

# 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

**MEETING OF LEGISLATIVE COUNCIL  
MAY 26, 2010  
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 APRIL 6, 2010 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>6</b>	▪ Executive Director's Report (Mr. Boulter)	<b>Information</b>
<b>7</b>	▪ Fiscal Report (Mr. Pennoyer)	<b>Information</b>
<b>10</b>	▪ Status of Legislative Studies (Mr. Norton)	<b>Information</b>

**REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee** (Speaker Pingree, Chair)
- **State House Facilities Committee** (Rep. Piotti, Chair)  
(No Report)
- **Budget Subcommittee** (Senate President Mitchell, Chair)  
(No Report)
- **CSG Annual Meeting Planning Subcommittee** (Sen. Bartlett & Rep. Smith, Co-chairs)

## **OLD BUSINESS**

**(No Action Required)**

**Information**

## **NEW BUSINESS**

- |           |  |                     |
|-----------|--|---------------------|
| <b>11</b> | <b>Item #1: Acceptance of Funds to Support <i>Resolve 2009, c. 136: Resolve, to Establish the Task Force on Kinship Families</i>, as amended by P.L. 2009, c. 576, Part EEEE</b><br>University of Maine Center on Aging in partnership with Relatives as Parents (RAPP)<br>Families and Children Together (F.A.C.T.) | <b>Decision</b>     |
| <b>19</b> | <b>Item #2: Citizens Trade Policy Commission</b><br>Request to Carry Over Unspent FY 10 Funds to FY 11   | <b>Decision</b>     |
| <b>21</b> | <b>Item #3: Legislative Council's Orientation Programs and Schedule for 124<sup>th</sup> Legislature</b> [Date for New Member Orientation]   | <b>Decision</b>     |
| <b>23</b> | <b>Item #4: Policy Leaders Academy – Bus Tours and Legislative Forums for the 125<sup>th</sup> Maine Legislature</b>   | <b>Decision</b>     |
| <b>27</b> | <b>Item #5: Request for Authorization to Install Women Veterans' Plaque in the Hall of Flags</b>   | <b>Decision</b>     |
|           | <b>Item #6: Legislative Digest of Bill Summaries and Enacted Laws</b><br>[Separate Handout]  | <b>Distribution</b> |
| <b>30</b> | <b>Item #7: Briefing on Past &amp; On-going OPEGA Reviews</b><br>[Brief presentation by Ms. Ashcroft]  | <b>Information</b>  |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

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

**MEETING SUMMARY**  
**APRIL 6, 2010**

**CALL TO ORDER**

Legislative Council Chair, Speaker Pingree called the April 2010 Legislative Council meeting to order at 1:18 P.M. in the Legislative Council Chambers.

**ROLL CALL**

Senators:	Senate President Elizabeth Mitchell, Sen. Philip Bartlett, Sen. Lisa Marraché, Sen. Kevin Raye, Sen. Jonathan Courtney
Representatives:	Speaker Hannah Pingree, Rep. John Piotti, Rep. Seth Berry, Rep. Joshua Tardy, Rep. Philip Curtis
Legislative Officers:	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 & Legal Analysis Grant Pennoyer, Director, Office of Fiscal and Program Review Suzanne Gresser, Revisor of Statutes John Barden, Director, Law and Legislative Reference Library Scott Clark, Director, LIS

Chair Pingree convened the meeting at 1:18 P.M. with a quorum of members present.

**SUMMARY OF MARCH 25, 2010 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of March 25, 2010 be accepted and placed on file. Motion by Senator Bartlett. Second by Representative Berry. **Motion passed unanimous.**  
(10-0)

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

**Executive Director's Report**  
(No Report)

**Fiscal Report**  
(No Report)

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

(No Report)

### **2. State House Facilities Committee**

(No Report)

### **3. Budget Subcommittee**

(No Report)

### **4. CSG Annual Meeting Planning Subcommittee**

(No Report)

## **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 March 25, 2010 meeting was included in the Council's packet of information. No further action by the Legislative Council was required.

Chair Pingree then proceeded to **Item 1** under New Business.

## **NEW BUSINESS**

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

The Legislative Council considered and acted on two 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 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 study will be recorded. The record of each vote will be made available for public inspection following the meeting. A 2/3<sup>rd</sup> majority is required to authorize any study reporting to a subsequent Legislature.
- 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.

- **Number of authorized meetings and meeting location:** 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.
- **Studies conducted using non-General Fund sources:** 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.
- **Interim committee meetings:** 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 be adopted. **Motion passed, unanimous (10-0).**

Ten (10) legislative study and interim committee requests were reviewed and decided by the Legislative Council. Results are attached.

#### **ANNOUNCEMENTS AND REMARKS**

None

#### **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:00 P.M. Motion by Senator Bartlett. Second by Representative Berry. **Motion to adjourn passed, unanimous. (9-0)** [Representative Tardy absent for vote.]

**124<sup>th</sup> LEGISLATIVE COUNCIL  
SECOND REGULAR SESSION  
ACTION ON LEGISLATIVE STUDY REQUESTS  
April 6, 2010**

		<b>Action</b>
<b>POLICY AREA:</b> LD 1788	<b>Agriculture, Conservation and Forestry</b> Interim Meeting of Agriculture, Conservation and Forestry Committee to Discuss the Report on Milk Handling Fees	<b>APPROVED</b>
<b>POLICY AREA:</b> LD 1671 Part ZZZ	<b>Education and Cultural Affairs</b> Interim Meeting of the Education and Cultural Affairs Committee to Receive a Status Report on Changes to MaineCare Rules Relating to the Child Development Services System	<b>APPROVED</b>
LD 1022	Legislative Youth Advisory Council	<b>APPROVED</b>
<b>POLICY AREA:</b> Resolve 2009, c. 136 as amended by LD 1671	<b>Health and Human Services</b> Task Force on Kinship Families	<b>APPROVED</b>
P.L. 2009, c. 392	Maine Children's Growth Council (funding) (w/ letter to be sent by the Executive Director requesting that children's mental health issues be incorporated into Children's Growth Council's charge)	<b>APPROVED</b>
<b>POLICY AREA:</b> HP 1262	<b>Insurance and Financial Services</b> Joint Select Committee on Health Care Reform Opportunities	<b>APPROVED</b>
<b>POLICY AREA:</b> LD 1671, Part FFF-2	<b>Legal and Veterans Affairs</b> Legal and Veterans' Affairs Committee Review of Slot Machine Revenue	<b>APPROVED</b>
<b>POLICY AREA:</b> Committee letter and letter from Augusta legislative delegation	<b>Natural Resources</b> Natural Resources Committee Study of Solid Waste Issues and a Review of Hot Mix Asphalt Plant Emissions	<b>APPROVED</b>

<b>POLICY AREA:</b>	<b>State and Local Government</b>	
LD 1671, Part JJJJ	Interim Meeting of Appropriations Committee and State and Local Government Committee to Receive the Report on the Reorganization of the State Planning Office, and a Study of the Rulemaking Process under the Administrative Procedure Act	<b>APPROVED</b>
LD 1784	Commission to Study the Rulemaking Process under the Maine Administrative Procedure Act	<b>FAILED</b>





MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Legislative Council**

**Executive Director's Report  
May 26, 2010**

1. Pre-Legislative Conference & Other Planning

The 125<sup>th</sup> Legislature will be sworn in on December 1, 2010 and several items on the Legislative Council's agenda today relate to planning for legislator orientation programs for new and returning legislators. Although the convening of the new legislature is months away, a long lead time is necessary to properly plan for the activities and handouts that are part of the Pre-Legislative Conference and New Member orientation programs. Staff is beginning to prepare informational materials such as the Legislators' Handbook by inviting suggestions for updates and improvements of the informational materials. Work will be on-going throughout the summer with a completion goal by mid-fall.

