

MAINE STATE LEGISLATURE

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



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

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

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
LEGISLATIVE COUNCIL
JUNE 9, 2009
1:30 P.M.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MAY 14TH AND 18TH MEETINGS OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
7	▪ Executive Director's Report (Mr. Boulter)	Information
8	▪ Fiscal Report (Mr. Pennoyer)	Information

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee** (Speaker Pingree, Chair)
Schedule for Closure of Legislative Offices
- **State House Facilities Committee** (Rep. Piotti, Chair)
(No Report)
- **CSG Annual Meeting Planning Subcommittee**
(Senator Bartlett and Representative Nancy Smith, Co-chairs)
(No Report)

OLD BUSINESS

- | | | |
|-----------|--|--------------------|
| 12 | Item #1: Council Actions Taken By Ballot (No Action Required)
A copy of a list of actions taken by ballot by the Legislative Council since its May 14, 2009 meeting is attached. | Information |
|-----------|--|--------------------|

NEW BUSINESS

- | | | |
|-----------|---|-----------------------|
| 14 | Item # 1: Consideration of After Deadline Bill Requests | Roll Call Vote |
| | Item # 2: Consideration of Legislative Study Requests (separate handout) | Roll Call Vote |
| 15 | Item # 3: Cloture Schedule for 2nd Regular Session
[Margaret Matheson, Revisor] | Information |
| 16 | Item # 4: L.D. 1428, "An Act Regarding the Pay of Tribal Representatives"
[Speaker Pingree] | Decision |
| 18 | Item # 5: Citizens Trade Policy Commission
Request to Carry Over Unspent FY 09 Funds to FY 10 | Decision |
| | Item # 6: Executive Session (if necessary) | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY

May 14, 2009

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the Legislative Council meeting to order at 8:10 P.M. in the Legislative Council Chambers.

ROLL CALL

Senators: President Elizabeth Mitchell, Sen. Philip Bartlett, Sen. Kevin Raye, Sen. Jonathan Courtney, Sen. Lisa Marraché [arrived after the start of the meeting]

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Joshua Tardy, Rep. Philip Curtis

Absent: Rep. Seth Berry

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Grant Pennoyer, Director, Office of Fiscal and Program Review

Chair Pingree convened the meeting at 8:10 P.M. with a quorum of members present.

SUMMARY OF APRIL 16, 2009 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of April 16, 2009 be accepted and placed on file. Motion by Senator Bartlett. Second by Senator Raye. **Motion passed unanimous (8-0).** [Senator Marraché and Representative Berry absent for vote]

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

Executive Director's Report

(No Report)

Fiscal Report

(No Report)

Information Services Report

(No Report)

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

Senate President Mitchell presented a motion on behalf of the Budget Subcommittee.

Motion: That upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council approve General Fund budget savings totaling \$2,965,297 and Highway Fund budget savings of \$104,431 from legislative accounts over the 2010-2011 biennium in accordance with the subcommittee's recommendations, and direct the executive director to prepare and submit implementing language to the Appropriations Committee for inclusion in the biennial budget legislation. Further, these savings are to be achieved through a combination of General Fund deappropriations for on-going items and by lapsing funds to the General Fund and Highway Fund for one-time cost saving measures as recommended by the budget subcommittee.

FURTHER, that upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council approve health insurance savings to be achieved through employee and legislator contributions to premiums, as adjusted by the wellness incentive in FY 11, consistent with the provisions contained in the Appropriations Committee amendment to the biennial budget bill.

FURTHER, that upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council establish a limited voluntary employee incentive program for legislative employees and develop a policy and procedures to implement such a program in order to achieve Personal Services savings in the 2010-2011 biennium. Motion by Senator Mitchell. Second by Representative Tardy. **Motion passed unanimous (8-0). [Senator Marraché and Representative Berry absent for vote]**

Chair Pingree noted that the Legislative Council has achieved significant budget savings for the next biennium, in the amount of \$3.5M - \$3.8M including savings resulting from changes in group health insurance contributions by employees. She also noted that the savings were the result of making difficult budget decisions, some of which may not be popular with other legislators, including elimination of membership dues, reduced out-of-state travel and shortening the length of the legislative session.

