

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

123<sup>RD</sup> 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  
MAY 21, 2008  
1:00 P.M.  
REVISED AGENDA**

<b><u>Page</u></b>	<b><u>Item</u></b>	<b><u>Action</u></b>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
<b>1</b>	<b>SUMMARY OF THE APRIL 14, 2008 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>11</b>	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
<b>12</b>	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
	▪ Information Services Report (Mr. Mayotte) (No Report)	
<b>19</b>	▪ Status of Legislative Studies (Mr. Norton)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Speaker Cummings, Chair)	
	• <b>State House Facilities Committee</b> (Rep. Pingree, Chair)	
	• <b>Budget Subcommittee</b> (Sen. Martin, Chair) (No Report)	
	• <b>Subcommittee to Administer Technology</b> (President Edmonds, Chair) (No Report)	

## **OLD BUSINESS**

- |    |   |                    |
|----|---|--------------------|
| 22 | <b>Item #1 Council Actions Taken By Ballot (No Action Required)</b><br>A copy of a list of actions taken by ballot by the Legislative Council since its April 16, 2008 meeting is attached. | <b>Information</b> |
| 23 | <b>Item #2: CSG/ERC Request that Maine Host 2010 Annual Meeting in Portland</b>   | <b>Decision</b>    |

## **NEW BUSINESS**

- |    |  |                       |
|----|--|-----------------------|
| 28 | <b>Item #1: Reconsideration of Legislative Council's decision on HP 1665 / 933 Criminal Justice Committee Study of Sex Offender Registration Laws (Senator Edmonds)</b>                  | <b>Roll-Call Vote</b> |
| 30 | <b>Item #2: Study by Office of Policy and Legal Analysis regarding dissemination of confidential information pertaining to teachers and work plan approval (PL 2007, c. 666, Sec. 2)</b> | <b>Decision</b>       |
| 33 | <b>Item #3: Updated Study by the Legislature regarding The Feasibility of Establishing a Single-payor Health Care System In the State (Resolve 2007, chapter 216)</b>                    | <b>Decision</b>       |
| 36 | <b>Item #4: Copyright license to Law Library Microform Consortium for certain <i>Maine Supreme Court Reports</i> (Mr. Barden)</b>  | <b>Information</b>    |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

SEN. BETH EDMONDS  
CHAIR  
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**MEETING SUMMARY**  
**April 14, 2008**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 5:35 P.M. in the Legislative Council Chambers.

**ROLL CALL**

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

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

Legislative Officers: Millicent MacFarland, Clerk of the House  
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, Director, Law and Legislative Reference Library

Legislative Council Chair, President Edmonds convened the meeting at 5:35 P.M. with a quorum of members present.

**SUMMARY OF MARCH 26, 2008 MEETING OF LEGISLATIVE COUNCIL**

Motion: That the Meeting Summary of March 26, 2008 be accepted and placed on file. Motion by Representative Pingree. Second by Senator Rosen. **Motion passed unanimous (8-0).**  
**[Representative Crosthwaite and Senator Martin 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: Presentation of Reproductions of Original Maine Constitution**

David Cheever, State Archivist, Maine State Archives presented four of the fourteen pages of the reproduction of the original Maine Constitution that have been framed for public display and given to the Legislature for its use. The location of the display will be considered by the Facilities Committee at a future meeting.

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

(No report)

### Fiscal Report

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

#### Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$174.4	\$193.0	\$18.6	10.7%	\$173.6	11.2%
FYTD	\$1,880.9	\$1,903.0	\$22.1	1.2%	\$1,874.6	1.5%

General Fund revenue was over budget by \$18.6 million in March, reflecting the March 2008 revenue revision, which reduced budgeted FY 2008 General Fund revenue by \$26.9 million. For the fiscal year-to-date (FYTD), General Fund revenue was over budget by \$22.1 million or 1.2%. March's growth was very strong at 11.2% over last March's revenue and increased the growth rate for the FYTD to 1.5% over the same period in FY 2007. This FYTD growth rate was only 0.5% through February.

March corporate income tax receipts were very strong in March, above revised projections by \$8.7 million reversing a negative variance and posting a positive variance of \$7.6 million through March, a 7.1% variance.

Individual income tax revenue had a positive variance of \$12.8 million in March, mainly the result of refunds being significantly below projections. Heading into the month of April with the April 15th tax filing deadline, individual income tax has accumulated a positive variance of \$12.1 million.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$27.2	\$27.4	\$0.1	0.5%	\$26.7	2.6%
FYTD	\$223.2	\$223.7	\$0.5	0.2%	\$224.3	-0.3%

Highway Fund revenue was slightly over revised budgeted revenue in March (adjusted downward by \$2.3 million for FY 2008 in the March forecast). For the FYTD, Highway Fund revenue was above budget by \$0.5 million or 0.2%. Highway Fund revenue through March showed negative growth of 0.3% over the same period in FY 2007.

### **Cash Balances**

The average total cash pool balance in March was \$369.2 million, which was well below the average balance of the last 6 years for March of \$519.6 million. With the passage of the budget, allotments should be adjusted to “curtail” expenditures in anticipation of the bill becoming effective on June 30th. This reduction of expenditures in combination with March’s strong revenue performance and the normal individual income tax positive cash flow in April should help improve the General Fund cash position. The General Fund balance, excluding reserve balances (\$159.3 million) and internal borrowing (\$241.9 million), was a negative \$283.3 million. March generally has the lowest General Fund cash balances during the fiscal year.

### **Information Technology Report**

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

#### **Wireless Network Service (Update):**

Full wireless service for Legislators is being maintained using a temporary server/router installation. Installation of a permanent wireless server/router is planned for the interim period.

#### **Legislative Web Page (Update):**

Postings of amendments to the Legislature’s Website are being monitored for the timely availability of the information. Automation of the process to post LDs and amendments to the Website is planned for the interim period.

### **REPORTS FROM COUNCIL COMMITTEES**

There were no reports from Legislative Council committees or subcommittees.

President Edmonds asked if there was any objection to taking two items out of order. Hearing none, the Chair then moved to **New Business, Item # 2: Suggested Protocol for Deciding Study Requests** and **Item #3: Consideration of Proposed Legislative Studies.**

### **NEW BUSINESS**

#### **ITEM #2: Suggested Protocol for Deciding Study Requests.**

Mr. Boulter reviewed the suggested protocol for deciding study requests with the Legislative Council, as follows:

#### **Requirements Relevant to Studies in the First Regular Session**

Under the terms of the Joint Rules of the 123rd Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On May 24, 2007, the Legislative Council unanimously adopted a policy on legislative studies for the 123rd Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevant as part of study legislation.

#### **Suggested Protocol for Authorizing Legislative Studies**

- The Legislative Council will review study requests alphabetically by policy area.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting. A 2/3rds majority is required to authorize any study reporting to a subsequent Legislature.
- Committee chairs and others are welcome to observe the Council's deliberations on the study requests, but discussion of the requests will be confined to council members and staff. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards and policies approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Assistant Majority Leader, except for studies tabled in the House will be in the name of the House Assistant Majority Leader.

#### **Policy Issues Needing Decision**

- **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
- **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
- **Interim committee meetings-Recommendation:** Unless authorized by law or joint order, joint standing committees may not meet during the interim for any purpose without the prior written approval of the presiding officers. Committees wishing to meet must submit a written request to meet to the presiding officers indicating the number of meetings requested, the purpose of the meetings and the date of the meeting. Committee clerks will not be authorized for interim committee meetings.

**Motion:** That the Legislative Council accept the suggested protocol for considering proposed legislative studies. Motion by Representative Tardy. Second by Senator Mitchell.  
**Motion passed (10-0).**

### **ITEM #3: Consideration of Proposed Legislative Studies**

Eight proposed studies were presented to the Legislative Council for its consideration. The Legislative Council's action on the study requests are included on the attached list.

### **ITEM #4: Consideration of After Deadline Bill Requests**

Senator Martin made a motion to accept for introduction after deadline bill request LR 3652 "An Act to Amend the Charter of Northern Maine General." Second by Representative Pingree. **The motion to accept LR 3652 for introduction passed (9-0).** [Rep. Crosthwaite absent for vote]

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

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

### **OLD BUSINESS**

#### **ITEM 1: Legislative Council Actions Taken by Ballot**

A copy of the list of actions taken by ballot by the Legislative Council since its March 26, 2008 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

#### **Item #5: CSG/ERC 2010 Request that Maine Host Annual Meeting in Portland**

Council of State Governments/Eastern Regional Conference has requested that Maine host the annual meeting of CSG/ERC in Portland, Maine in August 2010. Maine last hosted the annual meeting in 1997. Expected turn-out is 600 delegates and their families.

Mr. Boulter explained that the Legislature would need to establish a host committee to organize and oversee Maine's responsibilities, nominate legislators to serve as ERC chairs, retain a conference coordinator/planner, organize and host all social programs at the annual meeting, host a reception in Vermont in 2009, host several dinners and receptions during the annual meeting, and raise or appropriate approximately \$250,000 as Maine's financial contribution.

