08 YTD Variance	FY08 YTD Variance %	FY08 Budgeted Totals
General Fund								
Sales and Use Tax	62,751,238	62,751,237.52	(0.48)	598,011,132	598,011,131.86	(0.14)	0.0%	978,237,102
Service Provider Tax	4,203,025	4,203,024.82	(0.18)	30,221,134	30,221,134.31	0.31	0.0%	51,181,910
Individual Income Tax	32,525,136	32,009,959.61	(515,176.39)	761,449,718	760,716,380.89	(733,337.11)	-0.1%	1,400,532,225
Corporate Income Tax	5,600,000	6,460,174.53	860,174.53	89,650,000	88,530,977.26	(1,119,022.74)	-1.2%	182,170,000
Cigarette and Tobacco Tax	11,848,956	11,689,776.53	(159,179.47)	102,611,404	102,863,218.01	251,814.01	0.2%	154,786,180
Public Utilities Tax	0	245.14	245.14	0	347,980.26	347,980.26	N/A	17,476,987
Insurance Companies Tax	1,607,981	884,506.65	(723,474.35)	13,411,782	14,387,593.53	975,811.53	7.3%	76,751,673
Estate Tax	3,800,000	6,303,404.05	2,503,404.05	22,500,000	20,960,142.96	(1,539,857.04)	-6.8%	44,562,240
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)	20,388.19	819,864.19	551,495	2,106,341.83	1,554,846.83	281.9%	952,018
Transfer to Municipal Revenue Sharing	(5,233,818)	(5,376,644.00)	(142,826.00)	(75,586,388)	(75,351,460.60)	234,927.40	0.3%	(133,218,185)
Transfer from Lottery Commission	3,756,477	3,326,922.67	(429,554.33)	31,930,078	32,512,585.01	582,507.01	1.8%	48,834,250
Other Revenue	14,448,949	15,829,098.02	1,380,149.02	121,300,553	124,414,101.44	3,113,548.44	2.6%	206,171,058
Totals	134,508,468	138,102,093.73	3,593,625.73	1,706,454,283	1,709,958,790.76	3,504,507.76	0.2%	3,041,049,444
Highway Fund								
Fuel Taxes	15,778,858	15,778,858.58	0.58	131,794,778	131,794,778.17	0.17	0.0%	223,368,718
Motor Vehicle Registration and Fees	6,409,081	6,348,945.84	(60,135.16)	52,230,772	52,379,040.32	148,268.32	0.3%	85,953,481
Inspection Fees	277,708	221,063.00	(56,645.00)	2,973,116	2,876,853.20	(96,262.80)	-3.2%	4,468,458
Fines	150,000	133,425.44	(16,574.56)	1,195,050	1,178,494.53	(16,555.47)	-1.4%	1,795,049
Income from Investments	65,000	101,441.36	36,441.36	750,000	986,581.63	236,581.63	31.5%	1,000,000
Other Revenue	932,671	502,081.73	(430,589.27)	7,001,885	7,132,870.16	130,985.16	1.9%	9,771,333
Totals	23,613,318	23,085,815.95	(527,502.05)	195,945,601	196,348,618.01	403,017.01	0.2%	326,357,039