President Mitchell thanked the members of the budget subcommittee for their work.

4. CSG Annual Meeting Planning Subcommittee

Senator Bartlett stated that the subcommittee has contracted with Moose Ridge Associates for event planning and fundraising. He noted that he and Moose Ridge Associates contractor John Hennessy have begun working with DECD's Bureau of Tourism regarding the August 2009 reception. \$5,000 will need to be raised very quickly to fund the event.

No action by the Legislative Council is required.

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

A copy of the list of actions taken by ballot by the Legislative Council since its April 16, 2009 meeting was attached. No further action by the Legislative Council was required.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests/Addendum

The Legislative Council tabled five after deadline requests. The Legislative Council's actions on these requests are included on the attached list.

ITEM #2: L.D. 1428, "An Act Regarding the Pay of Tribal Representatives" [Speaker Hannah Pingree]

Legislative Council Chair Pingree stated that the Joint Standing Committee on State and Local Government has unanimously reported out legislation that would change legislative compensation for the two tribal representatives to the Legislature. She indicated that there has been some discussion with the Attorney General whether the increased tribal pay can be paid retroactively if the legislation passes (the legislation does not contain a retroactivity clause). She said that the most appropriate way to resolve the issue of retroactivity is through a floor amendment to the committee amendment.

Mr. Boulter explained that the amendment by the State and Local Government Committee would provide a salary to the tribal representatives for each regular session rather than a per diem for attendance at daily legislative sessions. If a retroactive payment is authorized, the tribal representatives would receive the difference between the salary and what compensation they have already received this session.

Representative Tardy asked whether the tribal representatives currently receive compensation from any other entity for their attendance. He noted that in past years some tribal members had received \$70,000 - \$80,000 per year. Senator Courtney responded that the State and Local Government Committee was told that the tribal representatives no longer receive other compensation. He then asked whether money is available in the legislative budget to pay the additional compensation.

Mr. Boulter responded that there would be a cost, and therefore, the committee amendment will have a fiscal note attached.

After further discussion, the members concluded that the Legislative Council did not need to take any action to support or oppose a floor amendment that may be offered when the bill is considered in the House.

No Legislative Council action was taken.

ITEM #3: Resolution Supporting the Passage of LD 1020 “An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom”

The resolution by the City of Portland in support of passage of LD 1020 was presented for informational purposes only. No action by the Legislative Council was required.

ITEM #4: Request for a proposed study from the Joint Standing Committee on Utilities and Energy for Approval under Joint Rule 353.

The committee has requested that the Legislative Council authorize the committee to report out the proposed study committee legislation that contains a provision that is inconsistent with Joint Rule 353 regarding legislative studies. Motion by Senator Bartlett. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Marraché and Representative Berry absent for vote]

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 8:25 P.M.

**LEGISLATIVE COUNCIL ACTION ON
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
As of: May 14, 2009**

SPONSOR:	Rep. Beaudette, Stephen R.	Action TABLED 5/14/09
LR 1994	An Act To Authorize a General Fund Bond Issue for the Establishment of a College of Dental Management at the University of New England's Portland Campus	
SPONSOR:	Rep. Connor, Gary A.	TABLED 5/14/09
LR 1993	An Act To Reduce the Minimum Number of School Days That a School is Closed for an Emergency	
SPONSOR:	Rep. Tilton, Dianne	TABLED 5/14/09
LR 1986	An Act To Allow Municipalities To Institute Temporary Closures of Their Municipal Shellfish Programs	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Hanley, Stephen P.	Action TABLED 04/16/09
LR 1980	An Act To Amend the Laws Pertaining to the Collection of Child Support	
SPONSOR:	Rep. Tardy, Joshua A.	TABLED 03/26/09
LR 1957	Resolve, To Identify Unfunded State Educational Mandates	

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

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
May 18, 2009

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the Legislative Council meeting to order at 6:39 P.M. in the Legislative Council Chambers.