2. State House renovations and Improvements

This year's renovations and improvements to the State House and grounds will begin in early July and are scheduled to conclude by early October. The projects, approved by the council earlier this year, will focus on areas that are in serious need of repair, pose safety issues or if left uncorrected may result in more damage or costly repairs in the future. The projects include copper repairs to the low dome on the roof of the State House to prevent water infiltration, repairs and repainting of the interior of the high dome, reconstruction of the entrance drive and installation of a sidewalk at the Capitol Street entrance to the State House, and restoration of Governor Lincoln's vault and monument in Capitol Park.

3. Citizen Trade Policy Commission

An agreement between the Department of Labor and the Legislative Council for providing staffing to the policy trade commission during the past year will expire in June. Patrick Norton of OPLA will be working with chairs of the Citizen Trade Policy Commission to develop a plan for assistance to the commission, including providing some staffing assistance during this legislative interim. As part of its planning for staff support, the commission has requested that unspent funds from FY10 be carried over to support its activities for the coming fiscal year (see today's agenda).

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# Fiscal Briefing

## Legislative Council Meeting

### May 26, 2010

*Prepared by the Office of Fiscal & Program Review*

#### 1. Revenue Update (also see attached tables)

**Total General Fund Revenue - FY 2010 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$342.1	\$344.6	\$2.5	0.7%	\$338.9	1.7%
FYTD	\$2,053.5	\$2,086.5	\$33.0	1.6%	\$2,153.0	-3.1%

General Fund revenue was \$2.5 million (0.7%) over budget in April, increasing the fiscal year-to-date (FYTD) positive variance to \$33.0 million (1.6%). FYTD revenue is 3.1% below the same period in FY 2009.

While Individual Income Tax was under budget by \$10.4 million in April largely due to final payments being less than projected, it remained very close to budget for FYTD through April. Corporate Income Tax continued to build up its positive variance with April collections coming in \$4.6 million over budget and pushing the FYTD variance upward to \$15.5 million.

Sales tax collections in April, representing March taxable sales, were very strong coming in \$5.7 million ahead of projections for the month. Much of this unusual positive variance in sales tax collections may represent sales that would normally have occurred later in the year but occurred earlier due to the unusually warm weather in March.

Some areas of concern include the Real Estate Transfer Tax and Inland Fisheries and Wildlife revenue, which were more than \$1 million under budget each through April. The negative variances from these sources have been more than offset by strong performances in various other categories, such that the positive variance for the FYTD is expected to hold up through the end of the FY 2010.

**Total Highway Fund Revenue - FY 2010 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$25.0	\$27.5	\$2.5	10.0%	\$25.5	7.8%
FYTD	\$234.4	\$239.6	\$5.2	2.2%	\$248.0	-3.4%

Highway Fund revenue was \$2.5 million (10.0%) over budget in April, increasing the FYTD positive variance to \$5.2 million (2.2%).

#### 2. Cash Balances

With the infusion of cash from April's income tax revenue, the State will be able to avoid external borrowing for another year (FY 2006 was the last year the State utilized external cash flow borrowing). Total cash balances in April averaged \$342.8 million and were more than \$90 million higher than last year's balance at this time, despite having \$115.8 million less of reserve balances.

The Dirigo Health Fund (DHF) has repaid all but \$7.5 million of the \$25 million General Fund cash advance. DHF has negotiated a restructured payment schedule with Harvard Pilgrim to defer some payments in order to make the final payments to the General Fund before June 30<sup>th</sup>.

Average balances in the Federal Expenditures Fund have continued to show some improvement from the lowest average of -\$40.0 million in October 2009. April's negative balance improved to \$7.2 million. Although some negative balances are normal for federal funds, April's balance was still higher than the norm.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2010**  
**Reflecting Budgeted Amounts Through 124th Legislature, 2nd Regular Session**

**APRIL 2010 REVENUE VARIANCE REPORT**

Revenue Line	April '10 Budget	April '10 Actual	April '10 Variance	FY10 YTD Budget	FY10 YTD Actual	FY10 YTD Variance	FY10 YTD Variance %	FY10 Budgeted Totals
<b>General Fund</b>								
Sales and Use Tax	63,376,439	69,047,464.27	5,671,025.27	660,742,566	667,094,951.22	6,352,385.22	1.0%	883,839,994
Service Provider Tax	4,607,058	4,476,384.51	(130,673.49)	42,026,712	41,141,196.19	(885,515.81)	-2.1%	55,590,852
Individual Income Tax	215,929,526	205,504,367.12	(10,425,158.88)	1,037,211,125	1,036,966,409.46	(244,715.54)	0.0%	1,299,630,000
Corporate Income Tax	13,500,000	18,063,589.12	4,563,589.12	122,394,337	137,857,294.01	15,462,957.01	12.6%	147,718,716
Cigarette and Tobacco Tax	11,941,632	12,321,956.54	380,324.54	116,922,073	122,257,247.36	5,335,174.36	4.6%	140,139,902
Insurance Companies Tax	9,515,771	12,552,761.76	3,036,990.76	36,065,884	41,048,085.37	4,982,201.37	13.8%	71,985,000
Estate Tax	2,245,136	2,844,195.94	599,059.94	20,616,861	23,391,592.34	2,774,731.34	13.5%	29,593,253
Other Taxes and Fees	8,682,610	9,972,995.11	1,290,385.11	105,920,211	105,656,054.86	(264,156.14)	-0.2%	148,808,830
Fines, Forfeits and Penalties	2,625,167	2,123,396.20	(501,770.80)	27,670,723	27,692,663.63	21,940.63	0.1%	32,853,721
Income from Investments	(94,927)	(35,585.50)	59,341.50	51,145	103,888.19	52,743.19	103.1%	103,246
Transfer from Lottery Commission	3,869,372	3,842,688.96	(26,683.04)	41,020,058	42,541,229.68	1,521,171.68	3.7%	49,843,299
Transfers to Tax Relief Programs	(2,101,143)	(2,328,506.41)	(227,363.41)	(110,609,862)	(110,614,196.47)	(4,334.47)	0.0%	(112,559,862)
Transfers for Municipal Revenue Sharing	(2,898,290)	(3,949,115.32)	(1,050,825.32)	(78,547,765)	(79,598,954.97)	(1,051,189.97)	-1.3%	(95,899,642)
Other Revenue	10,866,882	10,139,262.97	(727,619.03)	32,005,113	30,975,150.53	(1,029,962.47)	-3.2%	41,358,080
<b>Totals</b>	<b>342,065,233</b>	<b>344,575,855.27</b>	<b>2,510,622.27</b>	<b>2,053,489,181</b>	<b>2,086,512,611.40</b>	<b>33,023,430.40</b>	<b>1.6%</b>	<b>2,693,005,389</b>
<b>Highway Fund</b>								
Fuel Taxes	16,121,893	16,679,205.92	557,312.92	160,865,668	163,891,760.78	3,026,092.78	1.9%	220,305,526
Motor Vehicle Registration and Fees	7,775,933	9,829,569.31	2,053,636.31	61,387,093	63,838,026.24	2,450,933.24	4.0%	75,043,693
Inspection Fees	355,659	405,150.70	49,491.70	3,198,756	3,270,129.77	71,373.77	2.2%	3,896,915
Fines, Forfeits and Penalties	145,913	117,949.94	(27,963.06)	1,446,294	1,265,104.48	(181,189.52)	-12.5%	1,745,049
Income from Investments	5,200	18,165.14	12,965.14	102,930	123,935.29	21,005.29	20.4%	113,330
Other Revenue	566,569	412,928.15	(153,640.85)	7,379,995	7,201,325.09	(178,669.91)	-2.4%	8,387,253
<b>Totals</b>	<b>24,971,167</b>	<b>27,462,969.16</b>	<b>2,491,802.16</b>	<b>234,380,736</b>	<b>239,590,281.65</b>	<b>5,209,545.65</b>	<b>2.2%</b>	<b>309,491,766</b>

