

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



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

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JULY 30, 2008 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
14	▪ Executive Director's Report (Mr. Boulter)	Information
15	▪ Fiscal Report (Mr. Pennoyer)	Information
19	▪ Information Services Report (Mr. Mayotte)	Information
20	▪ Status of Legislative Studies (Mr. Norton)	Information

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee** (Speaker Cummings, Chair)
- **State House Facilities Committee** (Rep. Pingree, Chair)
(No Report)
- **Budget Subcommittee** (Sen. Martin, Chair)
(No Report)
- **Subcommittee to Administer Technology** (President Edmonds, Chair)
(No Report)

OLD BUSINESS

- 21 **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 July 30, 2008 meeting is attached.

NEW BUSINESS

- | | | |
|----|--|--------------------|
| 22 | Item #1: State House Common Project Completion:
Recognition of Architects & Construction Firms | Information |
| 25 | Item #2: Request for Citizen Trade Policy Commission to Carryover
Funds from FY 08 to FY 09 | Information |
| 27 | Item #3: Update of 2002 Feasibility Study for a Single-Payor Health Plan
Results of Funding Search (Mr. Norton) | Information |
| 30 | Item #4: Nomination of Senator Bartlett and Representative Smith to Serve
As Co-vice Chairs of the Council of State Government's Eastern
Regional Conference for 2009 | Information |
| 31 | Item #5: Legislative Council's Orientation Programs and Schedule for 124th
Legislature | Decision |
| 40 | Item #6: Letter from Commission on Governmental Ethics and Election
Practices Regarding Holding Informational Sessions on Legislative
Ethics (Jonathan Wayne) | Decision |
| 41 | Item #7: Submission of Tentative Legislative Budget for FY 2010/2011 | Information |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



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

MEETING SUMMARY
JULY 30, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:16 P.M. in the Legislative Council Chambers.

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, Rep. Robert Crosthwaite

Legislative Officers: 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
Pat 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
Beth Ashcroft, Director, Office of Program Evaluation and
Government Accountability

Legislative Council Chair, President Edmonds convened the meeting at 1:16 P.M. with a quorum of members present.

SUMMARY OF JUNE 25, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 25, 2008 be accepted and placed on file. Motion by Representative Faircloth. Second by Senator Martin. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

- YMCA Youth in Government Program - Due to scheduling conflicts with various school activities, the director of the Youth in Government program has requested to change the dates for the 2009 program from May 1–3, 2009 that was approved to a date in April.
- Celebration of 175th Anniversary of the Blaine House - Event planning is well underway for the celebration that will include a by invitation reception and dinner on August 15th and public events in Capitol Park on August 16th. Past governors will be honored at the dinner.
- Press Corps Offices in State House - Several newspapers who lease press corps offices are seeking changes to office leasing arrangements as a cost savings measure.

Fiscal Report

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

1. Revenue Update

Total General Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$479.5	\$479.7	\$0.2	0.0%	\$478.7	0.2%
FYTD	\$3,040.7	\$3,087.8	\$47.1	1.5%	\$3,019.6	2.3%

- General Fund revenue was over budget by \$0.2 million in June, resulting in a positive variance FY 2008 of \$47.1 million or 1.5%. Revenue growth ended at a modest 2.3% for FY 2008.
- Sales tax collections exceeded budgeted projections largely due to the effect of the federal economic stimulus payments coming sooner than the revenue forecast anticipated.
- Other Revenue was over budget in June by \$7.1 million, which combined with the sales tax collections offset negative variances in most of the other major tax lines. The positive variance in the Other Revenue line in June was distributed throughout the various state agencies, including an unbudgeted \$1.1 million from a legal settlement with Merck.
- Most of the positive variance in General Fund revenue was due to tax year 2007 individual income tax collections. The individual income tax line accounted for \$43.4 million or 92% of the positive variance for FY 2008. That performance seems unlikely to continue in the current economic environment.

Total Highway Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$50.2	\$53.7	\$3.6	7.1%	\$54.2	-0.8%
FYTD	\$326.4	\$328.1	\$1.8	0.5%	\$330.8	-0.8%

- Highway Fund revenue was over budget by \$3.6 million in June and concluded the FY 2008 with a positive revenue variance of \$1.8 million or 0.5%. However, FY 2008 revenue was 0.8% less than FY 2007.
- Fuel Tax revenue reversed the recent trend of negative variances in June and posted a positive variance of \$2.5 million in June bringing Highway Fund revenue back into a positive position.

Total Fund for a Healthy Maine Revenue - FY 2008 (\$ in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
FY 2008	\$61.3	\$62.0	\$0.8	1.3%	\$51.0	21.8%

- The Fund for a Healthy Maine concluded FY 2008 with a positive variance of \$0.8 million (1.3%) and growth of 21.8% over FY 2007. This growth was due to the Strategic Contribution Payments that began in FY 2008, increasing payments in FY 2008 by approximately \$10.7 million based on budgeted amounts.

2. Cash Pool Balances

- The average total cash pool balance in June was \$553.5 million. The May 2008 average balance remained well below the June average balance for the last 6 years of \$642.2 million. As noted last month, General Fund and Highway Fund balances were below their average balances, while other funds in the cash pool were roughly equal to their average balances.

3. Cash Pool Earnings Distributions

- The \$20 million cash pool investment in Mainsail II commercial paper that is in default was valued for accounting purposes or "marked to market" on June 30, 2008 at 33% of par value by Deutsche Bank and the state's new investment advisor. If this turned out to be the final resolution of this investment, then the cash pool would experience an investment loss of \$13.3 million. Based on this value, the State Controller and the State Treasurer felt that it was appropriate for the amounts reserved throughout FY 2008 to remain in reserve and not be distributed to cash pool participants at the close of the fiscal year as reported last month. Other avenues to recover this investment are being pursued including a potential enforcement action by the Attorney General's Office.

4. General Fund Reserve Fund Balances

- Balances in the major General Fund reserves (the Maine Budget Stabilization Fund and the Reserve for General Fund Operating Capital) increased by \$13.4 million during FY 2008 to \$169.5 million. All of this increase was in the Budget Stabilization Fund and was primarily due to the transfer of \$10 million from unappropriated surplus at the close of FY 2008. The remaining increase resulted from interest earnings accruing to the Budget Stabilization Fund.

- Expressed as a percentage of General Fund revenue, these major reserves grew from 5.2% of General Fund revenue at the close of FY 2007 to 5.5% of General Fund revenue at the close of FY 2008.

5. Year-end or “Cascade” Transfers

- General Fund - The increase in the General Fund unappropriated surplus at the close of FY 2008 totaled \$55.9 million: \$47.1 million from the revenue variance; \$8.1 million from unbudgeted lapsed balances; and \$0.7 million from various net accounting adjustments. This unappropriated surplus was distributed as follows in priority order:
 1. **State Contingent Account** – \$0.35 million replenishes the balance in this account;
 2. **Loan Insurance Reserve Fund** - \$1.0 million to the Finance Authority of Maine;
 3. **Budget Stabilization Fund** - \$10.0 million was established late this past legislative session as a separate transfer from the normal percentage transfers that were preempted in FY 2007 and FY 2008; and
 4. **MaineCare Hospital Payments** - \$44.6 million was transferred to the Medical Care Payments to Providers (MAP) program in DHHS as an adjustment to appropriations to increase prospective interim payments to hospitals.
- Highway Fund - The increase in the Highway Fund unallocated surplus at the close of FY 2008 totaled \$2.4 million: \$1.8 million from the revenue variance; \$0.9 million from unbudgeted lapsed balances; and reduced by \$0.2 million from various negative net accounting adjustments. \$1.9 million of this unallocated surplus was distributed to the Highway and Bridge Capital program. The remainder, \$0.5 million was retained in unallocated surplus and increased the budgeted ending balance in the Highway Fund.

Information Technology Report

1. Scheduled Upgrades and Computer Systems Improvements

The annual computer system upgrades and replacements are in progress this interim. This includes: server & PC replacements; network upgrades; software installation/updates; programming projects for various offices; performing preventative maintenance on equipment; updating the equipment inventory; and staff training.

2. Post Session

The statute database update process for the 2nd Regular and 1st Special session is well underway. Posting of the updated Laws of Maine to the Legislature’s website was completed on June 30th.

3. WANG System Phase-out

The office is working to meet the Legislative Council’s date of the October 2008 Council meeting for the phase-out of the WANG system and implement a fully functional Voyager bill status and tracking system. The work will include a user involved testing and user training effort.

Status of Legislative Studies

Pat Norton, Director, Office of Policy and Legal Analysis, gave an updated summary as follows:

Summary of Legislative Studies (Interim 2008)

(As of July 24, 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Appointments Complete?
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	0	YES
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	YES
3	AFA	PL 2007, c. 539, Part YY-2	Natural Resource Agency Task Force	Not specified	1/1/09 to the Legislature	Not specified (currently 35 members, including 7 legislators)	0	YES
4	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
5	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	2	NO
6	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	N/A
7	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	0	YES
8	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	YES
9	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	N/A
10	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	3	NO
11	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	YES
12	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	2	NO
13	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES
Total number of members						156		
Total appointments remaining							7	
Percent of appointments complete							94%	

Mr. Norton drew the members' attention to several studies, as follows:

- The Committee to *Study the Protection of Farms and Farmland* is on the agenda for approval of outside funding.
- The *Governor's Natural Resource Agency Task Force* will be reported on periodically. Although it is not a legislative study, seven legislators are on the task force and legislative staff has been called upon to assist in researching information.
- The *Commission to Study Long-Term Home-Based and Community-Based Care* requires outside funding by October 1. No commitments for funding have yet been obtained.
- Funding is being sought to support the update of the *Feasibility of Establishing a Single-Payor Health Care System in the State*. Discussion has been ongoing with several funding organizations; the Maine Health Access Foundation, the Commonwealth Foundation, and the Wallace Foundation are not interested in funding the Study. The Robert Wood Johnson Foundation has not yet responded. Dr. Elizabeth Kilbreth at the Muskie School is pursuing funding from other potential donors.
- With respect to the *Judicial Compensation Commission*, three people are currently appointed to that commission with two having their term expired but are continuing to serve until their successors are reappointed. The commission has met once and is planning to meet again in several months.

