

MAINE STATE LEGISLATURE

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SEN. KEVIN L. RAYE
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VICE-CHAIR

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DAVID E. BOULTER



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SEN. BARRY J. HOBBS
SEN. DEBRA D. PLOWMAN
SEN. JUSTIN L. ALFOND
REP. PHILIP A. CURTIS
REP. EMILY ANN CAIN
REP. ANDRE E. CUSHING III
REP. TERRY HAYES

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**MEETING OF LEGISLATIVE COUNCIL
AUGUST 25, 2011
1:30 PM
REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JUNE 28, 2011 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
9	▪ Executive Director's Report (Mr. Boulter)	Information
10	▪ Fiscal Report (Mr. Pennoyer)	Information
14	▪ Status of Legislative Studies (Jon Clark, Deputy Director, OPLA)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (No Report)	
	• State House Facilities Committee (No Report)	
	OLD BUSINESS	
15	Item #1: Council Actions Taken By Ballot (No Action Required)	Information
16	Item #2: Voice-over Internet Protocol Telephone System: Recommendation to Enter into Contract to Install and Operate VoIP System for Legislature (Mr. Clark)	Decision

NEW BUSINESS

- | | | |
|-----------|---|-------------------|
| 24 | Item #1: Establish Cloture and related Dates for Filing Legislature Bill Requests
(Ms. Gresser) | Decision |
| 27 | Item #2: Citizen Trade Policy Commission: Request to Carry Forward and
Use Additional Unspent Funds
(Request by Citizen Trade Policy Commission) | Decision |
| 30 | Item #3: Request for After Hours Use of Hall of Flags for Reception and
Educational Purposes on September 28, 2011
(Request by Friends of the Blaine House) | Decision |
| 31 | Item #4: Request for Approval of MDF Legislative Bus Tour dates and Breakfast
Policy Forums
(Request by Maine Development Foundation) | Decision |
| | Item #5: Proposed Staff Study of Feasibility of Making Written Materials
Presented to Committees Available Electronically for Public Access
(President Raye) | Discussion |
| | Item #6: Potential for Consolidating Multiple Website Information Links into
Single, Searchable Point of Reference for Committee Information
Relating to Committee Activities
(President Raye) | Discussion |
| | Item #7: Review of Policies and System for Legislative Employees and
Legislators to Remotely Access Email, Contact Lists and Calendars
(President Raye) | Discussion |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
June 28, 2011

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the June 28, 2011 Legislative Council meeting to order at 12:48 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Raye, Senator Courtney, Senator Plowman and Senator Alfond

Absent: Senator Hobbins (arrived after start of the meeting)

Representatives: Speaker Nutting, Representative Curtis, Representative Cushing,
Representative Cain, Representative Hayes

Legislative Officers: Joseph Carleton, Secretary of the Senate
Heather Priest, 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
Suzanne Gresser, Revisor of Statutes
Scott Clark, Director, Legislative Information Technology
John Barden, Director, Law and Legislative Reference Library
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director

Senate President Raye convened the meeting at 12:48 P.M. with a quorum of members present.

SUMMARY OF JUNE 16, 2011 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 16, 2011 be accepted and placed on file. Motion by Representative Cushing. Second by Senator Alfond. **Motion passed unanimous (9-0, with Senator Hobbins absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

No report.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2011 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$214.7	\$233.4	\$18.7	8.7%	\$224.0	4.2%
FYTD	\$2,467.1	\$2,482.6	\$15.5	0.6%	\$2,310.5	7.4%

General Fund revenue was above budget projections by \$18.7 million (8.7%) in May and was \$15.5 million (0.6%) above projections for the Fiscal Year-to-date (FYTD). These positive variances reflected the May 2011 revenue forecast, which increased budgeted General Fund revenue projections by \$12.1 million for FY 2011. General Fund revenue growth remained strong and through May was 7.4% higher than the same period during the last fiscal year. The strength of the sales and income tax collections remained major factors in the positive FYTD variance. It remains too early to identify the amount of the FY 2011 revenue surplus.

Through May, Individual Income Tax revenue was \$10.1 million above projections and Corporate Income Tax was \$2.7 million above projections. Corporate Income Tax revenue is expected to be above budget projections in June. Sales and Use Tax performed well in May, coming in \$5.8 million above projections, but lower Service Provider Tax revenue offset some of this. Combined, these taxes are \$2.9 million above the revised projections.

Revenue sharing transfers continue to exceed projections (a negative revenue variance) based on the performance of the income and sales tax categories and will end the year roughly \$0.8 million above revised projections.

Fine revenue and Inland Fisheries and Wildlife revenue remained below projections despite downward adjustments in the May revenue forecast.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$25.1	\$23.4	(\$1.7)	-6.7%	\$25.3	-7.4%
FYTD	\$264.1	\$263.3	(\$0.8)	-0.3%	\$264.9	-0.6%

Highway Fund revenue was below projections by \$1.7 million (6.7%) in May and was below projections for the FYTD through May by \$0.8 million (0.3%). The May 2011 revenue revision increased Highway Fund budgeted revenue by \$0.6 million in FY 2011.

Within the broader category of Fuel Taxes, Gasoline Tax collections were below projections for the month by \$3.1 million due to an approximately \$4 million refund of taxes collected in April on exempt sales. Through May, Gasoline Tax collections were below projections by \$2.6 million. Other components of the Fuel Taxes category were faring well compared to the revised forecast, so that overall the Fuel Taxes category was below projections by \$2.1 million through May. The Gasoline Tax monthly distribution was distorted by the \$4 million refund, so June's revenues may help offset some of the negative variance.

The Motor Vehicle Registration and Fee category has performed well relative to the revised forecast and was above projections by \$1.0 million in May and \$1.3 million for the FYTD, further reducing the negative variance for the Highway Fund.

FY2011 "Cascade"

Presented below are the planned transfers from the uncommitted, unappropriated surplus of the General Fund at the close of this current fiscal year. It is uncertain whether the amounts available will fully fund the 3rd priority transfer to the Maine Budget Stabilization Fund, and based on preliminary June data, it seems unlikely that the amounts will fund other items.

Fixed Dollar Transfers

Replenish Contingent Account up to \$350,000 (5 MRSA §1507)
 Transfer to Loan Insurance Reserve up to \$1,000,000 (5 MRSA §1511)
 Budget Stabilization Fund transfer up to \$25,000,000 (PL 2011, c. 28, I-1)
 Health and Human Services, Bureau of Medical Services up to \$5,000,000 (PL 2011, c. 28, I-2)
 Health Insurance Internal Services Fund up to \$2,500,488 (PL 2001, c. 28, I-3)

% Transfers After Fixed Dollar Transfers (5 MRSA §1536)

Maine Budget Stabilization Fund	35%
Retirement Allowance Fund	20%
Reserve for General Fund Operating Capital	20%
Retiree Health Internal Service Fund	15%
Capital Construction & Improvements Reserve Fund	10%

Cash Balances

The average total cash pool balance for April was \$571.4 million, \$123.0 million higher than one year ago. General Fund internal cash flow borrowing was \$88.7 million less than a year ago. The Maine Budget Stabilization Fund balance below does not yet reflect the \$3.1 million budgeted increase at the close of FY 2011 and does not include a \$50,000 deduction for a law enforcement officer death benefit payment.