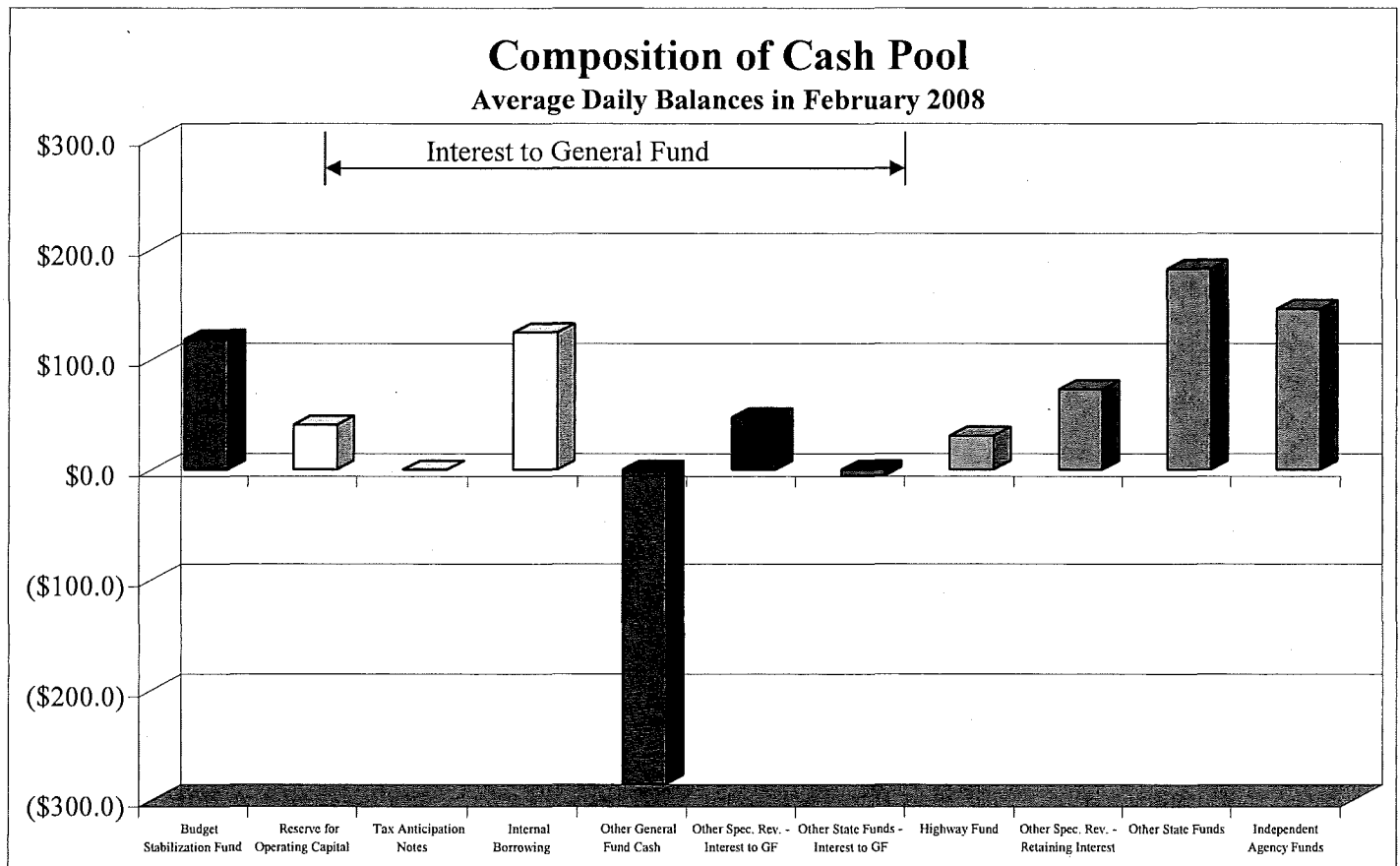
Comparison of Actual Year-to-Date Revenue Through February of Each Fiscal Year