Senator Mitchell asked for a status of the number of meetings each study has met. Mr. Norton gave a brief overview and confirmed he would add that information to his future reports.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on July 30, 2008 and considered the following two items:

1. Finalize Personnel Policies and Guidelines for Leadership and Personnel Policies and Guidelines for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives

The Personnel Committee voted to approve the revised personnel handbook for Leadership Employees consistent with the Legislative Council's policies. The handbook will be finalized and delivered to the Senate President and the Speaker for signature and distribution to Leadership employees.

The Personnel Committee intends to finalize the revised handbook for Clerk and Secretary employees at its next meeting. No Legislative Council action is required.

2. Legislator Confidentiality and Proposed Release of Confidential Information Relating to Preparation of Legislation

The committee voted to recommend that the full Legislative Council amend its current policies relating to release of confidential bill amendment information. A copy of the proposed change was distributed to the Legislative Council members for review. Speaker Cummings then asked Senator Martin to summarize the issues and the recommended change.

Senator Martin explained that the issue of the extent of release of information relating to floor amendments filed by legislators has been discussed for some time. The House Clerk and the Senate Secretary have expressed interest in knowing how many floor amendments are pending in the chamber, not who filed them but the number pending. Current Legislative Council policies prohibit nonpartisan staff from disclosing the existence of amendments filed unless the sponsor first agrees to the disclosure. The committee discussed the issue at length and developed a recommendation that should meet the needs while still preserving legislator confidentiality. He emphasized that the recommendation was a middle ground, and while the committee did not support everything that was requested, it is what was worked out and agreed to. Under the proposal, certain limited information could be released to the Leaders and the Clerk and the Secretary, provided that the Sponsor did not request that it remain confidential and as long as the number of amendments is five or more, e.g. appropriations or education related bills. Information released would not include sponsor names or any substantive aspects of the amendment. It would disclose whether the amendment is a House or Senate amendment. This change would preserve confidentiality but provide a tool for leadership to better schedule chamber actions.

Senator Martin noted that although pending floor amendments may be disclosed in a report under this new process, there is nothing to require that any or all of those amendments actually be finalized or introduced; a member retains the right to sign or not to sign an amendment. Finally, he noted a change to the written recommendation presented: that “in writing” be removed from the 2nd paragraph so that a legislator not be required to make his or her request for confidentiality to the Revisor in writing. Senator Martin offered the following motion.

Motion: That upon the recommendation of the Personnel Committee, the Legislative Council adopt a change to the personnel policies for nonpartisan legislative employees regarding legislator confidentiality, as described in Paragraph C of the Personnel Committee’s recommendation [Section III A (4) of the handbook of personnel policies and guidelines, 2008 edition]. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0).** Representative Faircloth absent for vote.

Following the vote, Senator Rosen commented that he was pleased that the change included the prohibition against disclosure with fewer than five amendments and the removal of the “in writing” requirement. He asked whether the Executive Director and the Revisor can work with this change to the personnel policies and guidelines, and understand the implications to legislative staff should there be a release of confidential information. Mr. Boulter responded by saying that staff fully understand the confidentiality policy and its implications. The standard is high but is necessary so to maintain effectiveness of nonpartisan offices and give legislators 100% assurance that confidentiality will be respected. Staff can adapt to and work effectively with this policy change.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

Senator Martin noted that the most recent quarterly variance report for legislative accounts had been distributed to Leadership.

4. Subcommittee to Administer Technology

(No Report)

OLD BUSINESS

(There was no Old Business.)

NEW BUSINESS

ITEM #1: Briefing on Proposed Deaccession of Arba Powers Portrait from State House Portrait Collection (J.R. Phillips, Director, Maine State Museum)

Mr. Philips explained the Maine State Museum's proposed removal or "deaccession" of a portrait from the "State House Portrait Collection." He explained that a portrait may be included in the collection in two ways: by act of the legislature and when a portrait is commissioned for a former governor. Deaccession is governed by law and by museum commission rule. Under those provisions, the museum is given authority to remove an item from the collection, with notice to the Legislative Council. The director is planning to remove the portrait of Arba Powers from the collection and transfer ownership to the Houlton Historical Society. This is the first instance in which a portrait has been deaccessioned. Mr. Phillips related that in 1972 Portland Press Herald reporter, Jim Brunelle researched Mr. Powers, born in Houlton, Maine, and concluded he was not a prominent actor. He was a nephew of Llewellyn Powers, a former governor. His portrait was first hung in the Blaine House but was later hung in the State House. He died in 1935, six months after his portrait was acquired. Mr. Phillips stated that the Houlton Historical Society would accept possession of the portrait. Mr. Phillips has recommended to the Museum Commission that it deaccession the portrait to the Houlton Historical Society. The final decision rests with the commission.

Senator Martin cautioned that decisions regarding deaccession of State portraits should not rely upon a reporter's research or opinion. He further stated that in this situation, he is comfortable with the museum's decision since the portrait will be transferred to the Houlton Historical Society for display in Houlton. He further stated that perhaps other portraits should be removed as well, noting the lack of portraits of prominent women in the State being displayed. He urged the museum commission to consider finding other portraits of people in Maine who made greater contribution than some of those whose portraits now hang in the State House.

Motion: To support the proposal to remove the Arba Powers portrait from the State House collection and transfer it to the Houlton Historical Society for public display. Motion by Senator Martin.

Senator Mitchell asked Mr. Phillips if the museum commission has a plan for evaluating proposed portrait deaccessions, and how the Powers' portrait fit into such a plan. Mr. Phillips replied that it has a plan, not just for portraits but for other items in the custody of the museum.

Deaccessioning is done frequently where the item is returned to a donor or given to a local library or historical society. He concluded by saying that the museum employs a curator who provides research and assessment on items held by the museum.

The council did not formally vote on the motion, but the members generally supported the recommendation by Director Phillips to remove the Arba Powers portrait from the State House collection for transfer to the Houlton Historical Society.

ITEM #2: Status Report on Governor's Natural Resource Agency Task Force

Representative Pieh, co-chair of the "Governor's Natural Resource Agency Task Force" reported that it has held three productive meetings to date, and has a two day meeting planned for September and two day-long follow-up meetings scheduled for October and November. The purpose of the task force is to improve the efficiency and services of the five state natural resource agencies, those being the departments of Agriculture, Conservation, Inland Fisheries and Wildlife, Marine Resources, and Environmental Protection. The task force was established by the Governor, and he appointed all members. It consists of close to 40 members, made up primarily of stakeholders, seven legislators, the five agency commissioners and representation from the State Planning Office and from the Governor's office.

Meeting attendance has been excellent. A survey is being circulated to solicit input. All task force information is available through the State Planning Office at www.maine.gov/spo.

Representative Pieh stated that the Governor and various legislators may be proposing legislation to implement the recommendations of the task force. In order to deal with cross agency legislation, Representative Pieh asked the council members to consider convening a joint select committee during the 124th Legislature to review any such legislation.

Senator Rosen asked if the Governor intends to present his proposal for change as part of his proposed budget or as separate legislation.

Representative Pieh responded by saying that she does not know the answer but it is likely that if the Governor thinks he can get the change using the budget he may go that way, but with a joint select committee, the legislature could remove it from a budget proposal and review it separately.

ITEM #3: Request for Update on Pilot Project for Computer Automation in House Chamber and Related Council Ballot

Senator Weston requested an update on the pilot project for computer automation in the House chamber and the related council ballot that was circulated.

Senator Weston began the discussion by stating that the Legislative Council had authorized a pilot project for automating the House chamber, at a cost of about \$35,000. She expressed surprise when a Legislative Council ballot was circulated for \$65,000, apparently for software and laptops relating to chamber automation. She reminded council members that the council's decision on the proposal was for a pilot project only. In that discussion, Senator Martin was quite clear he did not support a full scale project. Senator Weston asked for the status of the project.

Mr. Boulter responded that the approval was for a pilot project only. The council members have not received a report back on the results of the pilot yet, but it was his understanding from the Speaker and the House Clerk that the pilot project went well. Mr. Mayotte said he worked with the House Clerk to implement the project, and technically it went well. The pilot project is now completed.

Senator Weston asked for an explanation of the new \$65,000 expenditure given that the original approved funds were spent developing the pilot. Speaker Cummings responded that it was used for a variety of things, but noted that the entire \$65,000 has not been fully expended yet. The ballot authorized transfer of unexpended balances in some budget lines to a technology related line, for uses including purchase of In Design software [document publishing software, replacing PageMaker] for the House Minority office. In addition, he said some economic modeling software was purchased.

Mr. Speaker then distributed a summary of a survey of House members relating to the pilot project. He said both Republicans and Democrats seemed to favor the project. He noted that while the surveyed members preferred state-provided laptop computers to preview calendars, bills and amendments, there is no money in the budget for that expense. Referring to the survey, he said that 85 respondents would like electronic copies in the chamber, 12 preferred paper copies and five preferred receiving both electronic and paper copies. Ten representatives participated in the pilot project that was authorized by the Legislative Council to see if an electronic system was workable.

