

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

124TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

JULY 22, 2009

1:00 P.M.

REVISED AGENDA

| <u>Page</u> | <u>Item</u> | <u>Action</u> |
|-------------|---|--------------------|
| | CALL TO ORDER | |
| | ROLL CALL | |
| 1 | SUMMARY OF THE JUNE 9th MEETING OF THE LEGISLATIVE COUNCIL | Acceptance |
| | REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS | |
| 13 | ▪ Executive Director's Report (Mr. Boulter) | Information |
| 14 | ▪ Fiscal Report (Mr. Pennoyer) | Information |
| | REPORTS FROM COUNCIL COMMITTEES | |
| | • Personnel Committee (Speaker Pingree, Chair) | |
| | • State House Facilities Committee (Rep. Piotti, Chair) (No Report) | |
| | • CSG Annual Meeting Planning Subcommittee (Senator Bartlett and Representative Nancy Smith, Co-chairs) | |

OLD BUSINESS

(No Action Required)

NEW BUSINESS

- | | | |
|-----------|---|---------------------|
| 18 | Item #1: University of Maine System Task Force Report [Chancellor Pattenau] | Presentation |
| 27 | Item #2: Proposed Fee Schedule for Laws of Maine | Decision |
| | Item # 3: Legislative Digest of Bill Summaries and Enacted Laws [Separate Handout] | Information |
| 28 | Item #4: Updated Schedule for Review of Legislator Requests to Introduce Legislation [2nd Regular Session cloture date] | Information |
| | Item #5: Executive Session | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. HANNAH M. PINGREE
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124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY

June 9, 2009

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the June Legislative Council meeting to order at 2:23 P.M. in the Legislative Council Chambers.

ROLL CALL

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

Representatives: Speaker Hannah Pingree, Rep. John Piotti [arrived after the start of the meeting], Rep. Seth Berry, Rep. Philip Curtis

Absent: Rep. Joshua Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Patrick Norton, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Margaret Matheson, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director

Chair Pingree convened the meeting at 2:23 P.M. with a quorum of members present.

SUMMARY OF MAY 14th & 18th, 2009 MEETINGS OF LEGISLATIVE COUNCIL

Motion: That the meeting summaries for May 14th and 18th, 2009 be accepted and placed on file. Motion by Senate President Mitchell. Second by Senator Bartlett. **Motion passed unanimous (8-0).** [Representative Piotti and Representative Tardy absent for vote]

Chair Pingree asked if there was any objection to taking two items out of order. Hearing none, the Chair then moved to **New Business, Item 1: Consideration of After Deadline Bill Requests/Addendum** and **Item #2: Consideration of Legislative Study Requests**

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

President Mitchell noted that the Legislature will be trying to adjourn on Friday, June 12 and that unless there is a matter of extraordinary emergency, she advised against authorizing any new bills. Speaker Pingree concurred.

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

ITEM #2: Consideration of Legislative Study Requests

Mr. Boulter reviewed the suggested protocol for authorizing legislative studies and the policy matters that require a council decision, as follows:

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

Policy Issues Needing Decision (and Recommendation)

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

Motion: That the suggested protocol and the recommendations on the policy issues be adopted. Motion by Senator Mitchell. Second by Representative Berry. **Motion passed, unanimous (8-0).** [Representative Piotti and Representative Tardy absent for vote]

Eighteen (18) legislative study requests were reviewed and decided by the Legislative Council. Results are attached.

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

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

Executive Director's Report

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

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.

VOIP Telephone System

Staff has been investigating the feasibility of upgrading the current telephone system to a modern, computerized system, Voice Over Internet Protocol (VOIP). The initial assessment suggests that upgrading the system to a VOIP 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.

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.

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the fiscal report.

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 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 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 appears to have captured the reduction in fuel consumption and the shift of volume to gasoline-ethanol mix, taxed at a lower rate.

General Fund Budgeted Balance

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 a buffer against a negative revenue variance 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 \$2.7 million. If the current fiscal year ends with a negative revenue variance, the budgeted ending balance will be reduced.

Cash Update

May's poor revenue performance and the actions taken to address the additional shortfall 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 |

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Chair Pingree presented the Personnel Committee report for the Personnel Committee meeting held earlier in the day.

Proposed shutdown day schedule

The committee voted to recommend a schedule for closure of legislative offices for budgetary reasons. Legislative employees will not be paid for those days when legislative offices are closed.

Motion: That the Legislative Council establish the following schedule for closure of legislative offices. Employees must take the designated days off without pay and no employee leave with pay or unpaid leaves are allowed for those days designated as Legislative Branch Closure Days.

For 2009:

Monday, July 6, 2009
Friday, August 7, 2009
Friday, September 4, 2009
Friday, October 9, 2009
Thursday, December 24, 2009

For 2010:

A decision on specific closure days for 2010 is deferred pending a Legislative Council assessment of the effects of shutdown days on legislative operations during the second regular session.

Motion by Representative Pingree. Second by Representative Piotti. **Motion passed unanimous (9-0).** [Representative Tardy absent for vote]

Information Services Director

The committee authorized recruitment for the director of the Office of Information Services, with an anticipated completion of recruitment by late summer.