Senator Martin noted that Maine has hosted such meetings in the past, and while the meetings can bring many benefits to the host city and Maine generally, they require an enormous amount of advance preparation and commitment on the part of the Legislature. He concluded that hiring a conference coordinator to assist with key responsibilities and the logistics of hosting the CSG/ERC annual meeting is essential. Other members generally agreed and felt Maine would benefit from hosting the meeting. The Legislative Council postponed a decision on the request until the May council meeting after members have had an opportunity to review the request and the commitments required to host the annual meeting.



- Item #6: 2007 Government Evaluation Act Review of the Cultural Agencies**
- Item #7: Government Evaluation Act Review of the Department of Professional and Financial Regulation**
- Item #8: Government Evaluation Act Review of the Maine State Housing Authority**
- Item #9: Government Evaluation Act Review of the Land for Maine's Future Board**
- Item #10: Government Evaluation Act Review of the Maine Harness Racing Commission**
- Item #11: Government Evaluation Act Review of the Maine Milk Commission**
- Item #12: Government Evaluation Act Review of the Maine Dairy & Nutrition Council and the Maine Dairy Promotion Board**

**Motion:** That the Legislative Council accept and place on file the reports noted in Items 6 through 12. Motion by Senator Martin. Second by Speaker Cummings. **Motion passed (9-0).** [Representative Crosthwaite absent for vote.]

#### **ANNOUNCEMENTS AND REMARKS**

None

#### **ADJOURNMENT**

The Legislative Council meeting was adjourned at 6:30 P.M.

**Legislative Council  
Action on  
Proposed Legislative Studies**

	<b>PROPOSED STUDIES</b>	<b>ACTION</b>
<b>POLICY AREA:</b>	<b>Agriculture, Conservation &amp; Forestry</b>	
LD 1684	Committee to Study the Protection of Farms and Farmland	<b>Approved</b>
LD 2245	Agriculture Committee Review of the Recommendations of the Agricultural Creative Economy Study	<b>Approved</b>
<b>POLICY AREA:</b>	<b>Criminal Justice and Public Safety</b>	
JSO HP 1665	Criminal Justice Committee Review of Sex Offender Registration Laws	<b>Failed</b>
<b>POLICY AREA:</b>	<b>Education and Cultural Affairs</b>	
LD 2131	Legislative Youth Advisory Council	<b>Approved as Amended</b>
LD 2303	Commission to Study Alternative Education Programs	<b>Failed</b>
<b>POLICY AREA:</b>	<b>Health and Human Services</b>	
LD 1110	Maine Council on Poverty and Economic Security	<b>Approved</b>
LD 2052	Blue Ribbon Commission to Study Long-term Home-based and Community-based Care	<b>Approved as Amended</b>
LD 2311	Maine Children's Growth Council	<b>Tabled</b>

**LEGISLATIVE COUNCIL ACTION ON  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
April 14 2008**

**Action**

**SPONSOR: Rep. Fitts, Stacey Allen**

**Failed**

LR 3628      An Act To Establish the Maine Government Efficiency  
Commission To Encourage Prosperity in Maine

**SPONSOR: Rep. Marley, Boyd P.**

**Accepted by Ballot  
4/11/08**

LR 3618      ~~An Act To Authorize a Bond Issue for Maine's Transportation  
Network~~

**JOINT RESOLUTION**

**SPONSOR: Rep. Moore, Gary W.**

**Failed**

LR 3637      JOINT RESOLUTION MEMORIALIZING THE BOARD  
OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM  
TO CONSIDER REEXAMINING THE MISSION OF THE  
UNIVERSITY OF MAINE SYSTEM

**ADDENDUM**

**SPONSOR: Rep. Barstow, Christopher**

**Passed**

LR 3650      An Act to Validate Certain Proceedings Authorizing the Issuance  
of Bonds and Notes by Maine School Administrative District No. 29

**SPONSOR: Senator Martin, John**

**Passed**

LR 3652      An Act to Amend the Charter of Northern Maine General

**TABLED BY THE LEGISLATIVE COUNCIL**

<b>SPONSOR:</b>	<b>Rep. Barstow, Christopher R.</b>	<b>TABLED</b>
		<b>02/28/08</b>
LR 3506	An Act Concerning Working Papers of the State Controller	
<b>SPONSOR:</b>	<b>Rep. Emery, Harold Ian</b>	<b>TABLED</b>
		<b>03/26/08</b>
LR 3545	An Act To Allow for the Investment of Maine Public Employees Retirement System Funds in Infrastructure and Private Investments	
<b>SPONSOR:</b>	<b>Rep. Hinck, Jon</b>	<b>TABLED</b>
		<b>03/26/08</b>
LR 3548	An Act To Create a Tax on the Extraction of Water To Be Bottled	
<b>SPONSOR:</b>	<b>Rep. Makas, Elaine C.</b>	<b>TABLED</b>
		<b>02/28/08</b>
LR 3499	An Act To Preserve Opportunities for Higher Education by Controlling the Costs of Textbooks	
<b>SPONSOR:</b>	<b>Rep. McDonough, John F.</b>	<b>TABLED</b>
		<b>03/26/08</b>
LR 3551	An Act Regarding the Revocation of Suspended Lobster Licenses	
<b>SPONSOR:</b>	<b>Sen. Perry, Joseph C.</b>	<b>TABLED</b>
		<b>03/26/08</b>
LR 3601	An Act To Clarify What Is a Taxable Transaction	
<b>SPONSOR:</b>	<b>Rep. Rines, Peter L.</b>	<b>TABLED</b>
		<b>02/28/08</b>
LR 3473	An Act To Provide Incentives for Departmental Savings	

**SPONSOR: Rep. Robinson, John C.**

**TABLED  
03/26/08**

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

**SPONSOR: Sen. Rotundo, Margaret**

**TABLED  
03/26/08**

LR 3542      An Act To Protect Confidential Information

**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

**SPONSOR: Rep. Vaughan, Michael A.**

**TABLED  
03/26/08**

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

#### **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

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Legislative Council  
Executive Director's Report**

**May 21, 2008**

1. The YMCA Youth in Government program took place this month in the State House. 137 students and 17 advisors participated, representing 15 schools. The schools participating were from across Maine, including schools in York, Franklin, Washington and Aroostook counties. In planning for the 2009 program, the program director has requested to hold the program either April 3-5<sup>th</sup> or May 1-3<sup>rd</sup>, with preference for the April weekend.
2. The Legislative Digest of Bills and Resolves for the 123<sup>rd</sup> Legislature, 2<sup>nd</sup> Regular and 1<sup>st</sup> Special sessions is being prepared by staff from the offices of Policy and Legal Analysis and Fiscal and Program Review. The digest should be ready for distribution to all legislators by the first week in June.
3. Landscaping work is on-going in Capitol Park this month with a focus on the northwest portion of the park. Overgrown and dead or dying vegetation is being removed, and remaining plantings are being pruned.

G:\Council\123rd Legislative Council\directors reports to lc\executive directors report 2008-5-21.doc 5/21/2008 9:07 AM 3/26/2008 8:23 AM

# Fiscal Briefing

Legislative Council Meeting – May 21, 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
April	\$433.9	\$457.1	\$23.2	5.3%	\$413.4	10.6%
FYTD	\$2,314.8	\$2,360.1	\$45.3	2.0%	\$2,288.1	3.1%

- General Fund revenue was over budget by \$23.2 million in April, increasing the Fiscal Year-to-date (FYTD) positive variance for General Fund revenue to \$45.3 million or 2.0%. April's strong growth increased the growth rate for the FYTD to 3.1% over the same period in FY 2007.
- This year's pleasant "April Surprise" from individual income tax receipts resulted in a positive variance of \$30.6 million in April and \$42.7 million for the FYTD in this category. Corporate Income Tax collections also exceeded projections and were \$11.0 million over budget for the FYTD. Even the Sales Tax remained over budget for the FYTD.
- The Cigarette Tax, Estate Tax and Insurance Companies Tax remained under budget for the FYTD as did the Other Revenue category.
- The Other Revenue category was under budget by \$6.3 million in April. \$5.5 million of this was because the payment from Maine Beverage Company related to the profit sharing from liquor sales was budgeted in April but not received until May.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$26.8	\$25.7	(\$1.2)	-4.3%	\$26.6	-3.6%
FYTD	\$250.0	\$249.4	(\$0.6)	-0.3%	\$251.0	-0.6%

- Highway Fund revenue was under budget by \$1.2 million in April and by \$0.6 million or 0.3% for the FYTD. Negative growth in Highway Fund revenue continues through April and the prospect for a turnaround does not seem likely with fuel prices at record levels. The fuel tax variance was the major contributor to the FYTD negative revenue variance. The decline in gas tax consumption appears to be accelerating.

## 2. Cash Balances (see attached)

- The average total cash pool balance in April was \$446.4 million up from March's \$369.2 million average balance. However, April's balance was well below the average \$550.2 million balance of the last 6 years for April. For the General Fund, while reserves are high so is the amount of internal borrowing.