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

REVENUE CATEGORY	FY 2006	% Chg	FY 2007	% Chg	FY 2008	% Chg	FY 2009	% Chg	FY 2010	% Chg
<b>GENERAL FUND</b>										
Sales and Use Tax	\$706,246,052.23	5.7%	\$727,924,791.68	3.1%	\$732,603,524.37	0.6%	\$697,222,167.14	-4.8%	\$667,094,951.22	-4.3%
Service Provider Tax	\$31,725,611.56	-3.4%	\$34,997,598.59	10.3%	\$38,870,025.85	11.1%	\$39,871,988.04	2.6%	\$41,141,196.19	3.2%
Individual Income Tax	\$1,088,940,290.10	4.3%	\$1,176,374,367.50	8.0%	\$1,261,043,240.25	7.2%	\$1,120,532,568.53	-11.1%	\$1,036,966,409.46	-7.5%
Corporate Income Tax	\$148,101,567.51	47.2%	\$132,737,820.49	-10.4%	\$143,433,409.85	8.1%	\$110,931,940.98	-22.7%	\$137,857,294.01	24.3%
Cigarette and Tobacco Tax	\$127,091,870.93	58.6%	\$131,657,353.89	3.6%	\$125,741,515.63	-4.5%	\$119,730,926.25	-4.8%	\$122,257,247.36	2.1%
Insurance Companies Tax	\$40,131,292.98	10.7%	\$32,713,789.65	-18.5%	\$36,878,882.96	12.7%	\$39,562,791.69	7.3%	\$41,048,085.37	3.8%
Estate Tax	\$61,839,825.02	168.0%	\$41,980,038.35	-32.1%	\$25,640,079.84	-38.9%	\$22,507,369.96	-12.2%	\$23,391,592.34	3.9%
Other Taxes and Fees	\$96,474,117.18	5.9%	\$103,099,412.95	6.9%	\$99,573,489.92	-3.4%	\$103,548,472.74	4.0%	\$105,656,054.86	2.0%
Fines, Forfeits and Penalties	\$29,859,500.70	6.1%	\$33,231,271.98	11.3%	\$36,672,476.30	10.4%	\$36,205,386.26	-1.3%	\$27,692,663.63	-23.5%
Earnings on Investments	\$4,964,621.46	36.1%	\$922,415.08	-81.4%	\$1,672,430.15	81.3%	\$1,255,747.74	-24.9%	\$103,888.19	-91.7%
Transfer from Lottery Commission	\$43,290,026.10	5.3%	\$42,038,985.68	-2.9%	\$40,706,921.47	-3.2%	\$41,559,579.14	2.1%	\$42,541,229.68	2.4%
Transfers to Tax Relief Programs	(\$107,402,708.66)	-312.9%	(\$108,173,767.59)	-0.7%	(\$111,219,411.02)	-2.8%	(\$120,632,550.58)	-8.5%	(\$110,614,196.47)	8.3%
Transfers for Municipal Revenue Sharing	(\$95,248,151.46)	-12.3%	(\$95,156,901.36)	0.1%	(\$105,301,270.01)	-10.7%	(\$94,244,234.36)	10.5%	(\$79,598,954.97)	15.5%
Other Revenue	\$45,302,881.66	-51.3%	\$33,731,912.52	-25.5%	\$33,784,066.14	0.2%	\$34,900,373.56	3.3%	\$30,975,150.53	-11.2%
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$2,221,316,797.31</b>	<b>4.2%</b>	<b>\$2,288,079,089.41</b>	<b>3.0%</b>	<b>\$2,360,099,381.70</b>	<b>3.1%</b>	<b>\$2,152,952,527.09</b>	<b>-8.8%</b>	<b>\$2,086,512,611.40</b>	<b>-3.1%</b>
<b>HIGHWAY FUND</b>										
Fuel Taxes	\$165,486,725.60	0.2%	\$168,332,477.56	1.7%	\$167,430,291.57	-0.5%	\$161,679,510.00	-3.4%	\$163,891,760.78	1.4%
Motor Vehicle Registration and Fees	\$68,654,661.11	2.0%	\$68,687,072.78	0.0%	\$67,910,304.81	-1.1%	\$72,979,931.19	7.5%	\$63,838,026.24	-12.5%
Inspection Fees	\$3,529,493.11	2.7%	\$3,576,974.90	1.3%	\$3,292,981.51	-7.9%	\$3,262,176.58	-0.9%	\$3,270,129.77	0.2%
Fines	\$1,490,743.45	8.6%	\$1,430,018.63	-4.1%	\$1,464,389.22	2.4%	\$1,478,015.80	0.9%	\$1,265,104.48	-14.4%
Income from Investments	\$1,265,384.20	38.7%	\$699,998.88	-44.7%	\$1,111,890.60	58.8%	\$405,019.61	-63.6%	\$123,935.29	-69.4%
Other Revenue	\$8,278,371.75	7.8%	\$8,227,875.14	-0.6%	\$8,175,810.74	-0.6%	\$8,155,107.04	-0.3%	\$7,201,325.09	-11.7%
<b>TOTAL HIGHWAY FUND REVENUE</b>	<b>\$248,705,379.22</b>	<b>1.2%</b>	<b>\$250,954,417.89</b>	<b>0.9%</b>	<b>\$249,385,668.45</b>	<b>-0.6%</b>	<b>\$247,959,760.22</b>	<b>-0.6%</b>	<b>\$239,590,281.65</b>	<b>-3.4%</b>

## Interim 2010 Legislative Studies and Interim Committee Meetings

Study Name	Meetings Authorized	Meetings Held This Year	Next Meeting Date	Report Date	Status
Task force on kinship families (Resolve 136)	4 meetings	0	N/A	11/3/2010	Pending receipt of outside funding (Funds must be received by June 1, 2010).
Joint Select Committee on Health Care Reform (HP 1262)	5 meetings	1	Not scheduled	11/3/2010	
ACF committee to discuss report on milk handling fees (Resolve 183)	2 meetings	0	Not scheduled	12/1/2010	
EDU committee meetings on MaineCare Rules relating to CDS (PL 571, Part ZZZ)	2 meetings	0	Not scheduled	10/1/2010	
LVA committee review of slot machine revenues (PL 571, Part FFF)	4 meetings	0	Not scheduled	11/3/2010	
NAT committee study of solid waste and hot mix asphalt plant emissions (approved by Council)	4 meetings	1	5/26/2010	11/3/2010	
SLG committee study of APA rulemaking process (Resolve 207)	Up to 3 meetings	0	Not scheduled	11/3/2010	
SLG meeting with AFA regarding SPO reorganization (PL 571, Part JJJJ)	1 meeting	0	Not scheduled	No report required	

