

# MAINE STATE LEGISLATURE

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REP. HANNAH M. PINGREE  
CHAIR

SEN. ELIZABETH H. MITCHELL  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. PHILIP L. BARTLETT II  
SEN. KEVIN L. RAYE  
SEN. LISA T. MARRACHE  
SEN. JONATHAN T. E. COURTNEY  
REP. JOHN F. PIOTTI  
REP. JOSHUA A. TARDY  
REP. SETH A. BERRY  
REP. PHILIP A. CURTIS

124<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL  
JANUARY 22, 2009  
1:30 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 DECEMBER 4, 2008 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>10</b>	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
<b>11</b>	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
<b>15</b>	▪ Information Services Report (Mr. Mayotte)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Speaker Pingree, Chair)	
	• <b>State House Facilities Committee</b> (Rep. Piotti, Chair) (No Report)	
	• <b>Budget Subcommittee</b> (Senate President Mitchell, Chair) <ul style="list-style-type: none"><li>• FY09 Supplemental Budget</li></ul>	
	• <b>CSG Annual Meeting Planning Subcommittee</b> (Senator Bartlett and Representative Nancy Smith, Co-chairs) (No Report)	

## **OLD BUSINESS**

- |    |  |                    |
|----|--|--------------------|
| 16 | <b>Item #1: Council Actions Taken By Ballot (No Action Required)</b><br>A copy of a list of actions taken by ballot by the Legislative Council since its December 4, 2008 meeting is attached. | <b>Information</b> |
| 17 | <b>Item #2: Request by Maine Indian Tribal-State Commission for Orientation Program for 124<sup>th</sup> Legislature to Address Tribal-State Relations</b>                                     | <b>Decision</b>    |

## **NEW BUSINESS**

- |    |   |                       |
|----|---|-----------------------|
| 19 | <b>Item #1: Consideration of Requests for Memorials</b>   | <b>Roll Call Vote</b> |
| 24 | <b>Item #2: <i>Annual Report of the Allagash Wilderness Waterway</i></b>  | <b>Acceptance</b>     |
| 28 | <b>Item #3: <i>Annual Report of the Right to Know Advisory Committee</i></b><br>(separate handout)                              | <b>Acceptance</b>     |
|    | <b>Item #4: Presentation of <i>OPEGA's Annual Report on Activities and Performance</i></b><br>(Ms. Ashcroft) (separate handout) | <b>Acceptance</b>     |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

REP. HANNAH M. PINGREE  
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124<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY**  
**December 4, 2008**

**CALL TO ORDER**

Pursuant to the Legislative Council's Rules of Procedure, Senate President Mitchell called the first meeting of the 124<sup>th</sup> Legislative Council to order at 3:32 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Elizabeth Mitchell, Sen. Phillip Bartlett, Sen. Lisa Marrache, Sen. Kevin Raye, Sen. Jonathan Courtney

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Seth Berry

Absent: Rep. Joshua Tardy, Rep. Philip Curtis

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  
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

Senate President Mitchell convened the meeting at 3:33 P.M. with a quorum of members present.

## **ELECTION OF OFFICERS FOR THE 124<sup>th</sup> LEGISLATIVE COUNCIL**

Senate President Mitchell, declaring that a quorum was present, called the first meeting of the 124<sup>th</sup> Legislative Council for the purpose of electing a Council Chair and Vice-Chair, adoption of rules of procedures and such other matters of the Legislative Council.

The Legislative Council's Rules of Procedure prescribe the following with regard to the election of Legislative Council Officers:

Rule # 2 provides that the position of Chair alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Thus, the Chair for the new Council would be a member from the House.

Rule #3 provides that the Vice-Chair not be a member of the same body of the Legislature as the Chair. Thus, the Vice-Chair for the 124<sup>th</sup> Council would be a member from the Senate.

President Mitchell stated that unless there was objection, the Council would continue the long-standing practice of conducting the vote by a showing of hands. Upon the election of a chair, the chair will preside over the remainder of this meeting.

Hearing no objection, Senate President Mitchell opened the floor for nominations for Chair of the Legislative Council.

**Nomination:** That Speaker Hannah Pingree, of North Haven serve as Chair of the Legislative Council for the 124<sup>th</sup> Legislature. (Nominated by Senator Bartlett, second by Senator Raye)

Senate President Mitchell asked if there were further nominations. Hearing none, Senate President Mitchell closed the nominations. Senator Raye moved that one ballot be cast for Speaker Pingree for chair. The vote for Council Chair was taken. Speaker Pingree was elected to serve as Chair of the Legislative Council for the 124<sup>th</sup> Legislature by unanimous vote of the Legislative Council.

Chair Hannah Pingree then presided for the remainder of the meeting. Chair Pingree then proceeded to open the floor for nominations for Vice-Chair.

**Nomination:** That Senate President Elizabeth Mitchell to serve as Vice-Chair of the Legislative Council for the 124<sup>th</sup> Legislature. (Nominated by Senator Raye, second by Representative Piotti)

Chair Hannah Pingree asked if there were further nominations. Hearing none, Chair Pingree closed the nominations. The vote for Council Vice-Chair was taken. Senate President Mitchell was elected to serve as Vice-Chair of the Legislative Council for the 124<sup>th</sup> Legislature by unanimous vote of the Legislative Council.

## **ADOPTION OF RULES OF PROCEDURE**

### **Proposed Rules of Procedure for Legislative Council Adoption**

Executive Director David Boulter briefly summarized the suggested Rules of Procedure for the Legislative Council that are modeled from past rules and procedures.

A discussion followed, and members suggested revising the proposed rules as follows:

Rule 6. Meeting Room and Location: Last sentence to be amended as follows: "The Legislative Council Chamber may not be used for press conferences or other media events; however, the Chair of the Legislative Council may authorize an exception when the Chair determines that such use is appropriate and not interfere with legislative activities."

Rule 13. Circulation of Ballots: Amend the third through fifth sentences as follows: "Each member of the Legislative Council must be presented with the ballot and given the opportunity to vote on the ballot. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the Chair of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the Legislative Council."

Rule 14. Roll Call Votes: Amend by striking the words, "by a showing of hands" in the first sentence.

**Motion:** That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council as amended by the three noted changes. Motion by Senator Bartlett. Second by Senator Courtney. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

[Attached is a copy of the Rules of Procedure as adopted by the Legislative Council.]