Voluntary Unpaid Leave

The committee discussed proposed personnel policies and guidelines to implement a voluntary unpaid leave program in the legislature, building on existing unpaid leave policies. The plan is to have guidelines in place for this summer.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

4. CSG Annual Meeting Planning Subcommittee

Senator Bartlett, co-chair, reported that the annual meeting registrations for Burlington, Vermont remain low. Following the August meeting, he intends to reconvene the 2010 annual meeting planning subcommittee to assess the plans and fundraising capability for the 2010 meeting in Portland.

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 May 14, 2009 meeting was attached. No further action by the Legislative Council was required.

NEW BUSINESS

ITEM #3: Cloture Schedule for 2nd Regular Session

Margaret Matheson, Revisor of Statutes, drew members' attention to her proposed cloture date memo. She reported that the proposed schedule establishing dates and deadlines for cloture and related events for the Second Regular Session of the 124th Legislature is as follows:

| | |
|-------------------------------------|---|
| September 16 th (4 p.m.) | Filing Deadline (cloture) |
| October 8 th (10 a.m.) | Legislative Council Meeting – Screening of Legislators' requests |
| October 14 th | Notification of Council's action mailed to sponsors |
| October 20 th | Deadline for filing appeals |
| October 29 th | Legislative Council Meeting to consider appeals |
| Week of December 14 th | Bill Signing week (subject to approval by the presiding officers) |
| January 6, 2010 | Legislature convenes |

After some discussion, members concluded that the cloture date should be set for September 23rd, not September 16th and that Ms. Matheson and Mr. Boulter should develop a revised schedule to reflect the cloture date change.

Motion: That Legislative Council establish the cloture date for filing bill requests for the 2nd Regular Session as September 23, 2009 and direct the Revisor and the Executive Director to prepare a revised schedule to be presented at the next Legislative Council meeting. Motion by Senator Bartlett. Second by Senator Mitchell. **Motion passed, unanimous (9-0).** [Representative Tardy absent for vote]

ITEM #4: L.D. 1428, "An Act Regarding the Pay of Tribal Representatives [Speaker Hannah Pingree]

Speaker Pingree inquired whether there is one or two bills pending before the Legislature regarding Indian tribes or tribal pay.

Mr. Boulter responded that there are two bills: LD 1428; *An Act Regarding the Pay of Tribal Representatives* (relating to the Penobscot and Passamaquoddy tribal representatives at the Legislature); and LD 445; *An Act to Improve Tribal-State Relations* (relating to allowing a Maliseet tribal representative at the Legislature).

There are legislative costs related to each bill. Speaker Pingree expressed her desire to fund costs associated with LD 1428 within existing legislative resources for the next biennium. While finding sufficient funds may be difficult, she believed funds can be found. She further expressed a desire to carryover LD 445 to allow the Legislative Council to study the implications, including costs for payment for an additional tribal member and House chamber reconfiguration costs.

Senator Courtney concurred, but suggested that consideration be given to having the two tribal representative seats at the Legislature represent all Maine tribes rather than increasing the number of tribal representatives at the Legislature.

Mr. Boulter summarized the discussion and general understanding of the members, that the expenses to pay tribal members pursuant to LD 1428, as amended, would be as follows:

- FY09 from unexpended balances in the legislative account
- FY10 & FY11 from the legislative account by achieving equivalent Personal Services reductions elsewhere in the legislative budget to cover the costs.

Speaker Pingree made a motion to pay the Penobscot and Passamaquoddy tribal members beginning in FY09 as provided by LD 1428 as amended, with funding to be provided as summarized by the Executive Director. Second by Senator Bartlett. **Motion passed, unanimous (9-0).** [Representative Tardy absent for vote]

A second motion was offered.

Motion: That the Legislative Council recommend to the Joint Standing Committee on Appropriations and Financial Affairs that LD 445 be carried over to the 2nd Regular Session pending review by the Legislative Council for cost and other implications. **Motion by Senate President Mitchell. Second by Senator Bartlett. Motion passed, unanimous (9-0).** [Representative Tardy absent for vote]

ITEM #5: Citizen Trade Policy Commission

Request to Carry Over Unspent FY 09 Funds to FY 10

Motion: That the Citizen Trade Policy Commission be authorized to carry over unspent funds from FY09 to FY10. Motion by Senator Bartlett. Second by Representative Berry. **Motion passed, unanimous. (7-0)** [Representative Tardy, Representative Piotti and Senator Raye absent for vote]

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:17 P.M.