### On-going Legislative Studies

Study Name	Meetings Authorized	Meetings Held This Year	Next Meeting Date	Report Date	Status
Citizen Trade Policy Commission (PL 2003, c. 699)	At least 2 per year	3	6/18/10; 7/16/10	12/2/2010	Request to carry unused funds forward to FY11
Legislative Youth Advisory Council (3 MRSA, section 168-A)	2 per year	0	Not planning to meet until early 2011	2/1/2012	
Right to Know Advisory Committee (PL 2005, c. 631)	At least 4 times annually	1	Not scheduled	1/15 annually to JUD, Governor and Chief Justice	



April 27, 2010

David E. Boulter  
Executive Director of the Legislative Council  
Office of the Executive Director  
Maine State Legislature  
115 State House Station  
Augusta, ME 04333-0115

Mr. Boulter,

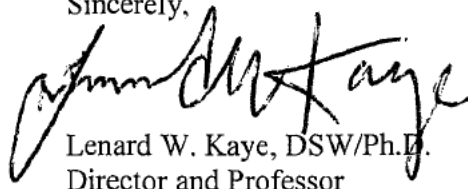
It is my pleasure to report that the University of Maine Center on Aging, along with partners in the Relatives as Parents (RAPP) Project, has identified and secured the following funding for LD1115: Resolve, To Establish the Task Force on Kinship Families:

- \* \$1,990 in grant funds from the Brookdale Foundation: The Center on Aging currently has a grant from the Brookdale Foundation to develop education and outreach related to grandfamilies in Maine. We have been formally granted permission to use these grant funds to support the work of this task force.
- \* Families and Children Together, Maine Kids-Kin Program, a local non-profit organization in Bangor that serves grandfamilies has identified \$2,500 in funds to support this initiative. A separate letter will be provided by that organization confirming this financial commitment.

We feel that the work of the task force is critical to raising awareness about the challenges faced by parenting relatives in the State of Maine and we are committed to transferring all funds identified above. We are pleased to be able to support the formation of this important group.

Please do not hesitate to contact me if you have any questions about this request. I appreciate your time in reviewing this matter.

Sincerely,



Lenard W. Kaye, DSW/Ph.D.  
Director and Professor

COPY

Families And Children Together



F.A.C.T.

EXECUTIVE DIRECTOR'S  
OFFICE

304 Hancock Street, Suite 2B • Bangor, Maine 04401 • 207/941-2547 • FAX 207/990-1216

2010 MAY 26 P 1216

April 28, 2010

David E. Boulter  
Executive Director of the Legislative Council  
Office of the Executive Director  
Maine State Legislature  
115 State House Station  
Augusta, ME 04333-0115

Dear Mr. Boulter,

This letter is to confirm that Families And Children Together will provide \$2500 of the \$4490 required for the Task Force on Kinship Families. I understand that the University of Maine Center on Aging will provide the remainder of the funding. Please formally request payment from us for our records and let me know when and to whom payment should be made.

Thank you for your work on this project.

Sincerely,

*Beverly Daniels*

Beverly Daniels  
Executive Director

cc: Dr. Len Kaye, University of Maine Center on Aging

MAY-18-2010 16:39

EXECUTIVE DIRECTOR LEGIS

P.03

MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

Office of the Executive Director of the Legislative Council  
Mail: 115 State House Station, Augusta, Maine 04333-0115  
Office: Room 103, State House, Augusta, Maine  
Tel: (207) 287-1615 Fax: (207) 287-1621

CERTIFICATION RELATING TO CONTRIBUTIONS FOR STUDY

Name of Study: TASK FORCE ON KINSHIP FAMILIES

CONTRIBUTOR IDENTIFICATION

Full name of contributor: <u>Families And Children Together</u>	Date of contribution: <u>5-4-10</u>
Address (number and street) of contributor: <u>304 Hancock St. Suite 2B</u>	Amount of contribution: <u>\$ 2500.</u>
City, state, zip code: <u>Bangor, ME, 04401</u>	If In-kind, list fair market value here and itemize in space provided below. \$
SS# OR FED ID #: <span style="background-color: black; color: black;">[REDACTED]</span>	
Occupation:	
Principal place of business: <u>(above)</u>	Contributor is: Individual <input type="checkbox"/> partnership <input type="checkbox"/> corporation <input checked="" type="checkbox"/> foundation <input type="checkbox"/>

IN-KIND CONTRIBUTION

Describe goods, services, etc. to be contributed:

I, Beverly Daniels, the undersigned, hereby swear or affirm that the information contained in this report is true and complete, that no information is knowingly withheld and that the purpose of the contribution is not to influence the outcome of the above named study or any subsequent legislative action. I further certify that I, and the employer or organization I represent, if applicable, do not have any pecuniary or other vested interest in the outcome of the above named study. I understand that this contribution is subject to acceptance by the Legislative Council.

Signature of contributor: <u>Beverly Daniels</u>	Date: <u>5-19-10</u>
Title: <u>Executive Director</u>	
Witness: <u>Justin Cheever</u>	<u>01-19-10</u>

EXECUTIVE DIRECTORS  
OFFICE

LEGISLATIVE COUNCIL ACTION

Accept Contribution: YES \_\_\_\_\_ NO \_\_\_\_\_

Date:



**FAMILIES AND CHILDREN TOGETHER**

304 HANCOCK STREET, SUITE 2B  
BANGOR, ME 04401  
(207) 941-2347



KEYBANK NATIONAL ASSOCIATION

52-60/112

5/4/2010

PAY TO THE  
ORDER OF

TREASURER STATE OF MAINE

\$ \*\*2,500.00

Two Thousand Five Hundred and 00/100\*\*\*\*\*

TREASURER STATE OF MAINE  
c/o OFFICE OF THE EXECUTIVE DIRECTOR  
MAINE LEGISLATURE  
115 STATE HOUSE STATION  
AUGUSTA, ME 04333-0115



*[Handwritten Signature]*

DOLLARS  
Security features  
included.  
Details on back.