Summary of Treasurer's Cash Pool		
May Average Daily Balances		
Millions of \$'s		
	2010	2011
General Fund (GF) Total	\$26.2	\$58.3
General Fund (GF) Detail:		
Budget Stabilization Fund	\$0.2	\$25.5
Reserve for Operating Capital	\$0.0	\$11.2
Tax Anticipation Notes	\$0.0	\$0.0
Internal Borrowing	\$199.7	\$111.0
Other General Fund Cash	(\$173.7)	(\$89.5)
Other Spec. Rev. - Interest to GF	(\$3.7)	\$53.9
Other State Funds - Interest to GF	\$8.3	\$18.2
Highway Fund	\$42.2	\$67.8
Other Spec. Rev. - Retaining Interest	\$79.7	\$27.2
Other State Funds	\$204.8	\$233.3
Independent Agency Funds	\$91.0	\$112.7
Total Cash Pool	\$448.4	\$571.4

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

President Raye, Chair of the Personnel Committee, reported that the Personnel Committee held a meeting earlier in the day, June 28, 2011 to consider an employee retirement incentive program for Legislative employees. The State biennial budget included authorization for the Commissioner of Administrative and Financial Services to establish a retirement incentive program for Executive Branch employees who are eligible to retire from State service and have reached their normal retirement age. The Personnel Committee voted to recommend a similar program but structured to meet Legislative Branch needs. The amount of the retirement incentive would be the same for the full-time employees as that for Executive Branch employees (\$5,000) and a lesser amount for eligible part-time and session-only employees (\$2,500). There would be no budgetary impact to the Legislature as the retirement incentive would be paid for through achieving savings in legislative accounts that would offset the costs of retirement incentives.

Legislative Council Chair Raye asked Mr. Boulter to summarize the key elements of the proposed incentive program which he did as follows.

The retirement incentive program is for Legislative employees who are eligible to retire from State service. Program components include:

- Having been an employee of the Legislature for a period of at least 5 years;
- Being eligible to retire from State service;

- Having reached normal retirement age as defined by Maine PERS (age 60 or 62 depending on when first employed);
- Amount of the incentive is \$5,000 for eligible full-time employees and \$2,500 for eligible part-time and session-only employees, with payment being made in a single, lump sum with applicable income tax withholdings. The payment would not be calculated as part of an employee's earnings for retirement purposes;
- Costs to fund the incentive program would be funded by achieving comparable, off-setting savings in the relevant legislative account, resulting in no net increase to the General Fund budget; and
- Effective date of the program would be October 1, 2011 and the program would terminate at the end of FY13 unless it is extended in the future by the Legislative Council.

President Raye commented that the members of the Personnel Committee felt that since changes to State employee benefits that affected other State employees negatively were also applied to Legislative employees, a retirement incentive program, though modest, should also be afforded to Legislative employees.

The committee further authorized recruitment for the OPLA Director position, being vacated this fall by Patrick Norton. Mr. Norton, the Director of the Office of Policy and Legal Analysis for the past 6 years, has announced that he will not be seeking reappointment and will leave State service following adjournment of the 1st Regular Session. The Personnel Committee voted to authorize the Executive Director's office to recruit for the OPLA Director position with a goal of having a new director on board by fall. No Legislative Council action is required at this time.

President Raye recognized Mr. Norton for his many years of outstanding service to the Maine Legislature, his high degree of professionalism and the outstanding manner in which he conducts himself. He further stated that the Legislature owes Mr. Norton an enormous debt of gratitude. The council members thanked Mr. Norton for his years of service and wished him well in his future endeavors.

President Raye then offered the following motion.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council adopt a retirement incentive program for legislative employees consistent with the eligibility and other program parameters established by the Personnel Committee; and further that the Executive Director develop and administer the program, with an effective date of October 1, 2011. Motion by President Raye. Second by Senator Hobbins. **Motion passed unanimous (10-0).**

2. State House Facilities Committee

No report.

OLD BUSINESS

Item #1: Legislative Council Actions Taken by Ballot

There were no Legislative Council actions taken by ballot since its June 16, 2011 meeting. No further action by the Legislative Council is required.

NEW BUSINESS

Item #1: Consideration of Proposed Legislative Study and Related Funding

The Council considered the proposed commission to reapportion Maine's Congressional districts, along with proposed funding to support the commission's activities. Mr. Boulter reminded members that by earlier action, the Legislative Council had authorized \$280,000 for reapportionment activities. That amount was included in the biennial budget that was recently passed. At that time, reapportionment of the Congressional districts was envisioned to occur at the same time the House and Senate districts were reapportioned, not separately. Consequently, the funds were all budgeted in FY13. In order to fund reapportionment of Congressional districts this year, supporting funds need to be transferred from FY13 to FY12.

Speaker Nutting noted that his bill (LR 2217) to provide the funding proposes transferring \$40,000 from the appropriated \$280,000. Upon further consultation and consideration, Speaker Nutting felt a more appropriate amount is \$60,000. He commented that some equipment such as computers and printers as well as software purchased for the Congressional district reapportionment can be reused for the House and Senate district reapportionment the following year.

President Raye asked whether an amount greater than \$4,000 would need to be calculated for Personal Services. After consulting with Ms. Breton, Mr. Boulter responded that since the Personal Services is to pay per diem costs for the public members of the commission, \$4,000 should remain sufficient. The additional \$20,000 would be under the All Other line. The 15 members of the commission are entitled to expenses, charged against the All Other line.

Senator Hobbins expressed concern that the remaining \$220,000 may be insufficient to carry out the second reapportionment.

Speaker Nutting commented that he felt the amount would be adequate but if it is not, the matter could be addressed at a later date.

Motion: That the Legislative Council authorize the Commission to reapportion Maine's Congressional districts and to authorize introduction of LR 2217 as amended to transfer \$60,000 in the Apportionment Commission account from fiscal year 2013 to fiscal year 2012 for the purpose of paying authorized expenses of the commission, \$4,000 of which is in the Personal Services line and \$56,000 of which is in the All Other line, with any balance to be equally divided between the major political parties after having paid all costs of the commission; and further that equipment and software purchased using these funds be made available to the commission to reapportion Maine's House and Senate districts following completion of the commission's work on Congressional districts. Motion by Representative Nutting. Second by Representative Cain. **Motion passed (9-0, with Senator Alford absent).**

Item #2: Request to Carry Over Funds from FY11 to FY 12 (Citizen Trade Policy Commission)

The Citizen Trade Policy Commission requested approval to carry over \$5,000 of unexpended funds for the purpose of conducting a biennial assessment in FY12 of the impact of international trade agreements on Maine's state and local laws, business environment and working conditions, pursuant to Public Law 2007, chapter 266, and to carry over all other unexpended funds remaining at the end of FY11 to FY12 to allow the commission to conduct those activities

required under Public Law 2003, chapter 699. Approximately \$21,800 remains unexpended to date. The assessment is expected to cost \$10,000.

Ms. Breton noted that the commission's budget for FY12 and FY13 includes funding of \$12,370 each year to pay the per diem and expenses of commission members, the assessment and any public hearings that may be held. In response to a question by President Raye, Ms. Breton stated that there is separate legislation to appropriate \$12,000 to the commission in FY13 for staff support. This would be in addition to the \$12,370 already budgeted for commission activities.

Speaker Nutting stated that he would be comfortable authorizing \$5,000 in unspent funds in FY11 being carried over to FY12 so the commission may conduct the assessment and considering carry over of other unspent funds at a later date after having provided the chairs of the commission an opportunity to explain to the Legislative Council the necessity for and proposed use of the remaining funds in FY12. The other members generally agreed to this approach.

