

# 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**  
**October 22, 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 SEPTEMBER 24, 2008 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>12</b>	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
<b>13</b>	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
<b>18</b>	▪ Information Services Report (Mr. Mayotte)	<b>Information</b>
<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) (No Report)	
	• <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**

**Item #1: Council Actions Taken By Ballot (No Action Required)**  
No Action Taken

## **NEW BUSINESS**

- |           |   |                    |
|-----------|---|--------------------|
| <b>20</b> | <b>Item #1: Letter from State YMCA of Maine regarding Youth in Government program date for 2009</b>   | <b>Information</b> |
|           | <b>Item #2: Draft Study Report by OPLA: A Study of Laws in Other States That Permit the Dissemination of Confidential Information Pertaining to Teacher Certification</b> (Separate Handout)<br>(Patrick Norton, Director, OPLA)) | <b>Information</b> |
| <b>21</b> | <b>Item #3: Update on OPEGA Projects and Initiatives</b><br>(Beth Ashcroft, Director, OPEGA)  | <b>Information</b> |
| <b>24</b> | <b>Item #4: Proposed Fee Schedule for Legislative Documents for First Regular Session of the 124<sup>th</sup> Legislature</b> (New Item not on the Preliminary Agenda)<br>(Clerk of the House Millicent MacFarland)               | <b>Decision</b>    |
| <b>27</b> | <b>Item #5: Final Report Of The Joint Select Committee on Health and Human Services Review of the Fund for a Healthy Maine</b> (Separate Handout)   | <b>Acceptance</b>  |
| <b>28</b> | <b>Item #6: Annual Report of the Citizen Trade Policy Commission</b><br>(New Item not on the Preliminary Agenda) (Separate Handout)   | <b>Acceptance</b>  |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**



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CHAIR

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REP. ROBERT H. CROSTHWAITE

**MEETING SUMMARY  
SEPTEMBER 24, 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. Carol Weston, Sen. Richard Rosen, Absent: Sen. John Martin

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth, Rep. Robert Crosthwaite, Absent: Rep. Joshua Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate  
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 1:17 P.M. with a quorum of members present.

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

**Executive Director's Report**

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

- YMCA Camp of Maine's Youth in Government Program  
Mr. Boulter continues 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.
- 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.
- 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.
- 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.

Legislative Council Chair President Edmonds then proceeded to the Summary of July 30, 2008 meeting of the Legislative Council. Senator Weston stated that discussion of some items at the July meeting had not been concluded and she wanted to complete those discussions. President Edmonds recommended discussing those items later in the meeting.

#### **SUMMARY OF JULY 30, 2008 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of July 30, 2008 be accepted and placed on file. Motion by Senator Weston. Second by Representative Crosthwaite. **Motion passed unanimous (8-0).** [Senator Martin and Representative Tardy absent]

#### **Fiscal Report**

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

## 1.Revenue Update

**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 revenue for 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. Growth for the first 2 months of FY 2009 was 5.5% above that 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 by the \$17.8 million negative variance in August, resulting in a \$9.6 million negative variance for the first 2 months of FY2009. Roughly half of the negative variance was related to the Circuitbreaker Program tax and rent refunds payments exceeding projections. Representative Pingree asked if the negative variance was due to the Circuitbreaker expenses being paid out for the last fiscal year's or for the current year's program. Mr. Pennoyer agreed to research and report back on his findings.

**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

- 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.
- 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.

### 3. Cash Balances Update

<b>Summary of Treasurer's Cash Pool</b>		
<b>August Average Daily Balances</b>		
<b>Millions of \$'s</b>		
	<b>2007</b>	<b>2008</b>
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
<b>Total Cash Pool</b>	<b>\$644.5</b>	<b>\$467.9</b>

- 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 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.

Senator Rosen asked Mr. Pennoyer to explain why the Executive Branch estimates relating to the Dirigo Health Fund that were made to the Legislature last session were so inaccurate. He noted that the Governor's Office of Health Policy and the Dirigo Board consistently maintained during the last legislative session that the program would have sufficient cash to maintain the program through Spring 2009. In fact, a review of the account reveals that the fund had a negative cash balance as early as partway through the last fiscal year (November 2007).

Mr. Pennoyer reported that he had met briefly with the executive director of Dirigo Health and director of the Governor's Office of Health Policy and Finance, Trish Riley, and they acknowledged they had been aware of the negative cash position by the first half of November 2007. Mr. Pennoyer noted that his office had been told by Executive Branch officials that the financial position of the Dirigo Health program was a "looming" but not imminent problem.

Senator Rosen asked if the Legislature or OFPR had been receiving information sufficiently clear and detailed enough to have anticipated this financial problem.

Mr. Pennoyer said that his office had accepted the representations made by the program officials that it was a future problem. Had his office realized the program was out of money by November 2007, he would have brought it to the Legislative Council's attention. He stated that the State Controller is now planning to retroactively adjust entries to show appropriate internal borrowing so the fund was technically in balance by the end of FY08.

President Edmonds asked Mr. Pennoyer to report back to the Legislative Council before the next council meeting with any new information.

Senator Weston asked when the transfer began. Mr. Pennoyer reported that the borrowing from the cash pool to support the Dirigo program began in November, 2007.

Speaker Cummings asked Mr. Pennoyer to elaborate on the cash withdrawals relating to the State Health Insurance program (\$110 million) and the University of Maine (\$34 million). Mr. Pennoyer explained that a legislative change to Retiree Health authorized the Maine Public Employees Retirement System to invest funds to earn a higher rate of return rather than invest them with other funds in the cash pool investment vehicles that earn a lower rate of return. The hope is to earn a much higher rate of return and, therefore, significantly reduce the unfunded liability.

The University System typically had invested a substantial amount of cash, some \$40-\$50 million, in the cash pool. In the past, independent agencies were allowed to keep money earned on the "float" balances, thus receiving an enhanced rate of return. That policy ended. In response, the University System removed money from the cash pool to invest it in other investment vehicles to earn a better rate of return.

Senator Mitchell asked whether the Legislature should put measures in place in order to enhance checks and balances and receive better reporting of financial information so the Legislature does not learn of significant changes in financial conditions of accounts (e.g., information known by the Executive Branch) some nine or ten months after the changes first occurred. She questioned how this late disclosure (or discovery) of the Dirigo funds status could have occurred without the Appropriations Committee having been informed immediately.

Mr. Pennoyer said that the transition to the State's new accounting system has been challenging. As a result, his office has not been able to easily and independently access financial data as with the former system. The State Controller's office has been working to improve the system and querying capability. Mr. Boulter noted that timely receipt of information requested by OFPR has been a chronic problem, some causes of which is technical, some of which is not. Currently, OFPR has limited information available to it to conduct thorough, timely analysis to obtain accurate, timely information. OFPR needs to have access to all financial systems of the state, and receive timely responses to its requests for information.

Senator Mitchell expressed her desire that for the Legislature to be as strong a branch of government as possible, it must have access to the most current information so as to make informed decisions.