**LEGISLATIVE COUNCIL ACTION ON
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION**

As of: June 09, 2009

| | | Action |
|-----------------|--|-----------------|
| SPONSOR: | Rep. Martin, John L. | TABLED |
| | | 06/09/09 |
| LR 2016 | An Act To Amend the Charter of the Limestone Water and Sewer District | |
| SPONSOR: | Sen. Raye, Kevin L. | TABLED |
| | | 06/09/09 |
| 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 | FAILED |
| LR 2006 | An Act To Allow a Disabled Holder of a Lobster License to Name a Proxy | |
| SPONSOR: | Rep. Beaudette, Stephen R. | FAILED |
| 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. | FAILED |
| LR 1980 | An Act To Amend the Laws Pertaining to the Collection of Child Support | |
| SPONSOR: | Rep. Tardy, Joshua A. | FAILED |
| 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 | |

ADDENDUM
LEGISLATIVE COUNCIL ACTION ON
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
After: June 09, 2009

| | | Action |
|-----------------|---|---------------|
| SPONSOR: | Sen. Alfond, Justin L. | |
| LR 2022 | An Act To Clarify the Rights of Bondholders and Noteholders | PASSED |

**124th LEGISLATIVE COUNCIL
FIRST REGULAR SESSION
ACTION ON LEGISLATIVE STUDY REQUESTS
June 9, 2009**

| | | Action |
|---------------------|---|-----------------|
| POLICY AREA: | Agriculture, Conservation and Forestry | |
| LD 353 | Task Force on the Sustainability of the Dairy Industry in Maine - Part TTT | APPROVED |
| LD 1047 | ACF Committee Review of LURC Proposed Comprehensive Land Use Plan | APPROVED |
| POLICY AREA: | Appropriations and Financial Affairs | APPROVED |
| LD 353 | Streamlining of State Government (AFA Committee) Part QQQ | |
| POLICY AREA: | Business, Research, and Economic Development | |
| LD 1257 | Citizen Trade Policy Commission Review of International Trade Agreements | APPROVED |
| POLICY AREA: | Criminal Justice and Public Safety | |
| LD 525 | Criminal Justice and Public Safety Committee Review of Litter Control Laws | APPROVED |
| POLICY AREA: | Education and Cultural Affairs | |
| LD 1297 | Stakeholder Group to Review the Role of the State Board of Education | APPROVED |
| LD 522 | Study Commission Regarding Teachers' Compensation | APPROVED |
| LD 1324 | State Council on Educational Opportunity for Military Children (ongoing) | APPROVED |
| POLICY AREA: | Health and Human Services | |
| LD 969 | Maine Children's Growth Council | APPROVED |
| LD 1115 | Task Force on Kinship Families | APPROVED |
| POLICY AREA: | Insurance and Financial Services | |
| LD 1002 | Study of the Feasibility of Establishing a Single-payor Health Care System in the State | APPROVED |

| | | |
|---------------------|--|-----------------|
| POLICY AREA: | Legal and Veterans Affairs | |
| LD 533 | LVA Committee Development of a Comprehensive Policy Regarding Slot-machines and Casino-style Gambling in Maine | APPROVED |
| LD 1080 | Working Group on Landlord and Tenant Issues | APPROVED |
| LD 1470 | Working Group to Arrange for a Plaque in the Hall of Flags to Honor Women Veterans | APPROVED |
| POLICY AREA: | Natural Resources | |
| LD 1310 | Working Group to Examine the Legal and Policy Implications of Groundwater Extraction | APPROVED |
| POLICY AREA: | Taxation | |
| LD 353 | Taxation Committee Review of the Telecommunications Personal Property Tax – Part P-2 | APPROVED |
| LD 1088 | Taxation Committee Review of State Tax Assessor Reports on Sales Tax | APPROVED |
| POLICY AREA: | Utilities and Energy | APPROVED |
| LD 1485 | Commission to Study Energy Infrastructure | |



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

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

1. Loss of historic tree
A large sugar maple tree that sustained significant limb breakage caused by heavy winds was removed last week. According to the master arborist who inspected the tree, the tree was unsafe and posed a significant risk to property and persons. The tree was located at the southwest corner of the State House (outside the Appropriations committee room). Its age was estimated to be 175 years, having been planted close to the time of construction of the State House in 1829.
2. Computer room overheating
During the Independence Day weekend, the system supplying chilled water to the computer room malfunctioned resulting in extremely high temperatures in the room and placing the equipment at high risk for failure. Though response was delayed, the problem was discovered before any system actually failed, fortunately. A backup alarm/security service is being investigated to supplement the current alarm system and protocols that proved inadequate to safeguard our key computer systems.
3. Retirement of Patrick Norton, Director, OPLA
OPLA Director Patrick Norton is retiring after 27 years of state service, 21 of which was with the Legislature. Pat served in various capacities in OPLA, the last four years of which as director. Pat's contribution to the legislature has been invaluable. A retirement reception for Pat will be held immediately following the Legislative Council meeting today.

Fiscal Briefing

Legislative Council Meeting – July 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 |
|------|-----------|-----------|----------|--------|------------|----------|
| June | \$474.6 | \$444.3 | (\$30.3) | -6.4% | \$479.7 | -7.4% |
| FYTD | \$2,854.8 | \$2,811.4 | (\$43.4) | -1.5% | \$3,087.8 | -9.0% |

General Fund revenue was under budget by \$30.3 million in June and closed FY 2009 with a \$43.4 million or 1.5% negative variance. General Fund revenue fell by 9.0% from FY 2008. The decline in revenue was driven primarily by income tax decline with Individual Income Tax declining 12.4% and Corporate Income Tax declining 22.5%.