Motion: That the Legislative Council approve the request by the Citizen Trade Policy Commission to carry over \$5,000 from FY11 to FY12 for the purpose of conducting an assessment required by law; and further to defer action on the request to carry over additional funds until a future meeting of the council. Motion by Representative Nutting. Second by Representative Cushing. **Motion passed (9-0, with Senator Alfond absent).**

Item #3: Consideration of After Deadline Bill Requests / Addendum

The Legislative Council took action on the after deadline request by Speaker Nutting, LR 2217, under New Business Item #1, authorizing the request as amended for introduction in the 1st Regular Session of the 125th Legislature. Three requests remained tabled with no additional action taken by the Legislative Council. The Legislative Council's action on the requests are included on the attached list.

ANNOUNCEMENTS AND REMARKS

President Raye announced that since the Legislative Council had met 3 times in June, it would not be necessary to hold a Legislative Council meeting in July. Therefore, the next council meeting will be held in August on its regularly scheduled date.

The Legislative Council meeting was adjourned at 1:17 P.M. on a motion by Representative Curtis, seconded by Senator Courtney. **Motion passed (9-0, with Senator Alfond absent).**

Legislative Council Action on After Deadline Bill Requests, June 28, 2011

SPONSOR:	Rep. Nutting, Robert W.	Action PASSED (as amended)
LR 2217	An Act To Provide Funding for the Reapportionment Commission	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Cebra, Richard M.	Action TABLED 05/27/11
LR 2183	An Act To Protect Maine's Border Businesses	

SPONSOR:	Sen. Trahan, A. David	TABLED 04/28/11
LR 2155	An Act To Ensure the Compensation of Public Employees Who Are Injured Due to Acts of Violence of Patients or Prisoners in Their Custody	

SPONSOR:	Rep. Turner, Beth P.	TABLED 04/28/11
LR 2139	An Act To Reform the Land Use Regulation Commission	

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Legislative Council

Executive Director's Report August 25, 2011

1. E-Filing of Rulemaking Notices

State agencies may now file statutorily required notices of rulemaking electronically to the Legislature and notices will be sent to legislative committees electronically as well. Testing of the application this past session went well and the Executive Director's office will conclude offering agency training in the use of the e-filing application to all major departments and agencies this month. The notices will also be posted to the legislature's website beginning this fall.

2. Digitization of Library Materials

Over the last 2 years, the Law and Legislative Reference Library has made a concerted effort to digitize legislative materials so they may be made available electronically. Included in the digitization project are joint standing committee master files and legislative documents and amendments. To date, the following have been digitized:

- Over 7,000 committee-related items
- Nearly 15,000 legislative documents and amendments
- 33,000 pages of Laws of Maine
- 20,000 pages of the Legislative Record
- 14,000 pages of Revised Statutes (early editions)
- Plus other materials such as Legislative Council materials and news clippings.

The project is on-going.

3. Cloture Date Established

By ballot vote, the Legislative Council has established Friday, September 30, 2011 at 4:00 PM as the date by when Legislators must file their bill requests and accompanying materials with the Office of the Revisor of Statutes.

Fiscal Briefing

Legislative Council Meeting

August 25, 2011

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached detail tables)

Total General Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$224.4	\$207.2	(\$17.2)	-7.6%	\$216.7	-4.4%
FYTD	\$224.4	\$207.2	(\$17.2)	-7.6%	\$216.7	-4.4%

General Fund revenue was under budget by \$17.2 million (7.6%) for the first month of FY 2012. This performance represented a decline of 4.4% compared with July 2010. A single month's variance is not a good indicator of a change in trend. July's variance appears was caused primarily by a \$15.8 million variance in individual income tax withholding receipts. Some of this is a timing issue, but much of this variance is unexplained at this point and is a concern. An additional \$1.3 million of the negative variance was from revenue sharing transfers that were based on really strong income and sales tax collections in June 2010.

There are some problem areas that merit close scrutiny over the next few months including fine revenue, cigarette and tobacco tax revenue, racino revenue and lottery revenue. Inland Fisheries and Wildlife revenue was on budget for July, but it is still deserving of special attention after ending FY 2011 with a negative variance of \$1.3 million. Sales tax collections may also be a concern based on higher growth rate assumptions in FY 2012.

2. Highway Fund Revenue Update (see attached detail tables)

Total Highway Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$27.6	\$26.8	(\$0.8)	-2.9%	\$27.8	-3.9%
FYTD	\$27.6	\$26.8	(\$0.8)	-2.9%	\$27.8	-3.9%

Highway Fund revenue was under budget by \$0.8 million (2.9%) for the first month of FY 2012 and declined by 3.9% compared with July 2010. At this point, it is too early to gauge whether July's performance represents a negative trend. Fuel tax collections were only modestly under budget and have been up and down each month as receipts are due late in the month. Much of the remaining negative variance resulted from a variance in motor vehicle registration fees receipts, which is related to a delay in processing receipts this summer.

3. Cash Balances

The average total cash pool balance for July was \$576.1 million, \$90.1 million higher than one year ago. General Fund internal cash flow borrowing was \$115.6 million less than a year ago, reflecting some significant improvement in General Fund reserve balances. Some decline in the status of General Fund cash balances is expected over the course of FY 2012 as a result of interfund advance of \$43 million in FY 2012 to be repaid in FY 2013. Absent any significant revenue or expenditure variances, the State appears to have a strong enough cash position to avoid external borrowing in FY 2012. The last time the State issued a Tax Anticipation Note or borrowed externally for cash flow purposes was in FY 2006.

General Fund Revenue
Fiscal Year Ending June 30, 2012 (FY 2012)
July 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2012 Budgeted Totals
	July '11 Budget	July '11 Actual	July '11 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	91,959,420	93,011,342	1,051,922	91,959,420	93,011,342	1,051,922	1.1%	4.7%	955,812,221
Service Provider Tax	4,975,449	4,313,717	(661,732)	4,975,449	4,313,717	(661,732)	-13.3%	-10.2%	56,877,680
Individual Income Tax	101,866,988	88,705,638	(13,161,350)	101,866,988	88,705,638	(13,161,350)	-12.9%	-9.5%	1,445,821,209
Corporate Income Tax	9,153,534	8,582,079	(571,455)	9,153,534	8,582,079	(571,455)	-6.2%	-6.2%	180,396,827
Cigarette and Tobacco Tax	13,875,029	12,977,570	(897,459)	13,875,029	12,977,570	(897,459)	-6.5%	-0.3%	143,623,350
Insurance Companies Tax	827,090	1,687,988	860,898	827,090	1,687,988	860,898	104.1%	296.1%	76,215,000
Estate Tax	2,716,075	2,540,479	(175,596)	2,716,075	2,540,479	(175,596)	-6.5%	-5.5%	35,810,855
Other Taxes and Fees *	9,008,925	8,305,301	(703,624)	9,008,925	8,305,301	(703,624)	-7.8%	-19.4%	135,094,104
Fines, Forfeits and Penalties	2,547,744	1,693,512	(854,232)	2,547,744	1,693,512	(854,232)	-33.5%	-36.1%	28,399,692
Income from Investments	0	2	2	0	2	2	N/A	-64.2%	257,766
Transfer from Lottery Commission	4,783,038	4,441,246	(341,792)	4,783,038	4,441,246	(341,792)	-7.1%	-6.5%	50,700,000
Transfers to Tax Relief Programs *	(235,929)	(681,923)	(445,994)	(235,929)	(681,923)	(445,994)	-189.0%	-219.7%	(112,068,263)
Transfers for Municipal Revenue Sharing	(12,671,151)	(14,024,436)	(1,353,285)	(12,671,151)	(14,024,436)	(1,353,285)	-10.7%	-7.3%	(94,003,511)
Other Revenue *	(4,430,108)	(4,328,410)	101,698	(4,430,108)	(4,328,410)	101,698	2.3%	7.3%	42,691,921
Totals	224,376,104	207,224,103	(17,152,001)	224,376,104	207,224,103	(17,152,001)	-7.6%	-4.4%	2,945,628,851

* Additional detail by subcategory for these categories is presented on the following page.