## 3. Budgeted Ending Fund Balances (see attached)

- The attached budgeted fund balance reports do not reflect revenue or other variances from budgeted actions through the close of the 123<sup>rd</sup> Legislature's 1<sup>st</sup> Special Session.
  - The General Fund budgeted ending balance is \$0.9 million for FY 2008 and \$1.4 million for FY 2009.
  - The Highway Fund budgeted ending balance is \$0.1 million for FY 2008 and \$0.1 million for FY 2009.
  - The Fund for a Healthy Maine budgeted ending balance is \$3.6 million for FY 2008 and \$3.4 million for FY 2009.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2008**  
**Reflecting Budgeted Amounts Through 123 Legislature, 1st Special Session**

**APRIL 2008 REVENUE VARIANCE REPORT**

Revenue Line	April '08 Budget	April '08 Actual	April '08 Variance	FY08 YTD Budget	FY08 YTD Actual	FY08 YTD Variance	FY08 YTD Variance %	FY08 Budgeted Totals
<b>General Fund</b>								
Sales and Use Tax	72,503,051	71,786,950.74	(716,100.26)	731,662,369	732,603,524.37	941,155.37	0.1%	978,060,502
Service Provider Tax	3,136,722	4,338,195.16	1,201,473.16	37,243,442	38,870,025.85	1,626,583.85	4.4%	51,181,910
Individual Income Tax	301,254,999	331,881,135.34	30,626,136.34	1,107,133,212	1,149,823,829.23	42,690,617.23	3.9%	1,400,047,321
Corporate Income Tax	25,350,000	28,736,923.30	3,386,923.30	132,470,000	143,433,409.85	10,963,409.85	8.3%	182,170,000
Cigarette and Tobacco Tax	11,536,454	12,154,372.85	617,918.85	127,565,559	125,741,515.63	(1,824,043.37)	-1.4%	154,786,180
Public Utilities Tax	0	0.00	0.00	0	347,980.26	347,980.26	N/A	17,476,987
Insurance Companies Tax	10,183,047	9,915,667.21	(267,379.79)	37,240,691	36,878,882.96	(361,808.04)	-1.0%	76,751,673
Estate Tax	3,800,000	1,958,519.54	(1,841,480.46)	30,100,000	25,640,079.84	(4,459,920.16)	-14.8%	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	400,000	(352,753.99)	(752,753.99)	152,018	1,672,430.15	1,520,412.15	1000.2%	950,648
Transfer to Municipal Revenue Sharing	(20,545,083)	(22,273,903.43)	(1,728,820.43)	(102,390,817)	(105,301,270.01)	(2,910,453.01)	-2.8%	(133,184,448)
Transfer from Lottery Commission	3,756,477	2,779,357.76	(977,119.24)	40,382,163	40,706,921.47	324,758.47	0.8%	49,154,250
Other Revenue	22,551,938	16,218,133.33	(6,333,804.67)	162,834,315	159,443,388.10	(3,390,926.90)	-2.1%	206,171,173
<b>Totals</b>	<b>433,927,605</b>	<b>457,142,597.81</b>	<b>23,214,992.81</b>	<b>2,314,796,327</b>	<b>2,360,099,381.70</b>	<b>45,303,054.70</b>	<b>2.0%</b>	<b>3,040,740,422</b>
<b>Highway Fund</b>								
Fuel Taxes	17,012,719	16,363,573.46	(649,145.54)	166,947,633	167,430,291.57	482,658.57	0.3%	223,368,718
Motor Vehicle Registration and Fees	8,449,609	8,347,772.74	(101,836.26)	68,556,173	67,910,304.81	(645,868.19)	-0.9%	85,953,481
Inspection Fees	370,408	165,029.12	(205,378.88)	3,682,966	3,292,981.51	(389,984.49)	-10.6%	4,468,458
Fines	149,000	163,606.10	14,606.10	1,494,050	1,464,389.22	(29,660.78)	-2.0%	1,794,049
Income from Investments	75,000	37,459.51	(37,540.49)	900,000	1,111,890.60	211,890.60	23.5%	1,000,000
Other Revenue	779,868	602,870.63	(176,997.37)	8,432,257	8,175,810.74	(256,446.26)	-3.0%	9,771,333
<b>Totals</b>	<b>26,836,604</b>	<b>25,680,311.56</b>	<b>(1,156,292.44)</b>	<b>250,013,079</b>	<b>249,385,668.45</b>	<b>(627,410.55)</b>	<b>-0.3%</b>	<b>326,356,039</b>



## Comparison of Actual Year-to-Date Revenue Through April of Each Fiscal Year

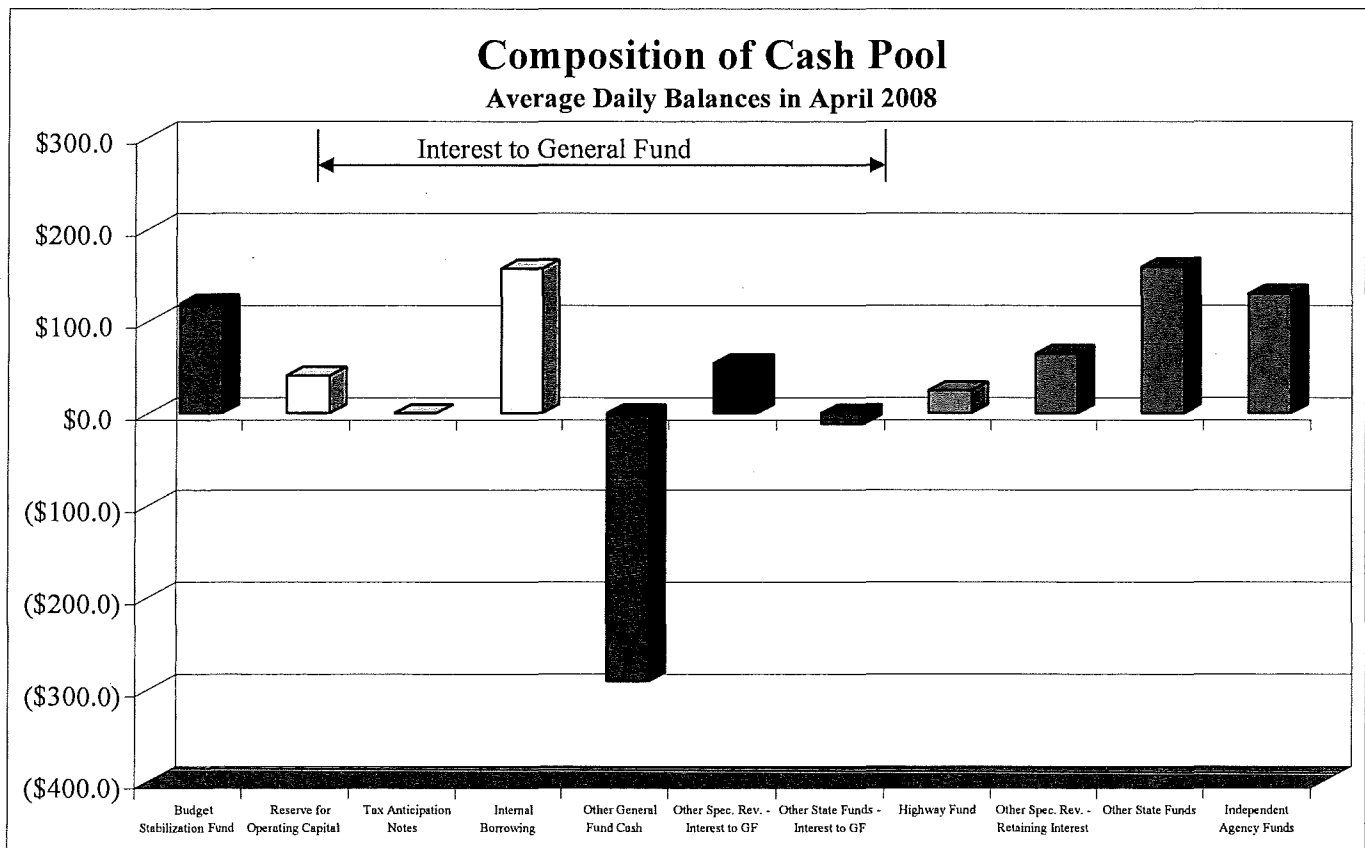
REVENUE CATEGORY	FY 2004	% Chg	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg
<b>GENERAL FUND</b>										
Sales and Use Tax	\$685,087,843.45	7.8%	\$668,317,945.41	2.3%	\$706,246,052.23	5.7%	\$727,924,791.68	3.1%	\$732,603,524.37	0.6%
Service Provider Tax	\$0.00	N/A	\$32,834,677.83	N/A	\$31,725,611.56	-3.4%	\$34,997,598.59	10.3%	\$38,870,025.85	11.1%
Individual Income Tax	\$929,449,943.19	10.3%	\$1,044,071,919.99	12.3%	\$1,088,940,290.10	4.3%	\$1,176,374,367.50	8.0%	\$1,261,043,240.25	7.2%
Individual Income Tax (Circuitbreaker)	\$0.00	N/A	(\$26,010,600.40)	N/A	(\$40,561,510.60)	-55.9%	(\$41,944,612.11)	-3.4%	(\$43,590,063.46)	-3.9%
Individual Income Tax (BETR)	\$0.00	N/A	\$0.00	N/A	(\$66,841,198.06)	N/A	(\$66,229,155.48)	0.9%	(\$67,629,347.56)	-2.1%
Corporate Income Tax	\$83,601,917.43	22.9%	\$100,637,173.52	20.4%	\$148,101,567.51	47.2%	\$132,737,820.49	-10.4%	\$143,433,409.85	8.1%
Cigarette and Tobacco Tax	\$79,711,297.16	-2.1%	\$80,118,652.03	0.5%	\$127,091,870.93	58.6%	\$131,657,353.89	3.6%	\$125,741,515.63	-4.5%
Public Utilities Tax	(\$268,757.41)	-530.3%	\$419,105.93	255.9%	\$0.00	-100.0%	(\$1,854,396.00)	N/A	\$347,980.26	118.8%
Insurance Companies Tax	\$39,139,169.03	-5.3%	\$36,252,972.56	-7.4%	\$40,131,292.98	10.7%	\$32,713,789.65	-18.5%	\$36,878,882.96	12.7%
Estate Tax	\$18,168,113.98	-14.3%	\$23,070,614.43	27.0%	\$61,839,825.02	168.0%	\$41,980,038.35	-32.1%	\$25,640,079.84	-38.9%
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	\$1,552,011.10	-22.6%	\$3,647,687.89	135.0%	\$4,964,621.46	36.1%	\$922,415.08	-81.4%	\$1,672,430.15	81.3%
Revenue Sharing Transfers	(\$86,605,124.93)	-9.8%	(\$92,812,406.90)	-7.2%	(\$95,248,151.46)	-2.6%	(\$100,156,901.36)	-5.2%	(\$105,301,270.01)	-5.1%
Liquor Transfers	\$22,632,063.01	5.4%	\$50,022,130.78	121.0%	\$2,554,641.00	-94.9%	\$3,450.00	-99.9%	\$0.00	-100.0%
Lottery Transfers	\$34,653,635.63	5.7%	\$41,093,518.13	18.6%	\$43,290,026.10	5.3%	\$42,038,985.68	-2.9%	\$40,706,921.47	-3.2%
Other Revenue	\$164,795,133.72	24.7%	\$160,127,086.36	-2.8%	\$159,521,459.54	-0.4%	\$166,510,168.45	4.4%	\$159,443,388.10	-4.2%
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$1,980,854,337.36</b>	<b>9.5%</b>	<b>\$2,131,428,854.56</b>	<b>7.6%</b>	<b>\$2,221,316,797.31</b>	<b>4.2%</b>	<b>\$2,288,079,089.41</b>	<b>3.0%</b>	<b>\$2,360,099,381.70</b>	<b>3.1%</b>
<b>HIGHWAY FUND</b>										
Fuel Taxes	\$159,269,766.12	14.1%	\$165,176,286.23	3.7%	\$165,486,725.60	0.2%	\$168,332,477.56	1.7%	\$167,430,291.57	-0.5%
Motor Vehicle Registration and Fees	\$66,062,088.34	0.5%	\$67,285,834.69	1.9%	\$68,654,661.11	2.0%	\$68,687,072.78	0.0%	\$67,910,304.81	-1.1%
Inspection Fees	\$3,766,985.03	11.8%	\$3,437,868.79	-8.7%	\$3,529,493.11	2.7%	\$3,576,974.90	1.3%	\$3,292,981.51	-7.9%
Fines	\$1,579,964.19	-25.3%	\$1,373,084.29	-13.1%	\$1,490,743.45	8.6%	\$1,430,018.63	-4.1%	\$1,464,389.22	2.4%
Income from Investments	\$479,780.74	-55.6%	\$912,366.95	90.2%	\$1,265,384.20	38.7%	\$699,998.88	-44.7%	\$1,111,890.60	58.8%
Other Revenue	\$8,036,190.73	3.7%	\$7,677,837.70	-4.5%	\$8,278,371.75	7.8%	\$8,227,875.14	-0.6%	\$8,175,810.74	-0.6%
<b>TOTAL HIGHWAY FUND REVENUE</b>	<b>\$239,194,775.15</b>	<b>8.9%</b>	<b>\$245,863,278.65</b>	<b>2.8%</b>	<b>\$248,705,379.22</b>	<b>1.2%</b>	<b>\$250,954,417.89</b>	<b>0.9%</b>	<b>\$249,385,668.45</b>	<b>-0.6%</b>