ROLL CALL

Senators: President Elizabeth Mitchell, Sen. Philip Bartlett, Sen. Kevin Raye, Sen. Jonathan Courtney, Sen. Lisa Marraché

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

Absent: Rep. Philip Curtis

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director

Chair Pingree convened a special meeting of the Legislative Council at 6:39 P.M. with a quorum of members present.

NEW BUSINESS

ITEM #1: Consideration of Additional Personal Services Savings for Legislature in FY 2010-2011 Budget

Motion: That the Legislative Council increase Personal Services savings beyond that approved at its May 14, 2009 meeting by \$990,127 by not awarding step increases or longevity stipends to eligible employees in FY10 and FY11, for total Personal Services savings of \$2,251,435 for the FY 2010 – 2011 budget for the Legislature. Motion by Senate President Mitchell. Second by Senator Marrache. **Motion passed unanimous (9-0).** [Representative Curtis absent for vote]

ADJOURNMENT

The Legislative Council meeting was adjourned at 6:49 P.M.



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Executive Director's Report
June 9, 2009**

1. State House Repairs and Improvements
Work to make necessary repairs and improvements to the State House, including patching and painting public spaces, will begin in July.

2. VOLP Telephone System
Staff has been investigating the feasibility of upgrading the current telephone system to a modern, computerized system, Voice Over Internet Protocol (VOLP). The initial assessment suggests that upgrading the system to a VOLP system suggests that it may be cost-effective over the long-term and result in enhanced telephone features without decreasing reliability.

At the next State House Facilities Committee meeting, staff will present background information and a proposal for proceeding to the next level of assessment for the committee's review.

3. Resignation of Edward A. Charbonneau IV
Ed Charbonneau, Senior Attorney in the Revisor's office is resigning his position after 15 years to accept a position outside of the Legislature. He is a skilled lawyer and drafter and has been a huge asset to the Revisor's Office. Ed's last day with the Legislature will be shortly after adjournment of the first regular session.

G:\Council\124th Legislative Council\ED Report\Executive Director's report 2009-6-8.doc 6/8/2009 2:20 PM

Fiscal Briefing

Legislative Council Meeting – June 9, 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
May	\$235.3	\$214.1	(\$21.2)	-9.0%	\$248.0	-13.7%
FYTD	\$2,380.1	\$2,367.0	(\$13.1)	-0.6%	\$2,608.1	-9.2%

General Fund revenue was under budget by \$21.2 million in May and the Fiscal Year-to-date (FYTD) by \$13.1 million or -0.6%. May revenue was 13.7% below May 2008 and 9.2% below the same FYTD period in FY 2008. This variance report is now based on the May revenue forecast and legislative changes implemented in the Biennial Budget Bill, LD 353 as enacted as PL 2009, c. 213.

Sales and Use Tax continued to underperform in May despite the significant downward adjustments in the May revenue revision. Sales tax collections representing April taxable sales were under budget by \$2.8 million. The Service Provider Tax and Cigarette and Tobacco Products Tax categories were also under in May.

Individual Income Tax category was under budget by \$18.3 million in May. Due to a positive variance related to the BETR program, this category was under budget by \$16.0 million for the FYTD. Receipts from withholding taxes were under budget \$12.1 million for May and for the FYTD. This is a major concern, especially if this negative variance continues into June.