General Fund Revenue
Fiscal Year Ending June 30, 2012 (FY 2012)

July 2011 Revenue Variance Report

Revenue Category	July '11 Budget	July '11 Actual	July '11 Variance	Fiscal Year-To-Date					FY 2012 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	N/A	13,536,928
- Real Estate Transfer Tax	939,616	853,489	(86,127)	939,616	853,489	(86,127)	-9.2%	-55.7%	9,767,309
- Liquor Taxes and Fees	2,052,582	2,035,447	(17,135)	2,052,582	2,035,447	(17,135)	-0.8%	-3.4%	20,467,530
- Corporation Fees and Licenses	294,015	259,991	(34,024)	294,015	259,991	(34,024)	-11.6%	-8.1%	7,697,099
- Telecommunication Personal Prop. Tax	0	71,690	71,690	0	71,690	71,690	N/A	N/A	14,641,734
- Finance Industry Fees	1,904,581	1,520,300	(384,281)	1,904,581	1,520,300	(384,281)	-20.2%	-13.8%	23,265,980
- Milk Handling Fee	93,877	94,605	728	93,877	94,605	728	0.8%	-84.9%	1,126,529
- Racino Revenue	1,000,212	823,284	(176,928)	1,000,212	823,284	(176,928)	-17.7%	-13.9%	10,849,437
- Boat, ATV and Snowmobile Fees	640,494	553,087	(87,407)	640,494	553,087	(87,407)	-13.6%	-13.6%	4,500,295
- Hunting and Fishing License Fees	1,531,938	1,630,058	98,120	1,531,938	1,630,058	98,120	6.4%	7.0%	17,332,248
- Other Miscellaneous Taxes and Fees	551,610	463,350	(88,260)	551,610	463,350	(88,260)	-16.0%	-2.3%	11,909,015
Subtotal - Other Taxes and Fees	9,008,925	8,305,301	(703,624)	9,008,925	8,305,301	(703,624)	-7.8%	-19.4%	135,094,104
Detail of Other Revenue:									
- Liquor Sales and Operations	2,027	1,800	(227)	2,027	1,800	(227)	-11.2%	-14.3%	7,669,727
- Targeted Case Management (DHHS)	116,666	690,346	573,680	116,666	690,346	573,680	491.7%	-22.4%	5,225,200
- State Cost Allocation Program	1,345,467	1,108,099	(237,368)	1,345,467	1,108,099	(237,368)	-17.6%	-6.5%	16,467,934
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	2,333,420
- Toursim Transfer	(5,876,495)	(5,876,495)	0	(5,876,495)	(5,876,495)	0	0.0%	-5.9%	(9,305,250)
- Transfer to Maine Milk Pool	(219,919)	0	219,919	(219,919)	0	219,919	100.0%	100.0%	(1,108,312)
- Transfer to STAR Transportation Fund	(2,072,166)	(2,072,166)	0	(2,072,166)	(2,072,166)	0	0.0%	-0.3%	(3,115,000)
- Other Miscellaneous Revenue	2,274,312	1,820,006	(454,306)	2,274,312	1,820,006	(454,306)	-20.0%	-3.1%	24,524,202
Subtotal - Other Revenue	(4,430,108)	(4,328,410)	101,698	(4,430,108)	(4,328,410)	101,698	2.3%	7.3%	42,691,921
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(235,929)	(681,923)	(445,994)	(235,929)	(681,923)	(445,994)	-189.0%	-183.9%	(41,083,286)
- BETR - Business Equipment Tax Reimb.	0	0	0	0	0	0	N/A	-100.0%	(51,552,995)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	0	0	0	0	0	N/A	N/A	(19,431,982)
Subtotal - Tax Relief Transfers	(235,929)	(681,923)	(445,994)	(235,929)	(681,923)	(445,994)	-189.0%	-219.7%	(112,068,263)
Inland Fisheries and Wildlife Revenue - Total	2,258,122	2,261,537	3,415	2,258,122	2,261,537	3,415	0.2%	-0.2%	22,820,946

Highway Fund Revenue **Fiscal Year Ending June 30, 2012 (FY 2012)**

July 2011 Revenue Variance Report

Revenue Category	July '11 Budget	July '11 Actual	July '11 Variance	Fiscal Year-To-Date					FY 2012 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,691,979	16,581,576	889,597	15,691,979	16,581,576	889,597	5.4%	-0.3%	198,610,000
- Special Fuel and Road Use Taxes	4,571,284	3,445,718	(1,125,567)	4,571,284	3,445,718	(1,125,567)	-32.7%	-13.2%	44,360,000
- Transcap Transfers - Fuel Taxes	(1,482,814)	(1,475,130)	7,684	(1,482,814)	(1,475,130)	7,684	0.5%	2.1%	(17,842,752)
- Other Fund Gasoline Tax Distributions	(492,409)	(518,649)	(26,240)	(492,409)	(518,649)	(26,240)	-5.1%	-0.5%	(5,066,641)
Subtotal - Fuel Taxes	18,288,040	18,033,515	(254,525)	18,288,040	18,033,515	(254,525)	-1.4%	-2.9%	220,060,607
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	6,041,013	5,559,446	(481,567)	6,041,013	5,559,446	(481,567)	-8.7%	-8.6%	64,805,936
- License Plate Fees	278,465	320,718	42,253	278,465	320,718	42,253	13.2%	0.9%	3,345,309
- Long-term Trailer Registration Fees	409,485	474,988	65,503	409,485	474,988	65,503	13.8%	9.3%	8,884,523
- Title Fees	941,666	891,595	(50,071)	941,666	891,595	(50,071)	-5.6%	-4.6%	11,044,291
- Motor Vehicle Operator License Fees	736,011	618,578	(117,433)	736,011	618,578	(117,433)	-19.0%	26.1%	9,124,826
- Transcap Transfers - Motor Vehicle Fees	0	0	0	0	0	0	N/A	N/A	(14,883,030)
Subtotal - Motor Vehicle Reg. & Fees	8,406,640	7,865,325	(541,315)	8,406,640	7,865,325	(541,315)	-6.9%	-4.8%	82,321,855
Motor Vehicle Inspection Fees	240,200	238,464	(1,736)	240,200	238,464	(1,736)	-0.7%	-26.7%	2,982,500
Other Highway Fund Taxes and Fees	125,934	111,432	(14,502)	125,934	111,432	(14,502)	-13.0%	-25.9%	1,313,165
Fines, Forfeits and Penalties	108,841	98,118	(10,723)	108,841	98,118	(10,723)	-10.9%	-23.2%	1,205,049
Interest Earnings	0	0	0	0	0	0	N/A	N/A	32,446
Other Highway Fund Revenue	385,410	405,375	19,965	385,410	405,375	19,965	4.9%	0.3%	8,449,178
Totals	27,555,065	26,752,230	(802,835)	27,555,065	26,752,230	(802,835)	-3.0%	-3.9%	316,364,800

LEGISLATIVE COUNCIL REPORT: 2011 Interim Legislative Studies and Committee Meetings