Speaker Cummings explained that to estimate efficiency and savings at this point, one would have to use the state of West Virginia as a model since that state is the most recent to go paperless. He noted that 41 states have implemented a computerized or automated chamber. He stated that this past session budget report was divided, required printing copies of each report, at a cost exceeding \$7,100 and a six hour wait time for printing. He stated that according to the House Clerk, if the amendments had been available electronically, the wait time would have reduced and have saved \$15,000 by not coming into session the following day. He said that the request for the \$65,000 is to continue with vendor International Roll-Call to make upgrades to the pilot software as was suggested by the users. It would be up to the presiding officers whether to allow members to buy their own computers with their constituent allowances, thus lowering costs to the State. Legislative Council chair President Edmonds indicated that she was unclear whether the \$65,000 has paid for software relating to constituent services (i.e. In Design) and software upgrades to the pilot project software. Speaker Cummings answered that was correct; it has been used for both.

Senator Weston asked if the Legislative Council received a copy of the contract for the software development now being done. Speaker Cummings answered that he did not know if it had been distributed but he has it. Senator Weston requested a copy. She further asked for the amount of money that has been spent to date on the chamber automation project, including hardware, and if any other commitments relating to the project have been made. Speaker Cummings answered that the only commitment has been for the purchase of ten laptop computers and software development (\$35,000 - \$45,000). He was unclear what the new \$65,000 expenditure was for and asked Mr. Mayotte for an explanation. Mr. Mayotte said the money was to pay for software development to complete development of the IRC software. Senator Weston requested an itemization of the expenditures. Mr. Mayotte offered to work with Clerk MacFarland to itemize the costs. Speaker Cummings emphasized that he was not making a request to the Legislative Council for additional money, but only the transfer of unexpended funds between budget lines.

Senator Weston returned to the issue of the amount spent on the project, asking if the total amount spent was no more than \$35,000 - \$45,000. Mr. Mayotte responded that \$35,000 was spent under a contract with IRC for software development for the pilot project, and \$8,000 was spent on laptop purchases. Senator Weston then asked how much of the \$65,000 has been spent, adding to the initial \$45,000 already spent. Mr. Mayotte said he did not know and that he would have to check with Clerk MacFarland.

Senator Martin indicated that the House Clerk would have the exact figures.

Representative Pingree said that it was her understanding that there was an unexpended surplus in the budget and the House sought Legislative Council approval (by ballot) to expend it, noting that this was not additional money but a reallocation of funds. At an earlier meeting, the council had debated whether the House was allowed to spend its "own" money, but the Legislative Council decided it was not allowable. So the Speaker sought Legislative Council approval by ballot to spend it on technology. Senator Martin agreed.

Representative Tardy said the question about expenses should be directed to the executive director since presumably all invoices for payment go through the Executive Director's office. He summarized his understanding of the expenses: \$35,000 for initial software development, \$8,000 for computer hardware. Rose Breton, Legislative Finance Director, responded by saying that about \$43,000 has been spent for the pilot project. In addition, the office has processed an invoice from IRC for another \$30,000. She had not been informed whether this expense was related to the pilot project or the next phase. [Note: Following the council meeting, Ms. Breton checked her accounting records and realized the invoiced amount was \$50,000, not \$30,000.]

Senator Weston concluded by asking the Speaker if there has been any commitment of additional money, since the council's only commitment at this time was for the pilot project. Mr. Mayotte responded by saying that he believed the only commitment is to the pilot project, being the IRC software and the laptops. Senator Martin tasked Mr. Mayotte with providing Senator Weston with a copy of the contract, and said that he will ask House Clerk MacFarland to provide Senator Weston with a breakdown of the budget and expenses for the project.

ITEM #4: Request for Update on Use of Capitol Correspond

Speaker Cummings asked for an update. He noted that last year the Legislative Council approved purchase of the constituent services software, costing about \$70,000. He asked for an update because he said some offices were not using the software.

Mr. Boulter answered by saying he had little information about the use since nonpartisan offices do not use it, and the Leaders may have a better sense of the use. The software, Capitol Correspond, was installed in the Senate President's office, Senate Majority and Minority offices and House Majority and Minority offices. All offices were offered training on the application. Senate President Edmonds remarked that the Senate Democrats find the program to be useful and helps with follow-up contacts. Senator Weston agreed, noting the application's usefulness in tracking past constituent contacts. Senator Mitchell also agreed. Speaker Cummings concluded by saying that the software appears to have been a good investment.

ITEM #5: Acceptance of Funds to Support the Committee to Study the Protection of Farms and Farmlands

The following entities made contributions to support the study. Acceptance of funds requires the approval of the Legislative Council.

- **Wild Blueberry Commission of Maine**
- **Maine Potato Board**
- **Agricultural Council of Maine**
- **Maine Dairy Industry Association**

Motion: That the Legislative Council accept the funds received from the noted entities to fund the Committee to Study the Protection of Farms and Farmlands. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0)**. Representative Faircloth absent for vote.

Mr. Boulter noted that the total amount received is \$4,271 rather than \$4,371 reported in the memo.

ITEM #6: Request by Chair of Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care for 2 additional meetings.

The commission is authorized to meet four times but in the absence of funding (outside funding required) it has not yet convened. Nonetheless, the commission chair felt the commission could not complete its work in four meetings and requested two additional meetings, provided that sufficient funds are received.

Motion: That the Legislative Council authorize Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care to meet up to two additional times for a total of six meetings, conditional on receipt of sufficient funds. Motion by Senator Martin. Second by Representative Crosthwaite. **Approved (9-0)**. Representative Faircloth absent for vote.

ITEM #7: Executive Session

Motion: That, in accordance with 1 MRSA section 405, subsection E and F, the Legislative Council enter into an executive session for the purposes of consulting with legal counsel concerning the legal rights and duties of the Legislative Council and for the purposes of discussing information contained in records which are designated confidential by statute. Motion by Speaker Cummings. Second by Senator Martin. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

The Legislative Council went into an executive session at 2:28 p.m.

The Legislative Council ended its executive session at 2:43 p.m. and resumed its regular meeting.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

Motion to adjourn by Representative Pingree. Second by Representative Crosthwaite. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

The Legislative Council meeting was adjourned at 2:44 P.M.

G:\Council\123rd Legislative Council\Meeting Summaries\July 2008\MEETING SUMMARY for 2008-6-25 2008-9-2.doc 9/9/2008 1:34 PM



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Executive Director's Report
September 24, 2008**

1. YMCA Camp of Maine's Youth in Government Program
I continue to work with the YMCA's program director to find a date for holding the Youth in Government program that works for both the legislature and the many participating schools. The current best workable, though not ideal, date appears to be in early May 2009. Over 200 high school youth from schools across the state participate each year.
2. Maine Education Research Institute
A new approach to the annual cooperative agreement between the Legislature, University of Maine System and the Department of Education that clarifies roles and decision-making has been developed. This should noticeably improve the process for developing education research projects and administering the contract, and reduce participant frustrations.
3. Citizen Trade Policy Commission
An agreement between the Department of Labor and the Legislature has been developed that will provide staffing and technical support to the trade commission over the next year, following resignation of the former contractor who had provided staffing to the commission. OPLA will continue to provide assistance drafting legislation as needed.
4. Emergency Preparedness
The Executive Director's office is working to make information such as emergency contact numbers and locations and use of emergency call stations and equipment available to legislative employees online as well as developing a more efficient approach to providing notices of emergency events or conditions. The information will be available this fall.

Fiscal Briefing

Legislative Council Meeting

September 24, 2008

Prepared by the Office of Fiscal & Program Review

1. Revenue Update (see attached)

Total General Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$78.0	\$61.9	(\$16.1)	-20.6%	\$91.4	-32.3%
FYTD	\$315.2	\$309.2	(\$6.0)	-1.9%	\$314.6	-1.7%

- General Fund revenue was under budget by \$16.1 million in August, resulting in a negative variance of \$6.0 million or 1.9% for the first 2 months of FY 2009. Revenue for the first 2 months was 1.7% below the same period in FY 2008.
- Sales Tax collections in August resulting from July taxable sales exceeded budgeted projections by \$3.2 million. Taxable sales detail is not yet available so we are unable to determine where the increase occurred. Growth for the first 2 months of FY 2009 was 5.5% above the same period in FY 2008.
- The timing issue in the Individual Income Tax category identified last month, which produced a positive variance in July, was more than offset by the \$17.8 million negative variance in August resulting in a \$9.6 million negative variance for the first 2 months of FY 2009. Roughly half of this negative variance was related to Circuitbreaker tax and rent refunds payments exceeding projections.

Total Highway Fund Revenue - FY 2009 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$8.4	\$6.9	(\$1.5)	-18.3%	\$7.6	-9.8%
FYTD	\$35.3	\$32.1	(\$3.3)	-9.3%	\$33.4	-4.1%

- Highway Fund revenue was under budget by \$1.5 million in August and \$3.3 million for the Fiscal Year-to-date. Highway Fund revenue continues to show negative growth at 4.1% for the first 2 months of FY 2009.
- Fuel Taxes remain the largest contributor to the negative variance in the Highway Fund for the first 2 months of FY 2009 (\$1.9 million below budget), but Motor Vehicle Registration and Fees have also begun to show some weakness, falling \$0.9 million below budget for the first 2 months of FY 2009.

2. Revenue Forecasting Update

- **Economic Forecast Schedule** – The Consensus Economic Forecasting Commission (CEFC) will meet on Thursday, October 16th to update the economic forecast. The CEFC's report is due on November 1st. However, we should have a sense of the magnitude of any changes to the economic forecast on the 16th.
- **Revenue Forecast Schedule** – The Revenue Forecasting Committee (RFC) has not yet established its fall meeting schedule. The major tax categories relying on the economic forecast will not be ready for review until mid-November.