The Corporate Income Tax category was over budget in May by \$3.4 million. This category along with Public Utilities Tax and Insurance Companies Tax categories were the only major categories running over budget.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$25.7	\$26.3	\$0.6	2.4%	\$25.0	5.2%
FYTD	\$274.8	\$274.3	(\$0.6)	-0.2%	\$274.4	0.0%

Highway Fund revenue was over budget by \$0.6 million or 2.4% in May but was under budget for the FYTD through May by \$0.6 million or 0.2%. Bureau of Motor Vehicle revenue was under budget by \$1.1 million in May, but Fuel Tax more than offset this negative variance in May. The Fuel Tax category was over revised budget by \$1.5 million. The new forecast finally appears to have captured the reduction in fuel consumption and the shift of volume to gasoline-ethanol mix, taxed at a lower rate.

2. General Fund Budgeted Balance

Attached is the updated General Fund Balance Status Report. Based on enacted law to date and the May forecast, the budgeted ending balance at the close of the current fiscal year is \$26.6 million. Fortunately, this balance provides some cushion against a negative revenue variance to avoid having to make significant adjustments to the current fiscal year should sales and individual income taxes fall below budget in June as they did in May. The projected balance at the end of the 2010-2011 biennium is only \$2.7 million. If the current fiscal year ends with a negative revenue variance, that small budgeted ending balance will be reduced.

Fiscal Briefing – June 9, 2009 (Continued)

3. Cash Update

Presented on the next page is a summary of the State's average cash balances in May compared to May 2008. May's poor revenue performance and the actions taken to close the Biennial Budget Bill and address the additional shortfall recognized in the May revenue forecast mean that General Fund cash balances will end the year significantly in the "red." The average balance for the total cash pool in May was \$277.2 million below May 2008 and significantly below the 2002 to 2008 historical average for May of \$684.8 million

Summary of Treasurer's Cash Pool		
May Average Daily Balances		
Millions of \$'s		
	2008	2009
General Fund (GF) Total	\$19.3	\$18.7
General Fund (GF) Detail:		
Budget Stabilization Fund	\$118.9	\$75.5
Reserve for Operating Capital	\$40.6	\$40.6
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$6.8	\$214.8
Other General Fund Cash	(\$147.0)	(\$312.2)
Other Spec. Rev. - Interest to GF	\$166.3	(\$57.1)
Other State Funds - Interest to GF	(\$14.3)	(\$10.8)
Highway Fund	\$27.9	\$29.4
Other Spec. Rev. - Retaining Interest	\$85.2	\$47.5
Other State Funds	\$192.0	\$208.1
Independent Agency Funds	\$119.8	\$82.9
Total Cash Pool	\$596.0	\$318.8

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2009
Reflecting Budgeted Amounts Through May 2009 Revenue Forecast and PL 2009, c. 213 (Biennial Budget Bill)