Negative variances continued in the income and sales tax lines despite significant downward revisions in the May forecast. The Individual Income Tax alone was \$39.5 million under budget for FY 2009, with half of this variance coming from withholding payments, which was \$20.4 million under budget for the fiscal year based on negative variances in the last 2 months. Sales and Use Tax performance continued to deteriorate beyond expectations. The weather was a significant factor in May and June poor revenue performances. The weather is likely to be an even greater drag on July sales tax revenue representing taxable sales in June.

The final negative variance was not as large as reported to the Appropriations Committee earlier this month. The reported estimate was based on preliminary numbers and did not factor in a \$4.0 million positive variance in the Other Revenue category for the month of June. Some of the major Other Revenue positive variances included racino revenue, beer excise taxes, corporate filing fees and the unclaimed property transfer.

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

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|------|---------|---------|---------|--------|------------|----------|
| June | \$50.3 | \$50.0 | (\$0.3) | -0.7% | \$53.7 | -7.0% |
| FYTD | \$325.1 | \$324.2 | (\$0.9) | -0.3% | \$328.1 | -1.2% |

Highway Fund revenue was under budget by \$0.3 million or 0.7% in June and ended FY 2009 with a negative variance of \$0.9 million or 0.3%. June's poor performance contributed to a 1.2% overall decline in annual Highway Fund revenue from FY 2008 to FY 2009. June's negative variance was primarily related to fuel taxes, which was under budget by \$1.6 million in June and ended the fiscal year \$1.0 million or 0.5% under budget.

2. General Fund and Highway Fund Budgeted Balances

Both the General Fund and the Highway Fund will end FY 2009 with positive ending balances. However, the negative revenue variances in each of the funds will create shortfalls in the 2010-2011 biennium as both used balance forward to keep the biennium in balance. The amount of the shortfall will depend on the amount of lapsed balances and final closing accounting transactions recorded by the Office of the State Controller. Final budgeted balances based on actions through the 124th Legislature, 1st Regular Session were:

| | |
|---|----------------|
| General Fund 2010-2011 Biennium Beginning Balance | \$52.2 Million |
| General Fund 2010-2011 Biennium Ending Balance | \$ 1.3 Million |
| Highway Fund 2010-2011 Biennium Beginning Balance | \$ 1.0 Million |
| Highway Fund 2010-2011 Biennium Ending Balance | \$ 0.5 Million |

Fiscal Briefing – July 22, 2009 (Continued)

3. Cash Update

Presented below is a summary of the State's average cash balances in June compared to June 2008. The General Fund poor revenue performances over the last 2 months and the use of all reserves continued to worsen cash balances. The average balance for the total cash pool in June was \$109.2 million below June 2008 and significantly below June's 2002 to 2008 historical average of \$629.5 million. At the Appropriations Committee meeting, the State Treasurer and the State Controller announced that they would need to issue a Tax Anticipation Note (TAN) of \$125 million to help with cash flow issues through FY 2010. The last time the State issued TAN's was in FY 2006 in the amount of \$123.6 million.

| Summary of Treasurer's Cash Pool | | |
|---|----------------|----------------|
| June Average Daily Balances | | |
| Millions of \$'s | | |
| | 2008 | 2009 |
| General Fund (GF) Total | \$25.9 | \$40.1 |
| 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 | \$13.5 | \$200.0 |
| Other General Fund Cash | (\$147.1) | (\$276.1) |
| Other Spec. Rev. - Interest to GF | \$155.0 | \$6.2 |
| Other State Funds - Interest to GF | (\$12.7) | (\$10.8) |
| Highway Fund | \$18.4 | \$25.5 |
| Other Spec. Rev. - Retaining Interest | \$78.7 | \$21.2 |
| Other State Funds | \$200.7 | \$280.9 |
| Independent Agency Funds | \$87.5 | \$81.2 |
| Total Cash Pool | \$553.5 | \$444.4 |

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2009
Reflecting Final Budgeted Amounts