Fiscal Briefing – September 24, 2008

(Continued)

3. Cash Balances Update

Summary of Treasurer's Cash Pool		
August Average Daily Balances		
Millions of \$'s		
	2007	2008
General Fund (GF) Total	\$73.5	\$39.2
General Fund (GF) Detail:		
Budget Stabilization Fund	\$115.7	\$129.0
Reserve for Operating Capital	\$40.6	\$40.6
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$78.4	\$60.0
Other General Fund Cash	(\$161.2)	(\$190.4)
Other Spec. Rev. - Interest to GF	\$78.4	\$110.8
Other State Funds - Interest to GF	\$5.6	(\$15.2)
Highway Fund	\$28.1	\$21.9
Other Spec. Rev. - Retaining Interest	\$82.1	\$73.6
Other State Funds	\$262.2	\$159.8
Independent Agency Funds	\$114.6	\$77.9
Total Cash Pool	\$644.5	\$467.9

- Presented above is a comparison of the average balances of August 2007 and August 2008. The average total cash pool balance last month was \$467.9 million, which was \$176.6 million less than the \$644.5 million average for August 2007. The average balance in August for the 7 years from 2001 to 2007 was \$655.2 million.
- The major contributors to the decline of the balances in the cash pool compared with August 2007 are: a weaker General Fund cash position (\$34 million); a shift of cash balances in the State's health insurance funds (\$102 million); withdrawal of cash by the University of Maine System (\$34 million); and the declining balance in the Dirigo Health Fund (\$26 million). Only the Other Special Revenue Funds, the "dedicated revenue" accounts, showed improvement over August average balances in 2007.

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2009
Reflecting Budgeted Amounts Through 123 Legislature, 1st Special Session

AUGUST 2008 REVENUE VARIANCE REPORT

Revenue Line	August '08 Budget	August '08 Actual	August '08 Variance	FY09 YTD Budget	FY09 YTD Actual	FY09 YTD Variance	FY09 YTD Variance %	FY09 Budgeted Totals
General Fund								
Sales and Use Tax	(2,024,667)	1,216,113.63	3,240,780.63	97,020,140	99,553,816.04	2,533,676.04	2.6%	1,008,092,337
Service Provider Tax	(163,260)	157,629.40	320,889.40	4,293,734	4,759,314.71	465,580.71	10.8%	53,452,742
Individual Income Tax	47,030,000	29,252,030.65	(17,777,969.35)	151,241,492	141,602,136.37	(9,639,355.63)	-6.4%	1,397,517,286
Corporate Income Tax	(300,000)	266,189.19	566,189.19	5,730,000	7,644,422.60	1,914,422.60	33.4%	197,244,770
Cigarette and Tobacco Tax	16,170,769	14,615,551.54	(1,555,217.46)	30,477,010	29,204,587.89	(1,272,422.11)	-4.2%	153,408,502
Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	N/A	16,464,397
Insurance Companies Tax	74,073	28,444.80	(45,628.20)	1,012,594	1,347,883.07	335,289.07	33.1%	77,169,754
Estate Tax	(3,800,000)	(4,317,214.80)	(517,214.80)	0	(1,617,414.83)	(1,617,414.83)	N/A	49,524,882
Property Tax - Unorganized Territory	0	0.00	0.00	0	0.00	0.00	N/A	12,229,199
Income from Investments	(111,472)	115,265.48	226,737.48	(100,633)	120,229.62	220,862.62	219.5%	(3,204,682)
Transfer to Municipal Revenue Sharing	(2,271,646)	(1,575,490.11)	696,155.89	(13,172,554)	(12,931,544.17)	241,009.83	1.8%	(136,051,715)
Transfer from Lottery Commission	5,100,898	4,595,053.01	(505,844.99)	9,181,605	8,854,003.94	(327,601.06)	-3.6%	53,049,250
Other Revenue	18,256,761	17,519,483.91	(737,277.09)	29,522,083	30,656,544.89	1,134,461.89	3.8%	216,919,557
Totals	77,961,456	61,873,056.70	(16,088,399.30)	315,205,471	309,193,980.13	(6,011,490.87)	-1.9%	3,095,816,279
Highway Fund								
Fuel Taxes	(1,081,592)	(1,570,757.71)	(489,165.71)	18,058,767	16,157,304.52	(1,901,462.48)	-10.5%	234,197,278
Motor Vehicle Registration and Fees	7,932,206	7,317,496.48	(614,709.52)	14,512,757	13,643,951.37	(868,805.63)	-6.0%	99,146,017
Inspection Fees	601,447	375,671.15	(225,775.85)	1,114,205	719,623.85	(394,581.15)	-35.4%	4,474,821
Fines	156,020	141,934.64	(14,085.36)	303,039	279,209.20	(23,829.80)	-7.9%	1,795,049
Income from Investments	150,000	23,245.26	(126,754.74)	150,000	23,245.26	(126,754.74)	-84.5%	1,000,000
Other Revenue	656,292	588,814.76	(67,477.24)	1,200,794	1,242,852.97	42,058.97	3.5%	9,629,561
Totals	8,414,373	6,876,404.58	(1,537,968.42)	35,339,562	32,066,187.17	(3,273,374.83)	-9.3%	350,242,726

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

REVENUE CATEGORY	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg	FY 2009	% Chg
GENERAL FUND										
Sales and Use Tax	\$90,326,360.01	6.5%	\$94,130,145.85	4.2%	\$94,721,686.60	0.6%	\$94,345,093.36	-0.4%	\$99,553,816.04	5.5%
Service Provider Tax	\$3,207,756.32	N/A	\$2,803,093.80	-12.6%	\$4,147,644.88	48.0%	\$4,101,540.41	-1.1%	\$4,759,314.71	16.0%
Individual Income Tax	\$133,075,823.82	22.3%	\$138,155,445.89	3.8%	\$154,136,425.52	11.6%	\$159,154,477.36	3.3%	\$158,933,123.36	-0.1%
Individual Income Tax (Circuitbreaker)	(\$7,699,529.93)	N/A	(\$9,088,938.64)	-18.0%	(\$9,430,364.58)	-3.8%	(\$9,062,568.04)	3.9%	(\$14,045,631.57)	-55.0%
Individual Income Tax (BETR)	\$0.00	N/A	(\$6,545,688.00)	N/A	(\$9,490,372.00)	-45.0%	(\$3,195,951.00)	66.3%	(\$3,285,355.42)	-2.8%
Corporate Income Tax	\$6,035,418.07	1909.9%	\$7,923,972.45	31.3%	\$12,762,917.51	61.1%	\$6,027,812.51	-52.8%	\$7,644,422.60	26.8%
Cigarette and Tobacco Tax	\$17,226,431.28	-4.3%	\$18,887,158.86	9.6%	\$31,034,312.39	64.3%	\$30,548,227.54	-1.6%	\$29,204,587.89	-4.4%
Public Utilities Tax	(\$150,000.00)	48.9%	\$0.00	100.0%	\$0.00	N/A	\$347,980.26	N/A	\$0.00	-100.0%
Insurance Companies Tax	\$1,273,111.20	-34.2%	\$805,659.41	-36.7%	\$419,795.01	-47.9%	\$1,839,895.76	338.3%	\$1,347,883.07	-26.7%
Estate Tax	(\$2,345,886.94)	-210.8%	\$11,291,841.40	581.3%	\$130,227.50	-98.8%	(\$783,192.93)	-701.4%	(\$1,617,414.83)	-106.5%
Property Tax - Unorganized Territory	\$0.00	N/A	\$0.00	N/A	\$0.00	N/A	\$0.00	N/A	\$0.00	N/A
Income from Investments	\$399,054.61	35.4%	\$507,745.71	27.2%	\$688,196.32	35.5%	\$534,809.27	-22.3%	\$120,229.62	-77.5%
Revenue Sharing Transfers	(\$11,472,237.24)	-14.2%	(\$11,596,279.59)	-1.1%	(\$12,589,244.83)	-8.6%	(\$12,819,890.64)	-1.8%	(\$12,931,544.17)	-0.9%
Liquor Transfers	\$50,020,092.94	809.7%	\$750.00	-100.0%	\$5,971.36	696.2%	\$0.00	-100.0%	\$0.00	N/A
Lottery Transfers	\$8,182,556.26	14.9%	\$7,813,966.67	-4.5%	\$8,231,109.41	5.3%	\$9,479,509.29	15.2%	\$8,854,003.94	-6.6%
Other Revenue	\$28,496,403.92	-5.4%	\$25,216,507.59	-11.5%	\$37,128,964.92	47.2%	\$34,128,492.40	-8.1%	\$30,656,544.89	-10.2%
TOTAL GENERAL FUND REVENUE	\$316,575,354.32	27.2%	\$280,305,381.40	-11.5%	\$311,897,270.01	11.3%	\$314,646,235.55	0.9%	\$309,193,980.13	-1.7%
HIGHWAY FUND										
Fuel Taxes	\$20,546,046.20	16.3%	\$18,528,755.70	-9.8%	\$19,000,525.60	2.5%	\$16,993,060.68	-10.6%	\$16,157,304.52	-4.9%
Motor Vehicle Registration and Fees	\$13,742,299.53	4.2%	\$14,408,024.57	4.8%	\$13,525,941.86	-6.1%	\$14,065,229.10	4.0%	\$13,643,951.37	-3.0%
Inspection Fees	\$660,521.40	-27.5%	\$778,715.10	17.9%	\$839,581.68	7.8%	\$905,671.75	7.9%	\$719,623.85	-20.5%
Fines	\$167,189.70	-49.7%	\$373,642.31	123.5%	\$284,013.02	-24.0%	\$0.00	-100.0%	\$279,209.20	N/A
Income from Investments	\$70,933.17	24.5%	\$210,262.79	196.4%	\$129,235.35	-38.5%	\$175,291.67	35.6%	\$23,245.26	-86.7%
Other Revenue	\$1,122,934.91	-2.6%	\$1,456,791.13	29.7%	\$1,091,761.59	-25.1%	\$1,299,790.76	19.1%	\$1,242,852.97	-4.4%
TOTAL HIGHWAY FUND REVENUE	\$36,309,924.91	9.0%	\$35,756,191.60	-1.5%	\$34,871,059.10	-2.5%	\$33,439,043.96	-4.1%	\$32,066,187.17	-4.1%

Adjusted for Service Provider Tax Split

Information Services Report to Legislative Council
Paul Mayotte, Director, Office of Legislative Information Services
September 24, 2008

Post Session Updates

The statute database update process for the 2nd 123rd and 1st Special Session is complete. The process of formatting updated statute data for the Legislative Web page is now underway.

