

MAINE STATE LEGISLATURE

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REP. ROBERT W. NUTTING
VICE-CHAIR

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DAVID E. BOULTER



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SEN. BARRY J. HOBBS
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REP. PHILIP A. CURTIS
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REP. ANDRE E. CUSHING III
REP. TERRY HAYES

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**MEETING OF LEGISLATIVE COUNCIL
OCTOBER 31, 2011
10:00 AM
REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE SEPTEMBER 22, 2011 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
7	▪ Executive Director's Report (Mr. Boulter)	Information
8	▪ Fiscal Report (Mr. Pennoyer)	Information
13	▪ Status of Legislative Studies (Mr. Clark)	Information
	REPORTS FROM COUNCIL COMMITTEES	
14	• Personnel Committee	Information
	• State House Facilities Committee (No Report)	
	OLD BUSINESS	
	None	

NEW BUSINESS

- | | | |
|-----------|--|--------------------|
| 15 | Item #1: Legislative Council Meeting Schedule for 2012
(President Raye) | Information |
| 16 | Item #2: Request by Commission to Study Priorities and Timing of
Judicial Proceedings in State Courts to Establish Subcommittee,
Hold Subcommittee Meetings and Extend Deadline for Report | Decision |
| 20 | Item #3: Proposed Document Service Fee Schedule for 125 th Legislature,
Second Regular Session
(Hon. Heather Priest) | Decision |
| 23 | Item #4: Suggested Procedures for Deciding Legislative Bill Requests | Decision |
| | Item #5: Consideration of Legislative Bill Requests for Introduction
In the Second Regular Session of the 125 th Legislature
(Binder was attached to Preliminary Agenda) | Decision |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
September 22, 2011

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the September 22, 2011 Legislative Council meeting to order at 2:40 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Representatives: Speaker Nutting, Representative Curtis, Representative Cushing,

Absent: Representative Cain and 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
Jon Clark, Deputy 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
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director

Senate President Raye convened the meeting at 2:40 p.m. with a quorum of members present.

SUMMARY OF AUGUST 25, 2011 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of August 25, 2011 be accepted and placed on file. Motion by Senator Courtney. Second by Representative Nutting. **Motion passed unanimous (7-0, with Senator Plowman, Representative Cain and Representative Hayes absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

1. VoIP Telephone System
Discussions with the vendor are on-going to prepare for installation of a VoIP telephone system in the Legislature. The proposed contract is currently under legal review. The anticipated completion date for installation of the system is prior to Thanksgiving.
2. Making Written Testimony Available Electronically and Developing a User-Friendly Webpage related to Committee Meetings and Events
Staff is making progress to assess options and develop methodologies to make testimony available electronically and to improve access to committee information on the Legislature's webpage, in accordance with the Legislative Council's request last month.
3. House Chamber Desk Installation
The House Chamber will be ready and the desks serviceable for the Special Session next week. Minor punch-list items will be completed in the days immediately following the session.
4. Passing of Reporter Mike Brown
Mr. Boulter reported the sad news that long-time member of the State House Press Corps, Mike Brown, passed away unexpectedly on September 11, 2011 at the age of 81, at his home in Saturday Cove, Northport, Maine. He was the owner of Hometown News and Cove Writers, Inc. and reported on the issues and activities of State Government and the Legislature for many years. He also fished for lobsters, hauling as many as 100 traps each trip until his death. His presence in the State House will be sadly missed.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2012 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$91.6	\$98.9	\$7.2	7.9%	\$81.7	21.1%
FYTD	\$316.0	\$306.1	(\$9.9)	-3.1%	\$298.4	2.6%

General Fund revenue was over budget by \$7.2 million (7.9%) for August, which reduced the fiscal year-to-date (FYTD) negative variance to \$9.9 million (3.1%). The 2.6% growth rate for the first 2 months of FY 2012 compared to the same period in the last fiscal year is above the nearly flat growth projected for all of FY 2012. August individual income tax withholding payments, the primary reason for the negative variance in July, were ahead of budget by \$3.1 million, which reduced the negative variance for the first 2 months to \$12.7 million. Corporate income tax revenue was above budget in August by \$4.1 million and was above budget for the FYTD by \$3.5 million. Taxable sales remained on target for the first 2 months. August's performance would have reduced the FYTD negative variance further but for an early payment under the BETR program that resulted in a \$4.7 million negative variance in August that is a

timing issue only. There were also some improvements in some of the problem areas identified last month, but fine revenue and cigarette and tobacco tax revenue remain a concern.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2012 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$9.5	\$9.3	(\$0.2)	-2.6%	\$9.9	-6.6%
FYTD	\$37.0	\$36.0	(\$1.0)	-2.8%	\$37.8	-4.6%

Highway Fund revenue was under budget by \$0.2 million (2.6%) for the first month of FY 2012, which increased the negative variance for the FYTD to \$1.0 million (2.8%). Highway Fund revenue for the FYTD reflected a decline of 4.6% compared with the first 2 months of FY 2010. Gasoline tax collections were \$1.2 million under budget in August. The Fuel Tax category has had significant variability from budget, but there is no indication of a trend at this time.

Cash Balances

The average total cash pool balance for August was \$554.5 million, \$30.4 million higher than one year ago. General Fund internal cash flow borrowing was \$76.8 million less than a year ago. Although this balance is below the 10-year August average of \$600.5 million, balances remain healthy enough to avoid external borrowing in FY 2012 absent any significant variances in spending or revenue.

MaineCare Spending

The average weekly FY 2012 MaineCare spending of \$43.6 million (state and federal dollars) through week 8 continues to be above average through the first five weeks of FY 2012 and greater than the FY2011 weekly average of \$40.4 million. The sudden and significant increase in spending after week 5 of FY 2012 is currently unexplained. Anomalies in caseload data have yet to be explained or addressed. The Department of Health and Human Services (DHHS) indicated that this change is a trend that may result in a shortfall of \$1.5 million per week.