Adjusted for Service Provider Tax Split

## Composition of State's Cash Pool

### April 2008 Average Daily Balances

	April 2008
General Fund - Total	\$26,179,614
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$118,877,009
Reserve for General Fund Operating Capital	\$40,615,146
Tax Anticipation Notes	\$0
Internal Borrowing from Other Funds	\$157,000,000
General Fund - Other	(\$290,312,541)
Highway Fund	\$24,645,514
Other Special Revenue - Contributing to General Fund	\$54,335,986
Other Special Revenue - Retaining Interest Earned	\$64,490,180
Other State Funds - Contributing Interest to General Fund	(\$11,290,186)
Other State Funds	\$158,851,992
Independent Agency Funds	\$129,217,665
<b>Total Cash Pool</b>	<b>\$446,430,765</b>



## GENERAL FUND STATUS

Reflects all actions through the end of the 123rd Legislature, 1st Special Session <sup>1</sup>

	FY 08	FY 09
<b>AVAILABLE FUNDS</b>		
Transfers/Adjustments to Balance:		
2008-2009 Biennial Budget - PL 2007, c. 240	\$7,948,193	(\$5,650,904)
Other Legislation Enacted During 123rd Legislature, 1st Regular Session	\$97,135	\$126,822
Supplemental Budget (LD 2289, PL 2007, c. 539)	\$35,323,018	\$11,491,353
Supplemental Budget - One-day borrowing from Other Special Revenue	\$10,000,000	(\$10,000,000)
Legislation Enacted During 123rd Legislature, 1st Special Session	\$175,000	\$712,648
Statutory Year-end Transfers	\$17,790,584	\$0
Subtotal - Transfers/Adjustments to Balance	\$71,333,930	(\$3,320,081)
Undedicated Revenue:		
December 2006 Base Revenue Estimate	\$3,076,480,563	\$3,158,270,150
March 2007 Revenue Revision	(\$21,003,856)	(\$19,583,936)
May 2007 Revenue Revision	\$492,048	\$1,052,352
December 2007 Revenue Revision	(\$37,773,087)	(\$57,388,283)
March 2008 Revenue Revision	(\$26,870,994)	(\$67,910,570)
EFY07 Budget - PL 2007, c. 1	\$2,211,237	\$3,781,371
2008-2009 Biennial Budget - PL 2007, c. 240	\$47,278,615	\$49,655,465
Legislation Enacted During 123rd Legislature, 1st Regular Session	\$234,918	\$742,542
Supplemental Budget (LD 2289, PL 2007, c. 539)	\$332,956	\$25,555,322
Other Legislation Enacted During 123rd Legislature, 2nd Regular Session	\$0	\$54,000
Legislation Enacted During 123rd Legislature, 1st Special Session	(\$641,978)	\$1,587,866
Subtotal - Undedicated Revenue	\$3,040,740,422	\$3,095,816,279
<b>TOTAL PROJECTED RESOURCES</b>	<b>\$3,112,074,352</b>	<b>\$3,092,496,198</b>
<b>APPROPRIATIONS</b>		
2008-2009 Biennial Budget - Baseline Budget	\$3,047,259,682	\$3,062,096,178
2008-2009 Biennial Budget - Adjustments to Baseline Budget	\$82,783,014	\$126,442,438
Other Legislation Enacted During 123rd Legislature, 1st Regular Session	\$454,641	\$350,722
Supplemental Budget (LD 2289, PL 2007, c. 539)	(\$19,537,339)	(\$98,534,999)
Other Legislation Enacted During 123rd Legislature, 2nd Regular Session	(\$40,000)	(\$40,000)
Legislation Enacted During 123rd Legislature, 1st Special Session	\$7,000	\$1,742,927
Adjustments to Appropriations - Statutory Year-end Transfers	\$17,790,584	\$0
<b>TOTAL APPROPRIATIONS</b>	<b>\$3,128,717,582</b>	<b>\$3,092,057,266</b>
<b>NET CHANGE (PROJECTED RESOURCES LESS APPROPRIATIONS)</b>	<b>(\$16,643,230)</b>	<b>\$438,932</b>
<b>BEGINNING BALANCE <sup>1</sup></b>	<b>\$17,578,341</b>	<b>\$935,111</b>
<b>NET CHANGE (FROM ABOVE)</b>	<b>(\$16,643,230)</b>	<b>\$438,932</b>
<b>ENDING BALANCE <sup>1</sup></b>	<b>\$935,111</b>	<b>\$1,374,043</b>
<b>APPROPRIATION LIMITS - BASED ON LD 1, PL 2005 c. 2 <sup>2</sup></b>		
FY07 Base Appropriation Limit Grown By 3.08% Growth Factor	\$2,969,816,266	\$3,061,286,607
General Purpose Aid for Local Schools Growth until 55% achieved	\$237,421,764	\$249,000,915
Total Appropriations Allowed by LD 1, PL 2005, c. 2 Appropriation Limit	\$3,207,238,030	\$3,310,287,522
Total Appropriations (from Above)	\$3,128,717,582	\$3,092,057,266
Amount that Appropriations are Above (Below) Limit	(\$78,520,448)	(\$218,230,256)

**Notes:**

<sup>1</sup> Reflects all enacted legislation through the end of the 1st Special Session of the 123rd Legislature and revenue forecasts through the March 2008 forecast.