MAY 2009 REVENUE VARIANCE REPORT

Revenue Line	May '09 Budget	May '09 Actual	May '09 Variance	FY09 YTD Budget	FY09 YTD Actual	FY09 YTD Variance	FY09 YTD Variance %	FY09 Budgeted Totals
General Fund								
Sales and Use Tax	66,508,132	63,678,698.05	(2,829,433.95)	763,730,299	760,900,865.19	(2,829,433.81)	-0.4%	929,698,051
Service Provider Tax	4,546,946	4,105,056.62	(441,889.38)	44,618,263	43,977,044.66	(641,218.34)	-1.4%	53,452,742
Individual Income Tax	99,429,143	81,168,116.61	(18,261,026.39)	1,097,061,611	1,081,068,134.56	(15,993,476.44)	-1.5%	1,281,982,990
Corporate Income Tax	2,894,135	6,273,830.95	3,379,695.95	113,826,077	117,205,771.93	3,379,694.93	3.0%	148,940,000
Cigarette and Tobacco Tax	11,224,617	10,722,157.35	(502,459.65)	130,955,543	130,453,083.60	(502,459.40)	-0.4%	143,213,844
Public Utilities Tax	18,173,791	19,305,251.59	1,131,460.59	18,405,029	19,536,482.86	1,131,453.86	6.1%	18,405,029
Insurance Companies Tax	13,181,952	13,891,231.52	709,279.52	49,005,663	53,454,023.21	4,448,360.21	9.1%	71,978,985
Estate Tax	3,000,000	2,270,016.38	(729,983.62)	25,507,369	24,777,386.34	(729,982.66)	-2.9%	34,335,010
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	(118,540)	(145,352.16)	(26,812.16)	1,107,666	1,110,395.58	2,729.58	0.2%	1,154,221
Transfer to Municipal Revenue Sharing	(8,842,296)	(7,913,272.71)	929,023.29	(103,397,754)	(102,156,198.76)	1,241,555.24	1.2%	(103,412,337)
Transfer from Lottery Commission	4,764,361	3,913,935.22	(850,425.78)	45,737,769	45,473,514.36	(264,254.64)	-0.6%	49,549,250
Other Revenue	20,525,135	16,804,272.76	(3,720,862.24)	182,577,212	180,230,592.74	(2,346,619.26)	-1.3%	212,495,823
Totals	235,287,376	214,073,942.18	(21,213,433.82)	2,380,141,026	2,367,026,469.27	(13,114,556.73)	-0.6%	2,854,763,148
Highway Fund								
Fuel Taxes	15,181,755	16,660,517.21	1,478,762.21	177,800,843	178,340,027.21	539,184.21	0.3%	217,243,255
Motor Vehicle Registration and Fees	9,395,505	8,332,848.22	(1,062,656.78)	82,308,984	81,312,779.41	(996,204.59)	-1.2%	92,254,651
Inspection Fees	220,036	401,608.00	181,572.00	3,888,805	3,663,784.58	(225,020.42)	-5.8%	3,996,421
Fines	148,836	143,751.40	(5,084.60)	1,610,287	1,621,767.20	11,480.20	0.7%	1,795,049
Income from Investments	24,600	30,404.96	5,804.96	429,620	435,424.57	5,804.57	1.4%	458,392
Other Revenue	725,984	739,721.22	13,737.22	8,793,444	8,894,828.26	101,384.26	1.2%	9,401,872
Totals	25,696,716	26,308,851.01	612,135.01	274,831,983	274,268,611.23	(563,371.77)	-0.2%	325,149,640

GENERAL FUND STATUS - FUND BALANCE SUMMARY

Based on Legislation enacted to date and LD 353, PL 2009, c. 213, the 2010-2011 Biennial Budget Bill ¹

	FY 09	FY 10	FY 11
AVAILABLE FUNDS			
Transfers/Adjustments to Balance:			
Through 123rd Legislature	\$41,274,897	\$0	\$0
EFY09 Budget Bill (LD 45 - PL 2009, c. 1)	\$58,077,087	\$0	\$0
2010-2011 Biennial Budget (LD 353, PL 2009, c. 213)	\$91,135,900	\$45,892,527	(\$11,633,761)
Subtotal - Transfers/Adjustments to Balance	\$190,487,884	\$45,892,527	(\$11,633,761)
Undedicated Revenue:			
December 2008 Base Revenue Estimate	\$2,955,034,169	\$2,969,031,494	\$3,016,276,535
May 2009 Revenue Revision	(\$129,288,054)	(\$195,643,156)	(\$244,219,896)
EFY09 Budget Bill (LD 45 - PL 2009, c. 1)	\$6,787,268	\$204,958	(\$260,844)
Other Legislation - 124th Legislature, 1st Regular Session	\$0	\$296,533	\$64,520
2010-2011 Biennial Budget (LD 353, PL 2009, c. 213)	\$22,229,765	\$82,182,111	\$125,818,512
Subtotal - Undedicated Revenue	\$2,854,763,148	\$2,856,071,940	\$2,897,678,827
TOTAL PROJECTED RESOURCES	\$3,045,251,032	\$2,901,964,467	\$2,886,045,066
APPROPRIATIONS			
Appropriations through 123rd Leg. / 2010-2011 Baseline	\$3,136,652,244	\$3,159,861,644	\$3,165,280,194
EFY09 Budget Bill (LD 45 - PL 2009, c. 1)	(\$74,644,289)	\$0	\$0
Other Legislation - 124th Legislature, 1st Regular Session	\$0	\$600,000	\$0
2010-2011 Biennial Budget (LD 353, PL 2009, c. 213)	(\$42,411,921)	(\$233,570,046)	(\$280,257,345)
TOTAL APPROPRIATIONS	\$3,019,596,034	\$2,926,891,598	\$2,885,022,849
NET CHANGE (Resources less Appropriations)	\$25,654,998	(\$24,927,131)	\$1,022,217
BEGINNING BALANCE			
	\$935,111	\$26,590,109	\$1,662,978
NET CHANGE (FROM ABOVE)			
	\$25,654,998	(\$24,927,131)	\$1,022,217
ENDING BALANCE			
	\$26,590,109	\$1,662,978	\$2,685,195