Speaker Nutting asked if the MaineCare spending was due to an increase in the number of clients using the services. Mr. Pennoyer responded that consistent data are currently unavailable to compare due to a switch to a new program for tracking case load. DHHS is working on the issue and hopes to have the data soon.

Status of Legislative Studies

Jon Clark, Deputy Director of the Office of Policy and Legal Analysis, reported on the status of the legislative studies. Three studies (the Commission to Study Allocations of the Fund for a Healthy Maine, the Blue Ribbon Commission on Affordable Housing, and the Legislative Youth Advisory Council) are pending member appointments. The Right to Know Advisory Committee has held one meeting to date and has scheduled 3 additional meetings. The Committee to Review Issues Dealing with Regulatory Agendas is tentatively scheduled to meet on October 6, 2011. The Commission to Study Priorities and Timing of Judicial Proceedings in State Courts is scheduled to meet on October 12, 2011. The Citizen Trade Policy Commission has a meeting scheduled for November 3, 2011.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

President Raye, Chair of the Personnel Committee, reported that the Personnel Committee met September 22, 2011 to review the process and status for the recruitment of the OPLA Director. The committee reviewed the criteria for the OPLA Director position, established an interview team, and developed a tentative schedule for interviewing selected candidates for the position. The committee hopes to recommend a candidate for the director position by the Legislative Council's October or November meeting.

2. State House Facilities Committee

No report.

OLD BUSINESS

None

NEW BUSINESS

Item #1: OPEGA Biennial Work Plan for 2011-2012 (Status Report)

Beth Ashcroft, Director of the Office of Program Evaluation and Government Accountability (OPEGA), provided the Legislative Council with OPEGA's biennial workplan and an overview of the status of various projects being worked on by OPEGA staff. Ms. Ashcroft stated that OPEGA has issued two information briefs and two final reports. In addition, the Government Oversight Committee (GOC) undertook a review of the sale of State property in Thomaston, resulting in an additional project on the workplan, the project being a review of all sales of State real estate for the past 5 years. Of particular interest is the percentage of properties that were marketed publicly or had public notice of sale or were appraised prior to sale. OPEGA will present the results of its review at the October 18, 2011 meeting of the GOC.

Ms. Ashcroft stated that the other projects being worked on are: child development services; and Department of Corrections prisoner and health care services costs. She indicated that the BETR, BETE and TIF evaluations are on hold pending receipt of certain data. Several bills related to two reviews completed this year are being drafted.

In response to a question, Ms. Ashcroft stated that OPEGA undertook a rapid response review on the Maine Green Energy Alliance, completing its assessment in 3 months. In response to an inquiry, Ms. Ashcroft offered to provide the Legislative Council members with the GOC "on deck" or in queue projects to be considered for evaluation by OPEGA in the future.

President Raye thanked Ms. Ashcroft for her status report.

Item #2: Acceptance of Private Contribution from the Maine Affordable Housing Coalition to Support the Blue Ribbon Commission on Affordable Housing

The Blue Ribbon Commission on Affordable Housing was authorized by the Legislature conditional upon receipt of funding from private sources to fully fund the cost of the study. The Maine Affordable Housing Coalition (MAHC) has proposed to provide funding to support the commission in the amount of \$4,630, and has submitted a disclosure in support of its contribution.

Mr. Boulter explained that under the guidelines adopted by the Legislative Council relating to legislative studies, acceptance of private contributions to fund a study is subject to approval by the council. Mr. Boulter provided the relevant section of the adopted guidelines, emphasizing that the donor must demonstrate to the satisfaction of the Legislative Council that the donor has no pecuniary or other vested interest in the outcome of the study.

Senator Plowman asked about the legal relationship between the Maine Affordable Housing Coalition and Avesta Housing who is identified on the disclosure as the fiscal sponsor. Senator Alfond responded that, as a member of the board of directors of Avesta Housing, he is familiar with the relationship. He explained that Avesta Housing is a member of the Maine Affordable Housing Coalition and is acting as fiscal sponsor for the study because the Maine Affordable Housing Coalition is a coalition of several organizations, including banks and financial nonprofit organizations, having an interest in affordable housing or financing affordable housing projects, is not a 501(c)3 organization under the U.S. tax code and in all likelihood does not have a federal identification number. He noted that Avesta Housing is a not-for-profit organization that operates in Maine and New Hampshire on affordable housing projects. It also is property manager for 50 to 75 buildings it owns or manages in central and southern Maine and in New Hampshire.

Motion: That the Legislative Council accept the private contribution from the Maine Affordable Housing Coalition in the amount of \$4,630 to support costs of the Blue Ribbon Commission on Affordable Housing. Motion by Senator Hobbins. Second by Representative Curtis. **Motion passed (8-0, with Representative Cain and Representative Hayes absent).**

Item #3: Collective Bargaining Matters (EXECUTIVE SESSION)

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Representative Cushing. Second by Speaker Nutting. **Motion passed unanimous (8-0, with Representative Cain and Representative Hayes absent).**

The council entered into an executive session at 3:00 p.m. At the conclusion of the executive session, on a motion by Representative Cushing, seconded by Speaker Nutting, with Representative Cain and Representative Hayes absent, the Legislative Council voted unanimously to end its executive session at 3:27 p.m. The meeting then resumed.

ANNOUNCEMENTS AND REMARKS

Representative Cushing inquired about the status of the renovation to Parking Lot G. Mr. Boulter responded that the parking lot has been paved with a base coat of asphalt and will be available for Leadership parking for the Special Session next Tuesday. The parking lot work will resume following adjournment of the Special Session, including application of final coat of pavement shortly thereafter.