Updated August 18, 2011

Study Name	2011 Meetings Authorized	2011 Meetings Held	Scheduled Next Meeting Date(s)	Report Date	Chairs	Status
AUTHORIZED COMMITTEE MEETINGS						
ACF committee meeting with the Commission on Reform of the Governance of LURC (Resolve 2011, c. 113, eff date 9/28/11)	1	0		n/a	Sen. Sherman Rep. Edgecomb	(under Resolve, meeting to occur by Oct. 28th)
IFS committee meetings with the Advisory Committee on Maine's Health Insurance Exchange (Resolve 2011, c. 105, eff date 7/6/11)	3	0		n/a	Sen. Whittemore Rep. W. Richardson	
VLA committee meeting to review report on Maine Clean Elections Act (Resolve 2011, c. 103, eff. date 9/28/11)	2	0		(auth to rpt bill to 2nd Reg Sess by 12/1/11)	Sen. Farnham and Rep. Beaulieu	
TAX committee meetings to review the tax code for reform (request to meet approved by presiding officers)	4	1	Tentatively scheduled for 9/7/11	n/a	Sen. Trahan and Rep. Knight	
TRA committee funding in the Hwy budget to meet monthly (PL 11, c 392 sections A-3, L1, L-2, eff. date 6/21/11)	monthly		9/26/11	n/a	Sen. Collins and Rep. Cebra	
NEW STUDY COMMISSIONS/COMMITTEES						
Franco-American Task Force (Resolve 2011, c. 102, eff. date 7/6/11)	4	0	No meetings this interim	interim rpt 12/7/11; final rpt 1/7/12	Sen. Martin and Rep. Fredette	Pending appointments. Also pending outside funding (funding was not received by 8/5/11 deadline in Resolve; Chairs will submit an LR to amend the Resolve to a one yr. study)
Commission to Study Allocations of the Fund for a Healthy Maine (Resolve 2011, c. 112, eff. date 9/28/11)	6	0		12/7/2011	Rep. Sanderson	Legis. not an emergency; takes effect 9/28/11; study commences after that date (pending appointments)
Commission to Study Priorities and Timing of Judicial Proceedings in State Courts (Resolve 2011, c. 104, eff. date 9/28/11)	3	0		12/7/2011	Sen. Hastings and Rep. Waterhouse	Legis. not an emergency; takes effect 9/28/11; study commences after that date (pending appointments)
Committee to Review Issues Dealing with Regulatory Takings (Resolve 2011, c. 111, eff. date 7/8/11)	3	0		12/7/2011	Sen. Thibodeau and Rep. Cushing	Pending appointments
Blue Ribbon Commission on Affordable Housing (Resolve 2011, c. 108, eff. date 9/28/11)	4	0		2/15/2012		Legis. not an emergency; takes effect 9/28/11; study commences after that date (pending appointments and outside funding approved by Council)
ON-GOING LEGISLATIVE STUDIES						
Citizen Trade Policy Commission (10 MRSA section 11)	At least 2 per year	0	Tentatively scheduled for 9/16/11	annually	Sen. Sherman and Rep. Maker	
Legislative Youth Advisory Council (3 MRSA, section 168-B)	2 per year	0		2nd Fri. in Feb., even numbered years	Sen. Mason and Rep. Willette	Pending appointments
Right to Know Advisory Committee (1 MRSA section 411)	4 budgeted for 2011	1	9/29/11; 10/27/11; 11/17/11; 12/8/11 (if needed)	1/15 annually	Sen. Hastings	Held one meeting (7/15/11); have tentatively scheduled 4 more (various subcommittees will also be meeting)

**Legislative Council Actions
Taken by Ballot Since the
June 28, 2011 Council Meeting**

Legislative Council Decision:

That, pursuant to Joint Rule 203, the Legislative Council establish a cloture date of Friday, September 30, 2011 at 4:00 PM for submission of legislation by Legislators to the Revisor of Statutes for the Second Regular Session of the 125th Legislature, with the various procedures and scheduling to be established by the Legislative Council at a future meeting.

Motion by: Senator Kevin Raye
Second by: Representative Robert Nutting
Approved: August 16, 2011 Vote: 10-0 in favor

Memorandum

To: Members, Legislative Council

From: Scott Clark, Director, Information Technology



Date: August 18, 2011

Re: VOIP vendor recommendation

The evaluation of the VOIP proposals is complete.

In the first phase of review of vendor proposals to install and operate a VOIP telephone system for the Legislature six proposals were received and compared to the requirements in the request for proposal. In particular the technical elements, features and the preliminary pricing were reviewed to determine if the system appeared to be able to work in the legislative environment while providing a cost savings. Based on that review, three of the six submissions were found acceptable for further review by staff from IT and legislative staff representing groups that use various features of phone systems. The latter, Features Team, was authorized by Legislative Council to assist in this part of the review.

In the second phase of the review, a technical team from the IT office met with each of the three vendors. The goal was to discuss the technical details with the vendors to ensure the proposed system will function appropriately. Vendors were also asked about any assumptions they made while developing the proposals. They were also asked to explain any minor inconsistencies or minor omissions in their proposals. Following that meeting each vendor met with the Features Team to make sure the proposed system will meet the users' needs. Following those meetings the vendors were asked to submit any pricing changes resulting from the conversations. Following those meetings and receipt of any clarifying information, the references provided by the vendors were contacted. Based on feedback from the groups and the information collected, one of the three vendors was eliminated from further consideration.

In June the Legislative Council authorized a management team to assist in the evaluation of the 2 remaining proposals. The Clerk of the House, Secretary of the Senate, chiefs of staff and nonpartisan directors were invited to meet with the two vendors. Each vendor made a formal presentation about their proposed system, gave a demonstration of the system and answered questions from the team. The meetings were informative. The feedback from the management team was positive, with most participants favoring one vendor over the other. Following the meeting, based on the questions asked and answered the vendors were given a number of specific questions include "how to" scenarios. The responses to the questions were consistent and also favored the same vendor's system over the other.

Based on the outcome of the 3 phases of review I conclude that OTT offers the proposal that best meets the Legislature's needs for telephone services. I recommend that the Legislative Council accept the proposal by OTT Communications for a VOIP system for the Legislature. The parent company of OTT Communications is Alabama based Otelco Inc. OTT Communications was formed out of the merger of Mid-Maine Communications (acquired in 2006 and Pine Tree Networks (acquired in 2008). Mid-Maine Communications was established in 1994 and provided telecommunication services to 26 communities in the greater Bangor area expanding by 1997 to all of Maine. Pine Tree Networks has been a telecommunications company in Maine for over 100 years. Additional information about OTT Communications is attached.

OTT proposed a fully hosted system that meets the technical, features and support criteria the Legislature requested and needs. The new system uses current technology based on recognized VOIP standards. The hardware is standards based and most is available as a commodity from a variety of third party vendors. This will make upgrades or changes as well as competitive bidding on telephone service easier in the future. The new system will provide needed features that improve efficiency and operation of the telephone system. The features team and management group both were positive about OTT's proposed equipment, features and training. OTT's references speak highly of the hosted system, OTT's technical staff as well as its support staff. Most references contacted had few or no problems with the initial installation and set up and no problems with the system or follow on support from OTT. Finally, the OTT proposal offers the lower cost for a hosted solution.

In support of this recommendation I have attached a side by side comparison of the key criteria of the final two systems evaluated, a comparison of the estimated cost over 5 years and a list of the features available.

Replacing the current phone system with the hosted VOIP system from OTT will reduce legislative costs by an estimated \$35,000 per year. The incorporation of standards based, commodity network switching and phones provides the additional opportunities to save money by procuring components directly from suppliers at lower costs.