Notes:

¹ Based on all legislative changes through the 123rd Legislature, FY 08 actual ending balance, the May 2009 Revenue Forecast, the Emergency FY 09 Budget Bill (LD 45, PL 2009, c. 1) and the 2010-2011 Biennial Budget Bill (LD 353 as enacted as PL 2009, c. 213). Other Legislation enacted during the 124th Legislature, 1st Regular Session include: LD 80 (RES 2009, c. 8), LD 462 (PL 2009, c. 199) and LD 1454 (PL 2009, c. 33).

**Legislative Council Actions
Taken by Ballot Since the
May 14, 2009 Council Meeting**

- A. Motion: That, pursuant to its policies, the Legislative Council APPROVE the request by the Joint Standing Committee on Appropriations and Financial Affairs to authorize the committee to report out the unanimous committee amendment to LD 353 (Biennial Budget bill) containing the study: "Task Force on the Sustainability of the Dairy Industry in Maine" that has provisions that are inconsistent with certain provisions of Joint Rule 353 governing legislative studies.

Motion by: Representative Pingree, Chair Legislative Council
Second by: Senator Mitchell, Vice-chair Legislative Council

Accepted: May 26, 2009 Vote: 10 – 0 in favor

- B. LR 2009 An Act To Stimulate the Maine Economy by Allowing the Federal First-time Home Buyer Tax Credit To Be Used at the Closing of a Real Estate Transaction

Submitted by: Representative Cleary

Accepted: May 28, 2009 Vote: 10 – 0 in favor

- C. LR 2003 JOINT RESOLUTION MEMORIALIZING CERTAIN NATIONAL PRIVATE ENTITIES TO HONOR MAINE BASEBALL GREAT LOUIS SOCKALEXIS AND TO AFFORD APPROPRIATE RESPECT TO NATIVE AMERICAN ATHLETES

Submitted by: Representative W. Mitchell

Accepted: May 28, 2009 Vote: 10 – 0 in favor

- D. LR 2008 An Act to Provide Funding for the Highway Fund Biennial Budget, to Repeal Fuel Tax Indexing and to Equalize Fuel Taxes

Submitted by: Representative Mazurek

Accepted: May 29, 2009 Vote: 10 – 0 in favor

- E. That pursuant to Joint Rule 353, Section 10 (study table) the Legislative Council authorize the Broadband Strategy Council in LD 1012, An Act Creating the Broadband Strategy Council, as amended provided that the ConnectME Authority is required to transfer funds for legislative expenses to the Legislature prior to convening the council.