Senator Weston then inquired about the Treasurer's Mainsail investment and whether the state had received the \$20 million from Merrill Lynch. Mr. Pennoyer replied that the State Treasurer reported that he had received the money.



Representative Pingree asked if there were concerns about state investments given the current financial markets. Mr. Pennoyer said that he did not foresee concerns for the cash pool, since the state has invested more in treasury bills and similar conservative investment vehicles. Of greater concern are investments made by the Maine PERS or other independent state agencies.

### Information Technology Report

1. Post-Session Updates  
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.
2. WANG System Phase-out  
Work to phase-out the WANG is on track. Several tasks have been completed.
3. 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.
4. 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 as server virtualization. The office is in the process of moving the functions currently performed on ten old servers to two new servers.

### Status of Legislative Studies

Patrick Norton, Director, Office of Policy and Legal Analysis, drew the Legislative Council Members' attention to the Summary of the Status of Studies found in the packet. The summary now includes more useful information on the status including, *Meetings Held to Date* and *Next Meeting Date* made in response to a suggestion from Senator Mitchell. Mr. Norton also reported that the *Commission to Study Long-Term Home-Based and Community-Based Care* received the required outside funding and has held its first meeting, and the *Citizen Trade Policy Commission* meeting scheduled for October 8, 2008 had been cancelled with an alternate date to be set in the near future.

### REPORTS FROM COUNCIL COMMITTEES

#### 1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on September 24, 2008 and considered two items:

1. The committee voted unanimously to approve temporary disability income benefits to a member of the Revisor's office, consistent with criteria established in the Legislative Council's personnel policies. No Legislative Council action was required.
2. The Personnel Committee intends to finalize the revised *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* employees at its next meeting. No Legislative Council action was required.

**2. State House Facilities Committee**

(No Report)

Representative Pingree mentioned that due to the lack of a quorum, the September 17<sup>th</sup> meeting of the State House Facilities Committee was rescheduled to October 15<sup>th</sup> at 10:30 A.M. in the Legislative Council Chambers.

**3. Budget Subcommittee**

(No Report)

**4. Subcommittee to Administer Technology**

(No Report)

**OLD BUSINESS**

A copy of a list of actions taken by ballot by the Legislative Council since its July 30, 2008 meeting was attached. No further action by the Legislative Council was required.

There was no other Old Business.

**NEW BUSINESS**

**ITEM #1: State House Common Project Completion  
(Recognition of Architects & Construction Firms)**

Construction firms that designed and constructed the State House Common were recognized for their work. Executive Director Boulter introduced each firm, and summarized their involvement.

The team of Terrence J. DeWan & Associates Landscape Architects from Yarmouth and Richard Burt Architects, Damariscotta did an excellent job bringing symmetry and symbolism to the project that enhances the appearance of the State House grounds while maintaining functionality. Those present were Keith Smith and Sarah Marshall from Terrence J. DeWan & Associates and Richard Burt from Richard Burt Architects (Terry DeWan was unavailable).

Constructions firms recognized were Consigli Construction Inc., from Portland and Jorgensen Landscaping, Inc, from Bath. Mr. Boulter mentioned the excellent work ethic which is evident when looking at the State House Common. The construction crews worked long hours and weekends to complete the project on time which spoke of their work ethic, dedication and quality of work. Michael Desmond and David Thomas from Consigli were present. (Matthew Cyr was unable to attend, as were Mark Jorgensen and David Brodeur from Jorgensen Landscaping, Inc.)

President Edmonds presented the firms with a Special Legislative Sentiment acknowledging the work of each of the firms and expressing the Legislature's gratitude.

Executive Director Boulter also acknowledged the contributions of Facility Support Staff Howard Boucher of the Office of the Executive Director who was instrumental in working with the various firms to represent the Owner's interest and coordinated various activities. In addition, Mr. Boucher coordinated the ordering, delivery and setup of various features including, benches, tables, water receptacles and signage. On behalf of the entire Legislative Council, President Edmonds extended her appreciation for Mr. Boucher's contributions and for the great care Mr. Boucher takes in maintaining the State House.

**ITEM #2: Request for Citizen Trade Policy Commission to Carryover Funds from FY 08 to FY 09**

**Motion:** That the Legislative Council accept the request of the Citizen Trade Policy Commission to carryover funds from FY08 to FY09. Motion by Representative Pingree. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Senator Martin and Representative Tardy absent]

**ITEM #3: Update of 2002 Feasibility Study for a Single-Payor Health Plan Results of Funding Search**

Mr. Norton reported that Ms. Elizabeth Kilbreth, Muskie School of Public Service was unsuccessful in securing funds for the Single-Payor Health Plan Study. She had contacted numerous grant-making organizations seeking their financial support but all organizations declined to provide any funds.

**ITEM #4: Nomination of Senator Bartlett and Representative Smith to serve as co-vice chairs of the Council of State Government Eastern Regional Conference for 2009**

The Chair and Vice-chair of the Legislative Council sent a letter to Council of State Government Eastern Regional Conference (CSG-ERC) nominating Senator Philip Bartlett and Representative Nancy Smith to serve as co-vice chairs of the CSG-ERC Conference for 2009. At the CSG-ERC meeting in Atlantic City this summer, they were voted in as Chair and Vice-Chair. No action was required from the Legislative Council.

**ITEM #5: Legislative Council's Orientation Programs and Schedule for 124<sup>th</sup> 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 include, New Member Orientation and a Pre-Legislative Conference.

The New Member Orientation is a 1-2 day orientation for newly elected members to provide an overview of the Legislature. The Pre-Legislative Conference is a 4-day orientation for newly elected and returning legislators. Other orientation programs sponsored by or authorized by the Legislative Council includes, committee chairs orientation, legislative policy forums, and the economic development bus tours conducted by the Maine Development Foundation.

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 124<sup>th</sup> Legislature to its own preferences and perceived needs of the incoming legislature. Mr. Boulter recommended 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 prepares schedules and program materials. If a subcommittee is established, the council chair will appoint the subcommittee members.

Upon inquiry of Senator Rosen, Mr. Boulter clarified that the economic development bus tour, and the legislative policy forums are usually funded by the sponsoring entities, not the Legislature.

**Motion:** That the Legislative Council establish a subcommittee to provide guidance on the scheduling and content of the orientation programs for the 124<sup>th</sup> Legislature. Motion by Senator Mitchell. Second by Representative Pingree. **Motion passed unanimous (8-0).** [Senator Martin and Representative Tardy absent]

President Edmonds requested that any recommendations for appointment to the subcommittee be forwarded to her as soon as possible.

**ITEM #6: Letter from Commission on Governmental Ethics and Election Practices Regarding Holding Information Sessions on Legislative Ethics**

Jonathan Wayne, Executive Director of the Ethics Commission, has offered to hold several informational sessions for legislators to discuss legislative ethics issues during the course of the first regular session of the 124<sup>th</sup> Legislature. This would be in addition to the required ethics training to be held during the Pre-Legislative Conference in December. President Edmonds recommended that this matter be referred to the subcommittee on legislative orientation programs. The other members agreed. No vote was taken on this matter.