WANG Phase-out

Work to phase-out the WANG is on track. Several tasks have been completed.

Training

Linda Weston, Helpdesk Administrator, and Debby Olken, HR Director, have developed an in house training program to provide a basic skills refresher for word processing and spreadsheets as well as specific advanced functions such as mail merge and tables.

Server Consolidation

As part of the normal process of replacing computer servers at the end of their service life, the legislature is reducing the number of servers it uses to support operations. This is being done through a process known virtualization. The office is in the process of moving the functions currently performed on 10 old servers to 2 new servers.

Progress Report on Legislative Studies

Interim 2008

9/19/2008

<u>Study Name</u>	<u>Meetings Held to Date</u>	<u>Next Meeting Date</u>	<u>Number of Authorized Meetings</u>	<u>Report Date</u>	<u>Status</u>
Committee to Study the Protection of Farms and Farmland (PL 2007, c. 649)	1	9/25/2008	4 meetings	Final report to ACF by 11/5/08	Outside funding accepted. One meeting held. No extension requests.
ACF Committee review of the recommendations of the Agricultural Creative Economy Study (PL 2007, c. 660)	1	10/15/2008	3 meetings	Committee to report to 124th Legislature	One meeting held.
Natural Resource Agency Task Force (PL 2007, c. 539, Part YY-2)	4	10/15/2008	Not specified	1/1/09 to the Legislature	35 member Governor's study that includes 4 legislators.
Committee Study of Sex Offender Registry (SP 933)	1	9/29/2008	3 meetings	11/5/2008	One meeting held. 9/29 meeting authorized to be held off-site at the Public Safety Building in conjunction with DPS and Governor's Office meeting with other states officials on sex offender issues.
Legislative Youth Advisory Council (3 MRSA, section 168-A)	3	9/22/2008	Not more than 9 times annually (including two public hearings)	Biennially to the Legislature	Ongoing permanent commission. Two more meetings anticipated this year.
OPLA review of laws on dissemination of confidential information relating to teachers (PL 2007, c. 666)	N/A	N/A	N/A	11/5/08 to EDU	On schedule. EDU committee updated on study progress on 9/18/08.
Blue ribbon commission to study long-term home-based and community based care (Resolve 2007, c. 209)	1	9/22/2008	6 meetings	11/5/08 to the Legislature	One meeting held. Originally budgeted for 4 meetings, with 2 additional meetings authorized in July.
HHS committee study to review the Fund for a Healthy Maine (PL 2007, c. 629)	1	9/24/2008	3 meetings	10/1/08 to AFA committee	One meeting held. Committee anticipates requiring only 2 meetings. Oral report to AFA on 9/25 with written report to follow.
Staff update of the feasibility of establishing a single-payor health care system in the State (Resolve 2007, c. 216)	N/A	N/A	N/A	12/3/08 to 124th Legislature	No outside funding sources identified (see Muskie report in packet)
Judicial Compensation Commission (Title 4, Chapter 35)	1	9/24/2008	N/A	December 1st of even years	One meeting held. Report due this year.
Right to Know Advisory Commission (PL 2005, c. 631)	4	11/17/2008	At least 4 times annually	1/15 annually to JUD and Chief Justice	Four meetings held, plus several subcommittee meetings.
Citizen Trade Policy Commission (PL 2003, c. 699)	5	10/8/2008	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	On-going permanent commission. Two more meetings anticipated this year.
Community Preservation Advisory Committee (PL 2001, c. 648)	2	11/13/2008	No more than 4 times annually	Annually to NAT Committee	Two meetings held.

**Legislative Council Actions
Taken by Ballot Since the
July 30, 2008 Council Meeting**

Decision of the Legislative Council by Ballot

Title: That the Legislative Council accept a \$4,000 contribution by the Maine Community Foundation and a \$2,070 contribution by Bingham Program, both acting through the Long-Term Care Ombudsman Program to support the *Blue Ribbon Commission to Study the Future of Home-based and Community-based Care*, and to authorize the Blue Ribbon Commission to convene in September.

Motion by: Beth Edmonds, Senate President

Second by: Glenn Cummings, Speaker

Accepted: September 10, 2008

Vote: 10 -0 in favor

State House Common

2008

Architects

Terrence J. DeWan & Associates Landscape Architects / Planners, Yarmouth

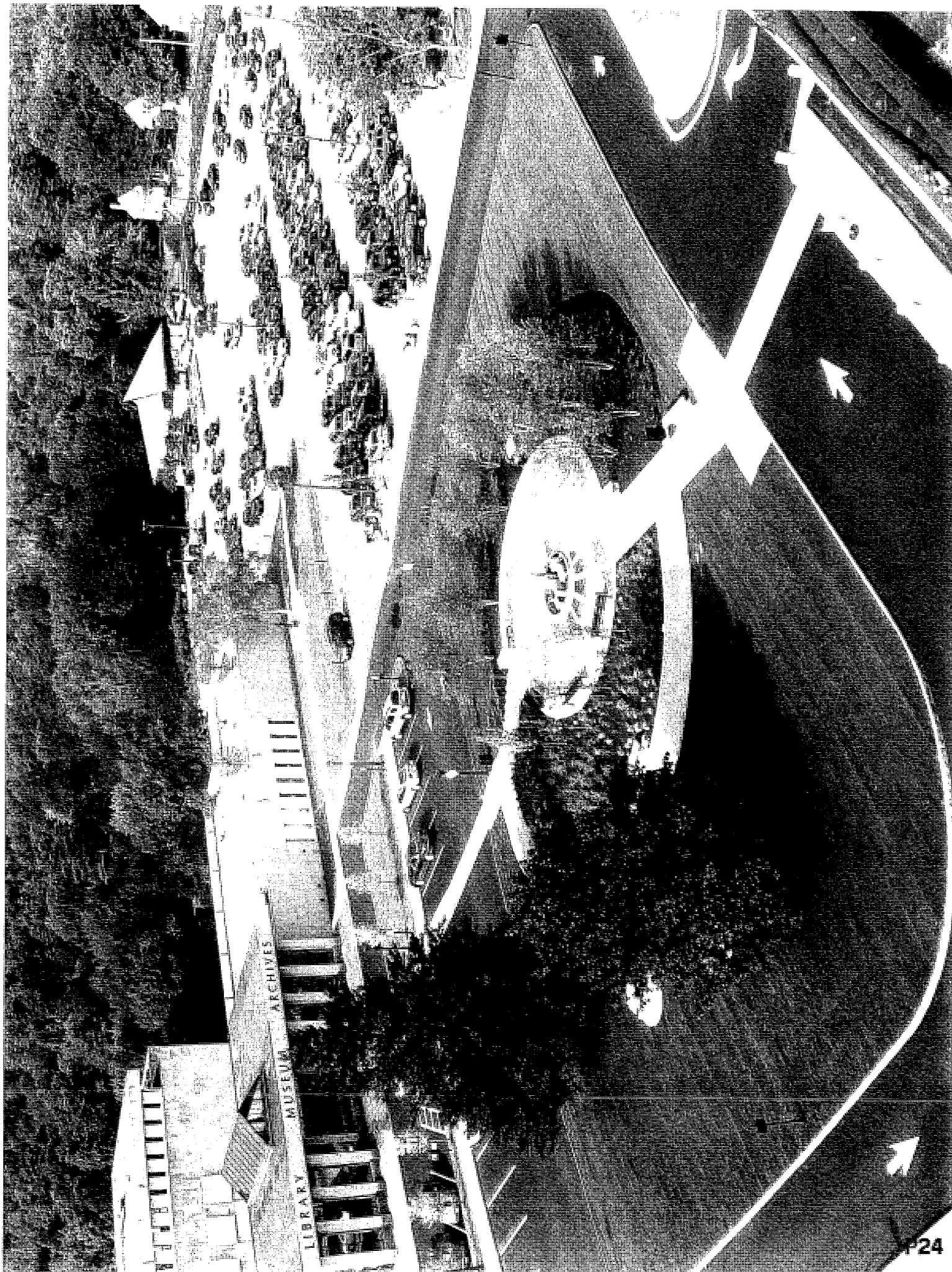
Richard Burt Architects, Damariscotta

Construction Firms

Jorgensen Landscaping, Inc., Bath

Consigli Construction, Inc., Portland





Maine Citizen Trade Policy Commission



Senator Margaret Rotundo, Co-Chair

Representative John Patrick, Co-Chair

STATE OF MAINE

MEMORANDUM

TO: Sen. Beth Edmonds, Chair, Legislative Council
Rep. Glenn Cummings, Vice Chair, Legislative Council

FROM: Margaret Rotundo, Senate Chair
John Patrick, House Chair
Maine Citizen Trade Policy Commission

DATE: July 16, 2008

RE: Request to carryover funds from FY 08 to FY 09

The Citizen Trade Policy Commission is an ongoing study commission that was established pursuant to Public Law 2003, chapter 699, in recognition of the need to establish a state-level mechanism to appropriately assess the impact of international trade agreements on Maine's state and local laws, business environment and working conditions. Public Law 2003, chapter 699, required the Commission to issue an assessment on an annual basis and the Commission has been budgeted \$5,000 annual to conduct that assessment. In 2007, Public Law 2007, chapter 266 changed the frequency of the assessment from yearly to every two years; however, the Commission continues to receive its budget for the assessment on an annual basis. As provided by Public Law 2007, chapter 266, the Commission did not do an assessment in 2008 but must conduct its next assessment in 2009.