If the Legislative Council approves the recommendation the next step is for the Executive Director to negotiate a contract and timetable with OTT Communications for the installation and commencement of operation this year. The period required for installation is estimated to be 5 weeks.

If you have any question, I would be happy to answer them.

Attachments

Cc: David Boulter, Executive Director

OTT Communications History
(From OTT website)

Otelco Inc. – A proud past. A bright future.

OTT Communications is a division of Otelco Inc., based in Alabama. Otelco provides affordable, reliable and integrated telecommunication services to homes, businesses, institutions and municipalities in Alabama, Maine, Massachusetts, Missouri, New Hampshire and West Virginia.

Otelco was formed in Delaware in 1998 for the purpose of operating and acquiring rural local exchange carriers, or RLECs. Since 1999, Otelco has acquired ten RLEC businesses throughout their various locations. Otelco provides competitive services through several subsidiaries in these territories. In addition, Otelco acquired two facilities based competitive local exchange carriers, or CLECs, which provide services throughout the states of Maine and New Hampshire.

The RLEC companies Otelco acquired date all the way back to the introduction of telecommunications services in the US. Otelco is able to leverage their long-standing relationship with their local service customers by offering them an extensive variety of telecommunications and information services, such as long distance, Internet/data access and, in some areas, cable or satellite television, allowing Otelco to be a “one stop shop” thereby providing customers with the ability to bundle their services and increasing customer loyalty.

In Maine and New Hampshire, Otelco’s facilities based CLEC operates under the trade name of OTT Communications and serves business customers throughout the states, utilizing their extensive fiber network. In ten years of operations, OTT Communications has grown to provide more than 29,000 voice and data access lines to thousands of business customers.

OTT Communications in Maine - Growth and Innovation

OTT Communications is a division of Otelco Inc. formed out of the merger of Mid-Maine Communications and Pine Tree Networks. Otelco first entered Maine in 2006, when they acquired Mid-Maine Communications. Mid-Maine Communications came into being in 1994 to serve 26 communities in the greater Bangor area. In 1997, this company became an Internet provider in addition to providing telecommunication services. Mid-Maine Communications constructed an extensive fiber optic network that now serves areas all across Maine.

In 1999, Mid-Maine Communications become a major competitor in the commercial telecommunications market. Mid-Maine was one of the first companies in Bangor and Portland to introduce dedicated business broadband connectivity.

Otelco acquired Pine Tree Networks in 2008. Pine Tree Networks has been a household brand name synonymous with telecommunications in Maine for over 100 years.

OTT Communications History
(From OTT website)

Pine Tree Networks has grown into a multi-faceted provider of state-of-the-art communication technology in Maine, Massachusetts and West Virginia.

OTT Communications has a long track record of listening to their customers, investing in technology, and delivering it all with a decidedly human touch.

OTT Communications holds strong the values of delivering the best communications available with a local touch, great customer service and a genuine commitment to the communities served.

Source: http://www.ottcommunications.com/index.php?id=41&sub_id=62

Cost Comparison of VoIP Proposals and Current PBX Telephone System
August 18, 2011

5-Year Lease/Purchase Option

(capital costs amortized over 5 years)

<u>Category</u>	<u>Service Provider (Platform)</u>					
	<u>OIT (Current - PBX)</u>		<u>CTI (VoIP)</u>		<u>OTT (VoIP)</u>	
	<u>(Monthly)</u>		<u>(Monthly)</u>		<u>(Monthly)</u>	
I. Capital Costs	\$0.00		\$284,312.00		\$121,656.00	
IA. 5-year lease/purchase			\$5,342.22		\$2,519.52	
II. Warranty	\$0.00		\$25,349.00		\$0.00	
			\$2,112.42		\$0.00	
III. Hosted System Surcharge	\$0.00		\$1,780.00		\$0.00	
IV. Monthly Service Charges	\$11,250.00		\$1,487.50		\$6,331.00	
V. Toll Calling Charges	\$390.00		\$67.20		\$347.20	
 Total (monthly)	 \$11,640.00		 \$10,789.34		 \$9,197.72	
 Annual Costs	 \$139,680.00		 \$129,472.08		 \$110,372.64	
(Percent of Current Cost)	100.0%		92.7%		79.0%	
 Total 5-year Cost	 \$698,400.00		 \$622,011.40		 \$551,863.20	

Upfront Payment of Capital Costs Option

<u>Category</u>	<u>Service Provider (Platform)</u>		
	<u>OIT (Current - PBX)</u>	<u>CTI (VoIP)</u>	<u>OTT (VoIP)</u>
	<u>(Monthly)</u>	<u>(Monthly)</u>	<u>(Monthly)</u>
I. Capital Costs	\$0.00	\$284,312.00	121,656.00
II. Warranty	\$0.00	\$25,349.00 \$2,112.42	0.00 \$0.00
III. Hosted System Surcharge	\$0.00	\$1,780.00	\$0.00
IV. Monthly Service Charges	\$11,250.00	\$1,487.50	\$6,331.00
V. Toll Calling Charges	\$390.00	\$67.20	\$347.20
Total (monthly)	\$11,640.00	\$5,447.12	6,678.20
<hr/>			
5-year Costs			
Year 1	\$139,680.00	\$324,328.40	\$201,794.40
Year 2	\$139,680.00	\$65,365.40	\$80,138.40
Year 3	\$139,680.00	\$65,365.40	\$80,138.40
Year 4	\$139,680.00	\$65,365.40	\$80,138.40
Year 5	\$139,680.00	\$65,365.40	\$80,138.40
Total 5-year Costs	\$698,400.00	\$585,790.00	\$522,348.00
(Percent of Current Cost)	100.0%	83.9%	74.8%
(\$ Savings over 5 years)		\$112,610.00	\$176,052.00

Break even point: Year 10
 (payments to CTI v. payments to OTT,
 assuming no renegotiation of contract)

VOIP - Side by Side Comparison of Key Items

	CTI	OTT
A. Company qualifications and experience		
Founded	1996	1994 Mid-Maine, 2006 Otelco
Size of staff		29 173
Technicians	17 of which 5 are ShoreTel Certified	21 dedicated to Hosted PBX and 20 at the operations center
Other	Balance are Sales, Admin, Trainers	Balance are Sales, Admin, Trainers
Comments on staff		
B. General description of proposed system		
Hosted v Premise	Premise	Hosted
Network	Connects to PSTN	Connects to OTT WAN
Local	Connects to PSTN	Connects to OTT WAN
WAN		
Switching equipment	ShoreGear (Proprietary)	
Host locations	Portland	Kenduskeag / Portland
Software	ShoreWare (Proprietary)	BroadSoft, standards based
Network hardware	ShoreTel proprietary switches	HP - Standard, commodity switches
Server Failover	Direct to PSTN, can cluster locally	Clustered and redundant site
Integrated to Outlook Contacts	Yes	
C. Other major Technical Specifications		
	Standards based distributed IP, but proprietary equipment	Standards based, standard equipment
D. 911 call handling		
From desk phone	Network based shows section of building (3)	Database based show detail location
From phone relocated to another space	Phone "known" it is in a new section.	Database must be updated via web management
Failover	Directly to PSTN	Remote Survivable Gateway is connected to PSTN (4)
E. Call management / User administration		
Vendor management	Yes	Yes
Administrator management	Intranet web-based (must be on our network)	Secure Internet web-based (accessible remotely)
Individual users - User interface	Require VPN into our network	Secure website based
Call management on the PC	ShoreTel call manager	Broadworks Communicator
Call management for receptionist PC	Operator call manager	Soft Attendant - Receptionist
Accounting and billing	Cash+ Accounting Software	Included
F. Phone features		
	All Listed Requirements met	All Listed Requirements met
G. Warranty and support		
Scope, length	All equipment while we pay for the warranty/support	All equipment while we pay for the warranty/support
Dispatch of technicians	Bangor/Falmouth	Bangor/Portland
Response time	2 hours or less	30 minutes (6)
H. Cost		
Quoted cost	\$284,312 (2)	\$121,656(2)
Quoted as 5 year lease purchase	\$5,342.22/mo	\$2,519.52/mo
Warranty cost - initial	Year 1 included	Software is cover for life of contract. Hardware is covered for its lifetime
Warranty cost - on going	\$25,349/yr	Included for length of contract and/or the lifetime of equipment
Hosting Site (Co-Lo)	\$1,780/mo	Included
Long distance rate	2.8 cent/min after 10,000 minutes(7)	2.8 cents/min (7)