## **SUMMARY OF DECEMBER 2, 2008 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of December 2, 2008 be accepted and placed on file. Motion by Senator Bartlett. Second by Senator Raye. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

Executive Director David Boulter congratulated the members on their re-election and welcomed them as members of the 124<sup>th</sup> Legislative Council. Mr. Boulter reminded the Legislative Council that the nonpartisan offices are available for assistance at any time and encouraged them to feel comfortable calling upon nonpartisan staff as questions or needs arise.

### **Fiscal Report**

(No Report)

### **Information Technology Report**

(No Report)

### **Status of Legislative Studies**

(No Report)

## REPORTS FROM COUNCIL COMMITTEES

(No Reports)

## OLD BUSINESS

(No Old Business)

## NEW BUSINESS

### ITEM #1: Summary of Legislative Council Authority and Duties

The council packet included information about the responsibilities and authority of the Legislative Council for member's reference. No Legislative Council action was required.

### ITEM #2: Establishment of Initial Salary of Constitutional Officer Attorney General

Because the Secretary of State, State Treasurer and State Auditor have been re-elected to their positions, it is unnecessary for the Legislative Council to establish initial salaries for them. Step increases for them, however, require Legislative Council approval, and will be presented for Legislative Council decision at a later date.

The Attorney General was newly elected at the convening of the 124<sup>th</sup> Legislature, and pursuant to law, the Legislative Council must establish the initial salary for the Attorney General.

Pursuant to law, the salary for the Attorney General must be within Salary Grade 91, and assigned to at least Step E (step 5). The starting salary of the Attorney General requires the approval of the Legislative Council in accordance with the salary grade and step provided in 3MRSA §162-B (Grade 91, Step 5).

**Motion:** To approve the initial salary of the Attorney General at Grade 91 Step 5. Motion by Senator Marrache. Second by Senator Raye. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

### ITEM #3: Policy on Processing Closely Related Legislator Bill Requests

Revisor Margaret Matheson explained that in past sessions, the Legislative Council had established a policy whereby the Office of the Revisor of Statutes was directed to combine legislator bill requests for duplicate or closely related bills (Joint Rule 206). This provision of Joint Rule 206 has existed since the 118<sup>th</sup> Legislature. She noted that 568 legislator bill requests had been filed, and the cloture date is January 16, 2009. Drafting of bills is ongoing, so some bills may be drafted and not combined with other duplicate or closely related bills because they will have been finalized before the similar bills are filed. Ms. Matheson presented two options for Legislative Council consideration:

1. Adopt a policy on processing closely related bill requests by Legislators, similar to the policy used for the 123<sup>rd</sup> Legislature, including:
  - combining similar requests into a single measure
  - identifying the bill sponsor who first filed complete request as the primary sponsor
  - providing later filers of similar bill requests with the opportunity to sign onto the measure as mandatory co-sponsors; the primary sponsor would be allowed to obtain the full complement of co-sponsors authorized by Joint Rule 206.
  - allowing a later filer to have his or her request fully drafted if the filer demonstrates convincingly to the Revisor that the request is in fact not a duplicate or closely related measure; or
2. Not adopted a duplicate bill policy for 124<sup>th</sup> Legislature, and instead simply draft and process bill requests without regard to other duplicate or closely related bill requests.

The Legislative Council generally agreed that option #2 would result in inefficiencies in drafting bills and committee work.

Several Legislative Council members noted that many years ago, sponsors of legislation could seek "Leave to Withdraw" legislation that they no longer wished to pursue. That option no longer exists; however, members can ask committees to vote "ought not to pass" on proposed legislation that is no longer needed (this may be done before a public hearing is scheduled or held).

**Motion:** To adopt the closely related bill processing policy as outlined by the Revisor's memorandum. Motion by Senator Bartlett. Second by Senator Marrache. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #4: Request by Maine Indian Tribal-State Commission for Orientation Program for 124<sup>th</sup> Legislature to Address Tribal-State Relations**

By letter dated November 21, 2008, *The Maine Indian Tribal-State Commission* requested that the Legislative Council authorize an orientation program for the 124<sup>th</sup> Legislature to address tribal-state relations for incoming Legislators.

Legislative Council members generally agreed that the request should be placed on the agenda for the next Legislative Council meeting, and in the meantime the members will review the request. No vote was taken.

**ITEM #5: Final Report of the Criminal Justice & Public Safety Committee Study of Sex Offender Registration Laws**

**Motion:** To accept the *Final Report of the Criminal Justice & Public Safety Committee Study of Sex Offender Registration Laws* and place it on file. Motion by Senator Bartlett. Second by Representative Berry. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #6: Final Report of the Commission to Study the Protection of Farms and Farmland**

**Motion:** To accept the *Final Report of the Commission to Study the Protection of Farms and Farmland* and place it on file. Motion by Senator Bartlett. Second by President Mitchell. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #7: Legislative Council Decision that Maine Host the 2010 CSG/ERC Annual Meeting in Portland**

Executive Director Boulter explained that the Legislative Council of the 123<sup>rd</sup> Legislature voted to accept the invitation of the Council of State Governments, Eastern Regional Council to hold the annual meeting of CSG-ERG in Portland, Maine in 2010. Hosting the annual meeting carries a large number of responsibilities and activities, requiring about 18 months of advanced planning, including hosting a dinner at the 2009 annual meeting in Vermont. In addition to logistics and activity planning, substantial fund-raising is required. CSG has established a protocol for segregating and accounting for funds raised. The last Legislative Council agreed to form a planning subcommittee and hire an event planner/coordinator to assist the Legislative Council and staff in organizing the event.

Senator Bartlett and Representative Nancy Smith were elected last summer as Vice-chairs of CSG-ERC by CSG membership.

The Legislative Council agreed to establish a subcommittee. Legislative Council Chair Pingree invited interested Legislative Council members to speak with her about serving on the subcommittee, and thanked Senator Bartlett for agreeing to chair the subcommittee.

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

Motion to adjourn by Representative Piotti. Second by President Mitchell. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

The Legislative Council meeting was adjourned at 4:33 P.M.