JUNE 2009 AND FINAL FY 2009 REVENUE VARIANCE REPORT

| Revenue Line | June '09 Budget | June '09 Actual | June '09 Var. | FY09 YTD Budget | FY09 YTD Actual | FY09 YTD Variance | FY09 YTD Variance % | FY09 Budgeted Totals |
|---------------------------------------|--------------------|-----------------------|------------------------|----------------------|-------------------------|------------------------|------------------------|-------------------------|
| General Fund | | | | | | | | |
| Sales and Use Tax | 165,967,752 | 160,922,855.00 | (5,044,897.00) | 929,698,051 | 921,823,720.19 | (7,874,330.81) | -0.8% | 929,698,051 |
| Service Provider Tax | 8,834,479 | 8,835,550.28 | 1,071.28 | 53,452,742 | 52,812,594.94 | (640,147.06) | -1.2% | 53,452,742 |
| Individual Income Tax | 184,921,379 | 161,437,774.89 | (23,483,604.11) | 1,281,982,990 | 1,242,505,909.45 | (39,477,080.55) | -3.1% | 1,281,982,990 |
| Corporate Income Tax | 35,113,923 | 25,880,193.71 | (9,233,729.29) | 148,940,000 | 143,085,965.64 | (5,854,034.36) | -3.9% | 148,940,000 |
| Cigarette and Tobacco Tax | 12,258,301 | 13,971,628.03 | 1,713,327.03 | 143,213,844 | 144,424,711.63 | 1,210,867.63 | 0.8% | 143,213,844 |
| Public Utilities Tax | 0 | 0.00 | 0.00 | 18,405,029 | 19,536,482.86 | 1,131,453.86 | 6.1% | 18,405,029 |
| Insurance Companies Tax | 22,973,322 | 26,316,407.76 | 3,343,085.76 | 71,978,985 | 79,770,430.97 | 7,791,445.97 | 10.8% | 71,978,985 |
| Estate Tax | 8,827,641 | 7,041,801.24 | (1,785,839.76) | 34,335,010 | 31,819,187.58 | (2,515,822.42) | -7.3% | 34,335,010 |
| Property Tax - Unorganized Territory | 1,963,261 | 1,638,382.00 | (324,879.00) | 12,969,540 | 12,633,755.00 | (335,785.00) | -2.6% | 12,969,540 |
| Income from Investments | 46,555 | (10,366.20) | (56,921.20) | 1,154,221 | 1,100,029.38 | (54,191.62) | -4.7% | 1,154,221 |
| Transfer to Municipal Revenue Sharing | (14,583) | 0.00 | 14,583.00 | (103,412,337) | (102,156,198.76) | 1,256,138.24 | 1.2% | (103,412,337) |
| Transfer from Lottery Commission | 3,811,481 | 4,365,919.68 | 554,438.68 | 49,549,250 | 49,839,434.04 | 290,184.04 | 0.6% | 49,549,250 |
| Other Revenue | 29,918,611 | 33,941,678.94 | 4,023,067.94 | 212,495,823 | 214,172,271.68 | 1,676,448.68 | 0.8% | 212,495,823 |
| Totals | 474,622,122 | 444,341,825.33 | (30,280,296.67) | 2,854,763,148 | 2,811,368,294.60 | (43,394,853.40) | -1.5% | 2,854,763,148 |
| Highway Fund | | | | | | | | |
| Fuel Taxes | 39,442,412 | 37,875,516.70 | (1,566,895.30) | 217,243,255 | 216,215,543.91 | (1,027,711.09) | -0.5% | 217,243,255 |
| Motor Vehicle Registration and Fees | 9,945,667 | 10,574,044.99 | 628,377.99 | 92,254,651 | 91,886,824.40 | (367,826.60) | -0.4% | 92,254,651 |
| Inspection Fees | 107,616 | 394,193.08 | 286,577.08 | 3,996,421 | 4,057,977.64 | 61,556.64 | 1.5% | 3,996,421 |
| Fines | 184,762 | 163,429.33 | (21,332.67) | 1,795,049 | 1,785,196.53 | (9,852.47) | -0.5% | 1,795,049 |
| Income from Investments | 28,772 | 44,993.96 | 16,221.96 | 458,392 | 480,418.53 | 22,026.53 | 4.8% | 458,392 |
| Other Revenue | 608,428 | 921,359.99 | 312,931.99 | 9,401,872 | 9,816,188.25 | 414,316.25 | 4.4% | 9,401,872 |
| Totals | 50,317,657 | 49,973,538.05 | (344,118.95) | 325,149,640 | 324,242,149.26 | (907,490.74) | -0.3% | 325,149,640 |