The Legislative Council meeting was adjourned at 3:28 p.m. on a motion by Representative Cushing, seconded by Representative Curtis. **Motion passed (8-0**, with Representative Cain and Representative Hayes absent).

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Legislative Council

Executive Director's Report October 31, 2011

1. YMCA Youth in Government Program

With prior approval by the Legislative Council, the State YMCA of Maine will be holding its annual Youth in Government Program in the State House on Friday, November 18th through Sunday, November 20th. Over 100 students from high schools throughout the state will participate in this civic education program designed to engage students in understanding and participating in the legislative process.

2. Replacement of Failed Tape Drive for Data Backups

A tape drive used for off-site backup and storage of legislative documents and applications failed unexpectedly earlier this month. Repair was not feasible due to the vendor discontinuance of the tape drive system and product support. Due to the importance of maintaining capacity to back up and store legislative data off-site for disaster recovery purposes and to take advantage of limited time favorable pricing, a replacement unit has been ordered for installation this month. Because the unit cost exceeded \$5,000.00, it is considered a Capital Equipment purchase, requiring the transfer of available All Other funds to the Capital line in the Legislature's budget last week to cover the costs appropriately.

The Office of Legislative Information Technology is utilizing alternative, though slower, data backup conventions until the new unit is installed by the end of October. No data loss has occurred as a result of the tape drive system failure.

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Fiscal Briefing

Legislative Council Meeting

October 31, 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
September	\$288.7	\$303.6	\$14.8	5.1%	\$288.4	5.3%
FYTD	\$603.8	\$609.7	\$5.9	1.0%	\$586.8	3.9%

General Fund revenue was over budget by \$14.8 million (5.1%) for September, which produced a positive variance of \$5.9 million (1.0%) for the 1st quarter of FY 2012. The revenue growth for the 1st quarter of FY 2012 was 3.9% compared to the same period in the last fiscal year, which is well above the nearly flat growth projected for all of FY 2012. Corporate Income Tax, over budget by \$9.0 million for September and \$12.5 million for the quarter, was the primary driver of the turn around in revenue performance. Taxable sales were modestly ahead of projections and Individual Income Tax continued to make a dent in its July negative variance, but it remained \$5.8 million under budget for the 1st quarter. Another significant negative variance was related to earlier than anticipated payments in the tax relief programs, which totaled \$6.0 million in the 1st quarter.

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
September	\$26.2	\$24.9	(\$1.4)	-5.2%	\$25.4	-2.0%
FYTD	\$63.3	\$60.9	(\$2.4)	-3.8%	\$63.1	-3.6%

Highway Fund revenue was under budget by \$1.4 million (5.2%) for September and \$2.4 million (3.8%) for the 1st quarter of FY 2012. Highway Fund revenue for the 1st quarter declined 3.6% compared with the first quarter of FY 2011. The Fuel Taxes category has had a significant amount of variability from budget each month with both positives and negatives in both gasoline tax and special fuel collections. Overall for the 1st quarter Fuel Taxes were \$1.3 million under budget. Motor vehicle registration fee revenue accounted for the rest of the negative variance and was \$1.4 million under budget through the 1st quarter. This should begin to show improvement once a processing backlog begins to clear.

3. Cash Balances

The average total cash pool balance for September was \$526.4 million, \$11.3 million less than one year ago. However, General Fund internal cash flow borrowing was \$39.5 million less than a year ago. Although this balance is beginning to show the effect of the \$43 million General Fund borrowing from Other Special Revenue Funds to balance the FY 2012 General Fund budget that will be repaid in FY 2013, overall cash pool balances remain healthy enough to avoid external borrowing in FY 2012 absent any significant variances in spending or revenue.

4. MaineCare Spending

MaineCare spending remains a concern. The weekly FY 2012 MaineCare cycle average through Week 15 was \$42.7 million (state and federal dollars), which is greater than the weekly average for FY 2011 of \$40.4 million. However, September weekly cycle payments did retreat below the spike in payments during August. In addition to the increase in total MaineCare spending, the loss of the enhanced matching rate under the federal stimulus and the General Fund repayment of \$29.7 million during the 1st quarter of FY 2012 resulted in an increase in MaineCare General Fund spending of nearly \$110 million compared with the 1st quarter of FY 2011.

Fiscal Briefing (continued)

5. Economic Forecast

The Consensus Economic Forecasting Commission (CEFC) met on Monday, October 24th and revised the economic forecast that is used by the Revenue Forecasting Committee to forecast the major taxes. The CEFC's new forecast compared with its April 2011 forecast is significantly more pessimistic through calendar year 2013 (see table below). While the size of the downward revisions in employment and income would appear to put significant downward force on the revenue forecast, there are some mitigating factors in the forecast. The most significant is the improvement in the corporate profits assumption with very sizeable upward revisions to growth in 2011 and 2012. In addition, the positive variances of last fiscal year and the first quarter of this fiscal year may soften the blow as the models are targeted to that higher level of past performance before applying the lower growth rates. While these positive factors will help, the extent of the reduction to the growth assumptions will most certainly produce a lower revenue projection for each year of the 2012-2013 biennium.