VOIP - Side by Side Comparison of Key Items

Est. monthly service costs		\$1,487.50/mo	\$6,331/mo
Other notable costs included in base quote			
Installation and training		\$44,940.00	\$14,076.87
Other labor costs		\$8,820.00	\$7,500.00
Accounting System		\$4,195.00	Included
I. Backups, upgrades			
Voicemail server	Local server - MSL would add to backup process(1)		Geo-diverse mirrored servers at host. Backed up there
Configuration database	Local server - MSL would add to backup process(1)		Geo-diverse mirrored servers at host. Backed up there
J. Security measures			
for calls	128 bit encryption		SRTP encryption on private network
for voice mail	standard access privilege controls on server		Hardened class 5 facility meeting FCC security standards
K. Legislative staff resources required			
Optional - user password changes	Easy - due to interface		Easy - due to interface
Phone configuration	Easy - either party could do this after standards set		Easy - either party could do this after standards set
General phone movements	Easy - either party could do this		Easy - either party could do this
Worst case issues IT would deal with			
Diagnostics	Possible need due to equipment on site		Possible need due to equipment on site
Swapping equipment	Possible need due to 2 hour response		Possible need due to 1 hour response
1) For \$1,780/month the servers can be located at CTI. Backup could be performed there.			
2) Includes Installation, Training, Call accounting and cables			
3) Optional (additional cost for equipment to locate exact phone			
4) The number of concurrent outbound calls will be limited by the number of POTS			
5) The switches are a commodity we may be able to buy at a lower price			
6) Hosted so the major components are in their facilities			
7) a - the Legislature uses less than 10,000 minutes / month			
7) b - both companies included in state remote local numbers that will reduce cost further			
PSTN - Public Switched Telephone Network - the state/national and world wide telephone system			
Intranet - web based functionality on a closed network (WAN or LAN)			
WAN - Wide area network - secure private			
LAN - Local Area Network			
POTS - Plan Old Telephone Service			



SUZANNE M. GRESSER
REVISOR

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To: Hon. Kevin L. Raye, Chair of the Legislative Council
Hon. Robert W. Nutting, Vice Chair of the Legislative Council
Members of the Legislative Council

From: Suzanne M. Gresser, Revisor *smg*

RE: Second Session Cloture Schedule and Related Dates

Date: August 16, 2011

Attached for your review is a proposed schedule that establishes dates and deadlines for events related to the cloture deadline, which you have established for the Second Regular Session of the 125th Legislature as September 30, 2011.

Consistent with past Legislative Council policy, the schedule requires that bill requests be accompanied on or before the cloture date by sufficient instructions from which a bill may be drafted. The schedule also requires departments and agencies to submit final drafts on the cloture date, which is also consistent with past practice and the rules governing First Regular Session.

During the time between cloture and the next meeting of the Legislative Council to undertake the initial screening of Legislators' bill requests, the Revisor's Office will prepare and distribute a loose-leaf volume that includes all requests filed by Legislators that are subject to the Council's vote. Each request to be voted upon will be indexed by subject matter by the Legislative Indexer and given a brief summary by the Revisor's Office. The office, with the assistance of the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review, also identifies requests that appear to be closely related to other requests, to bills carried over to the second regular session or to bills that might be considered finally rejected in the first regular session. The volume also includes a listing of those bills carried over and a listing of bill titles submitted by executive and independent agencies, which, traditionally, have not been subject to the screening process.

After the initial screening of Legislators' requests, the results are compiled and the Revisor's Office notifies each individual Legislator of the Council's actions and provides instructions on the procedure to follow if a Legislator wishes to appeal a decision of the Legislative Council.

A supplemental volume will be prepared and distributed between the appeal deadline and the meeting of the Council to hear those appeals.

Last on the schedule is a suggested bill signing day. Beginning in the 120th Legislature, a bill signing day has been established by the Presiding Officers prior to convening the Second Regular Session in order to ensure a more productive beginning of the session.

Four years ago, out of 596 Legislator-filed bill requests submitted, the Legislative Council admitted a total of 198. Two years ago, out of 390 Legislator-filed bill requests submitted, the Legislative Council admitted a total of 176. Of those admitted both years, most of the bills were completed and signed on the applicable bill signing day and transmitted to the Secretary of the Senate and the Clerk of the House for printing and referral to committees before the Second Regular Session convened. Departments and agencies were also subject to the bill signing day, and all of their bill requests filed by cloture date were also completed and sent to the chambers before the session convened.

If I can provide you any further information, please do not hesitate to contact me.

125TH LEGISLATIVE COUNCIL
SECOND REGULAR SESSION
**DRAFT SCHEDULE FOR REVIEW OF LEGISLATOR REQUESTS
TO INTRODUCE LEGISLATION**

September 30th (Friday)
4 p.m.

Filing Deadline (Cloture) *

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

October 27th (Thursday)
10 a.m.

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

October 31st (Monday)

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

November 7th (Monday)

Deadline for filing appeals

November 17th (Thursday)
10 a.m.

**Legislative Council meeting to
consider appeals**

December 15th

Bill Signing Day (subject to
approval by Presiding Officers)

January 4th (Wednesday)

Legislature convenes

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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
September 2011						
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Sen. Roger Sherman, Chair
Sen. Thomas Martin
Sen. John Patrick
Rep. Joyce Maker, Chair
Rep. Bernard Ayotte
Rep. Margaret Rotundo

Malcolm Burson
Michael Roland
Wade Merritt
Linda Pistner
Barbara VanBurgel



Jay Wadleigh
Stephen Cole
Connie Jones
Michael Hiltz
John Palmer
Kathleen Whitelaw
Robert St. Peter
Joseph Woodbury

Danielle Fox, Legislative Analyst
Jean Guzzetti, Legislative Analyst

STATE OF MAINE

Citizen Trade Policy Commission

MEMORANDUM

Date: August 17, 2011

To: Senator Kevin L. Raye, President of the Senate, Chair
Representative Robert W. Nutting, Speaker of the House, Vice-Chair
Legislative Council
c/o David Boulter, Executive Director, Legislative Council

From: Senator Roger Sherman and Representative Joyce Maker, Co-Chairs
Citizen Trade Policy Commission

RE: Request to carryover remaining CTPC funds from 2010-11 to 2011-12

Thank you for your time and consideration of our request for authorization to carryover unexpended funds for the Citizen Trade Policy Commission from fiscal year 2010-11 to 2011-12. As you know the Citizen Trade Policy Commission, CTPC is an ongoing commission established by statute (10 MRSA Sections 11-13).