REVENUE CATEGORY	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg
GENERAL FUND										
Sales and Use Tax	\$555,447,398.08	7.3%	\$544,364,735.05	2.5%	\$573,137,020.15	5.3%	\$594,863,904.93	3.8%	\$598,011,131.86	0.5%
Service Provider Tax	\$0.00	N/A	\$25,164,241.79	N/A	\$25,862,996.06	2.8%	\$28,245,379.76	9.2%	\$30,221,134.31	7.0%
Individual Income Tax	\$698,823,811.00	6.7%	\$759,054,126.11	8.6%	\$777,493,920.98	2.4%	\$825,887,462.40	6.2%	\$857,987,836.86	3.9%
Individual Income Tax (Circuitbreaker)	\$0.00	N/A	(\$24,501,800.05)	N/A	(\$37,655,921.62)	-53.7%	(\$39,225,142.09)	-4.2%	(\$40,592,033.19)	-3.5%
Individual Income Tax (BETR)	\$0.00	N/A	\$0.00	N/A	(\$62,956,722.23)	N/A	(\$51,059,807.01)	18.9%	(\$56,679,422.78)	-11.0%
Corporate Income Tax	\$51,461,066.13	25.6%	\$69,660,416.81	35.4%	\$99,473,816.82	42.8%	\$87,862,161.25	-11.7%	\$88,530,977.26	0.8%
Cigarette and Tobacco Tax	\$64,034,846.01	-3.4%	\$64,035,810.25	0.0%	\$100,747,058.36	57.3%	\$106,272,944.56	5.5%	\$102,863,218.01	-3.2%
Public Utilities Tax	(\$293,687.82)	-129.4%	(\$150,000.00)	48.9%	\$0.00	100.0%	(\$116,564.00)	N/A	\$347,980.26	398.5%
Insurance Companies Tax	\$15,054,038.51	17.2%	\$16,571,500.67	10.1%	\$13,197,945.87	-20.4%	\$13,399,164.86	1.5%	\$14,387,593.53	7.4%
Estate Tax	\$14,093,784.44	-10.2%	\$18,996,366.14	34.8%	\$54,014,724.35	184.3%	\$33,679,678.22	-37.6%	\$20,960,142.96	-37.8%
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	\$1,316,553.54	-28.4%	\$2,840,670.20	115.8%	\$4,212,416.38	48.3%	\$1,696,816.19	-59.7%	\$2,106,341.83	24.1%
Revenue Sharing Transfers	(\$66,592,346.05)	-7.6%	(\$70,060,827.68)	-5.2%	(\$70,143,110.63)	-0.1%	(\$73,775,271.93)	-5.2%	(\$75,351,460.60)	-2.1%
Liquor Transfers	\$18,525,522.65	3.5%	\$50,013,627.68	170.0%	\$16,500.00	-100.0%	\$14,971.36	-9.3%	\$0.00	-100.0%
Lottery Transfers	\$27,708,259.00	7.8%	\$33,219,412.46	19.9%	\$34,177,094.30	2.9%	\$33,558,940.83	-1.8%	\$32,512,585.01	-3.1%
Other Revenue	\$126,690,710.21	30.1%	\$128,208,781.89	1.2%	\$120,481,437.33	-6.0%	\$129,338,787.97	7.4%	\$124,414,101.44	-3.8%
TOTAL GENERAL FUND REVENUE	\$1,515,207,047.70	8.4%	\$1,627,055,438.32	7.4%	\$1,641,619,575.12	0.9%	\$1,701,046,802.30	3.6%	\$1,709,958,790.76	0.5%
HIGHWAY FUND										
Fuel Taxes	\$126,920,749.63	15.6%	\$131,554,896.51	3.7%	\$131,128,246.34	-0.3%	\$133,405,167.33	1.7%	\$131,794,778.17	-1.2%
Motor Vehicle Registration and Fees	\$49,148,222.60	-1.9%	\$50,797,150.58	3.4%	\$53,281,775.23	4.9%	\$52,650,561.96	-1.2%	\$52,379,040.32	-0.5%
Inspection Fees	\$3,174,958.68	17.5%	\$2,774,113.39	-12.6%	\$2,870,855.89	3.5%	\$3,003,890.90	4.6%	\$2,876,853.20	-4.2%
Fines	\$1,225,592.30	-25.6%	\$1,168,641.52	-4.6%	\$1,188,376.51	1.7%	\$1,167,222.88	-1.8%	\$1,178,494.53	1.0%
Income from Investments	\$355,853.64	-59.0%	\$592,966.09	66.6%	\$1,025,119.04	72.9%	\$530,069.91	-48.3%	\$986,581.63	86.1%
Other Revenue	\$6,553,917.41	4.6%	\$6,332,929.29	-3.4%	\$6,899,595.65	8.9%	\$6,874,030.14	-0.4%	\$7,132,870.16	3.8%
TOTAL HIGHWAY FUND REVENUE	\$187,379,294.26	9.3%	\$193,220,697.38	3.1%	\$196,393,968.66	1.6%	\$197,630,943.12	0.6%	\$196,348,618.01	-0.6%

Adjusted for Service Provider Tax Split

Composition of State's Cash Pool February 2008 Average Daily Balances

	February 2008
General Fund - Total	(\$1,679,674)
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$118,355,723
Reserve for General Fund Operating Capital	\$40,615,146
Tax Anticipation Notes	\$0
Internal Borrowing from Other Funds	\$124,482,759
General Fund - Other	(\$285,133,302)
Highway Fund	\$30,677,596
Other Special Revenue - Contributing to General Fund	\$47,661,409
Other Special Revenue - Retaining Interest Earned	\$73,010,981
Other State Funds - Contributing Interest to General Fund	(\$5,489,584)
Other State Funds	\$182,202,893
Independent Agency Funds	\$145,729,269
Total Cash Pool	\$472,112,890





Maine State Legislature
Office of Policy and Legal Analysis

MEMORANDUM

March 20, 2008

To: Senate President Beth Edmonds, Chair
Speaker of the House Glenn Cummings, Vice Chair
123rd Legislative Council