Consensus Economic Forecasting Commission
Comparison of April 2011 and November 2011 Economic Forecasts

<u>Calendar Years</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
• Wage & Salary Employment (Annual Percentage Change)						
> Consensus 04/2011	-0.6%	0.4%	1.5%	1.5%	1.4%	1.2%
> Consensus 11/2011	-0.6%	0.1%	0.1%	0.8%	1.3%	1.4%
Difference	0.0%	-0.3%	-1.4%	-0.7%	-0.1%	0.2%
• Personal Income (Annual Percentage Change)						
> Consensus 04/2011	3.0%	4.6%	2.9%	4.0%	4.0%	4.0%
> Consensus 11/2011	1.7%	3.8%	3.0%	3.0%	4.7%	4.8%
Difference	-1.3%	-0.8%	0.1%	-1.0%	0.7%	0.8%
• Consumer Price Index (Annual Percentage Change)						
> Consensus 04/2011	1.6%	2.5%	1.8%	2.0%	2.3%	2.1%
> Consensus 11/2011	1.6%	3.0%	1.3%	1.9%	2.3%	2.1%
Difference	0.0%	0.5%	-0.5%	-0.1%	0.0%	0.0%
• Before Tax Corporate Profits (Annual Percentage Change)						
> Consensus 04/2011	36.3%	-7.3%	0.2%	20.8%	6.5%	-3.8%
> Consensus 11/2011	25.0%	3.7%	6.7%	12.2%	5.3%	-2.5%
Difference	-11.3%	11.0%	6.5%	-8.6%	-1.2%	1.3%

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

Revenue Category				Fiscal Year-To-Date					FY 2012 Budgeted Totals
	September '11 Budget	September '11 Actual	September '11 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	92,987,227	96,163,956	3,176,729	189,894,925	195,535,620	5,640,695	3.0%	6.6%	955,812,221
Service Provider Tax	4,938,618	4,235,272	(703,346)	8,383,264	7,080,091	(1,303,173)	-15.5%	-12.3%	56,877,680
Individual Income Tax	150,091,453	153,813,242	3,721,789	325,169,908	319,397,182	(5,772,727)	-1.8%	3.5%	1,445,821,209
Corporate Income Tax	32,161,360	41,173,243	9,011,883	40,983,749	53,478,191	12,494,442	30.5%	21.6%	180,396,827
Cigarette and Tobacco Tax	13,194,098	12,981,104	(212,994)	39,164,680	37,842,188	(1,322,492)	-3.4%	-5.5%	143,623,350
Insurance Companies Tax	90,538	869,821	779,283	976,677	2,698,529	1,721,852	176.3%	624.9%	76,215,000
Estate Tax	2,716,075	1,626,069	(1,090,006)	2,716,075	3,122,878	406,803	15.0%	-17.0%	35,810,855
Other Taxes and Fees *	7,507,374	8,333,421	826,047	24,325,626	25,156,065	830,439	3.4%	-15.5%	135,094,104
Fines, Forfeits and Penalties	2,599,033	2,141,594	(457,439)	7,820,188	6,395,064	(1,425,124)	-18.2%	-18.5%	28,399,692
Income from Investments	10,929	36,384	25,455	44,835	79,789	34,954	78.0%	77.9%	257,766
Transfer from Lottery Commission	3,826,430	4,105,546	279,116	12,435,898	12,891,438	455,540	3.7%	2.3%	50,700,000
Transfers to Tax Relief Programs *	(21,923,064)	(23,178,572)	(1,255,508)	(29,987,350)	(35,943,451)	(5,956,101)	-19.9%	-14.1%	(112,068,263)
Transfers for Municipal Revenue Sharing	(2,643,108)	(3,102,848)	(459,740)	(22,517,872)	(23,663,766)	(1,145,894)	-5.1%	-3.7%	(94,003,511)
Other Revenue *	3,154,355	4,359,451	1,205,096	4,345,564	5,598,422	1,252,858	28.8%	109.8%	42,691,921
Totals	288,711,318	303,557,684	14,846,366	603,756,167	609,668,240	5,912,073	1.0%	3.9%	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)
September 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2012 Budgeted Totals
	September '11 Budget	September '11 Actual	September '11 Variance	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	834,763	893,518	58,755	1,601,031	1,790,451	189,420	11.8%	-57.4%	9,767,309
- Liquor Taxes and Fees	1,784,021	2,077,140	293,119	5,745,437	6,097,936	352,499	6.1%	-1.1%	20,467,530
- Corporation Fees and Licenses	210,775	194,117	(16,658)	895,765	747,982	(147,784)	-16.5%	-15.7%	7,697,099
- Telecommunication Personal Prop. Tax	0	0	0	0	71,690	71,690	N/A	N/A	14,641,734
- Finance Industry Fees	1,904,581	2,203,950	299,369	5,713,743	5,709,150	(4,593)	-0.1%	-2.1%	23,265,980
- Milk Handling Fee	93,877	102,354	8,477	281,631	285,101	3,470	1.2%	-82.2%	1,126,529
- Racino Revenue	744,836	1,320,262	575,426	2,619,885	3,126,124	506,239	19.3%	10.6%	10,849,437
- Boat, ATV and Snowmobile Fees	286,590	288,409	1,819	1,277,909	1,277,693	(216)	0.0%	0.0%	4,500,295
- Hunting and Fishing License Fees	1,132,130	728,284	(403,846)	4,583,044	4,536,361	(46,683)	-1.0%	0.1%	17,332,248
- Other Miscellaneous Taxes and Fees	515,801	525,387	9,586	1,607,181	1,513,577	(93,604)	-5.8%	-37.8%	11,909,015
Subtotal - Other Taxes and Fees	7,507,374	8,333,421	826,047	24,325,626	25,156,065	830,439	3.4%	-15.5%	135,094,104
Detail of Other Revenue:									
- Liquor Sales and Operations	2,751	3,150	399	6,073	9,000	2,927	48.2%	43.0%	7,669,727
- Targeted Case Management (DHHS)	116,666	1,098,652	981,986	1,306,298	2,479,054	1,172,756	89.8%	-29.6%	5,225,200
- State Cost Allocation Program	1,108,242	813,809	(294,433)	3,973,506	3,106,861	(866,645)	-21.8%	-12.3%	16,467,934
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	2,333,420
- Toursim Transfer	0	0	0	(5,876,495)	(5,876,495)	0	0.0%	-5.9%	(9,305,250)
- Transfer to Maine Milk Pool	(140,897)	0	140,897	(582,304)	0	582,304	100.0%	100.0%	(1,108,312)
- Transfer to STAR Transportation Fund	0	0	0	(2,072,166)	(2,072,166)	0	0.0%	-0.3%	(3,115,000)
- Other Miscellaneous Revenue	2,067,593	2,443,840	376,247	7,590,652	7,952,168	361,516	4.8%	35.0%	24,524,202
Subtotal - Other Revenue	3,154,355	4,359,451	1,205,096	4,345,564	5,598,422	1,252,858	28.8%	109.8%	42,691,921
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(11,705,788)	(13,117,555)	(1,411,767)	(19,770,074)	(21,187,763)	(1,417,689)	-7.2%	-5.3%	(41,083,286)
- BETR - Business Equipment Tax Reimb.	(10,217,276)	(10,061,017)	156,259	(10,217,276)	(14,755,688)	(4,538,412)	-44.4%	-34.8%	(51,552,995)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	0	0	0	0	0	N/A	100.0%	(19,431,982)
Subtotal - Tax Relief Transfers	(21,923,064)	(23,178,572)	(1,255,508)	(29,987,350)	(35,943,451)	(5,956,101)	-19.9%	-14.1%	(112,068,263)
Inland Fisheries and Wildlife Revenue - Total	1,518,393	1,106,168	(412,225)	6,127,485	6,079,875	(47,610)	-0.8%	-0.2%	22,820,946