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

| REVENUE CATEGORY | FY 2005 | % Chg | FY 2006 | % Chg | FY 2007 | % Chg | FY 2008 | % Chg | FY 2009 | % Chg |
|--|---------------------------|-------------|---------------------------|-------------|---------------------------|-------------|---------------------------|--------------|---------------------------|--------------|
| GENERAL FUND | | | | | | | | | | |
| Sales and Use Tax | \$896,576,322.41 | 2.6% | \$946,174,276.49 | 5.5% | \$971,455,721.16 | 2.7% | \$983,057,278.30 | 1.2% | \$921,823,720.19 | -6.2% |
| Service Provider Tax | \$44,645,517.02 | N/A | \$47,028,430.04 | 5.3% | \$49,400,531.56 | 5.0% | \$52,100,663.57 | 5.5% | \$52,812,594.94 | 1.4% |
| Individual Income Tax | \$1,296,255,556.72 | 12.1% | \$1,364,368,543.16 | 5.3% | \$1,464,928,346.49 | 7.4% | \$1,558,032,960.61 | 6.4% | \$1,365,437,729.41 | -12.4% |
| Individual Income Tax (Circuitbreaker) | (\$26,030,227.29) | N/A | (\$42,796,070.28) | -64.4% | (\$44,440,759.07) | -3.8% | (\$46,689,380.27) | -5.1% | (\$48,751,672.45) | -4.4% |
| Individual Income Tax (BETR) | \$0.00 | N/A | (\$67,065,809.69) | N/A | (\$66,553,092.48) | 0.8% | (\$67,875,376.29) | -2.0% | (\$74,180,147.51) | -9.3% |
| Corporate Income Tax | \$135,862,913.44 | 21.7% | \$188,015,557.61 | 38.4% | \$183,851,533.23 | -2.2% | \$184,514,568.35 | 0.4% | \$143,085,965.64 | -22.5% |
| Cigarette and Tobacco Tax | \$96,350,703.70 | -0.3% | \$156,951,369.91 | 62.9% | \$158,953,466.08 | 1.3% | \$150,499,431.93 | -5.3% | \$144,424,711.63 | -4.0% |
| Public Utilities Tax | \$25,403,213.56 | -9.2% | \$20,627,030.00 | -18.8% | \$16,317,029.00 | -20.9% | \$16,858,472.04 | 3.3% | \$19,536,482.86 | 15.9% |
| Insurance Companies Tax | \$75,669,053.48 | 4.8% | \$76,065,864.43 | 0.5% | \$74,452,541.68 | -2.1% | \$72,292,532.14 | -2.9% | \$79,770,430.97 | 10.3% |
| Estate Tax | \$32,255,726.97 | 0.6% | \$75,330,514.40 | 133.5% | \$54,820,038.11 | -27.2% | \$39,890,576.91 | -27.2% | \$31,819,187.58 | -20.2% |
| Property Tax - Unorganized Territory | \$10,622,666.00 | -0.8% | \$11,559,305.00 | 8.8% | \$11,376,293.00 | -1.6% | \$12,217,081.00 | 7.4% | \$12,633,755.00 | 3.4% |
| Income from Investments | \$5,854,625.01 | 153.4% | \$8,271,869.40 | 41.3% | \$1,215,836.12 | -85.3% | \$1,074,143.31 | -11.7% | \$1,100,029.38 | 2.4% |
| Revenue Sharing Transfers | (\$119,712,814.17) | -7.4% | (\$124,222,179.55) | -3.8% | (\$130,490,756.35) | -5.0% | (\$135,820,175.16) | -4.1% | (\$102,160,745.18) | 24.8% |
| Liquor Transfers | \$49,845,026.94 | -51.2% | \$2,560,043.62 | -94.9% | \$4,412,264.00 | 72.4% | \$5,534,346.00 | 25.4% | \$6,190,531.00 | 11.9% |
| Lottery Transfers | \$49,328,102.14 | 19.5% | \$50,879,646.68 | 3.1% | \$50,624,741.35 | -0.5% | \$49,491,086.25 | -2.2% | \$49,839,434.04 | 0.7% |
| Other Revenue | \$217,918,667.48 | -2.7% | \$218,077,295.40 | 0.1% | \$219,271,655.50 | 0.5% | \$212,640,783.41 | -3.0% | \$207,986,287.10 | -2.2% |
| TOTAL GENERAL FUND REVENUE | \$2,790,845,053.41 | 4.0% | \$2,931,825,686.62 | 5.1% | \$3,019,595,389.38 | 3.0% | \$3,087,818,992.10 | 2.3% | \$2,811,368,294.60 | -9.0% |
| HIGHWAY FUND | | | | | | | | | | |
| Fuel Taxes | \$220,484,728.32 | 3.7% | \$221,575,308.92 | 0.5% | \$226,824,017.56 | 2.4% | \$225,235,339.36 | -0.7% | \$216,215,543.91 | -4.0% |
| Motor Vehicle Registration and Fees | \$84,645,422.12 | 2.5% | \$87,658,962.22 | 3.6% | \$87,291,873.62 | -0.4% | \$86,094,837.27 | -1.4% | \$91,886,824.40 | 6.7% |
| Inspection Fees | \$4,260,058.93 | -9.5% | \$4,373,691.60 | 2.7% | \$4,342,518.85 | -0.7% | \$4,193,874.09 | -3.4% | \$4,057,977.64 | -3.2% |
| Fines | \$1,518,580.08 | -20.9% | \$1,809,813.31 | 19.2% | \$1,667,999.77 | -7.8% | \$1,747,985.91 | 4.8% | \$1,785,196.53 | 2.1% |
| Income from Investments | \$1,440,738.71 | 100.1% | \$1,833,806.41 | 27.3% | \$1,105,986.72 | -39.7% | \$1,152,490.60 | 4.2% | \$480,418.53 | -58.3% |
| Other Revenue | \$13,728,627.10 | 44.5% | \$9,294,574.07 | -32.3% | \$9,588,686.28 | 3.2% | \$9,712,051.34 | 1.3% | \$9,816,188.25 | 1.1% |
| TOTAL HIGHWAY FUND REVENUE | \$326,078,155.26 | 4.5% | \$326,546,156.53 | 0.1% | \$330,821,082.80 | 1.3% | \$328,136,578.57 | -0.8% | \$324,242,149.26 | -1.2% |

Adjusted for Service Provider Tax Split

Meeting New Challenges, Setting New Directions: The Task Force Report



July 1, 2000

Task Force Committee Members

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Former President/CEO, Central Maine Power Company
Former Chair of the Board of Trustees, University of Maine System

Task Force Members

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Financial Support

We would like to express our thanks to the Davis Educational Foundation, which provided the resources necessary to hire expert consulting services for the Task Force.