From: Patrick Norton, OPLA Director

Re: Update on legislative studies and committee work

Studies

1. The Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine submitted its report to the Legislature last week. The Joint Standing Committee on Health and Human Services held a hearing on the report on Wednesday, March 19 and voted to submit a bill to implement the recommendations of the Working Group. That bill is not expected to go back to committee.
2. The Citizen Trade Policy Commission has scheduled a meeting for Friday, March 21 to finalize their recommendations to Congress and the United States Trade Representatives on the Columbia Free Trade agreement and to plan for an upcoming public hearing on trade issues.
3. The Legislative Youth Advisory Council has postponed any further attempts to meet during the legislative session and will meet again sometime in June. Note: Legislation recommended by LYAC this session (LD 2131), which increases the number of times LYAC can meet, will likely be placed on the study table for the Council's consideration.

Committee status

Completing committee work. Committee chairs were informed by the presiding officers on Wednesday, March 19 that all bills heard but not voted would be removed from committee on Friday, March 21 and that all remaining committee work, except for confirmations and work on the errors bill by the Judiciary Committee, must be completed

by the end of the day on Friday, March 28. Committees are not authorized to meet after March 28.

Committee status as of today. As of today, committees have 24 bills that have been heard but not voted and 10 that have not yet been heard (excluding the 24 in AFA). Ninety-two percent of bills referred have been voted and 62% have been reported out. Twenty-four new bills are still anticipated, of which 11 are expected to be referred to committee and 13 are committee bills that are not expected to go back to committee. I will provide an oral update of committee status at the Council meeting on March 26.

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

C: Members, Legislative Council

**Legislative Council Actions
Taken by Ballot Since the
February 28 Council Meeting**

Request for Introduction of Legislation

A. LR 3559 An Act to Reduce the Amount Collected for the Purpose of the E-9-1-1 System

Submitted by: Representative Rines
Accepted: March 12, 2008 Vote: 8 – 0 – 0 – 2 in favor

B. LR 3560 An Act to Protect Consumers from Telephone “Slamming”

Submitted by: Representative Rines
Accepted: March 12, 2008 Vote: 8 – 0 – 0 – 2 in favor

C. LR 3550 An Act to Amend the Charter of the Buckfield Village Corporation

Submitted by: Representative Hayes
Accepted: March 12, 2008 Vote: 9 – 0 – 0 – 1 in favor

**D. LR 3575 An Act to Reduce the Percentage of the Cost of Local Schools Paid by the State
from 55% to 49%**

Submitted by: Representative Joy
Accepted: March 17, 2008 Vote: 10 – 0 in favor

E. LR 3585 An Act to Ensure Equitable Payment for E-9-1-1 Services

Submitted by: Senator Mitchell
Accepted: March 18, 2008 Vote: 10 – 0 in favor

F. LR 3570 An Act to Remove Impediments to Changing County Government Fiscal Years

Submitted by: Representative Millett
Accepted: March 26, 2008 Vote: 6 – 0 – 0 – 4 in favor

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 20, 2008**

Action

SPONSOR: Sen. Diamond, Bill

LR 3561 Resolve, To Prohibit Early In-person Absentee Voting on
Monday, November 3rd, 2008

SPONSOR: Rep. Emery, Harold Ian

LR 3545 An Act To Allow for the Investment of Maine Public Employees
Retirement System Funds in Infrastructure and Private
Investments

SPONSOR: Rep. Hinck, Jon

LR 3548 An Act To Create a Tax on the Extraction of Water To Be
Bottled

SPONSOR: Rep. McDonough, John F.

LR 3551 An Act Regarding the Revocation of Suspended Lobster
Licenses

SPONSOR: Rep. Millett, Jr., H. Sawin

LR 3570 An Act To Remove Impediments to Changing County Government Accepted by Ballot
Fiscal Years 3/26/08

SPONSOR: Rep. Pratt, Benjamin Marriner

LR 3557 An Act To Protect Consumers from Phone "Slamming"

SPONSOR: Sen. Rotundo, Margaret

LR 3542 An Act To Protect Confidential Information

SPONSOR: Rep. Vaughan, Michael A.

LR 3588 An Act To Create Transparency in Funding and Oversight
between the Department of Health and Human Services and
Nonprofit Providers

SPONSOR: Rep. Weaver, Windol C.