<sup>2</sup> LD 1, PL 2005, c. 2, establishes an Appropriation Limitation based on total FY05 appropriations multiplied by a growth factor that is average real personal income growth (but no greater than 2.75%) plus average population growth. This percentage growth factor is 3.08% for the 2008-2009 biennium. Appropriations to General Purpose Aid for Local Schools (GPA) above FY05 GPA appropriations are excluded from the limit until the State achieves a state share of 55%. Originally scheduled to achieve the 55% goal in FY09, PL 2007, c. 539 delays the attainment of the 55% state share until FY10. When the state share of GPA appropriations reaches 55%, GPA appropriations will also be subject to the percentage growth factor. This percentage factor will change, if the State's tax burden is in the middle 1/3 of states.

# HIGHWAY FUND STATUS

Based on all actions through the end of the 123rd Legislature, 1st Special Session <sup>1</sup>

	FY 08	FY 09
<b>AVAILABLE FUNDS</b>		
Transfers/Adjustments to Balance:		
Legislation Enacted During 123rd Legislature, 1st Regular Session	\$524,131	\$0
Highway Fund Supplemental Budget (PL 2007, c. 538)	\$5,679,696	\$517,669
Legislation Enacted During 123rd Legislature, 1st Special Session	\$0	(\$5,000,000)
Statutory Year-end Transfers	\$1,590,722	\$0
Subtotal - Transfers/Adjustments to Balance	\$7,794,549	(\$4,482,331)
Undedicated Revenue:		
December 2006 Base Revenue Estimate	\$340,996,299	\$347,196,520
March 2007 Revenue Revision	(\$2,100,239)	(\$2,912,734)
December 2007 Revenue Revision	(\$10,645,188)	(\$5,471,900)
March 2008 Revenue Revision	(\$2,280,838)	(\$1,981,227)
Legislation Enacted During 123rd Legislature, 1st Regular Session	\$387,005	\$361,975
Highway Fund Supplemental Budget (PL 2007, c. 538)	\$0	\$9,987,145
Other Legislation Enacted During 123rd Legislature, 2nd Regular Session <sup>2</sup>	(\$1,000)	(\$9,813,595)
Legislation Enacted During 123rd Legislature, 1st Special Session	\$0	\$12,876,542
Subtotal - Undedicated Revenue	\$326,356,039	\$350,242,726
<b>TOTAL PROJECTED RESOURCES</b>	<b>\$334,150,588</b>	<b>\$345,760,395</b>
<b>ALLOCATIONS</b>		
Baseline Allocations	\$301,209,087	\$305,746,584
Adjustments to Baseline Allocations	\$39,930,729	\$38,697,202
Legislation Enacted During 123rd Legislature, 1st Regular Session	\$28,980	(\$6,000)
Highway Fund Supplemental Budget (PL 2007, c. 538)	(\$6,599,305)	(\$4,984,848)
Other Legislation Enacted During 123rd Legislature, 2nd Regular Session <sup>2</sup>	\$0	(\$1,683,672)
Legislation Enacted During 123rd Legislature, 1st Special Session	\$0	\$7,971,000
Statutory Year-end Transfers	\$1,590,722	\$0
<b>TOTAL ALLOCATIONS</b>	<b>\$336,160,213</b>	<b>\$345,740,266</b>
<b>NET CHANGE (PROJECTED RESOURCES LESS ALLOCATIONS)</b>	<b>(\$2,009,625)</b>	<b>\$20,129</b>
<b>BEGINNING BALANCE <sup>1</sup></b>	<b>\$2,109,625</b>	<b>\$100,000</b>
<b>NET CHANGE (FROM ABOVE)</b>	<b>(\$2,009,625)</b>	<b>\$20,129</b>
<b>ENDING BALANCE <sup>1</sup></b>	<b>\$100,000</b>	<b>\$120,129</b>

**Notes:**

<sup>1</sup> Reflects all actions through the end of the 1st Special Session of the 123rd Legislature, including revenue forecasts through the March 2008 revenue revision.

<sup>2</sup> Includes the effect of LD 1790, PL 2007, c. 470, which was held by the Governor at the close of the 1st Regular Session of the 123rd Legislature and became law during the 2nd Regular Session. The revenue effect of LD 1790, PL 2007, c. 240, was revised 3/11/2008 to reflect the interaction effects of the December 2007 and March 2008 revenue forecasts.

## FUND FOR A HEALTHY MAINE (FHM) STATUS

Reflects all actions through the end of the 123rd Legislature, 1st Special Session <sup>1</sup>

	FY 08	FY 09
<b><u>FHM RESOURCES:</u></b>		
<b>Revenue:</b>		
December 2006 Base Revenue Estimate <sup>2</sup>	\$60,408,950	\$62,815,948
March 2007 Revenue Forecast	\$167,761	\$239,938
May 2007 Revenue Forecast	\$616,945	\$1,104,291
December 2007 Revenue Forecast	\$159,415	\$1,466,401
March 2008 Revenue Forecast	(\$78,318)	(\$12,000)
<b>Subtotal - Revenue</b>	<b>\$61,274,753</b>	<b>\$65,614,578</b>
<b>Total FHM Resources</b>	<b>\$61,274,753</b>	<b>\$65,614,578</b>
<b><u>FHM ALLOCATIONS AND OTHER USES:</u> <sup>3</sup></b>		
<b><u>Transfers</u></b>		
Transfers - 123rd Legislature, 1st Regular Session	\$0	\$0
Supplemental Budget (LD 2289, PL2007, c. 539)	\$225,000	\$1,464,406
<b>Subtotal - Transfers</b>	<b>\$225,000</b>	<b>\$1,464,406</b>
<b><u>Allocations</u></b>		
2008-2009 Biennial Budget - Baseline Budget	\$49,624,293	\$49,673,882
2008-2009 Biennial Budget - Adjustments to Baseline Budget	\$11,287,243	\$14,079,520
Other Legislation Enacted During 123rd Legislature, 1st Regular Session	\$150,000	\$0
Supplemental Budget (LD 2289, PL2007, c. 539)	\$22,379	\$553,665
Other Legislation Enacted During 123rd Legislature, 2nd Regular Session	\$0	\$0
Legislation Enacted During 123rd Legislature, 1st Special Session <sup>4</sup>	\$0	\$0
<b>Subtotal - Allocations</b>	<b>\$61,083,915</b>	<b>\$64,307,067</b>
<b>Total Allocations and Other Uses</b>	<b>\$61,308,915</b>	<b>\$65,771,473</b>
<b>Net Change (Resources minus Allocations and Other Uses)</b>	<b>(\$34,162)</b>	<b>(\$156,895)</b>
<b><u>BEGINNING BALANCE</u> <sup>1</sup></b>		
	<b>\$3,619,946</b>	<b>\$3,585,784</b>
<b><u>NET CHANGE (FROM ABOVE)</u></b>	<b>(\$34,162)</b>	<b>(\$156,895)</b>
<b><u>ENDING BALANCE</u> <sup>1</sup></b>	<b>\$3,585,784</b>	<b>\$3,428,889</b>

### NOTES:

<sup>1</sup> Reflects all enacted legislation through the end of the 1st Special Session of the 123rd Legislature and revenue forecasts through the March 2008 forecast.

<sup>2</sup> Under the Master Settlement Agreement beginning in 2008 states will begin receiving "strategic contribution payments" based on each settling state's contribution to the original state tobacco litigation. Payments to Maine under this provision are estimated to be \$10.7 million in FY 08 and \$10.8 million in FY 09.

<sup>3</sup> For the purposes of this summary, transfers out are treated as an expenditure/use and are positive amounts, while transfers in are negative amounts.

<sup>4</sup> PL 2007, c. 629, "An Act To Continue Maine's Leadership in Covering the Uninsured," includes a new \$5,000,000 allocation in FY 09 to the Dirigo Health Program. This increased allocation is offset in the Act by a \$5,000,000 fund-wide deallocation of funds to be distributed proportionately across fund programs by the State Budget Officer after first applying any unexpended balance in the Fund for a Healthy Maine as of June 30, 2008.



**Maine State Legislature**  
Office of Policy and Legal Analysis

**MEMORANDUM**

May 15, 2008

To: Members, Legislative Council  
From: Patrick Norton, OPLA Director  
Re: OPLA activity report

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**Legislative studies**

We are tracking 12 legislative studies this interim. A list of those studies is attached. All of these studies will involve one or more of the nonpartisan staff offices in either a staffing or drafting role, or both.

As you will note, one of these studies is a "staff study" on teacher confidentiality which is to be conducted by OPLA pursuant to Public Law 2007, chapter 666. Because the language in this public law allows OPLA to undertake this staff study only upon the approval of the Legislative Council, a copy of a proposed work plan for that staff study is also attached for your review.

**Legislators' Handbook**

The Office of Policy and Legal Analysis has begun its biennial process of updating the Legislators' Handbook. The Legislators' Handbook is published every two years by OPLA, under the auspices of the Legislative Council.