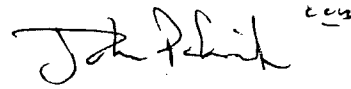
Based on the cost of prior assessments and given the Commission's next assessment must cover a two year period instead of just one, the Commission will need the FY 08 \$5,000 assessment budget carried forward and combined with its current fiscal year's budget in order to conduct a meaningful assessment in 2009. Therefore, we respectfully request that the \$5,000 assessment budget for FY 08 be carried forward and added to the Commission's FY 09 budget.

Thank you for your consideration of this matter.

Sincerely,

Handwritten signature of Margaret Rotundo in cursive, with the name "Rotundo" clearly legible and a small "cc" mark above the end of the signature.

Margaret Rotundo
Senate Co-Chair

Handwritten signature of John Patrick in cursive, with the name "Patrick" clearly legible and a small "cc" mark above the end of the signature.

John Patrick
House Co-Chair

cc:

David Boulter, Executive Director
Patrick Norton, Director, OPLA



UNIVERSITY OF
SOUTHERN MAINE

Muskie School of Public Service

Name of Institute or Program

P.O. Box 9300, Portland, Maine 04104-9300
(207) 780-4480, FAX (207) 780-4549, TTY (207) 780-5646
www.muskie.usm.maine.edu

Report to Legislative Council Update of 2002 Feasibility Study for a Single-payor Health Plan

Between July 14, 2008 and August 6, 2008, I explored both national and local funding prospects for financing an update of the 2002 Maine Health Security Board model of the impact of a single payer health care system on the State of Maine. My efforts included telephone conversations and, in a few instances, email correspondence with representatives of Foundations that include health system improvement and/ or health betterment of populations among their funding priorities. In addition to these direct queries, I used the internet and had conversations with several Maine health reform advocates to try to identify potential funding sources unknown to me. In total, I contacted 12 organizations.

As a result of these inquiries, I identified one foundation that invited a proposal for the project – the Davis Family Foundation in Falmouth, Maine. The foundation staff representative stipulated that the applicant must be a 501(c)3 organization and further, that she had no indication of how the Foundation board would respond to the proposal. Although one final response is still outstanding, to date, no other foundations have been identified that would invite a full project proposal or who would consider providing funding for this study. The details of my contacts are provided below.

Agreed to review a proposal

The Davis Family Foundation
4 Fundy Road
Falmouth, ME 04105 **Phone:** (207) 781-5504
info@davisfoundations.org

Review cycles:

August 10
November 10
February 10
May 10

Funding decisions within a week of submission deadline
Funding commencement within a month of notification

Application materials appended

Declined to consider a proposal

Wendy Wolf

President, Maine Health Access Foundation (MeHAF)

Dr. Wolf was unwilling to consider a proposal for funding an update of the 2002 Feasibility Study for a Single-payor health plan. She stated that MeHAF is committed to providing support to priorities identified in the Maine State Health Plan and that she did not view an update of the Mathematica study as developing an outcome that would be "actionable" in terms of policy development in Maine.

Enrique Martinez-Vidal

State Coverage Initiatives of the Robert Wood Johnson Foundation

Agreed to take the idea to Robert Wood Johnson Foundation staff.

Later, recontacted me to ask about extent of support in the administration and legislature. No definitive answer yet received.

Cathy Schoen

Vice-President Commonwealth Fund

Stated that the Foundation could not commit to that level of funding for a single state initiative.

Meredith Jones

Maine Community Foundation

Donors generally not interested in funding policy initiatives and unlikely to consider a policy initiative from the legislature when the legislature was unwilling to provide funding.

Charlie Bernstein

Affiliation: Maine Initiatives

Date: July 23, 2008

Mr. Bernstein indicated that the Maine Initiatives Foundation limits grants to grass roots organizations so a request for support of the proposed study falls outside the scope of the Foundation's mission.

Lisa Miller

Affiliation: Bingham Program

Could not do more than \$5000 and next review cycle is not until October. Recontact if possibility of "patching together" different funding sources looks like a possibility.

Nancy Brain

Sam L. Cohen Foundation

York, Maine

The project falls marginally within the Foundation's focus areas. However, next round of review for funding proposals is spring, 2009.

Jay Espy
Elmina Sewall Foundation
Brunswick, Maine

To date, have not accepted unsolicited funding proposals. The Board is currently in strategic planning process to determine funding priorities and proposal review process. Consideration of specific grant requests will not start before spring 2009.

Gordon Smith
Maine Medical Association

As an association, MMA does not support single payer, so not likely to fund study. In addition, plan to support referendum effort to defeat "people's veto" of Dirigo funding. See this as a higher priority, right now.

The Betterment Fund
Email query – answer outstanding

Neil Rolde
Out of state until August 28th.

Also investigated:

Jane's Trust
Will not fund efforts to influence legislation (per website)

Contacts for information gathering and suggested funding sources:

Kenneth Spirer, Board Chairman, Maine Community Foundation
Christopher St. John, Maine Center for Economic Policy
Joe Ditre, Consumers for Affordable Health Care

Respectfully submitted by:
Beth Kilbreth
Associate Research Professor
Muskie School of Public Service
University of Southern Maine
96 Falmouth Street
PO Box 9300
Portland, ME 04104-9300
bethk@usm.maine.edu



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

July 31, 2008

Mr. Alan V. Sokolow
Director, Eastern Office
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005

Dear Mr. Sokolow:

We are pleased to nominate Senator Philip L. Bartlett, II and Representative Nancy E. Smith to serve as co-vice chairs of the Council of State Government's Eastern Regional Conference (CSG/ERC) for the year 2009.

We are confident they will be outstanding members of CSG's leadership team. Should a conflict arise, or if we can be of assistance, please do not hesitate to contact us.

Sincerely,

Beth Edmonds
Chair, Legislative Council
President of the Senate

Glenn Cummings
Vice-chair, Legislative Council
Speaker of the House

Cc: David Boulter, Executive Director
Senator Philip Bartlett, II
Representative Nancy E. Smith

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Legislative Council Members

From: Dave Boulter, Executive Director
Legislative Council

Date: September 17, 2008

Re: Legislator Orientation Activities for 124th Legislature

As part of the planning process for the incoming legislature, the outgoing Legislative Council organizes and holds various orientation activities for newly elected and returning legislators. Historically, these activities have included the following:

1. New Member Orientation – a 1- or 2-day orientation for newly elected members to provide an overview of the legislature, its processes and its facilities. This session is held in November, sometime between the week following the general election and Thanksgiving.
2. Pre-Legislative Conference – a 4-day orientation and session preparation for newly elected and returning legislators. The conference is held during the week in which members are sworn into office (first Wednesday in December). Monday of that week is typically reserved for newly elected members as a continuation of the November orientation session, with a dinner held for new members and the Legislative Council that evening.

Tuesday is orientation for all members and includes a statutorily-required session on legislative ethics and legislators' training requirements under the Freedom of Access laws. In the evening there is a large banquet for the members and invited guests, totaling 600 or more people.

Wednesday is the day members are sworn into office and the new legislature convenes.

Thursday has been devoted to a variety of pre-session activities; in recent years, a forum on a policy topic of interest has been held.

3. Committee Chairs Orientation – a 1- or 2-day session devoted to topics of interest for committee chairs (and usually minority party leads), including committee processes, staff roles and duties, and running hearings and work sessions. This orientation is typically held in early January.
4. Legislative Policy Forums – 1-day or partial day forum on policy topics, such as health care, education, energy, taxation or economic development. Experts from outside the Legislature and state government are often presenters. The Maine Development Foundation and the University of Maine System's policy schools have organized policy forums in the past.
5. Economic Development Bus Tours – While not formally part of the Legislative Council's orientation programs, the Legislative Council has supported the bus tours for many years that have been organized, sponsored and funded by the Maine Development Foundation. MDF conducts two tours for all legislators (attendance varies but often is 60-80), a northern Maine tour and a southern Maine tour, each lasting 2-3 days (Wednesday through Friday). During the regional tours, members visit area businesses or institutions to tour facilities and discuss issues. The tours are held in January, and the Legislative Council has tentatively set aside January 7-9 and January 21-23 as days for the bus tours in 2009.

While each of the orientation sessions has followed a similar format and agenda as for past orientation programs, the Legislative Council is free to tailor the ones for the 124th Legislature to its own preferences and perceived needs of the incoming legislature. Toward that end, I recommend that a small subcommittee (2-4) of the Legislative Council be established to provide guidance on the scheduling and content of the orientation programs. Such a subcommittee need not meet often but should meet soon to provide guidance as legislative staff prepare schedules and program materials.

Attached are the programs for New Member Orientation and the Pre-Legislative Conference for the 123rd Legislature as well as a pre-session planning calendar for the 124th Legislature.

If you have any questions, please let me know. Thank you.