Highway Fund Revenue
Fiscal Year Ending June 30, 2012 (FY 2012)
September 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2012 Budgeted Totals
	September '11 Budget	September '11 Actual	September '11 Variance	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	19,457,836	19,542,875	85,039	38,746,398	38,549,350	(197,048)	-0.5%	-2.4%	198,610,000
- Special Fuel and Road Use Taxes	4,654,216	3,805,165	(849,051)	7,758,466	6,657,654	(1,100,812)	-14.2%	-9.1%	44,360,000
- Transcap Transfers - Fuel Taxes	(1,771,910)	(1,714,450)	57,460	(4,907,686)	(4,884,555)	23,131	0.5%	0.9%	(17,842,752)
- Other Fund Gasoline Tax Distributions	(486,583)	(488,709)	(2,126)	(1,472,063)	(1,489,365)	(17,302)	-1.2%	-0.1%	(5,066,641)
Subtotal - Fuel Taxes	21,853,559	21,144,881	(708,678)	40,125,115	38,833,084	(1,292,031)	-3.2%	-3.9%	220,060,607
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,256,482	4,386,486	(869,996)	17,274,127	15,855,064	(1,419,063)	-8.2%	-8.7%	64,805,936
- License Plate Fees	344,906	314,719	(30,187)	990,674	1,046,721	56,047	5.7%	-2.8%	3,345,309
- Long-term Trailer Registration Fees	276,994	258,419	(18,575)	952,239	997,361	45,122	4.7%	-1.3%	8,884,523
- Title Fees	947,868	917,036	(30,832)	2,888,748	3,035,585	146,837	5.1%	7.1%	11,044,291
- Motor Vehicle Operator License Fees	795,142	692,345	(102,797)	2,335,001	2,106,416	(228,586)	-9.8%	35.6%	9,124,826
- Transcap Transfers - Motor Vehicle Fees	(4,227,144)	(3,878,378)	348,766	(4,227,144)	(3,878,378)	348,766	8.3%	4.3%	(14,883,030)
Subtotal - Motor Vehicle Reg. & Fees	3,394,248	2,690,627	(703,621)	20,213,645	19,162,768	(1,050,877)	-5.2%	-3.2%	82,321,855
Motor Vehicle Inspection Fees	214,200	278,195	63,995	746,100	703,118	(42,982)	-5.8%	-8.3%	2,982,500
Other Highway Fund Taxes and Fees	131,415	106,215	(25,200)	379,824	354,720	(25,104)	-6.6%	-5.6%	1,320,525
Fines, Forfeits and Penalties	109,198	81,116	(28,082)	328,975	252,271	(76,704)	-23.3%	-21.4%	1,205,049
Interest Earnings	2,950	7,904	4,954	5,900	17,932	12,032	203.9%	-41.4%	32,446
Other Highway Fund Revenue	539,750	570,029	30,279	1,494,937	1,557,326	62,389	4.2%	6.2%	8,449,178
Totals	26,245,320	24,878,967	(1,366,353)	63,294,496	60,881,220	(2,413,276)	-3.8%	-3.6%	316,372,160

LEGISLATIVE COUNCIL REPORT: 2011 Interim Legislative Studies and Council-Authorized Committee Meetings