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124<sup>TH</sup> MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

## MAINE LEGISLATIVE COUNCIL 124<sup>TH</sup> LEGISLATURE

### RULES OF PROCEDURE

December 4, 2008

1. **Organizational Meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session in December following the convening of the new Legislature and shall preside until the election of the chair of the Legislative Council.
2. **Chair:** At its organizational meeting, the Legislative Council shall elect a chair, who shall preside at all meetings of the council when he or she is present. The position of Legislative Council chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 124<sup>th</sup> Legislature, the chair must be a Representative.
3. **Vice Chair:** The Legislative Council shall elect a vice-chair who shall serve as chair in the absence of the chair. The vice-chair may not be a member of the same chamber of the Legislature as that of the chair.
4. **Quorum:** The Legislative Council may conduct business only when a quorum of members is present, which consists of six (6) members. Any action of the council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The meeting schedule for the Legislative Council is determined by the call of the chair for the 124<sup>th</sup> Legislature or by a majority vote of the council. The council shall meet at least once per month, on a regularized schedule.
6. **Meeting Room and Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the meeting. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council may authorize an

exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

7. **Meeting Notice:** The chair shall issue written calls for all regular and special meetings of the Legislative Council. The call must give the date, time, and place of the meeting and such other information as the chair directs.
8. **Public Meetings:** All meetings of the Legislative Council are public meetings except for executive sessions; the council may not take any final action in an executive session.
9. **Council Committees:** The chair shall make all appointments to committees established by the Legislative Council. Each committee must include at least three council members and must have representation from each of the two major political parties. At a minimum, the council shall establish Personnel and State House Facilities committees.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 124<sup>th</sup> Legislature are approved for the term of this council if, after review, a majority of the Personnel Committee approves the step increases.
11. **Council Agenda and Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Legislative Council.
12. **Order of Business:** The regular order of business of the Legislative Council is:
  1. Call to Order
  2. Roll Call
  3. Summary of Previous Council Meeting
  4. Executive Director's Report
  5. Reports from Council Committees
  6. Old Business
  7. New Business
  8. Announcements and Remarks
  9. Adjournment

Items not on the Legislative Council's agenda may be considered only by leave of the council's presiding officer or by a majority vote of the Legislative Council.

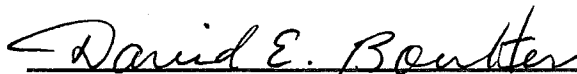
13. **Circulation of Ballots:** The chair and the vice-chair, jointly, may authorize a Legislative Council member to circulate a ballot for Legislative Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the council. The executive director shall prepare all ballots authorized for

circulation among council members and shall certify votes taken by ballot. Each member of the Legislative Council must be presented with the ballot and given an opportunity to vote on the ballot. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the chair of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the council.

14. **Roll Call Votes:** Votes requiring a roll-call shall be made by the executive director calling the roll or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Legislative Council regarding the introduction of bills or other measures must be by a roll-call vote.
15. **Statements to News Organizations:** Only the chair of the Legislative Council, executive director or persons specifically authorized by the chair may make official statements to news organizations or to the public on behalf of or representing the Legislative Council.
16. **Rules of Order:** The Legislative Council's presiding officer shall conduct the proceedings of the council in accordance with Robert's Rules of Order except as otherwise specified in the council's own rules or by law.
17. **Amendments to Rules:** The Legislative Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 124<sup>th</sup> Legislative Council unless otherwise changed by law.
18. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and 3 MRSA §162(17). Prior to a final decision on any proposal affecting Capitol Park, the Council or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 124<sup>th</sup> Maine Legislature on December 4, 2008 at Augusta, Maine.

By:



David E. Boulter, Executive Director of the Legislative Council



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Executive Director's Report  
January 22, 2009**

1. MDF Regional Bus Tours and Policy Forum  
The Maine Development Foundation has concluded its regional economic development bus tour of northern Maine and this week is hosting its bus tour of southern and western Maine. Sixty-one Legislators participated in the northern Maine tour, and in spite of winter weather conditions participants received excellent tours of Maine businesses and other venues. Feedback on the value of the tours has been very positive. The Legislator Policy Forum on Health Care will be held on Friday, January 30<sup>th</sup> at the Augusta Civic Center. MDF is still accepting forum registrations.
2. Bill Filings Before Cloture  
The cloture date for legislative bill requests was January 16, 2009. The total number of bill requests filed was 1,870, and the number of requests filed by Legislators was 1,680. This compares with 2,188 in 123<sup>rd</sup>, 1,902 in the 121<sup>st</sup> and 1,705 in the 121<sup>st</sup> legislatures, 1<sup>st</sup> regular session. Bill drafting is well underway in the Revisor's office, OPLA and OFPR.
3. Orientation Programs  
Human Resources Director Debra Olken will be holding an orientation program for new legislative employees to acquaint them with legislative policies and protocols. As an outgrowth of discussions with committee chairs and leads at the chairs' orientation, committees may request presentations or training on Legislative Council policies of interest such as violence in the workplace and sexual harassment if a particular committee is interested in more information or a greater understanding of the procedures or services available.
4. Compendium of State Fiscal Information  
The Office of Fiscal and Program Review has released its Compendium of State Fiscal Information through Fiscal Year 08. The compendium provides a summary of key fiscal information affecting State Government, including actual operating revenue and expenditures revenue sources, debt, reserve fund balances and tax burden. Copies are available in the OFPR office, and the report is available online as well through the Legislature's website.

# Fiscal Briefing

## Legislative Council Meeting

### January 22, 2009

*Prepared by the Office of Fiscal & Program Review*

#### 1. Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$224.4	\$241.5	\$17.2	7.6%	\$241.2	0.1%
FYTD	\$1,271.8	\$1,285.8	\$14.0	1.1%	\$1,293.8	-0.6%

- General Fund revenue was over the revised forecast by \$17.2 million in December, resulting in a positive variance of \$14.0 million or 1.1% for the first half of FY 2009. Despite the positive variance, FY 2009 Fiscal Year-to-date (FYTD) revenue declined by 0.6% compared with the same period in FY 2008. The December 2008 General Fund revenue forecast projects a decline of 4.3% for total General Fund revenue in FY 2009.
- Sales Tax revenue appeared to be the only major tax category that was substantially below estimates, falling \$5.0 million below budget for the first half of FY 2009 despite being revised downward by \$20.3 million for FY 2009 in the December revenue forecast. Consumer spending nationally fell below previous estimates and has declined for the last half of calendar year 2008. The level of decline in consumer spending was not anticipated in the current economic forecast.
- Individual Income Tax collections were over budget for the FYTD through December by \$10.0 million. A positive variance from the BETR, Business Equipment Tax Exemption (BETE) and Circuitbreaker tax reimbursement programs of \$8.8 million increased the positive variance for the Individual Income Tax category to \$18.8 million. Corporate Income Tax was also running ahead of revised projections for the FYTD by \$11.6 million based on December revenue. Much of these positive variances are thought to be timing issues that will be offset in future months.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$29.1	\$26.4	(\$2.7)	-9.3%	\$27.4	-3.7%
FYTD	\$150.0	\$145.0	(\$5.0)	-3.3%	\$148.1	-2.1%

- Highway Fund revenue was under budget by \$2.7 million in December, falling \$5.0 million or 3.3% under budget for the first half of FY 2009. The decline of Highway Fund revenue from FY 2008 accelerated to 2.1% after December's revenue performance.
- Fuel Taxes continue to fall below projections despite the \$4.4 million downward adjustment for this category in FY 2009 by the Revenue Forecasting Committee. It appears that the tax model forecasts for fuel taxes have failed to adequately capture consumers' reactions to the current economic situation.
- Motor Vehicle Registration and Fees and Inspection Fees Highway Fund revenue categories were also running behind the revised forecast through December. Both these categories were revised downward in the December revenue forecast.