Part of this process involves soliciting comments from other Legislative staff offices on the content of the handbook, particularly on those portions of the Handbook that relate most directly to the work of each particular office. An invitation was mailed to each legislative staff office director on Monday of this week inviting them to review the 2006 Legislators' Handbook and to make any suggestions for corrections, additions, deletions or clarifications that they may wish to see incorporated into the updated 2008 edition. My goal is to have the printed updated *Legislators' Handbook* printed by mid-August.

## **Legislative Digest of Bill Summaries and Enacted Laws**

The “*Legislative Digest of Bill Summaries and Enacted Laws*” (aka the “bill summaries”) for the 563 bills considered during the Second Regular and First Special Session has gone to the printers. A proof is expected next week and I anticipate the *Digest* will be distributed to legislators, legislative staff, and others by mid-June. The *Digest* summaries of all bills and adopted amendments and all laws enacted or finally passed during the Second Regular and First Special Sessions of the 123rd Maine Legislature.

Thank you. I would be happy to answer any questions you may have about these projects.

## Legislative Studies (Interim 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Staffing Office
1	ACF	PL 2007, c. 649	Committee to Study the Protection of Farms and Farmland	4 meetings	Final report to ACF by 11/5/08	11	11	OPLA/OFPR
2	ACF	PL 2007, c. 660	ACF Committee review of the recommendations of the Agricultural Creative Economy Study	3 meetings	Committee to report to 124th Legislature	13	0	OPLA
3	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	OPLA
4	EDU	Title 3, sec. 168-A as amended by PL 2007, c. 679	Legislative Youth Advisory Council	Not more than 9 times annually (including two public hearings)	Bienially to the Legislature	20	3	OPLA
5	EDU	PL 2007, c. 666	OPLA review of laws on dissemination of confidential information relating to teachers.	n/a	11/5/08 to EDU	0	0	OPLA
6	HHS	Resolve 2007, c. 209	Blue ribbon commission to study long-term home-based and community based care	4 meetings	11/5/08 to the Legislature	11	11	OPLA
7	HHS	PL 2007, c. 629	HHS committee study to review the Fund for a Healthy Maine	3 meetings	10/1/08 to AFA committee	13	0	OPLA/OFPR
8	IFS	LD 1072, Sec. 1	Staff update of the feasibility of establishing a single-payor health care system in the State.	N/A	12/3/08 to 124th Legislature	N/A	0	OPLA
9	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	0	OFPR
10	JUD	PL 2005, c. 631	Right to Know Advisory Commission	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	15	0	OPLA
11	LAB	PL 2003, c. 699	Citizen Trade Policy Commission	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	1	OPLA
12	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	SPO/OPLA



**Legislative Council Actions  
Taken by Ballot Since the  
April 14, 2008 Council Meeting**

**Request for Introduction of Legislation**

- A. LR 3653      **An Act to Remove Barriers to the Reorganization of School Administrative Units**

Submitted by: Senator Damon

Accepted: April 15, 2008

Vote: 8 – 1 – 0 – 1 in favor

- B. LR 3657      **JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2008  
NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO CONSIDER  
ALTERNATIVE ACTIONS TO ENSURE A HEALTHY SUSTAINABLE  
GROUNDFISHERY FOR NEW ENGLAND**

Submitted by: Rep. Leila Percy

Accepted: April 17, 2008

Vote: 10 – 0 in favor

- C. LD 2311      **TO REMOVE LD #2311 (Maine Children's Growth Council) from the Study  
Table, and AUTHORIZE the Maine Children's Growth Council.**

Motion by: Senator Mitchell

Second by: Representative Pingree

Accepted: April 18, 2008

Vote: 10 – 0 in favor



## The Council of State Governments

## Eastern Regional Conference

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March 26, 2008

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Senator Shirley Turner  
Senate President Pro Tempore  
New Jersey

Senator Sean Kean  
New Jersey

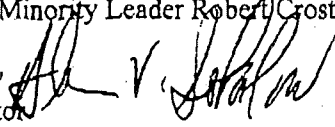
Assemblyman John Wisniewski  
Deputy Speaker  
New Jersey

Assemblyman Reed Gusclora  
Assistant Majority Leader  
New Jersey

Co Vice Chairs  
Senator William Doyle  
Minority Leader  
Vermont

Representative Carolyn Partridge  
Majority Leader  
Vermont

**TO:** Senate President Beth Edmonds ✓  
Senate Majority Leader Libby Mitchell  
Senate Assistant Majority Leader John Martin  
Senate Minority Leader Carol Weston  
Senate Assistant Minority Leader Richard Rosen  
Speaker Glenn Cummings  
House Majority Leader Hannah Pingree  
House Assistant Majority Leader Sean Faircloth  
House Minority Leader Joshua Tardy  
House Assistant Minority Leader Robert Crosthwaite

**FROM:** Alan V. Sokolow   
CSG/ERC Director

**RE:** CSG/ERC 2010 Annual Meeting in Maine

Director  
Alan V. Sokolow

It was a delight seeing you during my visit to the State House last month. Wendell Hannaford, Marge Kilkelly and I appreciate very much your interest in and commitment to the work and mission of The Council of State Governments' Eastern regional Conference (CSG/ERC). We look forward to serving you in the months and years ahead.

As we discussed with many of you, Maine has hosted the CSG/ERC Annual Meeting several times in the past decades – the last time was 1997 in Portland. Each time it has been a memorable event which has attracted a large attendance. We mentioned that the next opportunity would be 2010 (August) following the 2009 Annual Meeting in Burlington, VT in early August. We would expect a turnout of at least 600 delegates and their families from our 18 member jurisdictions and the private sector.

I have attached a background memo on Host State and ERC responsibilities and a two year time-line. The key items to focus on are: (1) the requirement to select a Senate and a House member to serve ERC Co Vice-Chairs in 2009 and Co-Chairs in 2010 (selected at this summer's Annual Meeting in August in NJ), (2) the commitment to appropriate/raise \$175,000 - \$200,000 to cover the costs of the social program from public and private sector funds, (3) selection of a Conference Coordinator(s) (Pat Eltman served in that role with assistance from Sally Tubbesing in 1997), (4) selection of host and finance committees and (5) if appropriate selection of a Private Sector Chair.

We would be so pleased if you agreed to host the CSG/ERC Annual meeting & Regional Policy Forum in the Summer of 2010 in Portland. We look forward, with great anticipation, to your response.

cc: Senator Joseph Brannigan  
Representative Nancy Smith  
Representative Leila Percy  
David Boulter



**The Council of State Governments**

**Eastern Regional Conference**

100 Wall Street, 20<sup>th</sup> Floor  
New York, NY 10005  
T: (212) 482-2320  
F: (212) 482-2344  
[www.csgeast.org](http://www.csgeast.org)

March 26, 2008

**TO:** Senate President Beth Edmonds  
Senate Majority Leader Libby Mitchell  
Senate Assistant Majority Leader John Martin  
Senate Minority Leader Carol Weston  
Senate Assistant Minority Leader Richard Rosen  
Speaker Glenn Cummings  
House Majority Leader Hannah Pingree  
House Assistant Majority Leader Sean Faircloth  
House Minority Leader Joshua Tardy  
House Assistant Minority Leader Robert Crosthwaite

**FROM:** Alan V. Sokolow  
CSG/ERC Director

**RE:** CSG/ERC Annual Meeting Host State  
Responsibilities and Time-Line

In order to assist you in your efforts to consider hosting the CSG/ERC Annual Meeting & Regional Policy Forum in August, 2010 in Portland, below is an outline on the host state responsibilities and the time-line for action.

The Maine Host Committee's most significant roles are: (1) organizing and managing the social program, including the Executive/Corporate Contributors Dinner (2) carrying out an in-state corporate fundraising campaign, (3) arranging transportation for the social and business programs, (4) soliciting state products for a gift bag and (5) providing suggestions on business agenda theme, topic ideas, featured speakers, presiders and off-site visits and auxiliary programs.

**ERC Officers**

Maine legislative leadership recommends a member of the Senate and a member of the House to serve as ERC Co Vice-Chairs beginning on January 1, 2009 and Co-Chairs on January 1, 2010. The names are sent to the ERC Director in the Spring of 2008 to be voted on by the ERC Nominations Committee at the 2008 Annual Meeting in Atlantic City, NJ on August 12<sup>th</sup>. It is preferred that the candidates be active with CSG/ERC as executive or policy committee members or Eastern Leadership Academy fellows.

## Annual Meeting Memorandum

Page 2

**Social Program*****Management***

- Members/Staff Maine Host Committee
- Social Event Coordinator
- Junior/Teen Delegate Coordinator

***Events***

- ERC '10 Reception to be held on August 5, 2009 at the Hilton Hotel in Vermont.
- ERC Executive/Annual Committee Dinner on Friday evenings during their Spring, 2010 (March/April) meeting in Maine (40- 50pp).
- ERC Executive/Annual Meeting Committee/Corporate Contributors/Host State Committee Reception Dinner on Saturday evening, August, 2010 will serve as the "kick-off" event for the Annual Meeting in Maine (100-125 pp). Plan evening event for children of Executive and Host State Committees that evening at the hotel or off-site venue (15-20 pp).
- Delegates/Family Event on the opening Sunday evening, August, 2010 (375-400 pp).
- Junior/Teen Delegates/Spouse/Guests Day-Long programs and lunches from 9:00 AM - 4:30 PM on Monday and Tuesday (50-75 children/75-100 spouses) in August, 2010.
- Junior/Teen Delegates Evening programs from 6:00 PM - 10:00 PM on the Monday, this is the free night for parents, and the Tuesday 6:00 PM - 11:00 PM, this is the night of the State Dinner.
- Social Program budget preparation and presentation to ERC Annual Meeting Committee at its March, 2009 meeting in Vermont.