Updated October 19, 2011

Study Name	<u>2011</u> Meetings Authorized	<u>2011</u> 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	10/27/11	n/a	Sen. Sherman Rep. Edgecomb	
IFS committee meetings with the Advisory Committee on Maine's Health Insurance Exchange (Resolve 2011, c. 105, eff date 7/6/11)	3	1	11/1/11; 12/13/11	n/a	Sen. Whittemore Rep. W. Richardson	first meeting held 9/26/2011
VLA committee meeting to review report on Maine Clean Elections Act (Resolve 2011, c. 103, eff. date 9/28/11)	2	1		(auth to rpt bill to 2nd Reg Sess by 12/1/11)	Sen. Farnham and Rep. Beaulieu	1st of the 2 meetings held 10/18/2011
TAX committee meetings to review the tax code for reform	4	3	11/9/11	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	1		n/a	Sen. Collins and Rep. Cebra	first meeting held 9/26/2011
NEW STUDY LEGISLATIVE 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 4/7/12	Sen. Martin and Rep. Fredette	Funding 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	Sen. McCormick Rep. Sanderson	appointments now complete; scheduling in progress
Commission to Study Priorities and Timing of Judicial Proceedings in State Courts (Resolve 2011, c. 104, eff. date 9/28/11)	3	1	11/15/11	12/7/2011	Sen. Hastings and Rep. Waterhouse	first meeting held 10/12/11; will be seeking authority to hold subcommittee meetings and to extend deadline
Committee to Review Issues Dealing with Regulatory Takings (Resolve 2011, c. 111, eff. date 7/8/11)	3	1	11/4/11; 11/21/11	12/7/2011	Sen. Thibodeau and Rep. Cushing	first meeting held 10/7/2011
Blue Ribbon Commission on Affordable Housing (Resolve 2011, c. 108, eff. date 9/28/11)	4	0	10/26/11	2/15/2012	Sen. Martin and Rep. Cushing	Council approved outside funding on 9/22/11
ON-GOING LEGISLATIVE STUDIES						
Citizen Trade Policy Commission (10 MRSA section 11)	8 in FY 11-12	1	11/3/2011	annually	Sen. Sherman and Rep. Maker	1 of 8 meetings held
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 Sen. youth appointments
Right to Know Advisory Committee (1 MRSA section 411)	4 budgeted for 2011	2	11/17/11; 12/8/11	1/15 annually	Sen. Hastings	

✓ ✓

SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. JONATHAN T. E. COURTNEY
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

**Legislative Council
Personnel Committee Report
October 31, 2011**

Report by President Raye, Chair of the Personnel Committee

OPLA Director Position

The Interview Panel, a subset of the Personnel Committee, met on October 12, 2011 to conduct initial interviews for the position of Director of the Office of Policy and Legal Analysis, vacant due to the recent retirement of OPLA Director Patrick Norton. Six candidates were interviewed. The panel is continuing its review of candidate qualifications and expects to conduct follow-up interviews in early November, with an expected recommendation to the full Legislative Council by mid-November.

G:\Council\125th Legislative Council\Personnel Committee\Reports\Personnel Committee Report 2011-10-31.doc

SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council, 125th Legislature

From: Senator Kevin Raye, Chair *KR*
Legislative Council

Date: October 26, 2011

Re: Legislative Council Meeting Schedule for 2012

The schedule for Legislative Council meetings for calendar year 2012 is listed below for your planning purposes.

Thursday, January 26, 2012
Thursday, February 23, 2012
Thursday, March 22, 2012
Thursday, April 26, 2012
Thursday, May 24, 2012
Thursday, June 28, 2012

Thursday, July 26, 2012
Thursday, August 23, 2012
Thursday, September 27, 2012
Thursday, October 25, 2012
Thursday, November 15, 2012
Thursday, December 6, 2012 (tentative)

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month in the Legislative Council Chamber, Room 334. Unless otherwise specified in the meeting notices, the meetings will begin at **1:30 P.M.** I will make every reasonable effort to begin the meetings promptly at 1:30 so your timeliness at the meetings would be greatly appreciated. If you are unable to attend a meeting, please notify the Executive Director's Office as far in advance of the meeting as possible so a quorum of members can be assured. The Legislative Council agenda and packet will ordinarily be provided to members prior to each meeting.

Please call the Executive Director's Office if you have any questions or need additional information. Thank you.

Cc: Joseph Carleton, Secretary of the Senate
Heather Priest, Clerk of the House
David Boulter, Executive Director of the Legislative Council
Nonpartisan Office Directors

SEN. DAVID R. HASTINGS, III,
CHAIR
REP. REP. G. PAUL WATERHOUSE,
CHAIR
SEN. CYNTHIA A. DILL
REP. RALPH W. SARTY
REP. MAEGHAN MALONEY



THOMAS KNOWLTON
JUDGE ROBERT MULLEN
JUDGE JOHN NIVISON
RICH THOMPSON

COMMISSION TO STUDY PRIORITIES AND TIMING OF JUDICIAL PROCEEDINGS IN STATE COURTS

MEMORANDUM

TO: Senator Kevin L. Raye, Chair,
Representative Robert W. Nutting, Vice Chair
Legislative Council
c/o David E. Boulter, Executive Director, Legislative Council

FROM: Senator David R. Hastings, III, Chair *D RH*
Representative Paul G. Waterhouse, Chair *P GW*
Commission to Study Priorities and Timing of Judicial Proceedings in State
Courts

DATE: October 19, 2011

RE: Formation of subcommittee and request for extension of reporting deadline

The Commission to Study Priorities and Timing of Judicial Proceedings in State Courts held its first of three authorized meetings on October 12th. Resolve 2011, Chapter 104 establishes the Commission and directs it to study the priority and timing of judicial proceedings in state courts including, but not limited, judicial proceedings that require priority treatment pursuant to statute.

1. Formation of subcommittee

In beginning its review of the many statutory judicial priorities, it became apparent to the Commission that one priority is demanding a great deal of court time and resources. In order to spend adequate time examining the impact of this priority and whether amendment to the statute is necessary, the Commission determined research should be done to provide a summary of how the law came into being, how it has changed over the years, the number of cases generated under the statute, and possible options concerning changing the law. This work involves outreach to other judges. We write to ask for authorization to form a subcommittee in order to do this work and to develop options for consideration by the full Commission when it meets again. Several members of the Commission have agreed to meet as a subcommittee with other interested parties to do this work. We are not seeking additional funding beyond the commission's current

authorized budget. The subcommittee would like to meet in Augusta during the first week of November.