Attachments (3)

November 2008						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4 Election Day	5	6	7	8
9	10	11 Veterans Day Holiday	12 New Member Orientation (?)	Democratic Caucus 10:00 A.M.	14 New Member Orientation (?)	15
16	17	18	19 Legislative Council Meeting 1:00 P.M.	20 New Member Orientation (?)	21 New Member Orientation (?)	22
23	24	25	26	27 Thanksgiving Holiday	28 Thanksgiving Friday Holiday	29
30						

December 2008

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Pre-Legislative Conference	2 Pre-Legislative Conference	3 Pre-Legislative Conference (swearing in)	4 Legislative Council Meeting (tentative) Pre-Legislative Conference (Policy Forum on Energy)	5 Pre-Legislative Conference (optional day)	6
7	8	9	10	11	12	13
14	15	16	17	18 Legislative Council Meeting (tentative)	19 Historic Bill Filing Cloture Date (4:00 P.M.)	20
21	22	23	24	25 Christmas Holiday	26	27
28	29	30	31			

January 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 New Years Holiday	2	3
4	5 Joint Standing Committees convene this week Committee Chairs Orientation (?)	6 Committee Chairs Orientation (?)	7 MDF Bus Tour ← Legislature Returns (?)	8 MDF Bus Tour (Northern Maine)	9 MDF Bus Tour →	10
11	12 Committee Chairs Orientation (?)	13 Committee Chairs Orientation (?)	14	15	16 Anticipated Bill Filing Cloture Date (under JR) All day Symposium on Higher Education (ACC)	17
18	19 Martin Luther King Holiday	20	21 MDF Bus Tour ←	22 MDF Bus Tour (Southern Maine)	23 MDF Bus Tour →	24
25	26	27	28	29	30 Health Care Policy Forum (ACC)	31



REVISED

123rd Maine Legislature Orientation for New Members

Agenda & Schedule

Thursday, November 16, 2006
8:30 a.m. – 5:00 p.m.

Maine State House
Augusta, Maine

1. Registration and Continental Breakfast (3rd Floor Rotunda) 8:30 AM - 9:00AM
2. Welcome and Opening Remarks (House Chamber) 9:00 AM - 9:30 AM

Speakers: The Honorable John Richardson, Speaker of the House, Chair, Legislative Council
The Honorable Carol Weston, Assistant Senate Minority Leader

- Topic: *The Legislative Role in a Democracy: Constitutional Checks and Balances*

Break 9:30 AM - 9:45 AM

MORNING ORIENTATION SESSIONS

3. Introduction to Chamber Offices and Services (Room 228) 9:45 AM - 10:15 AM

Speakers: Millie MacFarland, Clerk of the House
Joy O'Brien, Secretary of the Senate
Ron Wheelock, Sergeant-at-Arms, House of Representatives

4. Introduction to Caucus Offices and Services (Room 228) 10:15 AM – 10:45 AM

- Speakers: Chiefs of Staff / Caucus Staff

Break 10:45 AM – 11:00 AM

5. Making Your Way Around the State House (Room 228) 11:00 AM - 11:30 AM

- Introduction to Security Services and Procedures: (Chief Russell Gauvin)
- Photo ID and Building Access Cards

6. Tour of State House and Legislative Floor of Cross Building 11:30 AM - 12:00 PM

7. Lunch and Video Presentation (Cross Café) 12:00 PM – 1:15 PM

Video: *Person-to-Person: Legislating Maine*
(Introductory Remarks by the Honorable Glenn Cummings, House Majority Leader)

Break 1:15 PM – 1:30 PM

123rd Maine Legislature Orientation for New Members

Agenda & Schedule *(continued)*

AFTERNOON ORIENTATION SESSIONS

8. Introduction to Nonpartisan Offices and Services
and Overview of Committees (Room 208, Cross Building) 1:30 PM – 2:15 PM
- Staff Offices
 - Computer & Email Services
 - Bill Status Information
 - Overview of Committee Structure & Jurisdiction
9. Pay and Paperwork: Legislators' Compensation and Benefits 2:15 PM - 3:15 PM
(Room 208, Cross Building)
- Break 3:15 PM – 3:30 PM
10. The Basics on Bills: How to File Legislation; Cloture Date 3:30 PM – 4:45 PM
(Room 208, Cross Building)
11. Wrap-up 4:45 PM – 5:00 PM
(Room 208, Cross Building)

Legislator photographs for security building access security cards (Welcome Center)

~~Stop by anytime during the day. Requires only about 5 minutes.~~



New Member Orientation is sponsored by
the Legislative Council of the 122nd Legislature

Speaker John Richardson, Chair
President Beth Edmonds, Vice-Chair
Senator Michael Brennan
Senator Paul T. Davis, Sr.
Senator Kenneth T. Gagnon

Senator Carol Weston
Representative Glenn A. Cummings
Representative David E. Bowles
Representative Robert W. Duplessie
Representative Joshua A. Tardy

Thursday, December 7, 2006



8:30 a.m. - 1:30 p.m.

Legislative Policy Forum on Economic Development

Sponsored by the Policy Leaders Academy, Maine Development Foundation

Location: St. Paul's Center
136 State Street
Augusta, Maine

Moderator: Laurie Lachance, President
Maine Development Foundation

Presenters: To be announced

Lunch will be provided.

Pre-Legislative Conference Concludes

PRE - LEGISLATIVE CONFERENCE

The Pre-Legislative Conference is designed to acquaint new legislators and reacquaint reelected legislators with the key aspects of the legislative process and with the staff services and other resources available to assist legislators in carrying out their Constitutional and statutory responsibilities.

The 2006 Pre-Legislative Conference is sponsored by the Maine Legislative Council and is organized and staffed by legislative agency personnel. The cost of the conference is paid for by legislative appropriation.

**Legislative Council
of the 122nd Legislature**

Speaker of the House John Richardson, Chair
President of the Senate Beth Edmonds, Vice-chair

SENATORS

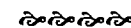
Michael F. Brennan
Paul T. Davis, Sr.
Kenneth T. Gagnon
Carol Weston

REPRESENTATIVES

Glenn A. Cummings
David E. Bowles
Robert W. Duplessie
Joshua A. Tardy



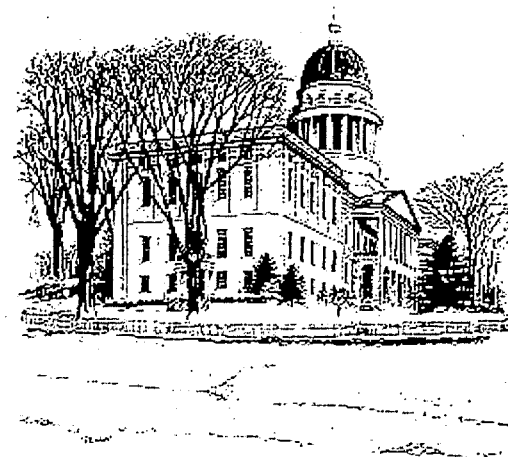
Maine State Legislature



123rd Maine Legislature

**PRE-LEGISLATIVE CONFERENCE
& CONVENING OF THE LEGISLATURE**

December 4th - December 7th, 2006



*Sponsored by the Legislative Council of the
122nd Maine Legislature*

Monday, December 4th



Pre-Legislative Conference for New Members

10:00 a.m. – 10:30 a.m.

Registration *Third Floor Rotunda*

10:30 a.m. – 12:00 noon

Beyond the Election: Connecting to the Public

Room 228, State House

A seminar to help lawmakers communicate effectively with their constituents & enhance public understanding of representative democracy

Presenter: Gene Rose, National Conference of State Legislatures

12:00 noon – 1:30 p.m.

Meeting with Leadership Offices & Box Lunch

Topic: Constituent & Other Caucus Services, and New Member Mentoring

Republicans: *Room 334, State House*
Democrats: *Room 228, State House*
Unenrolled: *Room 127, State House*

1:30 p.m. – 1:45 p.m.

Break

1:45 p.m. – 3:00 p.m.

State Budgets & Budgeting: An Overview

Presenter: Grant T. Pennoyer, *Director*
Office of Fiscal & Program Review *Room 228, State House*

3:00 p.m. – 3:15 p.m.

Break

3:15 p.m. – 4:45 p.m.

Mock House Sessions for Representatives *House Chamber*

Millicent M. MacFarland, Clerk of the House

Chamber Orientation for Senators *Senate Chamber*

Joy O'Brien, Secretary of the Senate

6:00 p.m.

Legislative Reception for New Members

Hosted by the Legislative Council *Senator Inn, State Room*
of the 122nd Legislature

Cash Bar 6:00 – 6:45 p.m.

Buffet Dinner 6:45 – 8:30 p.m.

Tuesday, December 5th



Orientation for All Members

8:30 a.m. – 9:30 a.m.

Registration *Third Floor Rotunda*

9:30 a.m.

Welcome and Opening Remarks *House Chamber*

Honorable John Richardson, Speaker of the House &

Chair, Legislative Council

Honorable Beth Edmonds, President of the Senate &

Vice-Chair, Legislative Council

9:45 a.m. – 12 noon

Joint Senate & House Democratic Caucus *House Chamber*

Joint Senate & House Republican Caucus *Senate Chamber*

12:00 noon – 1:00 p.m.

Box Luncheon *Hall of Flags*

1:00 p.m. – 1:15 p.m.

Break

1:15 p.m. – 2:30 p.m.

Seminar on Legislative Ethics;

The Law & Legislators' Responsibilities *House Chamber*

Attendance Mandatory (1 MRSA §1008)

Presenters: G. Steven Rowe, Attorney General of Maine

Andrew Ketterer, Member, Commission on

Governmental Ethics & Election Practices

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 4:00 p.m.

Seminar: 2007 Economic Outlook & Key Indicators

Presenter: Laurie Lachance, President, Maine

Development Foundation *House Chamber*

4:00 p.m. – 5:00 p.m. (optional)

▪ Bill Filing Assistance *Room 228, State House*

▪ Law & Legislative Reference Library *Room 200, Library*

Library Tour & Overview of Services

5:30 p.m. – 9:30 p.m.

Legislative Reception & Banquet *Augusta Civic Center*

Hosted by the Legislative Council of 122nd Legislature

Wednesday, December 6th



123rd Maine Legislature Convenes

10:00 a.m.