## Fiscal Briefing – January 22, 2009 (continued)

### 2. Revenue Forecasting Update

- **Joint Meeting of the Consensus Economic Forecasting Commission (CEFC) and Revenue Forecasting Committee (RFC)** – The CEFC and the RFC have scheduled a joint meeting to review new economic data and tax practitioner survey data on Tuesday, February 17<sup>th</sup> at 10AM. This meeting is in advance of the next required reports, which are delayed during the 1<sup>st</sup> Regular Session to April 1<sup>st</sup> and May 1<sup>st</sup>, respectively.

### 3. Cash Balances Update

<b>Summary of Treasurer's Cash Pool</b>		
<b>December Average Daily Balances</b>		
<b>Millions of \$'s</b>		
	<b>2007</b>	<b>2008</b>
General Fund (GF) Total	\$22.8	\$29.7
General Fund (GF) Detail:		
Budget Stabilization Fund	\$117.6	\$131.1
Reserve for Operating Capital	\$40.6	\$40.6
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$127.9	\$170.0
Other General Fund Cash	(\$263.3)	(\$312.0)
Other Spec. Rev. - Interest to GF	\$50.2	(\$0.1)
Other State Funds - Interest to GF	\$0.5	(\$10.0)
Highway Fund	\$33.0	\$17.9
Other Spec. Rev. - Retaining Interest	\$79.4	\$61.7
Other State Funds	\$269.6	\$202.8
Independent Agency Funds	\$132.8	\$80.1
<b>Total Cash Pool</b>	<b>\$588.3</b>	<b>\$382.1</b>

- Presented above is a comparison of the average balances of December 2007 and December 2008. The average total cash pool balance last month was \$382.1 million, which was \$206.2 million less than December 2008. The average balance for the last 7 Decembers, 2001 to 2007, was \$544.1 million.
- The General Fund revenue situation has increased the amount of internal borrowing to \$170.0 million in December. That additional reliance on cash flow borrowing will increase as the curtailment of General Fund spending does not offset the entire revenue shortfall projected by the December 2008 revenue forecast. The Governor's proposed budget relies on a \$45 million transfer from the Budget Stabilization Fund to address the FY 2009 General Fund shortfall.
- With December receipts of Savings Offset Payments, the Dirigo Health Fund's average balance in December improved from November's balance of negative \$16.9 million to negative \$14.2 million.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2009**  
**Reflecting Budgeted Amounts Through 123 Legislature, 1st Special Session and December 2008 Revenue Forecast**

**DECEMBER 2008 REVENUE VARIANCE REPORT**

Revenue Line	December '08 Budget	December '08 Actual	December '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	73,989,006	68,293,276.60	(5,695,729.40)	441,064,572	435,368,842.92	(5,695,729.08)	-1.3%	987,320,733
Service Provider Tax	4,296,149	4,358,131.16	61,982.16	22,339,736	22,705,221.99	365,485.99	1.6%	53,452,742
Individual Income Tax	93,278,114	112,014,875.39	18,736,761.39	569,936,501	588,673,260.53	18,736,759.53	3.3%	1,321,326,135
Corporate Income Tax	21,000,000	32,625,706.22	11,625,706.22	57,029,241	68,654,946.63	11,625,705.63	20.4%	168,904,770
Cigarette and Tobacco Tax	11,436,604	10,845,996.08	(590,607.92)	78,213,372	77,622,764.45	(590,607.55)	-0.8%	149,948,844
Public Utilities Tax	0	0.00	0.00	231,238	231,237.60	(0.40)	0.0%	17,609,999
Insurance Companies Tax	8,129	6,491.31	(1,637.69)	12,564,003	12,531,119.13	(32,883.87)	-0.3%	71,978,985
Estate Tax	3,088,920	4,213,599.44	1,124,679.44	10,636,979	11,761,659.09	1,124,680.09	10.6%	35,288,827
Property Tax - Unorganized Territory	0	0.00	0.00	11,006,279	10,995,373.00	(10,906.00)	-0.1%	12,969,540
Income from Investments	(149,987)	(7,290.87)	142,696.13	1,027,052	1,405,722.44	378,670.44	36.9%	414,058
Transfer to Municipal Revenue Sharing	(10,400,776)	(11,081,891.46)	(681,115.46)	(56,313,408)	(56,885,515.87)	(572,107.87)	-1.0%	(129,661,273)
Transfer from Lottery Commission	4,042,245	5,435,297.88	1,393,052.88	26,274,619	26,668,273.74	393,654.74	1.5%	52,549,250
Other Revenue	23,780,205	14,826,138.68	(8,954,066.32)	97,761,120	86,073,107.72	(11,688,012.28)	-12.0%	212,931,559
<b>Totals</b>	<b>224,368,609</b>	<b>241,530,330.43</b>	<b>17,161,721.43</b>	<b>1,271,771,304</b>	<b>1,285,806,013.37</b>	<b>14,034,709.37</b>	<b>1.1%</b>	<b>2,955,034,169</b>
<b>Highway Fund</b>								
Fuel Taxes	20,793,787	18,036,460.66	(2,757,326.34)	97,293,971	94,536,644.34	(2,757,326.66)	-2.8%	234,197,278
Motor Vehicle Registration and Fees	6,747,545	6,863,770.80	116,225.80	42,811,947	41,222,745.90	(1,589,201.10)	-3.7%	99,146,017
Inspection Fees	950,253	457,278.40	(492,974.60)	2,901,949	2,010,587.68	(891,361.32)	-30.7%	4,474,821
Fines	120,015	127,528.25	7,513.25	871,312	880,014.34	8,702.34	1.0%	1,795,049
Income from Investments	13,678	13,677.54	(0.46)	321,473	321,472.31	(0.69)	0.0%	1,000,000
Other Revenue	522,087	924,249.42	402,162.42	5,792,894	6,050,448.13	257,554.13	4.4%	9,629,561
<b>Totals</b>	<b>29,147,365</b>	<b>26,422,965.07</b>	<b>(2,724,399.93)</b>	<b>149,993,546</b>	<b>145,021,912.70</b>	<b>(4,971,633.30)</b>	<b>-3.3%</b>	<b>350,242,726</b>