LR 3590 Resolve, Prohibiting the Maine Turnpike Authority from Using
Eminent Domain To Take a Dwelling in Connection with the
Relocation of the York Tollbooth

JOINT RESOLUTION

SPONSOR: Sen. Bowman, Peter B.

LR 3597 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE A COLD
WAR MEDAL

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Barstow, Christopher R.

**TABLED
02/28/08**

LR 3506 An Act Concerning Working Papers of the State Controller

SPONSOR: Rep. Makas, Elaine C.

**TABLED
02/28/08**

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

SPONSOR: Rep. Rines, Peter L.

**TABLED
02/28/08**

LR 3473 An Act To Provide Incentives for Departmental Savings

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: Rep. Cummings, Glenn

**TABLED
02/28/08**

LR 3502 JOINT RESOLUTION MEMORIALIZING CONGRESS TO STOP GASOLINE
PRICE MANIPULATION AND TO CLOSE THE ENRON LOOPHOLE

JOINT RESOLUTION

SPONSOR: Sen. Edmonds, Beth G.

**TABLED
02/28/08**

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

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 March 26, 2008

Action

SPONSOR: Sen. Perry, Joseph C.

LR 3601 An Act To Clarify What Is a Taxable Transaction

JOINT RESOLUTION

SPONSOR: Rep. Webster, David C.

LR 3606 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO
SUPPORT THE CREATION OF A "COLD WAR MEDAL"

SPONSOR: Rep. Dill, Cynthia A.

LR 3611 Resolve, To Establish a Stakeholders Group To Study Excess
Capacity of Cable Rates Conversion from Analog to Digital

JOINT RESOLUTION

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

LR 3612 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE THE
AWARDING OF COLD WAR MEDALS

SPONSOR: Rep. Robinson, John C.

LR 3613 An Act To Encourage the Expeditious Review of Development
Permits

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

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON STATE AND LOCAL GOVERNMENT

CHRISTOPHER R. BARSTOW, GORHAM, CHAIR
 STEPHEN R. BEAUDETTE, BIDDEFORD
 JAMES M. SCHATZ, BLUE HILL
 ANDREA M. BOLAND, SANFORD
 TERESEA M. HAYES, BUCKFIELD
 LAWRENCE G. SIROIS, TURNER
 HENRY L. JOY, CRYSTAL
 PHILIP A. CURTIS, MADISON
 H. DAVID COTTA, CHINA
 WINDOL C. WEAVER, YORK

March 14, 2008

To: Senator Beth Edmonds, Senate Chair
 Representative Glenn Cummings, House Chair
 Members of the Legislative Council

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

Re: Proposal to consolidate legislative program evaluation and government oversight

The State and Local Government Committee met today to consider a proposal to consolidate legislative program evaluation and government oversight through some reorganization of the legislative offices. This proposal was referred to us by members of legislative leadership out of consideration of this committee's role in reviewing general government matters.

The Committee recommends that the Legislative Council look for cost savings within the Legislature by examining the budgets of each of the offices in the Legislature. The target of \$1million per year in general fund savings in your proposal seems to be a reasonable initial goal. We recommend that the Executive Director work with the Directors of all the non-partisan offices and the Director of the Office of Program Evaluation and Government Accountability and make suggestions for savings to the Council. However, the Committee does not favor any diminishment of the missions, goals and independence of OPEGA or other non-partisan offices. We also encourage the Council to examine the partisan offices for opportunities for savings.

The State and Local Government Committee has been vigilant in its efforts to identify savings within the departments under our jurisdiction. We have exceeded the targets for savings that were set by the Appropriations and Financial Affairs Committee. We would encourage the Legislative Council to find ways to cut the legislative budget without jeopardizing the independence and mission of the various non-partisan and independent offices within. We appreciate the opportunity to offer feedback on the consolidation proposal.

cc: David Boulter, Executive Director



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0111

EXECUTIVE DIRECTOR'S
OFFICE

MARTIN A. MAGNUSSON
COMMISSIONER

2008 FEB 32 A 8: 22

February 27, 2008

Senator Bill Diamond, Co-Chair
Representative Stanley Gerzofsky, Co-Chair
Joint Standing Committee on Criminal Justice & Public Safety
State House Station 100
Augusta, ME 04333-0100

Dear Senator Diamond and Representative Gerzofsky:

Please find enclosed copies of the 2007 report on the activities of the Office of Advocacy for the Maine Department of Corrections.