Motion by: Representative Pingree, Chair Legislative Council
Second by: Senator Mitchell, Vice-chair Legislative Council

Accepted: May 29, 2009 Vote: 10 – 0 in favor

F. LR 2001 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF
THE UNITED STATES TO SUPPORT NATIONAL GUARD FACILITIES

Submitted by: Representative Cornell du Houx
Accepted: June 1, 2009 Vote: 10 – 0 in favor

G. LR 2010 An Act to Establish a Transition Adjustment for Fiscal Year 2009 - 10

Submitted by: Representative Webster
Accepted: June 3, 2009 Vote: 10 – 0 in favor

H. LR 2014 An Act to Provide Free Admission to State Parks to All Maine Veterans

Submitted by: Representative Cornell Du Houx
Accepted: June 4, 2009 Vote: 10 – 0 in favor

G:\Council\124th Legislative Council\Ballot\Actions Taken by Ballot by since 2009-05-14 meeting.doc 6/4/2009 9:16 AM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
As of: June 09, 2009**

		Action
SPONSOR:	Rep. Martin, John L.	
LR 2016	An Act To Amend the Charter of the Limestone Water and Sewer District	
SPONSOR:	Sen. Raye, Kevin L.	
LR 2007	An Act To Amend the Statutes Permitting the Sale of Sealed Lucky 7 Tickets in Conjunction with the Operation of High-stakes Beano	
SPONSOR:	Rep. Tilton, Dianne	
LR 2006	An Act To Allow a Disabled Holder of a Lobster License to Name a Proxy	

TABLED BY THE LEGISLATIVE COUNCIL

		Action
SPONSOR:	Rep. Beaudette, Stephen R.	TABLED 05/14/09
LR 1994	An Act To Authorize a General Fund Bond Issue for the Establishment of a College of Dental Management at the University of New England's Portland Campus	
SPONSOR:	Rep. Hanley, Stephen P.	TABLED 04/16/09
LR 1980	An Act To Amend the Laws Pertaining to the Collection of Child Support	
SPONSOR:	Rep. Tardy, Joshua A.	TABLED 03/26/09
LR 1957	Resolve, To Identify Unfunded State Educational Mandates	
SPONSOR:	Rep. Tilton, Dianne	TABLED 05/14/09
LR 1986	An Act To Allow Municipalities To Institute Temporary Closures of Their Municipal Shellfish Programs	

124TH LEGISLATIVE COUNCIL
 SECOND REGULAR SESSION
 REVIEW OF REQUESTS TO INTRODUCE LEGISLATION
 EARLY FALL 2009 SCHEDULE

September 16th (Wednesday)
 4 p.m.

Filing Deadline (Cloture) *

- Legislators (With sufficient information to draft or process as a concept draft)
- Department/Agencies (Final Drafts)

October 8th (Thursday)
 10 a.m.

**Legislative Council Meeting –
 Screening of Legislators' requests**

October 14th (Wednesday)

**Notification of Council's action
 mailed to sponsors**

October 20th (Tuesday)

Deadline for filing appeals

October 29th (Thursday)
 10 a.m.

**Legislative Council Meeting to
 consider appeals**

Week of December 14th

Bill Signing Week**

January 6th (Wednesday)

Legislature convenes

* Legislators are encouraged to file bill requests well in advance of this deadline.

**Subject to approval by the Presiding Officers.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
September 2009						
		1	2	3	4 (cl)	5
6	7 (a)	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
October 2009						
				1	2	3
4	5	6	7	8	9 (cl)	10
11	12 (b)	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
November 2009						
1	2	3 (c)	4	5	6	7
8	9	10	11 (d)	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26 (e)	27	28
29	30					
December 2009						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 (cl)	25 (f)	26
27	28	29	30	31		

- | |
|-----------------------------|
| a - Labor Day |
| b - Columbus Day |
| c - Election Day |
| d - Veterans' Day |
| e - Thanksgiving |
| f - Christmas |
| cl - executive closure days |

COPY

STATE OF MAINE

—
IN THE YEAR OF OUR LORD

TWO THOUSAND AND NINE

—
S.P. 512 - L.D. 1428

An Act Regarding the Pay of Tribal Representatives

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law Tribal Representatives to the Maine Legislature are not considered members of the House of Representatives for purposes of compensation; and