Annual Meeting Memorandum  
Page 3

**Business Program**

***Management***

- ERC Staff
- ERC Executive/Annual Meeting Committees

***Host State Responsibilities***

- Invite governor and local mayor to participate in the opening session on the Monday morning.
- Suggest VIP/Keynote speakers with a Maine connection.
- Suggest Maine legislative and executive branch officials to serve as moderators, presiders and speakers where appropriate.

**State/Corporate Fundraising**

***Management***

- Maine Host Committee/Coordinator (In-State)
- ERC Executive Committee (Out-of-State)
- ERC Director (Out-of-State)
- CSG Financial Management Staff (process all revenues and expenditures)

## Annual Meeting Memorandum

Page 4

*Goals*

- \$100,000 state appropriation over two fiscal years
- \$75,000 - \$100,000 (Corporate In-State for social programs)
- \$125,000 - \$150,000 (Out-of-State for business program))

*Process*

- Solicitation letters sent out in April, 2009 and follow-up in November, 2009 and February, 2010 Maine companies. Out-of-host-state companies solicited November, 2009 and February, 2010.
- In-State corporate contribution checks are sent to Host State Coordinator and forwarded to Eastern Office. Out-of-State checks are sent directly to the ERC Office. All checks are forwarded to the CSG Lexington Office and placed in a segregated ERC '10 account. Acknowledgment letters are sent out by respective solicitors.
- All original invoices, including requests for advanced deposits, are to be sent to the Eastern Office for review, approval and processing for payment through the accounting division in Lexington.

**Gift Bag***Management*

- Maine Host Committee and Coordinator

*Goals*

- Solicitation of a gift bag as an in-kind contribution (400-500).
- Solicitation of products especially those manufactured in Maine (400-500 per item).

STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST SPECIAL SESSION  
SENATE ADVANCED JOURNAL AND CALENDAR

Friday, April 18, 2008

SUPPLEMENT NO. 9

**ORDERS**

**Joint Order**

(4-1) On motion by Senator **MARTIN** of Aroostook, the following Joint Order:  
S.P. 933

ORDERED, the House concurring, that the Legislature intends that this order supercede House Paper 1665; and be it further

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," shall meet to study issues related to sex offender registration laws as follows.

1. Convening of committee; meetings. The chairs of the committee shall call and convene the first meeting of the committee, which may be no later than June 15, 2008. The committee may meet 3 times.
2. Duties. The committee's duties include:
  - A. Using other states' models for tiered systems based on risk and other examples of sex offender classification and assessment and creating a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify registrants based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;
  - B. Creating processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information; and
  - C. Reviewing the current list of registerable sex offenses and determining if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.
3. Staff assistance. The Legislative Council shall provide staffing services to the committee.
4. Compensation. Pursuant to Joint Rule 353, members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.
5. Report. No later than November 5, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for the consideration of the First Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. The joint standing committee of the 124th Legislature having jurisdiction over criminal justice and public safety matters may, pursuant to Joint Rule 353, introduce a bill during the First Regular Session of the 124th Legislature to implement the recommendations on matters relating to the study.

# MAINE STATE LEGISLATURE PROPOSED STUDY BILLS

SPONSOR: CRJ

JSO HP 1665

Study Name: Criminal Justice Committee Study of Sex Offender Registration Laws

			YES	NO	ABSTAIN	ABSENT				YES	NO	ABSTAIN	ABSENT
M	2 <sup>nd</sup>	Sen. Edmonds	✓				M	2 <sup>nd</sup>	Rep. Cummings	✓			
M	2 <sup>nd</sup>	Sen. Mitchell	✓				M	2 <sup>nd</sup>	Rep. Pingree	✓			
M	2 <sup>nd</sup>	Sen. Martin	✓				M	2 <sup>nd</sup>	Rep. Faircloth	✓			
M	2 <sup>nd</sup>	Sen. Weston	✓				M	2 <sup>nd</sup>	Rep. Tardy	✓			
M	2 <sup>nd</sup>	Sen. Rosen	✓				M	2 <sup>nd</sup>	Rep. Crosthwaite	✓			

*Move out*

Vote Total: 10 0 = =

Motion: Passed Failed Tabled

*Moved out*

*out*

Motion to Reconsider/Remove from Table:

M \_\_\_\_\_

2<sup>nd</sup> \_\_\_\_\_

Vote \_\_\_\_\_

Attested: D Bantier

Dated: April 14, 2008



STATE OF MAINE

APPROVED

CHAPTER

APR 18 '08

666

BY GOVERNOR

PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND EIGHT

S.P. 912 - L.D. 2291

**An Act To Amend Teacher Confidentiality Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13004, sub-§2-A**, as enacted by PL 1983, c. 470, §11 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**2-A. Complaints confidential.** Complaints, charges or accusations made and investigated pursuant to section ~~13004~~ 13020, replies to those complaints, charges or accusations, and any other information or materials that may result in action to deny, revoke or suspend certification ~~shall be~~ are confidential. Any charges or information filed by the commissioner with the District Court in support of a petition to revoke or suspend certification and any decision of the court ~~shall be~~ are public records. The department shall report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification within 30 days of the action. In reports to the national association of state directors of teacher education and certification, the department may not disclose any information designated in this subsection as confidential.

**Sec. 2. Study by Office of Policy and Legal Analysis.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall review and summarize the extent to which laws in other states and jurisdictions permit the dissemination of confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions. In conducting this analysis, the Office of Policy and Legal Analysis shall review the apparent conflict between the confidentiality requirements placed on information received by the Commissioner of Education as set forth in the criminal history record check provisions of the Maine Revised Statutes, Title 20-A, section 6103 and the provisions set forth in Title 22, section 4011-A that require persons, when acting in a professional capacity, to report their knowledge or reasonable suspicions of the abuse or neglect of a child to the Department of Health and Human Services. The Office of Policy and Legal Analysis shall submit a report with findings to the Joint Standing Committee on Education and Cultural Affairs by November 5, 2008.

# WORK PLAN

## 123rd Legislature

### (Interim 2008)

1. **PROJECT**: Study by Office of Policy & Legal Analysis pursuant to P.L. 2007, chapter 666, Sec. 2 (see "An Act to Amend Teacher Confidentiality Laws")
2. **OBJECTIVE**: OPLA review of Maine law and laws in other states that permit dissemination of confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates and for professional licenses or credentials for other comparable professions
3. **PROJECT TEAM**: Phil McCarthy, Carolyn Russo, Darlene Shores Lynch and Kathy Norris
4. **FINAL WORK PRODUCT**: Report, including summary, findings and any suggested statutory changes to address any conflicts found during the study, to Joint Standing Committee on Education & Cultural Affairs by November 5, 2008
5. **INTENDED AUDIENCE**: Legislature, Executive branch officials, teachers, school officials and the public
6. **ANTICIPATED START & COMPLETION DATES**: Start: 22-May-08 Draft to Legislative Council: 29-Oct-08 Final to Education Committee: 5-Nov-08

#### 7. **PROJECT TASKS**:

<b><u>Key Elements</u></b>	<b><u>Person(s) Responsible</u></b>	<b><u>Staff Resources Needed and Type</u></b>	<b><u>Project Schedule</u></b>		<b><u>Consultation Needed With</u></b>
			<b><u>Start</u></b>	<b><u>Finish</u></b>	
A. Review Maine law on dissemination of confidential teacher certification information	Russo McCarthy	Policy and legal analysis	May 22	Aug 29	Maine Dept. of Education Maine Education Association Maine School Management Assoc.
B. Summarize other states' laws on dissemination of confidential teacher certification information	McCarthy Russo Shores Lynch	Policy and legal analysis Research support	May 22	Aug 29	National Association of State Directors of Teacher Education and Certification Education Commission of the States National Conf. of State Legislatures Council of State Governments
C. Identify comparable professions and analyze Maine law on confidentiality of licensure information	McCarthy Russo Shores Lynch	Policy and legal analysis Research support	June 2	Sept 1	Maine Dept. of Prof. & Financial Reg.
D. Review Maine law on reporting suspected child abuse or neglect to identify any conflict with confidentiality provisions of teacher certification laws	Russo McCarthy	Policy and legal analysis	June 2	Sept 1	Maine Dept. of Health & Human Svcs. Maine Dept. of Education

# **WORK PLAN** **123rd Legislature** **(Interim 2008)**

<u>Key Elements</u>	<u>Person(s) Responsible</u>	<u>Staff Resources Needed and Type</u>	<u>Project Schedule</u>		<u>Consultation Needed With</u>
E. Prepare draft report for internal review by the OPLA Director	McCarthy Russo Norris	Policy and legal analysis Administrative support	Sept 2	Oct 3	
F. Prepare draft report, including summary, findings and any suggested statutory changes to address any conflicts found during the study, for review by the Legislative Council (with copies sent to representatives of other agencies that were consulted in the study)	McCarthy Russo Norris	Policy and legal analysis Administrative support	Oct 10	Oct 20	
G. Prepare final report, including summary, findings and any suggested statutory changes to address any conflicts found during the study, for submission to the Education Committee (with copies sent to representatives of other agencies that were consulted in the study)	McCarthy Russo Norris	Policy and legal analysis Administrative support	Oct 27	Nov 5	

Accepted: \_\_\_\_\_



STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

MEMORANDUM

TO: Senator Betheda G. Edmonds, President of the Senate, Chair  
Representative Glenn A. Cummings, Speaker of the House, Vice-Chair  
Legislative Council  
c/o David Boulter, Executive Director, Legislative Council

DATE: May 20, 2008

RE: Work Plan

---

Enclosed please find the work plan to implement Resolve 2007, chapter 216, Resolve, to Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State.