Sincerely,

Wesley E. Andrenyak
Chief Advocate

WEA/mg

Cc: Executive Director of the Legislative Council
Martin A. Magnusson, Commissioner



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STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0111

JOHN ELIAS BALDACCI
GOVERNOR

MARTIN A. MAGNUSSON
COMMISSIONER

2007 Report to the Joint Standing Committee on Corrections on the Activities of the Maine Department of Corrections Office of Advocacy

The Office of Advocacy is established within the Department of Corrections to investigate the claims and grievances of clients, to investigate, in conjunction with the Department of Health & Human Services, as appropriate, allegations of adult and child abuse or neglect in correctional facilities and detention facilities and to advocate for compliance by the Department of any correctional facility, detention facility, or any contract agency with all laws, administrative rules, and institutional and other policies relating to the rights and dignity of clients.

There is a full-time Chief Advocate located at the Department of Corrections-Central Office who reports directly to the Commissioner of Corrections. At the present time there is one full-time authorized Advocate position assigned to the Maine State Prison and Bolduc Correctional Facility. These may be assigned, as needed, to any facility or agency within the Department, including the Maine State Prison, Bolduc Correctional Facility, Maine Correctional Center, Long Creek Youth Development Center, Charleston Correctional Facility, Downeast Correctional Facility, Central Maine Pre-Release Center, Mountain View Youth Development Center, Two Bridges Regional Jail, York County Jail, Cumberland County Jail, or Community Corrections.

The Office of Advocacy receives requests and complaints from prisoners and clients located in any institution or facility operated by the Department of Corrections or under contract with the Department of Corrections. The Office is also frequently contacted by family members, attorneys, legislators or persons from other public or private agencies with advocacy concerns. Complaints are investigated and reports and recommendations are provided directly to the Commissioner of Corrections or other administrators and staff within the Department. The Chief Advocate also attends policy meetings with the Commissioner's staff and serves as advisor to the Commissioner and to Correctional Administrators on human rights issues and policies and procedures as they affect prisoner's rights and welfare. The Chief Advocate has been selected as the Americans with Disabilities Act (ADA) Coordinator for the Department regarding prisoner ADA complaints.



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PHONE: (207) 287-2711

888-577-6690 (TTY)

FAX: (207) 287-4370

This office is engaged in mostly individual cases related to a specific issue or issues. Sometimes the issues span and relate to a much broader target group. There are times when all is said and done that the issues raised and practices in question are on solid ground. However there are times when change is in order. It has been my experience that the Department of Corrections at all levels has been willing to make necessary changes to ensure that prisoner's rights and dignity are being met. There are numerous cases where changes have been made to practices, and staff has been held accountable and disciplined for actions where it has been found that they have not acted in a manner consistent with the goals and objectives and policies and procedures of the Department. This supports the role that this office plays in advocating for prisoners and acting as another form of check and balance to the system.

Some ongoing activities that this office is involved in, is the training of Counsel Substitutes who are either correctional staff or prisoners. The position is voluntary. The policies and procedures allow that anyone who has been charged with a rule violation has the option to request a counsel substitute to assist them in preparing for their disciplinary hearings. The purpose of the counsel substitutes is to have someone trained who is familiar with the disciplinary policies and procedures to help the prisoners charged with rule violations through the process, and to bring consistency and credibility to the process as well. They help explain the options available to the prisoner, help them outline their testimony and how they could present it in an organized manner. They can also assist in preparing an appeal. It should be noted that due to cognitive and maturity differences it has been determined that only adult staff at juvenile facilities will be trained in this capacity. Last year a total of 17 counsel substitutes were trained.

This office has established an ongoing contract with the University of Southern Maine School of Law and the Cumberland Legal Aid Clinic to provide services in civil cases through the use of third year law students under the supervision of a faculty advisor. This contract has provided a number of prisoners' valuable services in this area. The reports from the law school have indicated that prisoners use and see this as a valuable means to assist them in bringing civil issues to the courts if necessary. Feedback from the facilities has been positive as well.

This office has participated in maintaining the necessary contacts and practices to continue to allow prisoners to register to vote and provide testimony in opposition to any legislation that would take that right away from prisoners.

The Chief Advocate has been involved in a pilot project established under LD 1376 known as the Guardian ad Litem Project. The project is designed to determine the need for judicial review of the services provided to at-risk juveniles committed to a juvenile Correctional facility of the Department of Corrections. The resolve proposed the use of guardian ad litem to accomplish this.