## Comparison of Actual Year-to-Date Revenue Through December 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	\$405,149,718.96	3.8%	\$418,714,548.29	3.3%	\$434,204,745.64	3.7%	\$439,204,185.16	1.2%	\$435,368,842.92	-0.9%
Service Provider Tax	\$18,525,818.29	N/A	\$18,622,863.08	0.5%	\$19,899,748.03	6.9%	\$21,604,610.83	8.6%	\$22,705,221.99	5.1%
Individual Income Tax	\$566,624,897.95	8.0%	\$601,139,418.04	6.1%	\$627,282,395.89	4.3%	\$654,470,832.13	4.3%	\$672,552,799.64	2.8%
Individual Income Tax (Circuitbreaker)	(\$22,648,007.38)	N/A	(\$33,646,723.94)	-48.6%	(\$35,480,955.57)	-5.5%	(\$36,436,513.13)	-2.7%	(\$39,821,811.67)	-9.3%
Individual Income Tax (BETR)	\$0.00	N/A	(\$44,201,072.58)	N/A	(\$39,643,863.41)	10.3%	(\$38,047,610.00)	4.0%	(\$44,057,727.44)	-15.8%
Corporate Income Tax	\$60,725,525.27	30.3%	\$90,767,543.44	49.5%	\$72,702,166.48	-19.9%	\$78,002,374.93	7.3%	\$68,654,946.63	-12.0%
Cigarette and Tobacco Tax	\$49,996,215.75	-1.3%	\$76,821,990.42	53.7%	\$84,624,488.38	10.2%	\$78,417,297.88	-7.3%	\$77,622,764.45	-1.0%
Public Utilities Tax	(\$167,633.34)	42.9%	\$0.00	100.0%	(\$116,564.00)	N/A	\$347,980.26	398.5%	\$231,237.60	-33.5%
Insurance Companies Tax	\$15,059,488.32	17.1%	\$11,885,217.41	-21.1%	\$11,536,110.23	-2.9%	\$13,440,704.28	16.5%	\$12,531,119.13	-6.8%
Estate Tax	\$15,636,391.40	48.5%	\$47,701,811.13	205.1%	\$27,246,546.26	-42.9%	\$11,136,043.98	-59.1%	\$11,761,659.09	5.6%
Property Tax - Unorganized Territory	\$9,638,377.00	7.8%	\$9,560,399.00	-0.8%	\$10,403,375.00	8.8%	\$10,238,664.00	-1.6%	\$10,995,373.00	7.4%
Income from Investments	\$1,907,749.24	88.0%	\$2,918,778.76	53.0%	\$1,852,341.21	-36.5%	\$1,938,030.59	4.6%	\$1,405,722.44	-27.5%
Revenue Sharing Transfers	(\$52,447,275.59)	-5.0%	(\$53,621,225.39)	-2.2%	(\$55,027,176.09)	-2.6%	(\$57,058,691.87)	-3.7%	(\$56,885,515.87)	0.3%
Liquor Transfers	\$50,013,353.52	237.1%	\$11,850.00	-100.0%	\$11,671.36	-1.5%	\$0.00	-100.0%	\$0.00	N/A
Lottery Transfers	\$24,607,810.77	17.5%	\$25,453,919.23	3.4%	\$25,650,002.45	0.8%	\$25,075,847.60	-2.2%	\$26,668,273.74	6.4%
Other Revenue	\$94,430,523.25	4.3%	\$91,020,216.16	-3.6%	\$96,271,729.97	5.8%	\$91,495,341.16	-5.0%	\$86,073,107.72	-5.9%
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$1,237,052,953.41</b>	<b>8.5%</b>	<b>\$1,263,149,533.05</b>	<b>2.1%</b>	<b>\$1,281,416,761.83</b>	<b>1.4%</b>	<b>\$1,293,829,097.80</b>	<b>1.0%</b>	<b>\$1,285,806,013.37</b>	<b>-0.6%</b>
<b>HIGHWAY FUND</b>										
Fuel Taxes	\$98,054,337.80	5.6%	\$96,743,673.36	-1.3%	\$98,323,156.04	1.6%	\$98,358,207.92	0.0%	\$94,536,644.34	-3.9%
Motor Vehicle Registration and Fees	\$37,505,170.83	2.0%	\$40,237,605.78	7.3%	\$39,671,640.89	-1.4%	\$39,760,034.83	0.2%	\$41,222,745.90	3.7%
Inspection Fees	\$2,380,476.76	11.0%	\$2,459,568.89	3.3%	\$2,467,490.62	0.3%	\$2,440,301.10	-1.1%	\$2,010,587.68	-17.6%
Fines	\$886,896.79	-5.6%	\$922,398.97	4.0%	\$898,260.82	-2.6%	\$908,208.82	1.1%	\$880,014.34	-3.1%
Income from Investments	\$380,400.69	48.4%	\$865,591.55	127.5%	\$425,656.53	-50.8%	\$754,602.33	77.3%	\$321,472.31	-57.4%
Other Revenue	\$5,059,588.10	-4.1%	\$5,743,458.79	13.5%	\$5,681,529.35	-1.1%	\$5,907,928.37	4.0%	\$6,050,448.13	2.4%
<b>TOTAL HIGHWAY FUND REVENUE</b>	<b>\$144,266,870.97</b>	<b>4.3%</b>	<b>\$146,972,297.34</b>	<b>1.9%</b>	<b>\$147,467,734.25</b>	<b>0.3%</b>	<b>\$148,129,283.37</b>	<b>0.4%</b>	<b>\$145,021,912.70</b>	<b>-2.1%</b>

Adjusted for Service Provider Tax Split

**Information Services Report to Legislative Council**  
**Paul Mayotte, Director, Office of Legislative Information Services**  
**January 22, 2009**  
**(Preliminary Report January 15, 2009)**

**On Going Technology Projects:**

With the number of new members joining the Legislative Council the following is provided to update the new members on legislative technology initiatives in progress.