Personal Acknowledgements of the Task Force Chair

We would also like to thank the hundreds of people who have assisted in making this report possible, including the Chancellor, the members of the Board of Trustees, the hard working staff of the Chancellor's Office, and the hundreds of students, professors, staff, and citizens who have offered comments, suggestions, and encouragement to our efforts. In this regard, we wish to particularly note the generous contributions of time and ideas of former Chancellor Bob Woodbury, former Governor John McKernan, and Maine Community College System President John Fitzsimmons.

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EXECUTIVE SUMMARY

This Task Force was given a broad mandate to address the challenge to the University of Maine System posed by the deep recession and a persistent structural deficit equivalent to about 10% of its budget, without considering the closure of any of its seven operating units.

We undertook this work in early February, 2009, with 42 data requests relevant to our mandate, resulting in hundreds of pages of data to review from the University of Maine System.

We then proceeded to an ambitious winter public hearing circuit which took us to every campus, listening to over 250 citizens at some 21 separate meetings.

Next, we met as a committee with four national experts—Stephen Reno, Chancellor of the University of New Hampshire System; Terry MacTaggart, former Chancellor of the University of Maine System; Tom Layzell, former President of the Kentucky Council on Postsecondary Education; and Robert Zemsky, professor and former Chief Planning Officer of the University of Pennsylvania—to get a sense of how other higher education institutions across the country are tackling similar problems.

Throughout the process, we also received and carefully reviewed dozens of email comments from members of the public.

Subsequently, after considering various alternatives, the Task Force chose the Colorado-based nonprofit the National Center for Higher Education Management Systems to serve as its overall advisor, and to place Maine data into a national context of university benchmarking and best practices. Aims McGuinness and Dennis Jones from the Center have given generously of their time and expertise to our Task Force.

The Task Force then organized into three subcommittees to specifically address the issues of how to provide governance and system-wide services, how to allocate resources, and how to sharpen campus missions. The three subcommittees quickly reported back with recommendations that turned out to be compatible and supportive of each others' work. The recommendations were drafted into a rough report format. The Task Force began meeting as a committee of the whole and worked its way through draft after draft of the report, each one subject to careful scrutiny and debate.

The twelve members of the Task Force, along with Vice Chancellors Wyke and Breece, have contributed countless hours and deep commitment to this work. But notwithstanding this huge amount of effort and the broad mandate of the Task Force it would be impossible for a volunteer group of this nature to address all of the conceivable issues.

The University of Maine System is a huge enterprise by Maine standards, with an educational and general budget of approximately \$420 million; an auxiliary budget of \$90 million; and

restricted operations (grants and contracts) of \$140 million; over 5,000 employees; and more than 30,000 full-time-equivalent students from all over the state.

There are many ways we could have approached constraining spending—from making recommendations about compensation and benefits, to consolidating programs, to the cutting of specific purchases in particular categories of spending. But with limited time, there was no realistic way we could review all the administrative decisions of such a large enterprise.

Instead, we found the best use of our time and capabilities to be to concentrate on a few strategic issues— in a sense “constitutional questions”—going to the heart of the organization of the University of Maine System. These core issues included:

- 1) How to optimize a seven-university System to make the best use of resources;
- 2) How to align our System with overall state objectives relating to economic growth and a well-informed citizenry, with educational access and attainment equal to the New England average;
- 3) How to move from a rigid system of resource allocation based, on a forty-year-old formula, to a new system where priorities and performance count for something, while retaining needed stability and predictability;
- 4) How to realize genuine economies of scale from consolidation of back-office services, yet encourage responsive and nimble customer services;
- 5) How to proactively utilize financial policies to serve policy goals relating to the public agenda, including access, retention, and science and technology education;
- 6) How to use technology to advance our public agenda goals, particularly by instituting a cohesive distance education policy that helps with access, efficient use of various campuses, and degree attainment; and
- 7) How to increase utilization of the capacity of smaller universities by developing distinctively differentiated missions.

In furtherance of achieving these strategic objectives, we believe an overall University of Maine System policy should take into account that:

- The University of Maine System is in intense competition for a diminishing population of traditional students not only in Maine, but throughout New England;
- The University of Maine System suffers from low retention rates among the students it does attract;

- The University of Maine System should be preparing students to compete in a global economy;
- The University of Maine System is insufficiently related to other educational institutions in Maine, particularly pre-kindergarten through high school (PK-12), and the Maine Community College System;
- The University of Maine System is at risk of the dynamic described by our expert, Professor Zemsky, who wrote “When faced with the kind of revenue shortfalls that now confront higher education, most presidents and their institutions simply hunker down by making the preservation of current jobs and operations their top priority. Confronting the inevitable, those institutions hew to a largely conservative strategy of across the board cuts and postponed investments. The result, despite everyone’s best intentions, is an institution even more dependent on its current markets and less able to invest in its own future, let alone pursue policies and programs of public, as opposed to private, interest.”¹
- The University of Maine System is a \$650 million enterprise with insufficient strategic plans, direction, innovation, and flexibility to compete robustly with other New England public university systems, community college systems, private colleges and proprietary institutions.