**ITEM #7: Submission of Tentative Legislative Budget for FY 2010/2011**

Maine law requires that the Governor prepare a budget for State Government for the upcoming biennium. It also provides that the Executive Director submit a tentative budget for all legislative accounts. Executive Director Boulter explained that the budget presented in the packet is the legislative's tentative budget for FY2010 - 2011. No action by the Legislative Council is required at this time. The incoming legislature traditionally establishes a budget subcommittee to review the tentative budget and tailors it to its own requirements. Mr. Boulter pointed out that most offices did an excellent job keeping down the discretionary cost increase to a minimum, less than 0.5% increase for All Other.

No action required by the Legislative Council.

President Edmonds then proceeded to Senator Weston's request to discuss unfinished matters from the July 30, 2008 meeting, specifically ITEM #3: *Request for Update on Pilot Project for Computer Automation in House Chamber and Related Council Ballot.*

Senator Weston stated that in spite of her request of the July 30<sup>th</sup> meeting, she still had not received a copy of the contract entered into by the Speaker and International Roll-Call Corporation (IRC) for further software development that the Speaker said he would distribute. Furthermore, she said there has been no accounting of the \$65,000 transferred by council ballot to the House's technology line. She asked for an explanation of the expenditures and commitments made.

Mr. Boulter replied that he had provided Senator Weston with a copy of the contract with IRC for the "pilot project" approved by the Legislative Council. He also stated that he was not aware of any other contract, and asked Clerk of the House Millie MacFarland whether there was another contract. She replied that there was not another contract.

Senator Weston then asked Ms. MacFarland whether the money (\$65,000) had been spent without a contract and what commitments have been made toward this project. Ms. MacFarland stated that \$65,000 was authorized by Legislative Council ballot for a fund transfer for enhancing and contracting for further enhancements of House operations. She said that although she did not know the exact amount, some of the \$65,000 was for the purchase of "In Design" software to be given to the House Republican office. Senator Weston asked whether the cost of the software was approximately \$200, far less than \$65,000. Ms. MacFarland acknowledged that the software cost was minimal. She further stated that approximately \$8,000 was spent purchasing a new server, two printers and two document scanners to enhance House operations, and \$50,000 was given to IRC for further software development.

Senator Weston asked if the servers, printers and scanners were part of the paperless chamber project. Ms. MacFarland said they were related to the project, but emphasized that the House will not be seeking to purchase laptop computers. Senator Weston then asked if it was standard protocol to proceed to expend money when there was no contract with IRC. Ms. MacFarland said that she would expect that the House will not enter into a contract until the remainder of the project funding has been authorized. Senator Weston asked to see the invoice from IRC for services provided. Ms. MacFarland said she would provide a copy of the invoice to Senator Weston as soon as possible. She said that the House has not committed, in writing or orally, funds to IRC for the project.

Senator Weston reminded the Legislative Council members that the council had authorized a pilot project only, costing \$35,000, but the House evidently has spent more, and without benefit of a contract. President Edmonds commented that the council had authorized the transfer of funds beyond the \$35,000.

Senator Weston then summarized her understanding of the current expenditures: \$50,000 to IRC for further software development and the remainder of the \$65,000 for the purchase of a server, printers, and scanners. She then asked for confirmation that no more money will be expended, and that there have not been any commitments made to commit any more money. Ms. MacFarland said that was correct, but noted that the House will be seeking additional funding to complete the project, the total cost being about \$150,000. The project is fifty percent completed and Ms. MacFarland said that the House will be seeking another \$78,000. Representative Pingree stated that the decision is with the next legislature whether to approve the budget request next session.

## **ANNOUNCEMENTS AND REMARKS**

President Edmonds extended an invitation to the Legislative Council and members of the audience to a reception for Rick McCarthy her Chief of Staff, on Friday, September 26<sup>th</sup> in the President's office.

Mr. McCarthy has resigned his position with the Maine State Legislature to accept a position in the private sector.

### **ADJOURNMENT**

Motion to adjourn by Speaker Cummings. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Senator Martin and Representative Tardy absent]

The Legislative Council meeting was adjourned at 2:35 P.M.

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MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Executive Director's Report  
October 22, 2008**

1. Flu Shot Clinic  
As a reminder, there will be a flu shot clinic in the State House on Monday, October 27, 2008 for legislative employees and legislators. Signups are in the Executive Director's office.
2. Updated Staff Publications  
OFPR's summary of major state funding dispensed to municipalities and counties has been updated and is now available. For the FY ending June 30<sup>th</sup> disbursements to municipalities and counties represented nearly 40% of total General Fund revenue. OPLA has completed its update of the *Legislators' Handbook: A Guide for Maine Legislators* and it will be ready for distribution at the New Member Orientation next month.
3. Legislator Orientation Programs  
Legislative Council Chair Edmonds has appointed members to the council's subcommittee on legislative orientation. Draft program agendas will be circulated for review very shortly.
4. Progress Report on Developing Automated Time Accounting System for Employees  
Very good progress is being made developing a new system. Human Resources Director Olken will provide a brief update to the council at today's meeting.

# Fiscal Briefing

## Legislative Council Meeting

October 22, 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
September	\$296.9	\$293.0	(\$3.9)	-1.3%	\$281.5	4.1%
FYTD	\$612.1	\$602.2	(\$9.9)	-1.6%	\$596.1	1.0%

- General Fund revenue was under budget by \$3.9 million in September, resulting in a negative variance of \$9.9 million or 1.6% for the first quarter of FY 2009. First quarter revenue was 1.0% above the first quarter of FY 2008.
- The largest variance in September was the Corporate Income Tax, which was \$9.7 million under budget in September, a quarterly payment month. For the first quarter, this category has fallen \$7.8 million or 16.8% under budget and was 12.1% below the first quarter of FY 2008.
- Sales Tax revenue was also under budget in September, as expected, offsetting some of the positive variance built up in the July and August. The negative variances are expected to grow until the forecast is revised.
- The Cigarette Tax, another consumption related tax, was under budget by \$0.7 million in September and \$2.0 million or 4.6% in the first quarter of FY 2009.
- Income from Investments was above budget in September by \$1.4 million primarily related to the distribution of the reserves that had been set aside for the Mainsail II investment that is no longer required based on the resolution of that investment.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	32.3	31.0	(1.3)	-4.1%	30.2	2.3%
FYTD	67.6	63.0	(4.6)	-6.8%	63.7	-1.0%

- Highway Fund revenue was under budget by \$1.3 million in September; falling \$4.6 million or 6.8% under budget for the first quarter of FY 2009. Highway Fund revenue for the first quarter of FY 2009 continued to show negative growth; it was 1.0% below the first quarter of FY 2008.
- High fuel prices continue to slow fuel tax collections as September fuel tax revenue fell \$1.4 million below budget, increasing the negative variance for the first quarter of FY 2009 to \$3.3 million or 7.8%.