**Bill Tracking Application:**

For the start of the 124<sup>th</sup> Legislature a new integrated Bill Tracker application has been implemented replacing two WANG mini-computer based applications. The functions of the new application are being closely monitored and the system's output in the form of reports and queries is being audited on an on going basis for accuracy.

**House Chamber Automation:**

The Office is providing technical support to the House with the purchase and installation of hardware, access to legislative data, providing secure wireless access and providing assistance to House Members. This project is in its final stage of implementation.

**Server Consolidation:**

The Legislature is in the process of reducing the number of computer servers it uses. This is being done through the use of virtualization software. As old servers are being retired, their functions are being moved to servers that support multiple applications at the same time. The goal of this project is to cut the number of servers used in half.

**Web Page Data Updates:**

During the 2008 interim changes were implemented to reduce the amount of time required to update data on the legislative website. Initial results indicate the website is now being updated within minutes of the data being made available.

**Legislative Council Actions  
Taken by Ballot Since the  
December 4, 2008 Council Meeting**

**Request for Introduction of Legislation**

A. LR 809            **JOINT RESOLUTION MEMORALIZING CONGRESS TO SUPPORT THE  
DIVIDED WE FAIL EFFORT**

Submitted by: Speaker Hannah Pingree  
Accepted:     1/12/09            Vote: 10 – 0 in favor

G:\Council\124th Legislative Council\After Deadline\Actions Taken by Ballot by since 2008-12-04 meeting.doc 1/12/2009 9:40 AM



# Maine Indian Tribal-State Commission

November 21, 2008

Paul Bisulca - Chair  
John Banks  
Greg Cunningham  
Michael Hastings  
Paul Jacques  
Hilda Lewis  
Bonnie Newsom  
James Nimon  
Linda Raymond  
Brian Reynolds  
Donald Soctomah

David Boulter, Executive Director  
Legislative Council  
115 State House Station  
Augusta, Maine 04333-0115

Dear David:

The Maine Indian Tribal-State Commission (MITSC) wants to collaborate with Legislative leadership and the Office of the Legislative Council to design an effective orientation program addressing tribal-state relations for the incoming legislators of the 124th Legislature. We appreciate the cooperation that we received from you and Legislative leadership last session to expose legislators to the Maine Indian Claims Settlement, MITSC, the Wabanaki, and tribal-state relations.

Last session's orientation activities included stops at the Houlton Band of Maliseet Indians Reservation and Passamaquoddy Tribe's Sipayik Reservation during the Maine Development Foundation's Economic Tour of Northern and Eastern Maine. In addition, we addressed legislators in the House Chambers on January 25, 2007 and Senate Chambers on January 17, 2008. Finally, we organized a bus tour to Indian Island on January 16, 2008.

I have already discussed with Ed Cervone at the Maine Development Foundation their plan to incorporate a visit with the Maliseets as part of the 2009 Northern Maine Tour. We commend the committee planning the Northern Maine Tour for including the stop with the Houlton Band of Maliseet Indians. Though that visit will be especially helpful to legislators, we perceive a need for some type of briefing session to take place in the State House to supplement the experience legislators will have in Littleton.

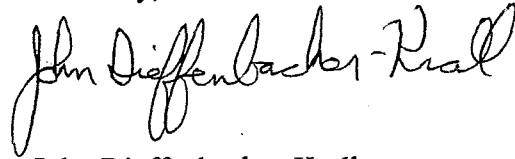
In this period of strained tribal-state relations, we believe educating legislators regarding the Maine Indian Claims Settlement Act, Maine Implementing Act, the Wabanaki Tribes, responsibilities of MITSC, and current priority issues concerning tribal-state relations is imperative. MITSC stands ready to work with you and legislative leadership on planning this requested session to maximize its usefulness and efficacy. MITSC also suggests that we solicit the input of Passamaquoddy Tribal Representative Donald Soctomah and Penobscot Tribal Representative Wayne Mitchell for their ideas on how we best accomplish the intended education of the legislators.

John Dieffenbacher-Krall  
Executive Director  
P.O. Box 186  
Hudson, ME 04449  
(207) 394-2045  
mitsced@midmaine.com

EXECUTIVE DIRECTOR'S  
OFFICE  
2008 NOV 24 A 8:19

Thank you for incorporating this important subject area into the overall orientation program for the 124th Maine Legislature.

Sincerely,

A handwritten signature in black ink, reading "John Dieffenbacher-Krall". The signature is fluid and cursive, with the last name "Krall" being more prominent and stylized.

John Dieffenbacher-Krall  
Executive Director

cc: MITSC Commissioners  
Passamaquoddy Tribal Representative Donald Soctomah  
Penobscot Tribal Representative Wayne Mitchell



[Senate Main Menu](#)  
[Legislature Menu](#)

# 124th Maine Legislature Joint Rules

**Revised January 15, 2009**

[Preamble](#)

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[Part 4 - Floor Action on Legislation](#)

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*See Joint Rule 214*

## INDEX TO THE JOINT RULES

[List of Sections of the Joint Rules](#)

### Amendments

- Time of presentation - Rule [403](#)
- Errors and inconsistencies legislation - Rule [311](#)
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### Appropriations measures

- Fiscal notes - Rule [312](#)
- Subcommittees - Rule [314](#),  
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### Bills and resolves

- Amendment - Rule [403](#)
- Claims against the state -  
Rule [216](#)
- Cloture rule, first regular  
session - Rule [200](#)

and the Speaker of the House and must be presented in a manner standardized by the Revisor of Statutes.

Each expression of legislative sentiment must contain the residency of the recipient and must, at a minimum, be cosponsored by the Senator and Representative who represent the recipient unless the Senator or Representative affirmatively declines.

The expressions of legislative sentiment may not be part of the permanent journal or the legislative record but must appear on the Advance Calendar and Journal of each body. The Secretary of the Senate and the Clerk of the House shall print the expressions in an appendix to the legislative record. When the Legislature is not in session, the President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

#### → **Rule 214. Memorials.**

A memorial is not in order for introduction unless approved by a majority of the Legislative Council.