2. Extension of reporting deadline

In addition to our request to form a subcommittee, we would also like to request an extension beyond our final reporting deadline of December 7th to December 15th, as allowed by Joint Rule 353. Due to members many conflicts, including the need to rearrange the schedules of two of the Commission members who sit on the bench, the Commission requests the extension of the reporting deadline in order to allow us time to thoroughly complete our work.

If you have any concerns or questions regarding these requests, please do not hesitate to contact us. Thank you.

c: Dave Boulter, Executive Director, Legislative Council
Jon Clark, Acting Director, OPLA

APPROVED

CHAPTER

JUL 06 '11

104

BY GOVERNOR

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

S.P. 297 - L.D. 951

**Resolve, Establishing the Commission To Study Priorities and Timing of
Judicial Proceedings in State Courts**

Sec. 1. Commission To Study Priorities and Timing of Judicial Proceedings in State Courts established. Resolved: That the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 9 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. Two members appointed by the Chief Justice of the Supreme Judicial Court;
4. One member appointed by the Attorney General; and
5. One representative of the Maine Trial Lawyers Association designated by the Maine Trial Lawyers Association; 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 commission; and be it further

Sec. 4. Appointments; convening of commission. 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. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been

made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Participation. Resolved: That the commission shall seek the participation of the Maine State Bar Association, the Maine Prosecutors Association, Pine Tree Legal Assistance, the Maine Commission on Indigent Legal Services and the Maine Association of Criminal Defense Lawyers and may seek the participation of any other individuals or organizations whose participation or input may be helpful; and be it further

Sec. 6. Duties. Resolved: That the commission shall study the priority and timing of judicial proceedings in state courts including, but not limited to, judicial proceedings that require priority treatment pursuant to statute; and be it further

Sec. 7. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 8. Reimbursement. Resolved: That, notwithstanding Joint Rule 353, public members of the commission are not entitled to reimbursement for expenses; and be it further

Sec. 9. Report. Resolved: That, no later than December 7, 2011, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 125th Legislature.



STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 State House Station
Augusta, Maine 04333-0002

Heather J.R. Priest
Clerk of the House

October 24, 2011

The Honorable Kevin L. Raye, Chair
Legislative Council
115 State House Station
Augusta, Maine 04333-0115

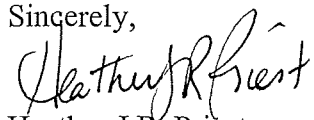
Dear Chairman Raye:

The enclosed proposal regarding the Clerk's Office Document Service is hereby submitted for consideration by the Legislative Council for the Second Regular Session of the 125th Legislature.

All items offered through the Service are available on the Legislature's website and we are doing our best to encourage clients to use the online information. Also, as a result of the steady decline in the demand for paper copies of several documents, we have discontinued certain services. Furthermore, we are now offering to e-mail documents at no cost.

Thank you for taking the time to look over the proposal. Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,


Heather J.R. Priest
Clerk of the House

CC: Members of the Legislative Council

Enclosure

	Proposed Rate 124th Rate 2 nd Reg. Session	Proposed Rate 125th Rate 2 nd Reg. Session
1. Bills & Resolves (L.D.s) FIRST CLASS-Mailed Daily	\$290.00	\$290.00
2. Bills & Resolves (L.D.s) FIRST CLASS-Mailed-Twice Weekly	\$235.00	discontinued
3. Bills & Resolves (L.D.s) THIRD CLASS-Mailed Twice Weekly (offering this service weekly as opposed to twice weekly)	\$185.00	discontinued \$175.00
4. Bills & Resolves (L.D.s) PICKED UP AT DOCUMENT ROOM	\$110.00	\$110.00
5. Amendments (Combined with any Legislative Document Service)-Mailed Weekly	\$110.00	\$110.00
6. Amendments PICKED UP AT DOCUMENT ROOM	\$ 80.00	\$ 80.00
7. Legislative Record FIRST CLASS	\$ 80.00	\$ 80.00
8. Legislative Record PICKED UP AT DOCUMENT ROOM	\$ 60.00	discontinued now offered via e-mail
9. Public & Private & Special Laws, Resolves, & Constitutional Resolutions FIRST CLASS-Mailed Weekly	\$160.00	\$160.00
10. Public & Private & Special Laws, Resolves & Constitutional Resolutions PICKED UP AT DOCUMENT ROOM	\$ 85.00	discontinued
11. Weekly Computer Printout-Status of Bills FIRST CLASS MAIL	\$160.00	discontinued
12. Weekly Computer Printout-Status of Bills PICKED UP AT DOCUMENT ROOM	\$ 80.00	discontinued now offered via e-mail
13. Advance Notice of Public Hearings on Bills FIRST CLASS-Mailed Weekly	\$ 21.00	discontinued
14. Weekly Listings of Bills Printed & Enacted FIRST CLASS MAIL	\$ 21.00	\$ 21.00
15. Joint Resolutions FIRST CLASS MAIL	\$ 52.00	\$ 15.00
16. House & Senate Daily Calendars FIRST CLASS-Mailed Weekly	\$ 42.00	discontinued
17. House & Senate Daily Calendars with Supplemental Calendars FIRST CLASS-Mailed Weekly	\$ 80.00	discontinued
18. Legislative Council-Notice of Preliminary Agenda and Minutes, After Deadline List Pre and Post Versions	\$ 95.00	discontinued
19. Weekly Legislative Calendar (1 year Jan. - Jan.) FIRST CLASS MAIL	\$ 31.00	\$ 31.00
20. Roll Call Votes (House & Senate) FIRST CLASS MAIL-Mailed Weekly	\$ 52.00	discontinued
21. Roll Call Votes (House & Senate) PICKED UP AT DOCUMENT ROOM	\$ 27.00	\$ 27.00

ORDER FOR DOCUMENT SERVICE

Please note that all of the documents below are available online at <http://www.maine.gov/legis/>.