## Fiscal Briefing – October 22, 2008

(Continued)

### 2. Revenue Forecasting Update

- **Consensus Economic Forecasting Commission (CEFC)** – The Consensus Economic Forecasting Commission (CEFC) met on Thursday, October 16<sup>th</sup> to update the economic forecast. As expected given the current economic situation, the CEFC's forecast was more pessimistic particularly for calendar year 2009. The forecast is based on a national forecast assuming a relatively mild recession in the 2<sup>nd</sup> half of 2008 and continuing through the 1<sup>st</sup> quarter of 2009. The CEFC noted that this forecast also has much more risk associated with it, particularly if credit markets do not stabilize in the next 6 to 8 weeks. The table below summarizes the preliminary changes to the economic forecast compared to the forecast that is underlying the current revenue forecast reported on February 1, 2008.

**Comparison of February 2008 and November 2008 Economic Forecasts  
(November 2008 Preliminary Forecast)**

<b>Calendar Years</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>• Wage &amp; Salary Employment (Annual Percentage Change)</b>						
> Consensus 2/2008	0.0	0.6	0.7	0.6		
> Consensus 11/2008	-0.1	-0.5	0.4	1.0	0.8	0.7
Difference	-0.1	-1.1	-0.3	0.4		
<b>• Personal Income (Annual Percentage Change)</b>						
> Consensus 2/2008	3.5	4.1	4.2	4.1		
> Consensus 11/2008	3.7	2.8	3.9	4.0	4.3	4.3
Difference	0.2	-1.3	-0.3	-0.1		
<b>• Consumer Price Index (Annual Percentage Change)</b>						
> Consensus 2/2008	2.3	2.1	2.1	2.2		
> Consensus 11/2008	4.4	2.5	2.5	2.2	2.2	2.2
Difference	2.1	0.4	0.4	0.0		

- While Maine has been less affected by the current crisis than many other states, this is little consolation for the reductions of revenue projections beginning in FY 2009 that will be driven by the changes in this forecast, which will be finalized by the November 1st reporting deadline. The short-term effects on General Fund revenue are the most substantial, with employment forecast to decline in 2008 and 2009 and personal income growth in 2009 reduced from 4.1% growth to only 2.8% growth.
- In addition to the downward effects of the above variables, there are 2 other critical variables that are forecast by the Revenue Forecasting Committee that will likely lower revenue projections further -- the assumptions on capital gains and corporate profits. An even greater decline of capital gains in tax year 2008 may substantially reduce individual income tax revenue in the current fiscal year based on what appears to be a similar situation to 2001 and 2002.
- **Revenue Forecast Committee Schedule** – The Revenue Forecasting Committee (RFC) will hold 2 subcommittee meetings on October 28<sup>th</sup> and 29<sup>th</sup> to review all of the revenue categories not forecast using the tax models. The full committee will review the recommendations of the subcommittee at a meeting in mid-November (to be determined) and review the recommendations of Maine Revenue Services and the output of the tax model for the major tax lines.

## Fiscal Briefing – October 22, 2008

(Continued)

### 3. Cash Balances Update

<b>Summary of Treasurer's Cash Pool</b>		
<b>September Average Daily Balances</b>		
Millions of \$'s		
	2007	2008
General Fund (GF) Total	\$29.3	\$40.9
General Fund (GF) Detail:		
Budget Stabilization Fund	\$116.1	\$130.3
Reserve for Operating Capital	\$40.6	\$40.6
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$52.0	\$69.5
Other General Fund Cash	(\$179.3)	(\$199.5)
Other Spec. Rev. - Interest to GF	\$104.0	\$96.0
Other State Funds - Interest to GF	\$9.4	(\$10.9)
Highway Fund	\$24.3	\$22.7
Other Spec. Rev. - Retaining Interest	\$81.4	\$67.6
Other State Funds	\$253.9	\$180.2
Independent Agency Funds	<u>\$111.3</u>	<u>\$81.4</u>
<b>Total Cash Pool</b>	<b>\$613.7</b>	<b>\$477.9</b>

- Presented above is a comparison of the average balances of September 2007 and September 2008. The average total cash pool balance last month was \$477.9 million, which was \$135.9 million less than the \$613.7 million average for September 2007. The average balance in September for the 7 years from 2001 to 2007 was \$617.6 million.
- While the General Fund cash position is worse than last year, the State Treasurer and the State Controller told the Appropriations and Financial Affairs Committee at its October meeting that the State could make it through the current fiscal year without any external borrowing, relying solely on internal borrowing within the cash pool.

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

**SEPTEMBER 2008 REVENUE VARIANCE REPORT**

Revenue Line	September '08 Budget	September '08 Actual	September '08 Variance	FY09 YTD Budget	FY09 YTD Actual	FY09 YTD Variance	FY09 YTD Variance %	FY09 Budgeted Totals
<b>General Fund</b>								
Sales and Use Tax	101,141,415	98,929,655.33	(2,211,759.67)	198,161,555	198,483,471.37	321,916.37	0.2%	1,008,092,337
Service Provider Tax	4,609,070	4,505,940.51	(103,129.49)	8,902,804	9,265,255.22	362,451.22	4.1%	53,452,742
Individual Income Tax	126,000,000	135,475,567.35	9,475,567.35	277,241,492	277,077,703.72	(163,788.28)	-0.1%	1,397,517,286
Corporate Income Tax	40,800,000	31,059,013.83	(9,740,986.17)	46,530,000	38,703,436.43	(7,826,563.57)	-16.8%	197,244,770
Cigarette and Tobacco Tax	12,794,334	12,072,266.32	(722,067.68)	43,271,344	41,276,854.21	(1,994,489.79)	-4.6%	153,408,502
Public Utilities Tax	0	0.00	0.00	0	0.00	0.00	N/A	16,464,397
Insurance Companies Tax	165,271	81,944.65	(83,326.35)	1,177,865	1,429,827.72	251,962.72	21.4%	77,169,754
Estate Tax	3,800,000	3,663,409.37	(136,590.63)	3,800,000	2,045,994.54	(1,754,005.46)	-46.2%	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	(314,220)	1,116,184.52	1,430,404.52	(414,853)	1,236,414.14	1,651,267.14	398.0%	(3,204,682)
Transfer to Municipal Revenue Sharing	(13,900,074)	(13,768,479.03)	131,594.97	(27,072,628)	(26,700,023.20)	372,604.80	1.4%	(136,051,715)
Transfer from Lottery Commission	4,080,707	4,680,772.95	600,065.95	13,262,312	13,534,776.89	272,464.89	2.1%	53,049,250
Other Revenue	17,692,627	15,201,771.08	(2,490,855.92)	47,214,710	45,858,315.97	(1,356,394.03)	-2.9%	216,919,557
<b>Totals</b>	<b>296,869,130</b>	<b>293,018,046.88</b>	<b>(3,851,083.12)</b>	<b>612,074,601</b>	<b>602,212,027.01</b>	<b>(9,862,573.99)</b>	<b>-1.6%</b>	<b>3,095,816,279</b>
<b>Highway Fund</b>								
Fuel Taxes	23,953,524	22,574,542.22	(1,378,981.78)	42,012,291	38,731,846.74	(3,280,444.26)	-7.8%	234,197,278
Motor Vehicle Registration and Fees	7,280,665	7,462,663.00	181,998.00	21,793,422	21,106,614.37	(686,807.63)	-3.2%	99,146,017
Inspection Fees	335,843	135,641.36	(200,201.64)	1,450,048	855,265.21	(594,782.79)	-41.0%	4,474,821
Fines	148,819	154,571.44	5,752.44	451,858	433,780.64	(18,077.36)	-4.0%	1,795,049
Income from Investments	85,000	202,578.60	117,578.60	235,000	225,823.86	(9,176.14)	-3.9%	1,000,000
Other Revenue	486,739	426,993.18	(59,745.82)	1,687,533	1,669,846.15	(17,686.85)	-1.0%	9,629,561
<b>Totals</b>	<b>32,290,590</b>	<b>30,956,989.80</b>	<b>(1,333,600.20)</b>	<b>67,630,152</b>	<b>63,023,176.97</b>	<b>(4,606,975.03)</b>	<b>-6.8%</b>	<b>350,242,726</b>