To assess the effectiveness the legislation established that two groups would be created. One group of at-risk juveniles at Long Creek Youth Development Facility would have guardian ad litem assigned and the other at the Mountain View Youth Development Facility would be assigned to the Chief Advocate. Up to 15 juveniles were to be screened and assigned at each facility. Participation was voluntary and required agreement from both the juvenile and parents or guardians, an initial meeting with the parents or guardians, review of the juvenile's complete file, attendance at quarterly classification meetings, monthly reports and updates. The project is into its second and final year and will be completed in April of 2008. The data is being evaluated by the Muskie Institute.

The experience has been invaluable in terms of getting hands on knowledge of the juvenile system and the work that is being done to bring positive change to the committed juvenile population.

In terms of the number of prisoners and related persons who receive services from this division this office tracks contacts. Listed below is the total number of contacts made. The contacts consist of documented instances, such as notes in files, letters and emails that have some level of response from this office either by me or the advocate assigned to the Maine State Prison. I have been dividing them into three general categories: policies and procedures and practices, access to courts, and civil rights issues. These figures do not cover all in-person contacts, telephone calls or walk-ins.

For 2007 the contacts are as follows:

Policy and procedure, and practices	869
Access to courts	390
Civil rights issues	17

There are certain areas of concern that I would like to express in my report. The first is that while I feel that there are great strides being made in this Department as it has set a very high standard by seeking and obtaining accreditation by the American Correctional Association that this office in its current configuration of only two persons to address advocacy issues could better serve the prisoner population in bringing important issues to the forefront by at least additional part-time positions being created at the two juvenile facilities and at the Maine Correctional Center.

The second area of concern is that review of revisions of policies and procedures, which are needed, is very slow. This seems to me to be counter productive. Certainly every effort is made to address the policies and procedures that are in need of immediate creation or change but it usually comes at the expense of putting off review of other important policies and procedures.

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STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

March 10, 2008

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

From: Senator Nancy Sullivan, Senate Chair
 Representative John Brautigam, House Chair
 Joint Standing Committee on Insurance and Financial Services

Subject: Government Evaluation Act Review of the Department of Professional and Financial Regulation

This memorandum is to inform you that the Joint Standing Committee on Insurance and Financial Services has submitted its findings from the review and evaluation of the Department of Professional and Financial Regulation 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

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JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

Review of the Department of Professional and Financial Regulation under the Government Evaluation Act

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 review is conducted by the legislative committee having jurisdiction over the state agency identified for review on a 10-year cycle. To assist the legislative committee, agencies are required to prepare and submit a program evaluation report. The program evaluation report includes the following components: 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

Pursuant to the requirements of the Act, the Joint Standing Committee on Insurance and Financial Services notified the Department of Professional and Financial Regulation in April 2007 of its intent to review the department during the Second Regular Session of the 123rd Legislature. The review of the Department of Professional and Financial Regulation is conducted jointly with the Joint Standing Committee on Business, Research and Economic Development because of the overlapping jurisdiction of the two committees over bureaus and offices within the department. This is the 2nd review of the Department of Professional and Financial Regulation under the Government Evaluation Act; the first review under the Act was completed in 1997.

The Joint Standing Committee on Insurance and Financial Services held five meetings to conduct the review under the Act: November 16, 2007, January 8, 2008, January 15, 2008, January 17, 2008 and February 26, 2008. The Joint Standing Committee on Insurance and Financial Services reviewed the Commissioner's Office, the Bureau of Financial Institutions, the Bureau of Consumer Credit Protection, the Bureau of Insurance and the Office of Securities. Since the Joint Standing Committee on Business, Research and Economic Development is expected to review the Office of Licensing and Regulation, the Joint Standing Committee on Insurance and Financial Services makes no findings with regard to that office in this report.

Findings of Review

The Joint Standing Committee on Insurance and Financial Services reviewed the Office of the Commissioner, the Bureau of Financial Institutions, the Bureau of Consumer Credit Protection, the Bureau of Insurance and the Office of Securities within the Department of Professional and Financial Regulation and finds that these bureaus and offices are operating within their statutory authority. The committees finds that these bureaus and offices within the Department of Professional and Financial Regulation are performing effectively and efficiently in carrying out

the statutory mandate to administer and enforce the consumer credit, banking, insurance and securities laws in order to protect the public.