Swearing In of Members by

Senate Chamber

The Honorable John E. Baldacci, Governor

House Chamber

Organization of the Senate and House

- Election of Presiding Officers in each Chamber
- Election of Secretary of the Senate and Assistant Secretary of the Senate
- Election of Clerk of the House of Representatives and Assistant Clerk of the House of Representatives

The Legislature Will Proceed With Orders of the Day

2:00 p.m.

Joint Convention of the 123rd Legislature *House Chamber*

Election of Secretary of State, Treasurer of State and Attorney General

4:00 p.m.

Senate Reconvenes In Session *Senate Chamber*

House of Representatives Reconvenes In Session *House Chamber*

{Legislator orientation resumes on Thursday, December 7th}



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Members of the Legislative Council
From: Jonathan Wayne, Executive Director
Date: September 12, 2008
Re: Holding Discussions of Legislative Ethics Issues

In conversations with Legislators and staff, the Ethics Commission has received some suggestions to hold discussions of legislative ethics issues during the course of the 2009 legislative session. These would be in addition to the pre-session ethics seminar that is statutorily required by 1 M.R.S.A. § 1008(3), and could be held in smaller and more informal settings (perhaps during a brown-bag lunch or breakfast). The goal would be to engage members of the Legislature on ethical issues of interest to them at a time that is less hectic than right before the start of the session.

I have spoken about these suggestions with Assistant Attorney General Phyllis Gardiner. Her office and the Ethics Commission staff would be pleased to participate in or to lead these forums if the Legislative Council has any interest. If so, we would preliminarily propose a few general topics:

Appearing before Administrative Agencies

- speaking in support of a constituent in a licensing or adjudicatory proceeding
- asking an agency to reconsider a decision that negatively affected a constituent
- representing a client or employer for compensation in a professional capacity

Accepting Travel, Honoraria, Meals, and Other Gifts

- accepting travel and honoraria to speak at an out-of-state convention
- participating in an educational dinner or in-state tour of economic activity sponsored by a Maine-based advocacy organization
- accepting samples or giveaways of modest value from trade associations

Conflicts of Interest

- influencing legislation that relates to the member's own trade or business
- participating in legislation affecting the member's spouse, employer, client, or a nonprofit corporation of which the member is an officer or director
- practical issues: sources for advice, recusal from voting

Thank you for your consideration of these ideas. Please let us know if we can be helpful in any way.




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

Memo

To: Legislative Council Members
From:  Dave Boulter, Executive Director
Dated: September 19, 2008
Re: Tentative FY 10/11 Budget

Please find attached, for your information, a tentative consolidated budget for the legislative accounts for FY 2010-2011. Rose Breton developed this tentative budget submission in consultation with the Secretary of the Senate, Clerk of the House, Legislative Council directors and the director of OPEGA. As you may recall, Maine law requires that the Governor prepare a budget for State Government for the upcoming biennium and this submission fulfills the Legislature's obligation to submit its tentative budget request.

I want to emphasize that this tentative legislative budget reflects an estimate of what it will cost to operate the Legislative Branch over the next biennium. In accordance with law (copy attached), this office will forward the Legislature's budget to the Bureau of the Budget in a consolidated budget format this month. No action by the Legislative Council is required at this time.

As you review this tentative budget, you will see that this budget reflects an overall increase over the current biennium. The vast majority of the increase is in Personal Services and is primarily due to the statutory COLAs on legislator salaries, the award of COLAs to employees during the past two years, as well as projected increases in health and dental insurances and Retirement System costs, all of which are externally driven. The increase in the proposed All Other budget for all legislative programs is less than half of one percent, much less than the most recent CPI.

The Legislative Council is authorized to review the tentative consolidated budget submission, revising, increasing or decreasing the items as it deems appropriate, and forward its changes and decisions to the Appropriations and Financial Affairs Committee at the appropriate time. In the past the incoming Legislative Council has formed a subcommittee of the council to conduct a detailed review of the tentative budget submission and make recommendations to the full Legislative Council for decision. During the last biennium, the (then) incoming Legislative Council formed a budget subcommittee that reviewed the budget in late February of 2007 and recommended approval of the legislative budget to the Legislative Council. The Budget Subcommittee also met a number of times to consider various options for budget savings in legislative accounts and recommended a number of budget adjustments, which were later approved by the Legislative Council.

Rose and I will be happy to elaborate on any aspect of the tentative budget at the Legislative Council meeting.

Attachments

G:\Council\123rd Legislative Council\Budget cover memo FY 10-11 budget.doc

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115
TELEPHONE 207-287-1615 FAX: 207-287-1621

**Title 3: LEGISLATURE
Chapter 7: LEGISLATIVE COUNCIL
Subchapter 1: GENERAL PROVISIONS**

§162. Authority

The Legislative Council shall have the authority:

1. Legislative budgets. To prepare and approve all legislative budgets;



1-A. Budget requests. To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission;

1-B. Office of Program Evaluation and Government Accountability budget. To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability.

2. Legislative employee salary and benefit schedules. To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided;

3. Joint committees. When the Legislature is not in session, to assign bills, resolves and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them;

**PROPOSED TENTATIVE LEGISLATIVE BUDGET
2010-2011 BIENNIUM
OVERVIEW**

The tentative 2010-2011 budget for all legislative programs has been prepared by the Executive Director's Office in consultation with the other offices of the Legislature. It is based on and fully funds currently authorized positions for all legislative offices, including the Law and Legislative Reference Library and the Office of Program Evaluation and Government Accountability. It also incorporates estimated increases in benefit costs as projected by the State Budget Office for fiscal years 2010 and 2011.

While All Other budgets are to be flat funded based on FY 09 funding in accordance with the Biennial Budget Instructions issued by the Bureau of the Budget (baseline budgeting approach), this proposed tentative budget does reflect the costs of continuing existing levels of service, taking into consideration the difference in expenses between the First and Second Regular Sessions of the Legislature. Increases have been projected for All Other in certain expenditure categories based on projected operational needs and expenditure patterns, however, the overall increase in the All Other line category has been kept to a minimum through other proposed spending reductions. These adjustments align the budget more closely with actual needs and operational expenses.

The Capital request will support routine replacement of computer-related equipment.

g:\budget\2010-2011\Br1011.xls									
9/18/2008									
FY 2010-2011 SUMMARY OF TENTATIVE BIENNIAL BUDGET FOR THE LEGISLATURE-GENERAL FUND									
	FISCAL YEAR 2006	FISCAL YEAR 2007	TOTAL FY 06/07	FISCAL YEAR 2008	FISCAL YEAR 2009	2008-2009	FISCAL YEAR 2010	FISCAL YEAR 2011	2010-2011
ACCOUNT	Final Appropriation	Final Appropriation	BIENNIUM	Final Appropriation	Adj. Appropriation	Biennial Budget	Proposed Request	Proposed Request	Biennial Request
(col. 1)	(col. 5)	(col. 6)	(col. 7)	(col. 8)	(col. 9)	(col. 10)	(col. 8)	(col. 9)	(col. 10)
Legislative Account									
Personal Services	17,509,293	18,842,815	36,352,108	18,849,857	20,438,751	39,288,608	20,389,827	22,088,193	42,478,020
All Other	4,342,700	4,719,649	9,062,349	4,499,047	4,825,342	9,324,389	4,436,238	4,974,373	9,410,611
Capital	30,000	30,000	60,000	30,000	30,000	60,000	30,000	30,000	60,000
Total Legislative Account	21,881,993	23,592,464	45,474,457	23,378,904	25,294,093	48,672,997	24,856,065	27,092,566	51,948,631
Annual % Change		7.817%		-0.905%	8.192%		-1.732%	8.998%	
Biennium % Change						7.034%			6.730%
Comm on Interstate Cooperation									
All Other	172,668	172,668	345,336	206,120	218,998	425,118	226,815	235,057	461,872
Annual % Change		0.000%		19.374%	6.248%		3.569%	3.634%	
Biennium % Change						23.103%			8.646%
Comm on Uniform State Laws									
All Other	12,000	12,000	24,000	12,000	12,000	24,000	12,000	12,000	24,000
Annual % Change		0.000%		0.000%	0.000%		0.000%	0.000%	
Biennium % Change						0.000%			0.000%
State House & Capitol Park Comm									
All Other	67,834	67,834	135,668	67,834	67,834	135,668	67,834	67,834	135,668
Annual % Change		0.000%		0.000%	0.000%		0.000%	0.000%	
Biennium % Change						0.000%			0.000%
Misc Studies-Legislative									
Personal Services	11,250	7,890	19,140	16,530	7,450	23,980	7,450	7,450	14,900
All Other	18,750	16,100	34,850	24,300	12,550	36,850	12,550	12,550	25,100
Total Misc Studies	30,000	23,990	53,990	40,830	20,000	60,830	20,000	20,000	40,000
Annual % Change		-20.033%		70.196%	-51.016%		0.000%	0.000%	
Biennium % Change						12.669%			-34.243%
LEG. ACCTS SUMMARY:									
PERSONAL SERVICES	17,520,543	18,850,705	36,371,248	18,866,387	20,446,201	39,312,588	20,397,277	22,095,643	42,492,920
ALL OTHER	4,613,952	4,988,251	9,602,203	4,809,301	5,136,724	9,946,025	4,755,437	5,301,814	10,057,251
CAPITAL	30,000	30,000	60,000	30,000	30,000	60,000	30,000	30,000	60,000
TOTAL SUMMARY	22,164,495	23,868,956	46,033,451	23,705,688	25,612,925	49,318,613	25,182,714	27,427,457	52,610,171
Annual % Change		7.690%		-0.684%	8.045%		-1.680%	8.914%	
Biennium % Change						7.136%			6.674%

[illegible][illegible]