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

REVENUE CATEGORY	FY 2005	% Chg	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg	FY 2009	% Chg
<b>GENERAL FUND</b>										
Sales and Use Tax	\$177,825,339.46	3.1%	\$185,385,402.22	4.3%	\$190,057,787.25	2.5%	\$192,810,538.35	1.4%	\$198,483,471.37	2.9%
Service Provider Tax	\$6,396,850.10	N/A	\$6,419,578.03	0.4%	\$8,182,715.67	27.5%	\$8,520,937.54	4.1%	\$9,265,255.22	8.7%
Individual Income Tax	\$254,880,033.41	15.1%	\$271,085,229.30	6.4%	\$286,778,252.74	5.8%	\$301,429,061.91	5.1%	\$318,900,302.88	5.8%
Individual Income Tax (Circuitbreaker)	(\$13,212,065.74)	N/A	(\$16,191,303.55)	-22.5%	(\$20,895,690.68)	-29.1%	(\$21,055,449.41)	-0.8%	(\$23,584,317.49)	-12.0%
Individual Income Tax (BETR)	\$0.00	N/A	(\$6,546,430.41)	N/A	(\$16,428,717.73)	-151.0%	(\$15,119,356.64)	8.0%	(\$18,238,281.67)	-20.6%
Corporate Income Tax	\$32,611,042.51	56.9%	\$40,938,903.42	25.5%	\$49,772,986.29	21.6%	\$44,022,578.44	-11.6%	\$38,703,436.43	-12.1%
Cigarette and Tobacco Tax	\$26,791,393.51	-2.0%	\$31,854,556.76	18.9%	\$45,034,243.06	41.4%	\$42,416,148.44	-5.8%	\$41,276,854.21	-2.7%
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	\$1,797,449.71	-11.9%	\$1,083,332.44	-39.7%	\$550,539.47	-49.2%	\$1,902,918.11	245.6%	\$1,429,827.72	-24.9%
Estate Tax	\$1,876,875.17	86.9%	\$14,311,042.97	662.5%	\$13,747,384.69	-3.9%	\$1,540,460.50	-88.8%	\$2,045,994.54	32.8%
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	\$787,382.05	48.5%	\$1,299,556.81	65.0%	\$1,241,485.64	-4.5%	\$954,667.51	-23.1%	\$1,236,414.14	29.5%
Revenue Sharing Transfers	(\$23,383,561.18)	-8.9%	(\$24,535,660.32)	-4.9%	(\$25,370,834.00)	-3.4%	(\$26,041,023.81)	-2.6%	(\$26,700,023.20)	-2.5%
Liquor Transfers	\$50,018,110.46	530.4%	\$750.00	-100.0%	\$8,821.36	1076.2%	\$0.00	-100.0%	\$0.00	N/A
Lottery Transfers	\$12,927,830.94	24.5%	\$11,663,852.83	-9.8%	\$13,649,030.60	17.0%	\$13,546,268.35	-0.8%	\$13,534,776.89	-0.1%
Other Revenue	\$47,616,244.12	-1.2%	\$42,506,730.98	-10.7%	\$52,794,255.46	24.2%	\$50,821,817.41	-3.7%	\$45,858,315.97	-9.8%
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$576,782,924.52</b>	<b>16.2%</b>	<b>\$559,275,541.48</b>	<b>-3.0%</b>	<b>\$599,122,259.82</b>	<b>7.1%</b>	<b>\$596,097,546.96</b>	<b>-0.5%</b>	<b>\$602,212,027.01</b>	<b>1.0%</b>
<b>HIGHWAY FUND</b>										
Fuel Taxes	\$41,997,483.18	8.3%	\$40,371,777.15	-3.9%	\$41,086,309.76	1.8%	\$40,134,721.38	-2.3%	\$38,731,846.74	-3.5%
Motor Vehicle Registration and Fees	\$20,116,342.96	2.4%	\$21,400,880.61	6.4%	\$20,304,836.99	-5.1%	\$20,049,091.86	-1.3%	\$21,106,614.37	5.3%
Inspection Fees	\$1,034,203.41	-20.2%	\$1,156,561.34	11.8%	\$1,156,827.83	0.0%	\$1,178,550.04	1.9%	\$855,265.21	-27.4%
Fines	\$305,183.93	-38.5%	\$504,770.14	65.4%	\$453,473.75	-10.2%	\$433,829.28	-4.3%	\$433,780.64	0.0%
Income from Investments	\$143,040.99	28.6%	\$416,066.73	190.9%	\$211,205.98	-49.2%	\$322,062.27	52.5%	\$225,823.86	-29.9%
Other Revenue	\$1,620,996.02	-4.4%	\$2,153,381.18	32.8%	\$2,060,753.89	-4.3%	\$1,568,436.91	-23.9%	\$1,669,846.15	6.5%
<b>TOTAL HIGHWAY FUND REVENUE</b>	<b>\$65,217,250.49</b>	<b>5.1%</b>	<b>\$66,003,437.15</b>	<b>1.2%</b>	<b>\$65,273,408.20</b>	<b>-1.1%</b>	<b>\$63,686,691.74</b>	<b>-2.4%</b>	<b>\$63,023,176.97</b>	<b>-1.0%</b>

Adjusted for Service Provider Tax Split

**Information Services Report to Legislative Council**  
**Paul Mayotte, Director, Office of Legislative Information Services**  
**October 22, 2008**

**Post Session Updates**

The 123<sup>rd</sup> 2<sup>nd</sup> Session update to the Web page statutes is ready to proceed pending completion of an update to improve the statute search function.