#### **Rule 215. Actions Relating to the United States Constitution.**

All memorials, resolutions, applications and petitions that relate to the Legislature's functions under the United States Constitution, Article V are in order for introduction without approval from the Legislative Council. Passage of these items must be accomplished as follows:

- **1. Calling of United States Constitutional Convention.** An item requesting the calling of a United States Constitutional Convention requires a 2/3 vote of the members present in each chamber;
- **2. Ratification of Amendment.** An item requesting ratification of an amendment to the United States Constitution requires a majority vote of the members present in each chamber; and
- **3. Any Other Action.** An item requesting any other action under the United States Constitution, Article V requires a majority vote of the members present in each chamber.

#### **Rule 216. Claims against the State.**

A claim of an amount of \$2,000 or less is in order for introduction only after the claim has been first disapproved or partially approved for payment under the Maine Revised Statutes, Title 5, section 1510-A. A claim of an amount greater than \$2,000 is in order for introduction only in the form of a resolve authorizing a suit against the State.

#### **Rule 217. Measures Rejected at a Prior Session.**

A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

#### **Rule 218. Legislation Filed Pursuant to Law or Resolve.**

Legislation filed pursuant to law or resolve must identify the source of the legislation and must cite the law or resolve that authorizes the filing. The legislation must be introduced in the chamber of the

**LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
January 21, 2009**

**JOINT RESOLUTION**

**SPONSOR: Rep. Bickford, Bruce A.**

LR 702      JOINT RESOLUTION URGING CONGRESS TO RESTRICT THE USE OF  
TEMPORARY ASSISTANCE TO NEEDY FAMILIES FOOD STAMPS TO  
NONTAXABLE ITEMS

**JOINT RESOLUTION**

**SPONSOR: Sen. Bliss, Lawrence Steven**

LR 947      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED  
STATES AND THE CONGRESS OF THE UNITED STATES TO FULFILL THE  
INTENT TO FUND 60% OF THE COSTS OF SPECIAL EDUCATION AND TO END  
UNFUNDED MANDATES

**JOINT RESOLUTION**

**SPONSOR: Rep. Cebra, Richard M.**

LR 722      JOINT RESOLUTION ASSERTING THE SOVEREIGNTY OF THE STATE OF  
MAINE AND URGING CONGRESS TO CEASE CERTAIN MANDATES

**JOINT RESOLUTION**

**SPONSOR: Rep. Davis, Paul T, Sr**

LR 1869      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED  
STATES AND THE CONGRESS OF THE UNITED STATES TO REFORM THE  
SOCIAL SECURITY OFFSETS

### **JOINT RESOLUTION**

**SPONSOR: Sen. Gooley, Walter R.**

LR 907      JOINT RESOLUTION URGING THE MASSACHUSETTS AIR NATIONAL GUARD  
TO CONDUCT AN ENVIRONMENTAL IMPACT STUDY REGARDING TRAINING  
FLIGHTS

### **JOINT RESOLUTION**

**SPONSOR: Rep. Lewin, Sarah O.**

LR 960      JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED  
STATES FOR INCREASED OVERSIGHT AND ACCOUNTABILITY FOR  
RECIPIENTS OF FEDERAL BAILOUT FUNDS

### **JOINT RESOLUTION**

**SPONSOR: Rep. Mazurek, Edward J.**

LR 1092      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED  
STATES AND CONGRESS OF THE UNITED STATES TO SIGN LEGISLATION  
THAT ESTABLISHES A NATIONAL UNIVERSAL, SINGLE-PAYOR NONPROFIT  
HEALTH CARE PLAN

### **JOINT RESOLUTION**

**SPONSOR: Sen. Mitchell, Elizabeth M.**

LR 1870      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED  
STATES AND THE CONGRESS OF THE UNITED STATES TO SUPPORT THE  
RECOMMENDATIONS OF THE MAINE COMMISSION TO PROTECT THE LIVES  
AND HEALTH OF MEMBERS OF THE MAINE NATIONAL GUARD

**JOINT RESOLUTION**

**SPONSOR: Rep. Pich, Wendy**

LR 1871      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO ALLOCATE FULL FUNDING FOR THE NATIONAL VETERINARY MEDICAL SERVICES ACT

**JOINT RESOLUTION**

**SPONSOR: Sen. Schneider, Elizabeth M.**

LR 1213      JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO INCREASE THE TRUCK WEIGHT LIMITS ON INTERSTATE 95 NORTH OF AUGUSTA, MAINE

**JOINT RESOLUTION**

**SPONSOR: Sen. Trahan, David A.**

LR 465      JOINT RESOLUTION EXPRESSING THE OPPOSITION OF THE LEGISLATURE TO THE FEDERAL MANDATE TO THE STATE REQUIRING A SALTWATER FISHING LICENSE OR REGISTRY

**JOINT RESOLUTION**

**SPONSOR: Rep. Valentino, Linda M.**

LR 1270      JOINT RESOLUTION MEMORIALIZING THE GOVERNMENT OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS



EXECUTIVE DIRECTOR'S  
OFFICE

2008 DEC 24 A 10:10

November 1, 2008

## ADVISORY COUNCIL

Annual Report, August 27, 2007-August 31, 2008

**To:** Will Harris, Director, Bureau of Parks and Lands, Department of Conservation

**cc:** Governor John E. Baldacci, Department of Conservation Commissioner Patrick McGowan, Members, Maine Legislative Council and Members, Joint Standing Committee on Agriculture, Conservation and Forestry

**From:** Joseph Donald Cyr, Anthony Hourihan, W. Donald Hudson, Chair, Robert McIntosh, Janet McMahon, Donald Nicoll, Richard Walthers and National Park Service alternate member Jamie Fosburgh.

The Maine Wilderness Waterway Advisory Council was established under PL 2008, ch. 146, and began its work with a meeting in the Governor's Cabinet Room, August 27, 2007. The Council is pleased to submit this report to Bureau of Parks and Lands Director Will Harris in accordance with the requirements of ch. 146.

The Council organized itself at the initial meeting, electing Donald Nicoll chair for a one year term ending August 31, 2008.

The Council met five times subsequent to the organization meeting: October 19, 2007, February 15, 2008, May 21, 2008, June 20, 2008, and August 13, 2008. Three of the meetings were in Augusta (October 19, June 20 and August 13), one was in Orono (May 21) and one was held in both Augusta and Presque Isle (February 15). All meetings were open to the public and included opportunities for public comment. The Augusta-Presque Isle meeting used interactive video and most of the others were available for public listening on the legislature's streaming audio system. Council meeting agendas and minutes are posted on the Council's Web page:

<http://www.maine.gov/doc/parks/AllagashWildernessWaterwayAdvisoryCouncil.shtml>

Unfortunately, heavy August rains and flooding made it impossible for the Council to fulfill its plan to undertake a field trip on the Waterway and a meeting at the University of Maine at Fort Kent Elmer H. Violette Wilderness Camp.