125th Maine Legislature - Second Regular Session

ORDER NOW - CONVENING DATE

January 4, 2012

ATTENTION: Document Service selections have changed!!

LEGISLATIVE DOCUMENT (L.D.) (Bills & Resolves) <input type="checkbox"/> 1. FIRST CLASS-Mailed Daily \$290.00 <input type="checkbox"/> 2. THIRD CLASS-Mailed Weekly \$175.00 <input type="checkbox"/> 3. PICKED UP AT DOCUMENT ROOM \$110.00	WEEKLY LEGISLATIVE REPORT Lists Titles of Bills Printed and Enacted <input type="checkbox"/> 8. FIRST CLASS MAIL \$21.00
AMENDMENTS <input type="checkbox"/> 4. Mailed Weekly \$110.00 <input type="checkbox"/> 5. PICKED UP AT DOCUMENT ROOM \$80.00	JOINT RESOLUTIONS <input type="checkbox"/> 9. FIRST CLASS MAIL \$15.00
LEGISLATIVE RECORD <input type="checkbox"/> 6. MAILED WHEN TRANSCRIBED \$80.00	WEEKLY LEGISLATIVE CALENDAR <input type="checkbox"/> 10. FIRST CLASS MAIL (12 months) \$31.00
Public Laws, Private & Special Laws, Resolves and Constitutional Resolutions <input type="checkbox"/> 7. FIRST CLASS-Mailed Weekly \$160.00	ROLL CALL VOTES (House and Senate) <input type="checkbox"/> 11. PICKED UP AT DOCUMENT ROOM \$27.00

**BELOW IS A LIST OF DOCUMENTS WE WILL PROVIDE VIA E-MAIL
AT NO CHARGE**

Please check the boxes of the items you would like to receive.

- ☐ 12. **LEGISLATIVE RECORD** (debate)
• Will be emailed as soon as debate is transcribed and proofread.
- ☐ 13. **STATUS OF BILLS**
• PDF reports that give status of bills by L.D. and subject. Reports will be e-mailed on Mondays during the time the Legislature is in session.
- ☐ 14. **WEEKLY LEGISLATIVE REPORT**
• Listing of bills that have been printed and/or enacted.
- ☐ 15. **JOINT RESOLUTIONS**
- ☐ 16. **WEEKLY LEGISLATIVE CALENDAR**

Mail this order form along with full payment to:

Clerk of the House
2 State House Station
Augusta, Maine 04333-0002
Attention: Chris Wormell

Checks should be made payable to Treasurer, State of Maine.
IF YOU HAVE ANY QUESTIONS REGARDING DOCUMENT SERVICE,
PLEASE CALL (207) 287-1400.

MAILING ADDRESS (Please print name of person or company receiving documents)

NAME: _____ COMPANY: _____

ADDRESS: _____
(STREET)

(CITY) (STATE) (ZIP CODE) (TEL. NO.)

E-mail address: _____

NAME OF PERSON SUBMITTING ORDER IF DIFFERENT FROM ABOVE

Name: _____ Tel. No. _____

Legislative Council Meeting
October 31, 2011

Procedures for Review of Legislative Bill Requests for
Second Regular Session of the 125th Legislature

Requirements relevant to bills in the Second Regular Session

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session **must be limited to:** budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the Legislative Council's Rules of Procedure for the 125th Legislature, any action of the Legislative Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 125th Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 are within the purview of the presiding officers, rather than the Legislative Council.

Suggested Protocol for deciding legislative bill requests

- A. The Legislative Council will review bill requests alphabetically by policy area. An exception to this order of review may be made for bill requests for which an ASL Interpreter is required for persons who are deaf or hard of hearing. Those bills will be taken out of order at a time during the meeting when an interpreter is available.
- B. For procedural consistency, when voting on a bill request, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction). Also for procedural consistency, unless otherwise stated, each motion is presumed to have been made by the vice-chair of the Legislative Council, seconded by the chair.
- C. In order to review all legislative requests in a timely manner, voting will be by electronic vote or a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available by the Office of the Executive Director for public inspection following the meeting.

- D. If a bill request has been identified by the Revisor as requiring a ruling under Joint Rule 217, the Legislative Council may vote to accept that bill for introduction, conditional upon a subsequent ruling by the presiding officers. Absent a vote to accept the bill, the bill is presumed to have been turned down by unanimous vote of the Legislative Council.
- E. Legislative sponsors and others are welcome to observe the Council's deliberations on the bill requests, but discussion of the requests will be confined to Legislative Council Members. Discussion of a bill request among Legislative Council Members will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself.
- F. If the Legislative Council turns down a bill request, a Legislator may appeal that decision if an appeal is filed in a timely manner. At a subsequent meeting of the Legislative Council, the legislator may speak briefly to the bill request under appeal.
- G. A legislative request that has been identified by the Revisor as being either closely related to another legislative request that was earlier filed (i.e., having been assigned a lower LR number) or to a carryover bill is presumed to have been turned down by a unanimous vote of the Legislative Council.

**Summary of Key Dates
Relating to Filing Legislative
Bill Requests for Second
Regular Session of the 125th Legislature**

Friday, September 30, 2011	Cloture Date for filing bill requests
Thursday, October 31, 2011	Legislative Council to vote on Legislator bill requests
Thursday, November 3, 2011	Revisor to notify Sponsors of Legislative Council's decision on bill requests
Tuesday, November 8, 2011	Deadline for filing appeals
Thursday, November 17, 2011	Legislative Council to hear and decide Legislator appeals
Thursday, December 15, 2011	Bill Signing Day (tentative)