**WANG Phase-out**

Work to phase-out the WANG has reached the final stage. Implementation of the new Time Reporting System is in final development. Training in the use of the application will begin shortly with implementation to follow. Other WANG based applications have been successfully moved to other platforms and the three WANG printers in ROS are being removed.

**Server Consolidation (update)**

A total of eight old servers have been taken out of service and shutdown. Functions on two additional servers will be moved to the new environment and the servers will be shutdown in November. The old servers are at the end of their service life and will be sent to Surplus. Further consolidation will take place following the end of the next legislative session.

**Law Library Digital Records Storage**

Working with the Law Library, a process was developed for the cost effective storage, access and backup of the electronic files being created by digitizing paper documents.

## Progress Report on Legislative Studies

Interim 2008

10/15/2008

<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>
<b>Committee to Study the Protection of Farms and Farmland (PL 2007, c. 649)</b>	3	10/24/2008	4 meetings	Final report to ACF by 11/5/08	Outside funding accepted. Three meetings held. Last meeting scheduled for 10/24/08
<b>ACF Committee review of the recommendations of the Agricultural Creative Economy Study (PL 2007, c. 660)</b>	2	11/19/2008	3 meetings	Committee to report to 124th Legislature	Two meetings held. Final meeting scheduled for 11/19/08
<b>Natural Resource Agency Task Force (PL 2007, c. 539, Part YY-2)</b>	6	11/12/08 & 11/21/08	Not specified	1/1/09 to the Legislature	35 member Governor's study that includes 4 legislators. Final two meetings to be held on 11/12 and 11/21.
<b>Committee Study of Sex Offender Registry (SP 933)</b>	2	10/28/2008	3 meetings	11/5/2008	Two meetings held. Final meeting scheduled for 10/28/08.
<b>Legislative Youth Advisory Council (3 MRSA, section 168-A)</b>	5	11/14/2008	Not more than 9 times annually (including two public hearings)	15-Feb-10	Final meeting to be held in Bar Harbor in conjunction with statewide youth conference sponsored by the Maine Youth Action Network. All appointed terms expire on 12/4/08 (4 legislative appointments and 16 youth appointments)
<b>OPLA review of laws on dissemination of confidential information relating to teachers (PL 2007, c. 666)</b>	N/A	N/A	N/A	11/5/08 to EDU	On schedule. EDU committee updated on study progress on 9/18/08.
<b>Blue ribbon commission to study long-term home-based and community based care (Resolve 2007, c. 209)</b>	3	10/20/2008 & 10/28/2008	6 meetings	11/5/08 to the Legislature	Outside funding approved. Three meetings held and two more are scheduled. A 6th meeting will be held if necessary.
<b>HHS committee study to review the Fund for a Healthy Maine (PL 2007, c. 629)</b>	2	No more meetings	3 meetings	10/1/08 to AFA committee	Report completed and issued on schedule.
<b>Staff update of the feasibility of establishing a single-payor health care system in the State (Resolve 2007, c. 216)</b>	N/A	N/A	N/A	12/3/08 to 124th Legislature	Not Funded.
<b>Judicial Compensation Commission (Title 4, Chapter 35)</b>	2	November meeting planned but not yet scheduled	N/A	December 1st of even years	Two meetings held. November meeting planned, but not yet scheduled. Report due this year.
<b>Right to Know Advisory Commission (PL 2005, c. 631)</b>	4	11/17/2008	At least 4 times annually	1/15 annually to JUD and Chief Justice	Four meetings held, plus several subcommittee meetings. A fifth meeting scheduled for Nov. 17th.
<b>Citizen Trade Policy Commission (PL 2003, c. 699)</b>	5	November meeting planned but not yet scheduled	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	October meeting was cancelled. A November meeting is planned, but not yet scheduled.
<b>Community Preservation Advisory Committee (PL 2001, c. 648)</b>	2	11/13/2008	No more than 4 times annually	Annually to NAT Committee	Two meetings held.

# State YMCA of Maine YOUTH IN GOVERNMENT™

We build strong kids, strong families, strong communities.

Lonney A. Steeves, Director  
31 Town Hall Lane  
Winthrop, ME 04364  
207-377-9686  
www.ylginme.org  
winymca@aol.com



David Boulter,  
Executive Director  
Legislative Council  
State House  
Augusta, ME 04330

Dear David;

Again, I would like to thank you for your continued support of the State YMCA of Maine Youth in Government program. The Youth in Government program began here in Maine in 1941 and for over 50 years has brought Maine High School student leaders to the State House for a first hand experience in Civic Education. Our students are those that are leaders in the schools and their communities and that is what makes our weekend in the spring a great way to conclude their years work.

Each year we explore the possibilities of other times of year to conduct our program and each year we find the spring to be the time that is best for our staff, volunteers, and most of all the participant. We have thought about some time in the early winter, but holidays get in the way, and the unpredictability of a Maine winter could wipe out a years work with a major snow or ice event. The other time we would look at is the fall. Fall is difficult because of several things that get in the way:


- a) We have a large group of students that come from Aroostook County and their schools are out of session for Potato Harvest during the time we would need to be holding our regional training session.
- b) Fall sports would be at a point where playoffs and league titles are up and many of our students would have to choose Youth in Government or their team sports and we know what they would choose.
- c) Having Youth in Government in the fall would not allow groups to have the entire year to work on the project and prepare to come to the program at the State House.
- d) It would be extremely difficult to get ourselves prepared to hold the program in the fall, we need 3 weekends to hold regional training sessions, and then 4 or 5 weeks after that last session to prepare materials for the Augusta session. That would mean for a November weekend we would be holding those sessions in September so we would be trying to recruit students during the first weeks of the school year.

The crunch for spring dates is only an every other year problem, when the legislature is in their short session we are able to come in at the end of April after you have adjourned for the year. We completely understand not wanting to be in the way as the legislature does its critical work.

We have surveyed our participants, and schools about the best time in the spring and know that regardless of the weekend we are allowed to come we will lose several delegations. There is no time that will be great for everyone on our end, but being at the State House is the most critical part of our program.

Again thank you for your support of the State YMCA Youth in Government program.

Sincerely;

  
Lonney A. Steeves, Director  
State YMCA of Maine  
Youth in Government Program

EXECUTIVE DIRECTORS  
OFFICE  
2008 OCT - 6 P 12:16  
Eaton  
ATTORNEYS  
AT LAW  
Peabody

*Democracy must be learned by each Generation*

# OPEGA Work Plan for 2007 - 2008 as Revised 10-7-08

Original Work Plan Approved 4-9-07

Revised Plan Approved 10-7-08

(projects alphabetical by status)

Status as of 10-17-08

Original work plan was primarily focused on opportunities to realize savings and productivity gains, enhance existing revenue streams and improve stewardship of resources. Priority was given to topics where any potential benefits may be realized most quickly. The Government Oversight Committee adjusted the plan on 7-8-08 to focus OPEGA's work for the remainder of the biennium on topics that would be of high interest and value to legislators in the upcoming session. Projects added are so noted with the project topic.