MEMO PIF

AUTHORIZED SIGNATURE

MP

**FAMILIES AND CHILDREN TOGETHER**

TREASURER STATE OF MAINE

Date Type Reference  
4/29/2010 Bill PIF

Original Amt.  
2,500.00

5/4/2010  
Balance Due Discount  
2,500.00  
Check Amount

Payment  
2,500.00  
2,500.00

KeyBank

PIF

2,500.00

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**Resolve**  
**124th Legislature**  
**First Regular Session**

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**Chapter 136**  
**H.P. 770 - L.D. 1115**

**Resolve, To Establish the Task Force on Kinship Families**

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

**Whereas,** the Task Force on Kinship Families is created in this resolve in order to study issues facing kinship families; and

**Whereas,** the task force must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1 Task force established. Resolved:** That the Task Force on Kinship Families, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2 Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Four members appointed by the President of the Senate as follows:

A. Two Senators; and

B. One member representing a private nonprofit agency that provides services to kinship families and one member who is a state-licensed pediatrician;

2. Seven members appointed by the Speaker of the House as follows:

A. Five Representatives; and

B. One member who is currently providing primary care for a relative's child and one member representing the Probate Court; and

3. The Commissioner of Health and Human Services or the commissioner's designee; and

4. The Commissioner of Education or the commissioner's designee; and be it further

**Sec. 3 Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4 Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than August 1, 2009; and be it further

**Sec. 5 Duties. Resolved:** That the task force shall examine the issues facing kinship families, defined here as family members who care for a relative's child, and how state policies and practices can be crafted to meet the special needs of kinship families. In examining this issue, the task force shall identify existing resources within the State for kinship families, determine the needs of kinship families and gaps in services, review legal and custody issues and concerns for kinship families and create strategies for sustaining and maintaining resources for kinship families; and be it further

**Sec. 6 Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 7 Report. Resolved:** That, no later than December 2, 2009, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Health and Human Services is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session upon receipt of the report; and be it further

**Sec. 8 Funding. Resolved:** That the operations of the task force are contingent upon receipt of outside funding to fund all costs of the task force. Private financial or in-kind contributions to support the work of the task force may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the task force when those contributions have been received. If funding has not been received within 30 days after the effective date of this resolve, then no meetings of the task force are authorized and no study-related expenses of any kind may be incurred or reimbursed; and be it further

**Sec. 9 Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

## LEGISLATURE

### Study Commissions - Funding 0444

Initiative: Allocates funds for the costs to the Legislature of the Task Force on Kinship Families in the event that outside funding is received.

#### OTHER SPECIAL REVENUE FUNDS

Personal Services

2009-10

\$1,540

2010-11

\$0

Resolve, Chapter 136, 124th Legislature, First Regular Session

All Other	\$2,950	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,490	\$0

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

## PART CCCC

**Sec. CCCC-1. Shared living model redesign stakeholder group.** The Department of Health and Human Services shall convene a stakeholder group to participate in redesigning a shared living model of housing and services for adults with developmental disabilities, including the development of minimum standards for shared living, consideration of a reimbursement system based on the support needs of the individual served and a clear delineation of the responsibilities of the host family, the agencies providing oversight, state and community case managers and department staff.

**Sec. CCCC-2. Shared living model responsibilities.** The Department of Health and Human Services shall assume responsibility for direct support professional and medication administration training for shared living homes and respite providers beginning July 1, 2010. Agencies providing oversight shall maintain responsibility over the remaining aspects of the shared living homes.

**Sec. CCCC-3. Shared living model reimbursement and rules.** The Department of Health and Human Services shall reduce the reimbursement rate for the shared living program by 4.5% beginning July 1, 2010. The department is authorized to adopt rules effective October 1, 2010 to establish a reimbursement structure that produces an additional \$500,000 in General Fund savings in fiscal year 2010-11. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. CCCC-4. Shared living model redesign report requirement.** The Department of Health and Human Services shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services on the progress of the stakeholder group in redesigning the shared living model under section 1 on July 1, 2010 and on September 1, 2010.

## PART DDDD

**Sec. DDDD-1. Nursing facility survey revisit rules.** The Department of Health and Human Services shall amend rules governing the licensing and functioning of skilled nursing facilities to reduce the necessity for nursing facility survey revisits for minor deficiencies that result in no substandard quality of care or actual harm when a facility provides evidence that it has corrected the deficiencies and is in compliance.

## PART EEEE

**Sec. EEEE-1. Resolve 2009, c. 136, §4 is amended to read:**

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than ~~30 days following the effective date of this resolve~~ June 1, 2010. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than ~~August 1, 2009~~ July 1, 2010; and be it further

**Sec. EEEE-2. Resolve 2009, c. 136, §7 is amended to read:**

**Sec. 7. Report. Resolved:** That, no later than ~~December 2, 2009~~ November 3, 2010, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the ~~Second~~ First Regular Session of the ~~124th~~ 125th Legislature. ~~The Joint Standing Committee on Health and Human Services is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session upon receipt of the report; and be it further~~

**Sec. EEEE-3. Resolve 2009, c. 136, §8 is amended to read:**

**Sec. 8. Funding. Resolved:** That the operations of the task force are contingent upon receipt of outside funding to fund all costs of the task force. Private financial or in-kind contributions to support the work of the task force may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the task force when those contributions have been received. If funding has not been received ~~within 30 days after the effective date of this resolve~~ by June 1, 2010, then no meetings of the task force are authorized and no study-related expenses of any kind may be incurred or reimbursed; and be it further

**Sec. EEEE-4. Appropriations and allocations.** The following appropriations and allocations are made.

### LEGISLATURE

#### Study Commissions - Funding 0444

Initiative: Adjusts allocations between fiscal years to reflect the delay in the start of the task force on kinship families.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$0	\$1,540
All Other	\$0	\$2,950
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,490

**Sec. EEEE-5. Retroactivity.** This Part applies retroactively to June 17, 2009.

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 VanBurge



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: May 10, 2010

RE: Request to carryover funds from FY 10 to FY 11

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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 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. Over the last four years, the commission has requested and you have granted our request to carry \$5,000 over into the following biennium to conduct the assessment.

In the Second Regular Session of the 124<sup>th</sup> Legislature, the commission's 2011 fiscal year funding was swept to help address the state's FY 2010-11 budget deficit. In consideration of that action, it is our understanding that the funding held by the commission at the end of the 2010 fiscal year would be carried over to FY 2011. Without this funding, the commission will be unable to conduct the activities required by Public Law 2003, chapter 699 in FY 2011.

Therefore, for the above mentioned reasons, we respectfully request that the commission's remaining balance at the end of FY 2010 be carried over into 2011.

Thank you for your consideration of this matter.

Sincerely,

 cc

Troy Jackson  
Senate Co-Chair

 cc

Margaret Rotundo  
House Co-Chair

cc: Patrick Norton, Director, OPLA

# November 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 Election Day	3	4	5	6
7	8	9	10	11 Veteran's Day Holiday	12 New Member Orientation (Tent.)	13
14	15	16 New Member Orientation (Tent.)	17	18 Legislative Council Meeting	19 New Member Orientation (Tent.)	20
21	22	23 New Member Orientation (Tent.)	24	25 Thanksgiving Holiday	26 Thanksgiving Friday Holiday	27
28	29 Pre-Legislative Conference	30				



# December 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 125 <sup>th</sup> Legislature Convenes	2 Legislative Council Meeting (Tent.)	3	4
			Pre-Legislative Conference			
5	6	7	8	9	10	11
12	13	14	15	16 Legislative Council Meeting (Tent.)	17	18
19	20	21	22	23 Shut Down Day	24 Christmas Day Holiday	25
26	27	28	29	30	31 New Year's Day Holiday	

## MAINE DEVELOPMENT FOUNDATION

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Tuesday, May 18, 2010

To: Speaker of the House Hannah Pingree, Chair of the Legislative Council  
President of the Senate Elizabeth Mitchell, Vice-Chair of the Legislative Council  
Distinguished Members of the Legislative Council

From: Laurie Lachance, President of the Maine Development Foundation



Re: Policy Leaders Academy – Bus Tours and Legislative Forums for the 125<sup>th</sup> Maine Legislature

.....