In its first year, the Council focused its attention on its initial responsibility to develop a proposed strategic plan for the Waterway. Members took the following first steps:

- ▶ organized themselves in four subgroups, addressing ecology, recreational uses, cultural preservation and interpretation and supplemental funding and other resources;
- ▶ identified priority issues in each of the areas, prepared preliminary draft goals and objectives for further research and discussion; and
- ▶ completed work on a draft proposed mission statement for the Waterway at their August 13, 2008 meeting. The draft remains open for discussion and revision pending Council action on a proposed strategic plan that will be submitted to the Bureau Director.

**ALLAGASH WILDERNESS WATERWAY  
DRAFT MISSION STATEMENT**  
August 13, 2008

Preserve, protect and develop the maximum wilderness character of the Watercourse and ensure its ecological integrity and optimum public use through careful management as a wilderness area in the historical and modern context of a working forest.

**Guiding Principles**

- > Priority is placed on providing a memorable wilderness recreation experience to its primary users, the canoeists and fishermen.
- > The rich history, culture and traditions of the Allagash River contribute to its uniqueness, and will be preserved and interpreted as an asset to the Waterway and its visitors.
- > The Maximum Wilderness Character of the Watercourse and Restricted Zone is fundamental to the purposes of the Waterway under founding state statutes and the federal wild river designation, and is central to state administration and management.
- > The Watercourse and Restricted Zone shall be managed in accordance with wilderness management principles. Adjustments shall be made to address legislative mandates and to facilitate preservation of historical features and traditions that enrich the Waterway and visitor experience.
- > Broader Waterway purposes of ecological integrity, viewsheds, wildlife management and wilderness recreation and character of the 1/4 and 1-mile zones shall be pursued in partnership with timber landowners.

### Statutory Definitions

#### “Watercourse”:

The lakes, ponds and rivers included in the Allagash Waterway, from Telos Lake in the south to the confluence of Twin Brook with the Allagash River in the north, and including Allagash Lake and Allagash Stream (Title 12, S.1872.12)

#### “Waterway”:

All land area and all waters within one mile of the high water mark of the Watercourse. (Title 12, S. 1873.1)

#### “Restricted Zone”:

The state-owned strip of land from 400 feet to 800 feet wide extending in all directions from the bounds of the Watercourse and includes all land areas within the bounds of the Watercourse. The Restricted Zone shall include all additional land areas that may be added by mutual agreement between the Bureaus and a private property owner. (Title 12, S. 1872.8

#### “New Construction Area” (also known as “1/4 mile zone”)

The area within 1/4 mile of the outer boundary of the Restricted Zone where new construction shall take place only with the prior approval of the Bureau (Title 12, S. 1876.2)

#### “One Mile Area”

All land and water within one mile of the shoreline of the Watercourse. (Title 12, S. 1873.1)

In the course of its meetings the Council received reports on various Waterway matters from Bureau Director Harris, Assistant Director Tom Morrison, Northern Regional Director Tim Hall, and members of the public who attended the sessions.

At its final meeting of the year, August 13, 2008, Council members learned from Eric Denico that he had, on behalf of a non-profit corporation he was creating, entered into a verbal agreement with Katahdin Timberlands, LLC to acquire the 46 acre Lock Dam Lot within the Waterway Restricted Zone. On the basis of statements made at the meeting it appeared that Marcia McKeague, president of Katahdin, had offered to sell the property to the State, but Bureau staff had declined the offer because of perceived funding problems. Subsequent to the Board meeting Council members expressed concern that the one private inholding remaining within the Restricted Zone was not being acquired by the State and that the Council had not been consulted on the pending policy decision. The Council did not have an opportunity to meet and act on the issue before the end of August.

At its August 13 meeting the Council voted unanimously to elect W. Donald Hudson as Council Chair for the term beginning September 1, 2008 and ending August 31, 2009.

The Council is pleased to report that it has succeeded in carrying out its responsibilities as a policy advisory body in open meetings marked by civil discourse and constructive exchanges within the Council and between Council members and public attendees from a variety of constituencies. We believe we are carrying out the objective of Governor Baldacci's Allagash Wilderness Waterway Working Group, "choosing common ground and moving ahead."

We appreciate the support we have received from Bureau staff, particularly Mackenzi Keliher and Melissa Macaluso, and the responsiveness of the Bureau Director and senior staff to most of our requests. We recognize that an independent Allagash Wilderness Waterway Advisory Council is a new experience for the Bureau and that we and the Bureau have work to do in clarifying the roles and responsibilities of both parties, particularly in the arena of timely consultation on important policy questions and in the relationships between the Council and the Waterway's technical working groups.

We also recognize the Waterway has been moving toward a transition in its management and that structural reforms mandated by PL 2007, ch. 146, have not yet been achieved. We look forward to the completion of that transition, the appointment of a manager under the legislative mandate, and the opportunity to work directly with the new manager, as intended in the legislation, fulfilling our advisory and oversight roles.

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HON. BARRY J. HOBBS, CHAIR  
HON. DEBORAH L. SIMPSON  
SHENNA BELLOWS  
KARLA BLACK  
ERIC CONRAD  
ROBERT DEVLIN  
MARK DION  
RICHARD FLEWELLING



JAMES T. GLESSNER  
SUZANNE GOUCHER  
MAL LEARY  
JUDY MEYER  
MAUREEN O'BRIEN  
LINDA PISTNER  
HARRY PRINGLE  
CHRIS SPRUCE

STATE OF MAINE

**RIGHT TO KNOW ADVISORY COMMITTEE**

January 7, 2009

The Honorable Hannah Pingree, Chair  
The Honorable Elizabeth Mitchell, Vice-Chair  
Legislative Council  
124th Maine Legislature  
115 State House Station  
Augusta, Maine 04333

Dear Representative Pingree and Senator Mitchell:

This letter is to inform you that the Right to Know Advisory Committee has completed its work and submitted its report, including recommended legislation, pursuant to Title 1, section 411, subsection 6, paragraph G. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry J. Hobbs", is written over a horizontal line.

Senator Barry J. Hobbs, Chair  
Right to Know Advisory Committee

Enclosure

c: Members of the Legislative Council (w/enc.)