The committee notes also that the Governor's 2008-2009 Supplemental Budget Bill (LD 2173) proposed changes to reorganize the Office of Commissioner and the Office of Securities within the Department of Professional and Financial Regulation. As originally drafted, Part T of LD 2173 proposes to eliminate the headcount associated with the Commissioner position and make statutory changes to require the Governor to appoint one of 4 positions within the Department of Professional and Financial Regulation to serve as Commissioner in addition to their other statutory duties: the Superintendent of Financial Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of Insurance and the Director of the Office of Licensing and Registration. Part T also proposes to eliminate the Securities Administrator position and designate the Superintendent of Financial Institutions as the Securities Administrator.

At the request of the Joint Standing Committee on Appropriations and Financial Affairs, the committee reviewed the proposed changes and made the following recommendations to the Appropriations Committee. The committee unanimously supported the elimination of the headcount, salary and associated costs related to the Commissioner position and the statutory change to the appointment of the Commissioner by the Governor. With regard to the Office of Securities, 11 members supported the elimination of one of the 2 Assistant Securities Administrator positions instead of the Securities Administrator position---a recommendation agreed to by the Acting Commissioner of the Department and the Administration. One committee member supported elimination of the Securities Administrator positions as originally proposed. As of the date of this report, LD 2173 has not been finally voted on, but the Appropriations Committee informally accepted the committee's recommendations with regard to the Office of the Commissioner and the Office of Securities in work session on February 20, 2008.

Emerging Issues

During its review, the committee identified the following emerging issues that may have an impact on the department's performance in the coming months and years. The committee believes the department should monitor these issues carefully and take action to address them as necessary. The committee requests that the department provide periodic updates on these issues and notify the committee as soon as possible if it becomes clear that legislative action is warranted or additional resources are needed.

Office of the Commissioner

- ◆ Long-term planning for the department and its facility and space needs

Bureau of Financial Institutions

- ◆ The integration of the financial services industry
- ◆ Federal preemption of state banking laws
- ◆ Predatory lending practices and mortgage foreclosures as it relates to loans made by banks and credit unions

Bureau of Consumer Credit Protection

- ◆ Predatory lending practices and mortgage foreclosures as it related to loans made by non-bank mortgage companies and loan brokers
- ◆ Regulation of payroll processing companies and pre-settlement litigation funding companies

Bureau of Insurance

- ◆ Potential federal regulation of insurance
- ◆ Consumer protection and advocacy with regard to all lines of insurance
- ◆ Affordability and access to health insurance
- ◆ Affordability of long-term care insurance
- ◆ Effect of global warming, climate change and natural disasters on insurance markets and risk management
- ◆ Effect of terrorism on insurance markets

Office of Securities

- ◆ Need for investor education, especially for Maine's growing elderly population, with regard to securities and other investments
- ◆ Development of uniform standards and certification for individuals who use a certification or professional designation indicating that the individual has special certification or training in advising seniors about securities
- ◆ Impact of growth in licensees on workload of Office of Securities

SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR



123RD MAINE STATE LEGISLATURE
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To: Members of the Legislative Council, 123rd Legislature

From: Beth Edmonds, Chair
Legislative Council

Date: March 21, 2008

Re: **REVISED** Legislative Council Meeting Schedule for 2008

At the February 28th 2008 meeting, the Legislative Council agreed to meet the fourth **Wednesday** of each month in the Legislative Council Chamber, Room 334 rather than on Thursdays. The revised schedule for Legislative Council meetings for the remainder of the 123rd Legislature are listed below for your planning purposes.

March 26, 2008
April 16, 2008 (tentative)
May 21, 2008
June 25, 2008
July 30, 2008

August 27, 2008
September 24, 2008
October 22, 2008
November 19, 2008
December 4, 2008 (tentative)

All Legislative Council meetings are scheduled for Wednesday, usually the fourth Wednesday of each month. The meetings will begin at **1:00 P.M.** I will make every reasonable effort to begin the meetings promptly at 1:00 so your timeliness at the meetings would be greatly appreciated. If you are unable to attend a meeting, please notify the Executive Director's Office as far in advance of the meeting as possible. The Legislative Council agenda and packet will ordinarily be provided to members prior to each meeting.

Please call the Executive Director's Office if you have any questions or need additional information. Thank you.

Cc: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Dave Boulter, Executive Director of the Legislative Council
Legislative Council Office Directors

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