Thank you for including us on the May 26 Legislative Council meeting agenda. The next round of Policy Leaders Academy (PLA) is fast approaching and we are looking for the Council's input and seal of approval so that we can move forward with planning and fundraising. To make the very best use of your time, we have crafted a broad proposal for your consideration and comment.

Based on some excellent feedback regarding the time commitment for the program, (bus tours in particular) we are proposing a couple of changes to the format this year in an effort to decrease the time commitment for attendees at the start of the session and to be more responsive to the Legislature, all while continuing to provide your members with a unique and high quality experience.

Historically, both bus tours and the Policy Forums have been run in the December/January timeframe of the First Regular Session. This timeframe had been chosen because the Legislature was in session but the Committee work had not begun. **At this time, we would like to propose the following alternative:**

1. Tours: Instead of two 3-day bus tours in the January of the First Regular Session, we could consider running one 3-day tour in the First Session and one 3-day tour in the Second Session. This would allow us to see a great deal of the state without unduly exhausting the travelers or pressuring the Legislative schedule.
2. Forums: We would suggest continuing with two day-long policy forums in the first year, the first in conjunction with the training that occurs in December, the second in January. We would propose that the opportunity to tailor either one or two policy forums in the second year be considered – with a focus on topics of critical concern to you.

By running the Policy Leaders Academy on an annual cycle, we feel that this would decrease your members' time away from the Statehouse in that hectic first month and provide a more regular service that could be more helpful to their decision making process overall.

**Please consider and provide your feedback on the following broad outline and broad topic areas. MDF and its partners will work over the summer and fall to refine the policy themes to be covered and to guide the overall planning process. We propose that our planning group communicate directly with the Legislative Council, via David Boulter, throughout the process to ensure that both content and logistics meet your needs and expectations.**

## 1) **Scope**

- One, 3-day economic bus tour in each session
- Two, 1-day policy forums in the first session and possibly in the second as well

## 2) **Timing**

- Forum dates in year one: (One day in December and one day in January):
  - a. Thursday or Friday in December 2010, immediately following the pre-legislative conference and swearing-in ceremonies
  - b. Friday, January 21st or 28th, 2011
- Bus tour dates in year one: (One of the following):
  - a. Wednesday – Friday, January 12-14
  - b. Wednesday – Friday, January 19-21
  - c. Wednesday – Friday, January 26-28

## 3) **Policy Areas – Investment Theme:** MDF is just concluding a major research initiative with the State Chamber, the results of which will be published this summer. We have reviewed and summarized the findings and recommendations from over 100 reports on Maine and have received survey feedback from 1,039 businesses and organizations around the following policy areas and how these impact their business decisions regarding investment in Maine.

- Energy
- Health Care
- Regulatory
- Education (Pre-K to Higher Ed)
- Quality of Place
- Tax/Fiscal
- Transportation and Connectivity
- Innovation

## 4) **Budget**

- Forums: Costs range from \$10,000 - \$30,000 depending on keynote speaker/s and the number in attendance
- Bus Tours: Costs range from \$50,000 to \$80,000 (50-100 participants)

## 5) **Fundraising and Planning**

- All fundraising will be conducted and managed by MDF. The primary focus will be associations. This helps protect against any perceived influence one person or organization might have on the curriculum. This also ensures multiple voices represented from the greater Maine economy.

## MAINE DEVELOPMENT FOUNDATION

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- The planning group will consist of MDF staff, David Boulter (representing the Legislative Council), representatives from the University and Community College Systems, including the Margaret Chase Smith Policy Center and the Muskie School of Public Service.

Thank you for your consideration and comments. We are excited to launch the detailed planning process and to raise the funds necessary to provide the very best training experiences possible. We look forward to working with you in the months ahead.

cc: Chancellor Rich Pattenau  
President John Fitzsimmons  
Dr. Linda Silka  
Paul Saucier  
David Boulter

## **Policy Leaders Academy 2008-2009 Forums and Bus Tours**

### Legislative Policy Forum on Energy

December 4, 2008

Attendees: 112 legislators

#### Evaluation:

- Overall impressions? 71% Excellent and 26% Good
- Did it meet your expectations? 47% Exceeded, 50% Met, 3% Did Not Meet
- Would you recommend this to a colleague? 100% Yes

### Legislative Policy Forum on Health Care

January 30, 2009

Attendees: 58 legislators

#### Evaluation:

- Overall impressions? 69% Excellent and 31% Good
- Did it meet your expectations? 38% Exceeded, 62% Met

### Economic Bus Tour Northern Maine

January 7-9, 2009

Attendees: 59 legislators

#### Evaluation:

- Overall impressions? 86% Excellent and 14% Good
- Did it meet your expectations? 38% Exceeded, 62% Met
- Would you recommend this to a colleague? 100% Yes

### Economic Bus Tour Southern Maine

January 21-23, 2009

Attendees: 58 legislators

#### Evaluation:

- Overall impressions? 69% Excellent and 31% Good
- Did it meet your expectations? 38% Exceeded, 62% Met
- Would you recommend this to a colleague? 100% Yes

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND NINE

H.P. 1023 - L.D. 1470

**Resolve, To Recognize Women Veterans in the State House Hall of Flags**

**Sec. 1. Bureau of Maine Veterans' Services to establish working group.**

**Resolved:** That the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall establish a working group to arrange for a plaque to be displayed in the Hall of Flags in the State House to honor women veterans of the State. The working group shall consult with the State House and Capitol Park Commission and the Legislative Council to develop a design and choose a site for the plaque to be displayed in the State House Hall of Flags; and be it further

**Sec. 2. Funding. Resolved:** That the Director of the Bureau of Maine Veterans' Services in coordination with the working group established under section 1 may accept outside sources of funding to contract for the design and construction of the plaque. The director shall provide prompt notice of solicitation and acceptance of funds to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received; and be it further

**Sec. 3. Report; final authorization. Resolved:** That the working group established under section 1 shall submit a report regarding the proposed location and design of the plaque to the Joint Standing Committee on Legal and Veterans Affairs and the Legislative Council through the Office of the Executive Director no later than January 15, 2010. The final authorization for the placement of the plaque in the State House Hall of Flags must be made by the Legislative Council; and be it further

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**State House and Capitol Park Commission 0615**

Initiative: Provides a base allocation to authorize expenditures of any funds received by the Director of the Bureau of Maine Veterans' Services within the Department of

John W. Libby  
Major General  
Commissioner  
207-626-4271



Peter W. Ogden  
EXECUTIVE DIRECTOR'S  
OFFICE 207-626-4464

2010 MAY 20 P 12:30

**Department of Defense, Veterans and Emergency Management**  
**Maine Veterans' Services**  
117 State House Station, Augusta, ME 04333-0117  
Tel.: 207-626-4464

May 20, 2010

Office of the Director

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

SUBJECT: Women Veterans' Plaque to be Displayed in the Hall of Flags

Dear Mr. Boulter:

The design process has been completed for the Women Veterans' Plaque to be displayed in the Hall of Flags. I have attached the final design for the plaque for approval by the Legislative Council. The plaque will be 48" x 30" in size when constructed.

The shape, size and location of the plaque were initially approved by Mr. Earle Shettleworth and now we are requesting final approval so we can begin fundraising for construction of the plaque. After we receive final approval by the Legislative Council I will be in touch with you to discuss the contracting process for the plaque.