At the June 28, 2011 meeting, we requested \$12,370 from the Legislative Council study budget and to carry forward the balance remaining from last year's CTPC budget in the amount of \$21,800. The combined request totaled \$34,170. The Council approved \$17,370 (\$12,370 plus \$5,000 carried over from last year's CTPC budget). That budget provides only enough funding for 2 meetings of the CTPC and 2 public hearings, which is the statutory minimum and does not provide funds for necessary support staff. As chairs of the commission, we intend to hold 10 meetings between September and July including 2 public hearings in separate locations in the state. Below is the budget we are proposing for the CTPC for 2011-12.

Request: Add'l \$16,040

CITIZEN POLICY TRADE COMMISSION BUDGET REQUEST TO LEGISLATIVE COUNCIL

August 24, 2011

At the last Legislative Council meeting, the Citizen Trade Policy Commission requested authorization to carry over its full unspent balance of \$21,800 into the next fiscal year. The Council approved \$5,000 for carry over and invited the Commission to attend the next meeting of the Council to speak to the Council about the remaining balance of \$16,800. **Today, the Commission is requesting authorization to carry over \$16,040 of the \$16,800.** A summary of the requests are below and a detailed budget of the Commission is on the second page.

TOTAL POTENTIAL FUNDING

\$12,370 – Amount in legislative budget FY 2012

\$21,800 – Carry-Over Funds from FY 2011

\$34,170 – Total

AMOUNT ALREADY APPROVED

\$12,370 – Amount in legislative budget

\$5,000 – Carry Over from FY 2011 (\$21,800 requested, \$5,000 approved, \$16,800 remains)

\$17,370 – Total

ADDITIONAL REQUEST

\$16,040 – For staff and for per diem and member expenses for an additional 6 meetings

TOTAL CTPC PROPOSED BUDGET FOR FY 2012

\$12,370 – In legislative budget

\$5,000 – Carry over already approved

\$16,040 – Additional carry over requested

\$33,410 – Total (see second page for detailed budget)

AMOUNT THE CTPC IS NOT REQUESTING FROM THE CARRY-OVER

\$16,800 – Total remaining, FY 2011

→ \$16,040 - Additional requested ←

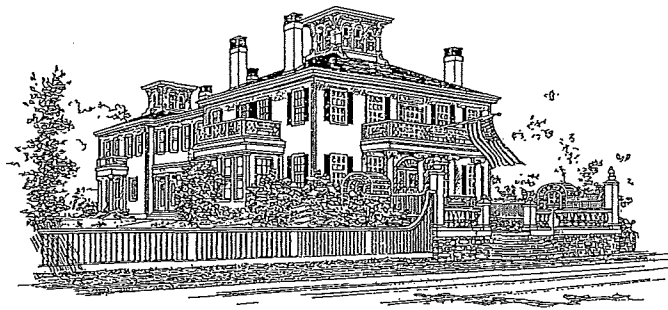
\$760 – Balance

DETAILED CITIZEN TRADE POLICY COMMISSION BUDGET

August 24, 2011

Item	Amount	Assumptions
→ 10 meetings per diem *	\$3,300	10 meetings x 6 legislators x \$55 (per Rose)
10 meeting member expenses	\$8,000	10 meetings x 16 members x \$50 (per Rose)
Public hearings	\$1,000	\$500 per public hearing
Staff travel	\$210	\$70 for lodging, \$35 for meals x 2 staff
Postage Printing & Misc.	\$750	None
Contractual Services (Assessment)	\$10,000	\$5,000 per year, every other year
Contractual Services (CTPC Coordinator)	\$10,150	\$25/hour, 9 hours per week, 45 weeks
TOTAL	\$33,410	

* 4 meetings are budgeted currently. 6 additional meetings are proposed.



Friends Of The Blaine House

August 17, 2011

Mr. David Boulter
Executive Director,
Maine Legislative Council
State House Building
Augusta, Maine 04333

Dear Mr. Boulter,

I am writing on behalf of the Friends of the Blaine House, the C-SPAN Channel, and Time Warner Cable Network, to request the use of the Hall of Flags on September 16, 2011. C-SPAN is producing a series of shows called 'The Contenders' about losing presidential candidates who changed political history. They will be in Augusta on the 16th to do a live show about James G. Blaine at the Blaine House from 8:00 to 9:30 pm.

In connection with the broadcast of the show we would like to host a viewing party of no more than 100 persons at the Hall of Flags to celebrate the event that would include members of state and local government and others by invitation only. RSVP's will be required and a guest list created and used to verify those attending the event. Governor LePage and the First Lady as well as the mayor of Augusta Bill Stokes and Augusta city manager Bill Bridgeo will also be there. Due to the inclusion of the Governor and First Lady the guest list will be given to his EPU staff for clearances beforehand.

C-SPAN has a 'Campaign 2012' bus with interactive resources and other materials available for visitors. They would like to park the bus near the Capitol building and have people be able to come at 6:00 pm that day and utilize it until just before the show begins.

Time Warner will be providing viewing screens and a connection to their network. The Blaine House will be catering the event with light refreshments and the Friends of the Blaine House will have members on hand to assist as needed. Only non-alcoholic beverages will be served and it is understood that the Friends will be responsible for any custodial, security or other expenses incurred on our behalf

Sincerely,

Andrew McKinnon, President

MAINE DEVELOPMENT FOUNDATION

Thursday, August 18, 2011

To: President of the Senate Kevin Raye, Chair of the Legislative Council
Speaker of the House Robert Nutting, 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 – Southern Maine Bus Tour and Legislative Breakfasts for the 125th
Maine Legislature

Thank you so very much for your support of the Policy Leaders Academy Bus Tour of Eastern Maine and the two Legislative Forums on Health Care, and Education and Innovation that we held during the First Regular Session. The participation in each event was very high and the evaluations were very positive – despite departing, once more, in a major blizzard! Thankfully, all participants were great sports and the owners and leaders of the businesses and organizations that we toured were extremely appreciative of having Legislators take the time to visit their facilities and hear their concerns in person.

As you may recall, when we were organizing the Academy last summer, the Legislative Council asked us to consider breaking the two tours into two sessions – doing the Eastern/Northern tour in January of 2011 and the Southern/Western tour in January 2012. **I am writing to ask if we could finalize the dates for the second tour scheduled for this coming January, as it is critically important to reserve busses and hotel accommodations and to provide all of our many tour stops with the dates and times of our visit** (as they try very hard to make sure that their senior leadership teams are there to host you and they sometimes arrange work schedules around your visit to ensure that the visit is comfortable, engaging and safe). **David Boulter suggested, since you are coming back into session January 4th, that the Wednesday – Friday of the following week – January 11th-13th might work well with the Legislative calendar** (or January 18th – 20th as a second choice).

In addition, I would like to ask your permission to pull together a limited number of policy breakfasts as part of the Academy to cover some of the key topics that may not be as conducive to tour stops. The Maine Development Foundation and our planning partners would be happy to work with David and any members of the Council who might be interested in helping to shape the agenda for these brief, early morning breakfasts that would not interfere with the Legislative calendar.

Thank you for your consideration and comments as we prepare for Phase II of the Academy. We are excited to launch the detailed planning process to provide the very best training experiences possible. We look forward to working with you in the months ahead.

cc: Chancellor Rich Pattenade
Dr. Linda Silka
David Boulter

President John Fitzsimmons
Dr. Mark Lapping

2012

Source: Vertex42.com

January						
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