Whereas, this legislation amends the law to compensate Tribal Representatives in the same manner as other members of the House of Representatives; and

Whereas, it is necessary that this change be implemented immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 3 MRSA §2, 8th ¶, as amended by PL 1989, c. 501, Pt. O, §4; c. 600, Pt. B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

The member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature ~~shall~~ are entitled to receive a ~~compensation of \$110 for each day's attendance during the first and 2nd regular sessions~~ salary equal to the salary of members of the Senate and the House of Representatives, including a cost-of-living adjustment, for each regular session and allowance for meals, constituent service, housing and travel expenses to the same extent as any other member ~~members~~ of the Senate and House of Representatives for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they ~~shall~~ are entitled to receive the same per diem payment and allowances, including housing, meal and travel expenses, as any ~~other~~ member of the Senate and House of Representatives.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the estimated increase in Personal Services costs over budgeted amounts for the change in pay of the tribal representatives.

GENERAL FUND	2008-09	2009-10	2010-11
Personal Services	\$5,806	\$10,118	\$7,254
GENERAL FUND TOTAL	<u>\$5,806</u>	<u>\$10,118</u>	<u>\$7,254</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Sen. Troy Jackson, Chair
Sen. Stan Gerzofsky
Sen. Roger Sherman
Rep. Margaret Rotundo, Chair
Rep. Jeffery A. Gifford
Rep. Sharon Anglin Treat

Jane Aiudi
Malcolm Burson
Leslie Manning
Wade Merritt
Linda Pistner
Barbara VanBurgel



Sarah Adams Bigney
Carla Dickstein
Michael Herz
Michael Hiltz
John Palmer
John L. Patrick
Cynthia Phinney
Paul Volckhausen
Joseph Woodbury

Curtis Bentley, Legislative Analyst
Linda Nickerson, Administrative Staff

STATE OF MAINE

Citizen Trade Policy Commission

MEMORANDUM

TO: Senate Chair, Elizabeth H. Mitchell, Legislative Council
Representative Vice Chair, Hannah M. Pingree, Legislative Council

FROM: Troy Jackson, Senate Chair
Margaret Rotundo, House Chair
Maine Citizen Trade Policy Commission

DATE: June 4, 2009

RE: Request to carryover funds from FY 09 to FY 10

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

The commission has a current balance of \$40,541.07 of which \$10,000 (\$5,000 from FY 08 and \$5,000 FY09) is committed to fund the commission's biennial assessment in 2009 as required by Public Law 2007, chapter 266. In addition, \$17,500 of that amount is encumbered by a contractual obligation with the Department of Labor for staffing services received during FY 09 that have not yet been billed to the commission. That leaves an unencumbered balance of \$13,041 for FY 09.

As you know, the Committee Amendment "A" to LD 1310 (Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources) requires the

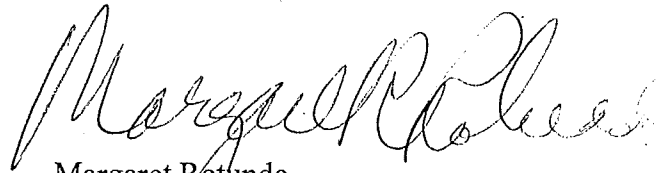
commission in conjunction with other state entities, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. At a minimum, the commission will need to hold a number of meetings and consult with outside experts for that purpose in addition to the commission's regular meetings and public hearings that are currently required by law. We believe the \$13,041 should be sufficient to cover the additional costs the commission will incur while conducting the groundwater examination proposed by Committee Amendment "A" to LD 1310. Therefore, for the above mentioned reasons, we respectfully request that the entire \$40, 541.07 be carried forward and added to the commission's FY 10 budget.

Thank you for your consideration of this matter.

Sincerely,



Troy Jackson
Senate Co-Chair



Margaret Rotundo
House Co-Chair

cc: Patrick Norton, Director, OPLA