For the University of Maine System, working its way through this thicket of challenges to a successful future will be a formidable challenge. It will require:

- Assigning accountability to specific people to achieve key objectives;
- Systematically and objectively restructuring the strategic plans of the various campuses;
- Instituting systems for incentivizing excellent performance; and
- Establishing a system of metrics relevant to the performance of various functions of the System.

Within this general framework, we have identified four key goals for the University of Maine System. Within the sections discussing each goal, specific recommendations are contained. The broad goals are:

¹ Zemsky et al. Remaking the American University—Market Smart and Mission Centered, p. 7

1. Establish a public agenda

Maine needs to transform itself economically in the future. The University System has an essential role in this process. However, that role is not spelled out in a clear and compelling way, with measurable benchmarks of performance, and the buy-in of key constituencies in the state. This is what is referred to as having a “public agenda.” This section contains recommendations for establishing leadership roles for the Board of Trustees and the Chancellor to establish and carry out a public agenda for Maine. The first step will be to reform the budget process, and prioritize the half billion dollars in university spending (education and general operations, E&G, and auxiliary) annually to match the priorities of the public agenda.

2. Act as a union and not a confederation

Historically, the University System has emphasized freedom for its individual campuses to pursue their own dreams and to engage in expensive competition amongst each other. This has led to a proliferation of majors and programs, a loss of focus at the campus level, difficulty for students in transferring credits, and a reduction in quality. The recommendations in this section spell out the steps that must be taken to provide focus, quality, and customer-friendliness to the System. They include clearly differentiating campus missions; transforming distance education; and taking several steps to make credit transfers easier, such as designing common introductory courses, and working with the presidents and the Community College System to create integrated programs.

3. Restructure System-wide Services

System-wide Services are those administrative functions that operate centrally under the leadership of the Vice Chancellor for Finance and Administration, and serve all seven campuses. There is a general recognition that System-wide Services are an important and logical function for the University System, but there also has been some level of discontent with how these services are provided. We recommend several steps to make System-wide Services more accountable, while at the same time urging the University System to explore the expansion of common service provision and purchases in such areas as printing, fleet management, travel management, and the like, when it makes economic and programmatic sense.

4. Use financial policy to realize System goals

Traditionally, the University System has looked at state funding, tuition, and student aid, as three independent financial questions. We urge the Board and Chancellor to see these as additional tools available to achieve the University System’s public purpose goals. The pricing of tuition and the provision of student aid are tools for improving access for first-generation students, attracting out-of-state students, and reducing dropouts caused by finances. The mix of funding available to each campus from State funds and tuition should be decided

strategically, based upon access, quality, and research and development goals. This is a complex subject to treat in an executive summary, and is discussed in detail in the chapter addressing this issue.

Finally, in the last section (“Start Now”), we urge the Board, Chancellor, and presidents to move quickly on the recommendations contained herein. Major budget challenges have already arrived, and it is important that those financial decisions reflect the long-term interests of the State and the University System.

The University of Maine System, like other institutions in Maine, is facing a level of change that no one anticipated or desired. The economy of Maine depends upon the success of its businesses, governments, schools, and nonprofit institutions, in adapting to this new era. As the intellectual incubator for the state’s citizens, it is essential that the University of Maine System lead the way in showing how such adaptation can happen with positive results. The purpose of our report is to show the way.

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

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Direct Cost of Printing and Binding
July 22, 2009

| | |
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| 122 nd Legislature | |
| 1 st Regular Session | \$33,057 |
| 2 nd Regular Session | \$19,548 |

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|---------------------------------|----------|
| 123 rd Legislature | |
| 1 st Regular Session | \$39,204 |
| 2 nd Regular Session | \$23,728 |

Approximate per unit cost for 123rd Legislature (including postage for mailing):
\$80.00 per set

124TH LEGISLATIVE COUNCIL
SECOND REGULAR SESSION
SCHEDULE FOR REVIEW OF LEGISLATOR REQUESTS
TO INTRODUCE LEGISLATION

September 23rd (Wednesday)
4 p.m.

Filing Deadline (Cloture) *

- Legislators (with sufficient information to fully draft)
- Department/Agencies (final drafts)

October 15th (Thursday)
10 a.m.

**Legislative Council meeting –
Consideration of Legislators’
requests**

October 20th (Tuesday)

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

October 27th (Tuesday)

Deadline for filing appeals

November 5th (Thursday)
10 a.m.

**Legislative Council meeting to
consider appeals**

Week of December 14th

Bill Signing Week (subject to
approval by Presiding Officers)

January 6th (Wednesday)

Legislature convenes

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

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

(cl) indicates Legislative offices are closed