We look forward to working with you and the Legislative Council to honor those Maine women who have answered the nation's call to duty.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter W. Ogden".

Peter W. Ogden  
Director



Gary Cooper  
Portland, Maine  
May 14, 2010



## Report Highlights

OPEGA Report No.  
SR-PSAP-09

To get a copy of the full report, or for more information, visit the website listed at the bottom of this page or contact OPEGA at (207) 287-1901

February  
2010

# Emergency Communications in Kennebec County – Fragmented Network Presents Challenges; Quality and Rate Issues Need to be Addressed to Optimize Public Safety



### What issues did OPEGA identify during the course of this review?

- PSAP centers are making blind transfers to dispatch centers
- Emergency Communications Centers are not handling 9-1-1 calls consistently
- CMRCC needs more active supervision on the call center floor
- Dissatisfaction persists among CMRCC's customer groups
- ECC rate methodologies are inconsistent and not comparable
- Costs of handling 9-1-1 cell phone calls are not equitably covered
- PUC rate case on DPS rates did not address root causes of higher rates
- CMRCC has vacant space

More information about these issues, including OPEGA's recommendations for addressing them, are included in the Recommendations section of the full report.

### What questions did this review focus on, and what are OPEGA's answers?

1. *What does the current network of Public Safety Answering Points (PSAP) and dispatch service providers for Kennebec County customers look like? Does the current configuration provide adequate coverage for rural communities?*

The current network has become fractured as each community has sought to balance cost and quality to secure a good value. Five primary emergency communications centers (ECCs) serve Kennebec County: three providing only dispatch services and two that provide both PSAP and dispatch services. All Kennebec communities have access to ECC service and the network presents no public safety issues unique to rural communities.

2. *Are there differences in the quality of services provided by the Department of Public Safety's Central Maine Regional Communications Center (CMRCC) compared to other entities that are serving customers in Kennebec County? If so, what factors are creating those differences? Is public safety being jeopardized?*

OPEGA compared Kennebec's two larger ECCs to best practices and found both have room for improvement. The need for improvement in the areas of standardized protocols and quality assurance practices was evident from the call handling issues OPEGA noted while listening to a sampling of calls. To the extent that call handling issues result in errors or affect timely response, public safety is not optimized. CMRCC, in particular, should also make improvements to supervision of staff.

## Report Highlights continued

OPEGA Report No.  
SR-PSAP-09

3. *How do cost structures and rate methodologies differ between CMRCC (the regional PSAP) and other entities that provide PSAP and dispatch services to customers in Kennebec County? Are costs being equitably allocated to those who are benefiting from the services?*

CMRCC is the only ECC with a formal rate methodology that includes all operating costs in its rates. Other centers either charge what CMRCC did prior to its 2009 rate increase, or they charge rates based roughly on the incremental costs they incur when taking on external customers. CMRCC has higher costs in the area of personnel and also has additional costs associated with services it provides that benefit both customers and non-customers. As a result, CMRCC's rates are higher than the other four centers.

4. *What are the funding streams for each of the PSAP and dispatch service providers and how are they affecting the cost of providing service and/or the rates charged to customers? Are there more efficient and/or equitable ways to fund the provision of PSAP and dispatch services?*

Funding is relatively consistent among all centers other than CMRCC, which is the only ECC funded solely through rates charged to customers. Other centers get some rate revenue from external customers, but are mostly funded with municipal and county revenue. No centers get surcharge revenue to cover any operating costs, even if those costs are directly related to PSAP service. This is similar to other states, although a few do use E9-1-1 surcharges for operating costs. Establishing special districts and collecting revenue through those districts is another possible option for funding emergency communications services.

5. *What are the impacts on the State, County and municipalities in Kennebec County from towns not participating in the CMRCC or from towns changing service providers? Are there factors other than cost and service quality driving the changes?*

CMRCC loses revenue each time a customer leaves, but some of the workload remains because CMRCC receives all cell phone calls for Kennebec County regardless of which ECC municipalities utilize. CMRCC operates as an enterprise fund, so its revenue must cover all expenses. As a result, when customers leave, costs must be cut or rates must be raised for remaining customers which include several State agencies. OPEGA's survey results show cost and quality are the primary factors driving municipalities to change providers.

6. *What benefits have been realized from Statewide PSAP consolidation and how do they compare to what was expected?*

The Legislature's intent in consolidating PSAPs was to keep the E9-1-1 surcharge low. To date, that goal has been met. However, stakeholders expected a variety of other benefits from consolidation that have not emerged and, in many cases, the opposite of what they were expecting has occurred.

**Highlights of  
OPEGA Special Project for AFA on  
Professional and Administrative Services Contracts Supported by General Fund**

**OPEGA Objective**

Suggest contracted professional and administrative services supported by FY11 General Fund appropriations that the State could consider no longer procuring or procuring on a less frequent basis.

**Definition of Professional and Administrative Services**

Expenditures for services provided to the State, as opposed to a citizen, for the purposes of managing State Government and administering its programs.

-OR-

Expenditures for outsourced services where the State is really procuring staffing resources for functions/positions that might otherwise be, or historically been, filled by State employees.