Enclosure

cc: Patrick Norton, Director, OPLA

**RESOLVE 2007, CHAPTER 216 WORK PLAN**  
**123rd Legislature**  
**(Interim 2008)**

1. **PROJECT:** Update to Feasibility Study for a Single-payor Health Plan Model conducted in 2002 pursuant to Resolve 2007, chapter 216 (LD 1072)
  2. **OBJECTIVE:** Obtain outside grant funding (with consulting assistance) and contract with consultant to update feasibility study conducted for Health Care System and Health Security Board in 2002
  3. **PROJECT TEAM:** Executive Director's Office, Patrick Norton, Colleen McCarthy Reid, Darlene Shores Lynch (research support), Kathy Norris (administrative support) and consultants
  4. **FINAL WORK PRODUCT:** Updated feasibility study to Legislature by December 3, 2008
  5. **INTENDED AUDIENCE:** Legislature, Executive Branch, state health policy officials and the public
  6. **ANTICIPATED START & COMPLETION DATES:** Start: 20-May-08      Complete: 3-Dec-08
- 

7. **PROJECT TASKS:**

<u>Key Elements</u>	<u>Person(s) Responsible</u>	<u>Staff Resources Needed and Type</u>	<u>Project Schedule</u>		<u>Consultation Needed With</u>
			<u>Start</u>	<u>Finish</u>	
A. Review Resolve 2007, chapter 216; discuss and develop criteria for consultant contracts for grant writing assistance and updated feasibility study	McCarthy Reid Executive Director's Office	Administrative management, policy and legal analysis	May 20	May 23	Legislative Council
B. Identify and contract with consultant for grant writing and technical assistance to obtain grant funding--- <i>GF appropriation of \$5750 for cost of contract pursuant to resolve</i>	McCarthy Reid Executive Director's Office	Contract writing, review and management	May 27 <i>Contract finalized and payment made after July 18<sup>th</sup> effective date of resolve</i>	Aug 1	USM Muskie School
C. Coordinate grant funding/liason with consultant --- <i>allocation of grant funding limited to \$60,000 pursuant to resolve</i>	McCarthy Reid Executive Director's Office	Contact person for consultant	May 27	Aug 1	USM Muskie School, potential grantors
D. Notify chairs of IFS Committee of resolution of grant proposals	McCarthy Reid			Aug 1	

**WORK PLAN**  
**123rd Legislature**  
**(Interim 2008)**

<u>Key Elements</u>	<u>Person(s) Responsible</u>	<u>Staff Resources Needed and Type</u>	<u>Project Schedule</u>		<u>Consultation Needed With</u>
E. Solicit proposal and contract with consultant for update to feasibility study	McCarthy Reid Executive Director's Office	Contract writing and review, Policy and legal analysis	Aug 1	Sept 1	Mathematica Policy Research, Inc.
F. Act as contract manager for consultant work on feasibility study	McCarthy Reid Executive Director's Office	Contract management, Policy and legal analysis, Research and data collection assistance, Administrative support	Sept 1	Dec 1	Mathematica Policy Research, Inc.
F. Submit feasibility study to Legislature	McCarthy Reid Executive Director's Office	Administrative support	Dec 1	Dec 3	Mathematica Policy Research, Inc.

**Accepted:** \_\_\_\_\_

Mail  
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Toll Free calls  
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**Law Library Microform Consortium**  
*A Non-Profit Law Library Cooperative Promoting  
Collection Enhancement, Preservation & Space Recovery  
On Film & On-Line*

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The Honorable Matthew Dunlap  
Secretary of State  
Office of the Secretary of State  
148 State House Station  
Augusta, ME 04333-0148

4/17/08

p.1/2

Dear Secretary Dunlap:

We have been referred to you through the kind offices of Mr. John Barden, Dir. of the Maine Law & Legislative Reference Library.

I represent a non-profit law library consortium, LLMC, that serves over 900 law library members located in the U.S., Canada and many other countries, dedicated to the preservation of and increased access to legal and governance-related materials. Over the past three decades we have converted over 105,000 volumes of law books into space-saving microforms. In the past five years we have begun to reformat all of that material and more into digital form for delivery on-line to our subscribers. The full range of titles we offer in both formats is described in depth on our free corporate web site [www.llmc.com](http://www.llmc.com).

Among the areas upon which we are currently focused is the law and governance-related literature of your State of Maine. Our goal is to offer as many of the Maine primary legal titles as possible. Among these, of course, are the *Maine Supreme Court Reports*, for which we understand you as Secretary of State have copyright-release authority. We already have scanned and offer on-line all of the volumes of this title up to 1923. The purpose of this letter is to request permission to scan and offer additional volumes that either are or may be under copyright protection.

What we are seeking is a non-exclusive, limited license to scan all volumes of the *Maine Supreme Court Reports* from 1923 on for purposes of dissemination via *LLMC-Digital*, our non-profit group's online subscription service. The license term we seek is for 99 years, or earlier if the copyrights involved in the separate volumes should expire before then, and we would agree in advance to an automatic expiration of the license period should LLMC ever change its non-profit character or be absorbed by a for-profit corporate entity.

While the nature of our non-profit mode of functioning does not provide us the luxury of offering to pay royalties, we would be happy to insert a statement at the beginning of each volume published that "Permission to reprint has been granted by the State of Maine", as well as including an acknowledgement of the hardcopy donor source should it be any Maine state agency. More tangibly, if desired we also would be happy to provide copies of the digital scans at no cost for the use of the State of Maine or any of its agencies. If additional information regarding the extent of this request or regarding LLMC and its operations are required, I would be happy to provide them in response to a letter or e-mail or telephone call addressed to one of the numbers below.

Thank you so much for your courtesy in considering this request.

Sincerely yours,



Jerry Dupont

Jerry Dupont, Asso. Dir. for Content Development

Law Library Microform Consortium (LLMC)

Web site – [www.llmc.com](http://www.llmc.com); online service – [www.llmc-digital.org](http://www.llmc-digital.org)

Toll free – 800-235-4446, Regular – 808-235-2200, Fax – 808-235-1755

Mailing address (use for all mail) – P.O. Box 1599, Kaneohe, HI 96744

Street address – U. of Hawaii, Windward CC, 45-720 Keaahala Rd, Kaneohe





MATTHEW DUNLAP  
SECRETARY OF STATE

STATE OF MAINE  
OFFICE  
OF THE  
SECRETARY OF STATE

**LICENSE**

WHEREAS by State of Maine Public Law 1901, Chapter 256, §3, the Maine Legislature directed that the Secretary of State register each volume of the reported decisions of the Supreme Judicial Court with the Library of Congress, establishing a copyright "in the name of the state of Maine, and the manuscript and copyright thereof shall belong to the state"; and

WHEREAS Chapter 256 was repealed by Public Law 1965, Chapter 459, §2 (effective January 27, 1966); and

WHEREAS pursuant to Chapter 256 and Federal law establishing length of copyright protection, the State has a valid copyright to volumes one hundred twenty-three through one hundred sixty (123-160) of *Maine Supreme Court Reports*; and

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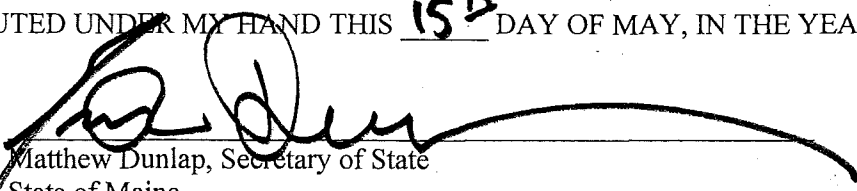
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Maine Legislature  
43 State House Station  
Augusta, ME 04333-0043  
Attn: Director

EXECUTED UNDER MY HAND THIS 15<sup>th</sup> DAY OF MAY, IN THE YEAR 2008.

BY:

  
Matthew Dunlap, Secretary of State  
State of Maine

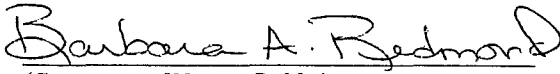
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Notary Public:

State of Maine

County of Kennebec

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May 2008.

  
(Signature of Notary Public)

Barbara A. Redmond  
(Printed Name)

Notary Public, State of Maine

My commission expires: March 25, 2012

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