Project Topic	Resp Dept	Project Type	Phase	General Scope	Detailed Scope Avail?	
<b>Completed</b>						Date Issued
Contracts for Professional Services (broken out from State Administration Staffing project)	DAFS and Various	Performance Audit	NA	Processes for selecting vendors, determining contract rates and types of services contracted for.	Yes	September 2008
Contracting for Cost Shared Non-MaineCare Human Services	Dept of Health & Human Svcs	Performance Audit	NA	Financial settlement phase of contract administration for cost shared non-MaineCare Services	Yes	July 2008
State Administration - Staffing	Various	Fiscal Opportunity Study	NA	Employed staff resources used in upper level administrative functions	Yes	May 2008
Boards/Committees/Commissions/Councils	Various	Fiscal Opportunity Study	NA	Purposes and costs of State supported boards, committees, commissions and councils	Yes	February 2008
Bureau of Rehabilitation Services: Procurements for Consumers	Dept of Labor	Performance Audit	NA	Expenditures for DBVI and DVR consumers	Yes	December 2007
Requests for Admission to Riverview Psychiatric Center	Dept of Health & Human Svcs	Analytical Study	NA	Characteristics of admission requests and outcomes of those requests	No	August 2007
Urban Rural Initiative Program	Dept of Trans	Performance Audit	NA	Compliance with statute on distribution and use of funds	Yes	July 2007
Highway Fund Use by Dept of Public Safety	Dept of Public Safety	Analytical Study	NA	Activities and costs of State Police, Bureau of Highway Safety and Dept of Public Safety Administration	Yes	February 2007
<b>In Progress</b>						Expected End Date
Children's Mental Health Services: Outpatient Services (added by GOC on 7-8-08)	DHHS	Performance Audit	Planning and Fieldwork	Portion of funding expended on administrative costs (DHHS and providers) versus direct delivery of services. Primary factors driving administrative costs.	Yes	1st Qtr '09
Durable Medical Equipment and Medical Supplies (added by GOC on 9-15-08)	DHHS	Performance Audit	Planning and Fieldwork	Effectiveness of systems in place to control and contain costs associated with durable medical equipment and medical supplies purchased through MaineCare	Yes	1st Qtr '09



# OPEGA Biennial Work Plan for 2007-08 as Revised 10-7-08 (cont)

Project Topic	Resp Dept	Project Type	Phase	General Scope	Scope Avail?	
<b>In Progress (cont.)</b>						<b>Expected End Date</b>
Fund for Healthy Maine (added by the GOC on 10-7-08)	Various	Performance Audit	Planning	Systems in place for monitoring effectiveness and efficiency and providing accountability for programs (and expenditures in those programs) supported by FFHM	Yes	1st Qtr '09
Leased Office Space (formerly Real Estate/Public Buildings) (temp. suspended by GOC on 10-8-08)	Dept of Admin and Fin Svcs	Performance Audit	Fieldwork	Costs and use of office space leased by the State.	Yes	TBD
<b>Discontinued</b>						<b>Date Discontinued</b>
Leasing of State Owned Land (formerly Real Estate/Public Buildings)	Dept of Conservation	Performance Audit	Prelim Research	Management of leases for State-owned land.	No	July 2008
Information Technology: Acquisition & Maintenance of Technology Infrastructure	Office of Info Technology (OIT)	Performance Audit	NA	Existence and application of effective policies, procedures and processes	No	December 2007
Information Technology: Project Management	OIT	Performance Audit	NA	Existence and application of effective policies, procedures and processes	No	December 2007
Information Technology: Systems Security	OIT	Performance Audit	NA	Existence and application of effective policies, procedures and processes	No	December 2007
<b>Planned - First Level Priority</b>						<b>Expected Start Date</b>
MDOT Operations and Maintenance (added by GOC on 7-8-08)	MDOT	Performance Audit	Prelim Research	Efficient and economical use of resources in completing projects, ie. Crew and equipment assignment and scheduling	No	2008
<b>Planned - Second Level Priority</b>						<b>Expected Start Date</b>
Contracted Evaluations for Healthy Maine Partnership Programs	ME Center for Disease Control	Performance Audit	NA	Contract administration: Vendor selection, contract terms including pricing and performance, payments	No	TBD
Criminal Justice: Adult	Dept of Corrections	TBD	NA	Resources used within the adult criminal justice system	No	TBD

# OPEGA Biennial Work Plan for 2007-08 as Revised 7-8-08 (cont)

Project Topic	Resp Dept	Project Type	Phase	General Scope	Scope Avail?	
Planned - Second Level Priority (cont.)						Expected Start Date
Division of Financial and Personnel Services (Service Centers)	Dept of Admin & Fin Svcs	TBD	NA	Resources used in key financial processes, and associated internal control and administrative activities, within Service Centers and client agencies	No	TBD
Higher Education	Dept of Educ/Univ of ME/ME Community College	TBD	NA	Resources used in administrative and non-instructional activities; auxiliary operations	No	TBD
Revenue Collected Through Courts	Judicial Branch	TBD	NA	Collection, deposit, accounting, and safeguarding of revenue	No	TBD
State-funded Grants	Various	TBD	NA	Grant administration: purpose of grant, selection of recipients, conditions of grant including accountability and performance, distribution of grant funds	No	TBD
State Lottery	Bureau of Alcoholic Bev & Lottery Ops	TBD	NA	Administrative and operating expenses; revenue and safeguarding of assets	No	TBD
State Publications	Various	Fiscal Opportunity Study	NA	Resources used in preparing and distributing reports and publications	No	TBD



**STATE OF MAINE**  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 State House Station  
Augusta, Maine 04333-0002

**Millicent M. MacFarland**  
*Clerk of the House*

October 22, 2008

The Honorable Beth Edmonds  
Chair, Legislative Council  
2 State House Station  
Augusta, Maine 04333-0002

Dear Madam Chair:

The following proposed schedule is hereby submitted for consideration by the Legislative Council for Document Service for the First Regular Session of the 124th Legislature.


All items listed below are available on the Legislature's website. For the past 10 years we have seen a steady decline in demand for paper copies of most documents and I've attached a ten year "snap shot" that demonstrates both the decline in revenue received and the reduction in the number of subscriptions for each service.