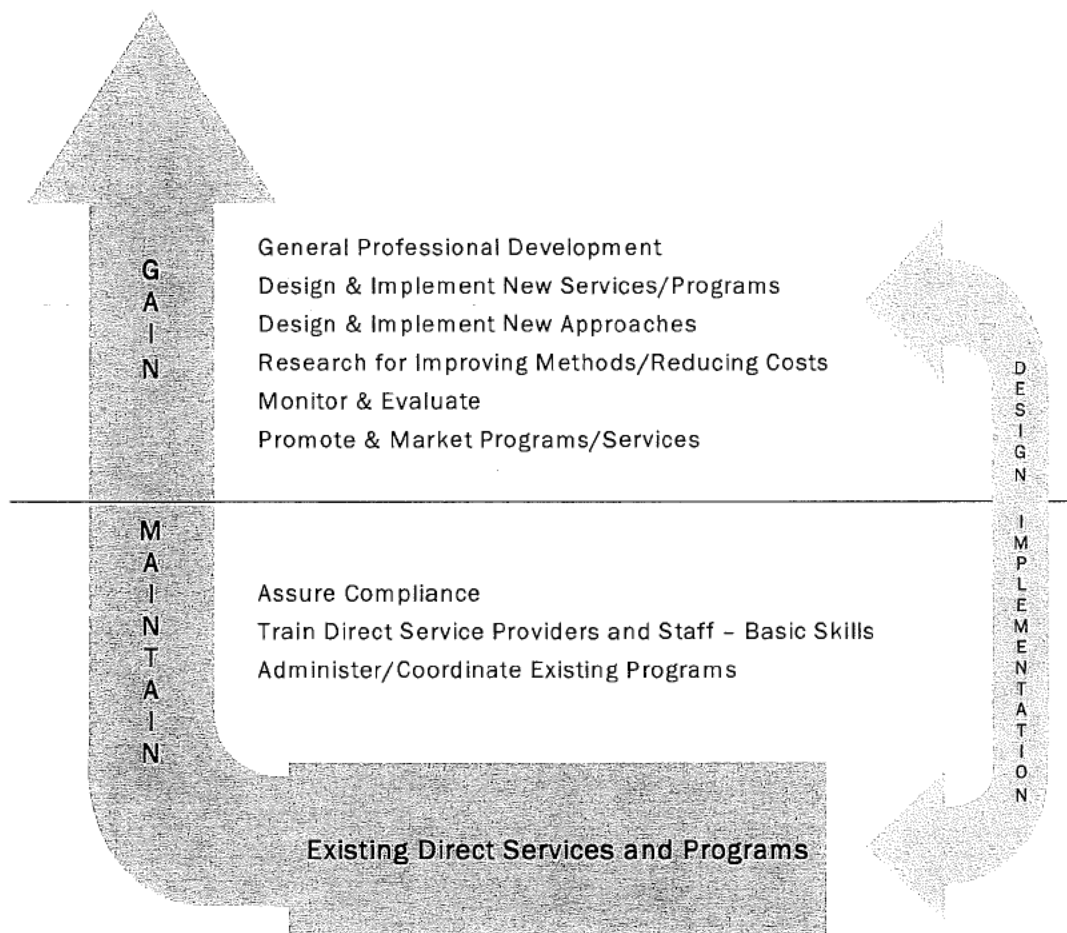
**Methodology**

OPEGA employed a specific multi-stage methodology and criteria to select a subset of contracted services that were within our scope, held the greatest potential for reducing GF budget for FY11 and could reasonably be reviewed within our timeframe. As part of the process, we reviewed contract documents for 140 contracts and captured pertinent details in a database. Those details were used to determine the final subset of contracts that would be our focus.

We ultimately selected 34 contracts to review in detail, most of which involved the procurement of multiple individual services. We reviewed the continued need for each service through interviews with the agencies that focused on why the service was being procured and how the resulting deliverables were being used. The breakdown of contracts by Department is:

<b>Department</b>	<b># of Contracts</b>
Corrections	4
Education	15
Economic and Community Development	2
Health and Human Services	11
Environmental Protection	1
Administrative and Financial Services	1

OPEGA further assessed the purpose of each service that was planned to be procured through FY11 in terms of how directly related it was to just maintaining existing direct services and existing programs in their current state.



### Key Results

Agencies reported that they were planning to continue procuring services – through FY11 – associated with 31 of the contracts that we reviewed with them. We provided AFA with a listing of these 31 contracts along with pertinent details, including descriptions of the specific services being procured. We suggested that AFA could direct the agencies to analyze the historical **actual expenditures** associated with procuring these services over the last two full fiscal years and report back on how those expenditures compare to the most current contracted budget for those services. If historical actual expenditures were typically substantially lower than the current budget, opportunity might exist to reduce the budgets (and related FY11 appropriations) for those contracted services.

We also identified multiple services within 18 of the 31 contracts that appeared to go beyond what was necessary to just maintain the status quo on existing programs or services as they were more related to goals of improving program effectiveness or efficiency. These are certainly important aims and agency staff were able to articulate why the contract services were important and valuable to the citizens of Maine. Given the current fiscal environment, however, OPEGA suggested that these contracted services could be considered for possible temporary suspension in FY11 as alternatives to other budget cuts or as options to address situations where budget gaps remain. We provided AFA with a detailed listing of these contracts and services which are summarized below.

Department	# Contracts	FY10 GF	FY10 SPEC	FY10 FED	FY10 OTHER	Total FY10\$**
Corrections	4	\$768,318				\$768,318
Education	7	\$1,160,957		\$58,560		\$1,219,517
Economic & Community Development	1	\$100,000				\$100,000
Health & Human Services	6	\$1,064,218	\$172,750	\$808,104	\$0	\$2,045,072
Total for All Departments	18	\$3,093,493	\$172,750	\$866,664	\$0	\$4,132,907

\*\*Actual \$ that could be reduced would be less than total contract \$ because contract also contains other services not put forward for consideration and contract contained no breakdown by service.

OPEGA emphasized, however, that suspending or reducing these services would not be without impacts and consequences. Choices to suspend many of these services would have potentially significant impacts on achieving continuous improvement in the services and programs the State is currently providing. In other cases, there would be a reduction in current and relevant information for making policy decisions. We strongly suggested that reductions should not be made without agency input and discussions about those impacts.

A member of AFA pursued OPEGA's suggestions by exploring possible reductions on specific contracted services with the commissioner of each agency. He ultimately proposed that AFA consider de-appropriating a total of \$399,400 from the four agencies and re-appropriating \$250,000 of it to restore proposed budget cuts to NAMI, the Coalition Against Sexual Assault and PMNI work with adolescent substance abuse. His proposals were accepted by AFA and incorporated into the Supplemental Budget that was approved by the Legislature.



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MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

MAINE TURNPIKE AUTHORITY

The GOC added the review of the Maine Turnpike Authority (MTA) to OPEGA's workplan at its meeting on May 8, 2009. OPEGA conducted preliminary research over March and April of 2010 with a focus on gaining a fuller understanding of MTA's operations, learning what legislative questions exist about the Authority and reviewing prior audits or studies conducted of MTA or its peers in other states. On April 29, 2010 the GOC considered OPEGA's Recommendation for Project Direction on a review of MTA and voted to have OPEGA focus on the following questions:

1. Why hasn't MTA been transferring operating surplus to MDOT as required by statute? Does MTA have an operating surplus as defined by 23 MRSA §1964? What other types of financial support has MTA been providing to DOT, if any? To what degree can MTA provide financial support to DOT without driving increases in toll rates?
2. What factors most significantly affect MTA's bond rating? How is the bond rating affected by legislative oversight actions, including OPEGA reviews, or by changes in MTA's operations, governance structure, revenue stream, etc?
3. What specific obligations does MTA have to its bondholders as expressed in the Bond Resolution? Are these typical obligations for an entity that issues revenue bonds?
4. Is the amount of bond debt currently held by MTA reasonable, and has the full amount of that debt been necessary to ensure the Authority could effectively carry out its mission?
5. Are MTA's policies, procedures and processes for selecting contractors and administering contracts adequate to ensure that MTA receives best value for contracted services?
6. What entities have a role in governing and overseeing MTA? What role is each entity supposed to play and how effectively does each entity carry out that role? How does MTA's governance structure (including statutory budgetary approval by the Legislature's Transportation Committee and appointments to the Authority's board by both the Legislature and Governor) compare to that of comparable authorities in other states?
7. What is MTA spending its toll revenue on? How does MTA define reasonable expenditures? Are the Authority's expenditures reasonable?
8. How does MTA compare to toll authorities in other states on financial and performance measures such as personnel and management costs and cost per mile?

A final report on this project is currently expected during the fall of 2010.



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MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

MEDICAL SERVICES IN STATE CORRECTIONAL FACILITIES

This topic was first brought to the Government Oversight Committee (GOC) at its March 27, 2009 meeting as a result of two different requests for OPEGA reviews: one from a citizen, and one from a legislator. The GOC considered these requests, in addition to information from prior OPEGA reviews and the fact that the 2010-2011 budget included \$16.5 million in General Fund each year for the Correctional Medical Services Fund (0286). On December 14, 2009 the GOC considered OPEGA's Recommendation for Project Direction on a review of Medical Services in State Correctional Facilities and voted unanimously to have OPEGA focus on the following question:

- How well does the Department of Corrections manage its contracts for medical, dental, pharmaceutical, and adult mental health services to ensure compliance with contract terms, conditions and expectations with regard to performance, quality and cost?

To date a timeframe for completion of this project has not been set.