		<b>Rates 123rd 1<sup>st</sup> Reg. Session</b>	<b>Proposed Rates 124th 1<sup>st</sup> Reg. Session</b>
1. Bills & Resolves (L.D.s) FIRST CLASS-Mailed Daily	LD1D	\$580.00	\$580.00
2. Bills & Resolves (L.D.s) FIRST CLASS-Mailed-Twice Weekly	LD1TW	475.00	475.00
3. Bills & Resolves (L.D.s) THIRD CLASS-Mailed Twice Weekly	LD3TW	370.00	370.00
4. Bills & Resolves (L.D.s) PICKED UP AT DOCUMENT ROOM	LDPK	210.00	210.00
5. Amendments (Combined with any Legislative Document Service)-Mailed Weekly	AW	140.00	140.00
6. Amendments PICKED UP AT DOCUMENT ROOM	APK	84.00	84.00
7. Legislative Record FIRST CLASS-Mailed Weekly	LR1W	150.00	150.00
8. Legislative Record PICKED UP AT DOCUMENT ROOM	LRPK	95.00	95.00
9. Public & Private & Special Laws, Resolves, & Constitutional Resolutions FIRST CLASS-Mailed Weekly	PL1W	315.00	315.00

10. Public & Private & Special Laws, Resolves & Constitutional Resolutions PICKED UP AT DOCUMENT ROOM	PLPK	160.00	160.00
11. Weekly Computer Printout-Status of Bills FIRST CLASS MAIL	WCP1	265.00	265.00
12. Weekly Computer Printout-Status of Bills PICKED UP AT DOCUMENT ROOM	WCPPK	63.00	63.00
13. Advance Notice of Public Hearings on Bills FIRST CLASS-Mailed Weekly	ANPH	32.00	32.00
14. Weekly Listings of Bills Printed & Enacted FIRST CLASS MAIL	WLR	32.00	32.00
15. Joint Resolutions FIRST CLASS MAIL	JR1	84.00	84.00
16. House & Senate Daily Calendars FIRST CLASS-Mailed Weekly	HS1W	70.00	70.00
17. House & Senate Daily Calendars with Supplemental Calendars FIRST CLASS-Mailed Weekly	HSS1W	142.00	142.00
18. Legislative Council-Notice of Preliminary Agenda And Minutes, After Deadline List Pre and Post Versions	LCAMPK	185.00	185.00
19. Weekly Legislative Calendar FIRST CLASS MAIL	WLC1	32.00	32.00
20. Roll Call Votes (House & Senate) FIRST CLASS MAIL-Mailed Weekly	RCW	90.00	90.00
21. Roll Call Votes (House & Senate) PICKED UP AT DOCUMENT ROOM	RCPK	27.00	27.00

I will be happy to respond to any questions the Council may have on this proposed schedule that has been discussed with appropriate support agencies.

Sincerely,

  
Millicent M. MacFarland  
Clerk of the House

Attachment

**Document Service Subscriptions  
For the Last 10 Years**

	<b>119 1<sup>st</sup></b>	<b>119 2<sup>nd</sup></b>	<b>120 1<sup>st</sup></b>	<b>120 2<sup>nd</sup></b>	<b>121 1<sup>st</sup></b>	<b>121 2<sup>nd</sup></b>	<b>122 1<sup>st</sup></b>	<b>122 2<sup>nd</sup></b>	<b>123 1<sup>st</sup></b>	<b>123 2<sup>nd</sup></b>
ANPH	118	103	51	62	61	54	48	40	36	31
APK	84	109	85	78	79	73	78	78	77	68
AW	42	40	32	26	14	17	27	16	12	12
HS1W	3	5	3	7	3	3	2	2	0	0
HSS1W	4	4	1	2	1	1	1	3	2	1
JR1	13	15	12	7	12	9	10	14	9	7
LCAM- PK	30	28	24	26	22	24	25	23	18	15
LD1D	24	23	25	29	18	17	19	13	13	14
LD1TW	14	13	11	10	9	7	10	8	6	5
LD3TW	14	10	4	3	8	5	6	5	3	4
LDPK	90	86	86	83	87	80	80	81	81	70
LR1W	11	9	8	9	9	8	6	5	5	5
LRPK	10	12	6	5	4	7	9	11	7	6
PL1W	17	19	17	17	17	15	21	17	15	18
PLPK	23	25	24	24	27	24	27	31	24	23
RCPK	27	26	25	23	33	30	36	32	28	21
RCW	4	4	4	4	3	2	2	1	1	0
WCP1	7	6	3	5	5	4	4	3	2	2
WCPPK	30	32	25	18	19	13	17	11	14	10
WLCI	120	124	127	123	122	126	120	118	114	108
WLR	123	92	72	60	56	44	45	39	37	24

**Document Service Revenue  
For the Last 10 Years**

	<b>TOTALs</b>
<b>119<sup>th</sup> 1<sup>st</sup></b>	<b>\$77,050.00</b>
119 <sup>th</sup> 2 <sup>nd</sup>	\$38,885.00
<b>120<sup>th</sup> 1<sup>st</sup></b>	<b>\$63,385.00</b>
120 <sup>th</sup> 2 <sup>nd</sup>	\$37,555.00
<b>121<sup>st</sup> 1<sup>st</sup></b>	<b>\$57,610.00</b>
121 <sup>st</sup> 2 <sup>nd</sup>	\$31,940.00
<b>122<sup>nd</sup> 1<sup>st</sup></b>	<b>\$51,435.00</b>
122 <sup>nd</sup> 2 <sup>nd</sup>	\$30,795.00
<b>123<sup>rd</sup> 1<sup>st</sup></b>	<b>\$45,864.00</b>
123 <sup>rd</sup> 2 <sup>nd</sup>	\$26,085.00

SENATE

JOSEPH C. BRANNIGAN, DISTRICT 9, CHAIR  
LISA T. MARRACHE, DISTRICT 25  
KEVIN L. RAYE, DISTRICT 29

JANE ORBETON, LEGISLATIVE ANALYST  
ELIZABETH COOPER, LEGISLATIVE ANALYST



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DONNA W. FINLEY, SKOWHEGAN  
DONALD G. SOCTOMAH, PASSAMAQUODDY  
TRIBE

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON HEALTH AND HUMAN SERVICES

October 1, 2008

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

Dear Senator Edmonds and Representative Cummings:

This letter is to inform you that the Joint Select Committee on Health and Human Services has completed its work on the Fund for a Healthy Maine and submitted its final report pursuant to PL 2007, Chapter 269, Part H.

Sincerely,

Handwritten signature of Joseph C. Brannigan, with a circled "A.P." to the right.

Sen. Joseph C. Brannigan, Chair  
Health and Human Services Committee

Handwritten signature of Anne C. Perry.

Rep. Anne C. Perry, Chair  
Health and Human Services Committee

Enclosure

c: Members of the Legislative Council



**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**CITIZEN TRADE POLICY COMMISSION**

October 20, 2008

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

Dear Chair and Vice-Chair

This letter is to inform you that pursuant to Public Law 2003, c. 699, the Citizen Trade Policy Commission is pleased to submit its annual report.

Sincerely,

Handwritten signature of Senator Margaret Rotundo, with the initials 'cc:15' to the right.

Senator Margaret Rotundo, Senate Chair

Handwritten signature of Representative John Patrick, with the initials 'cc:15' to the right.

Representative John Patrick, House Chair  
Citizen Trade Policy Commission

Enclosure