

MAINE STATE LEGISLATURE

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING OF LEGISLATIVE COUNCIL
FEBRUARY 7, 2012
11:30 AM
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 26, 2012 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
12	▪ Executive Director's Report (Mr. Boulter)	
13	▪ Fiscal Report (Mr. Pennoyer)	Information
14	▪ Status of Legislative Studies (Ms. Hylan Barr)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	Information
	• State House Facilities Committee (No Report)	
15	• Budget Subcommittee <ul style="list-style-type: none">○ Recommendation Regarding Potential Budget Savings in Legislative Accounts	Decision
	OLD BUSINESS	
Item #1:	Production of New Legislator Orientation Video (Mr. Boulter)	No Report

NEW BUSINESS

- | | | | |
|-----------|----------|--|-----------------------|
| 16 | Item #1: | Consideration of After Deadline Bill Requests | Roll Call Vote |
| 19 | Item #2: | Submission of the Final Report of the Blue Ribbon Commission on Affordable Housing (February 2012) | Acceptance |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
January 26, 2012

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the January 26, 2012 Legislative Council meeting to order at 1:40 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Representative Cushing arrived after the start of the meeting.

Legislative Officers: Joseph Carleton, Secretary of the Senate
Heather Priest, Clerk of the House
David Boulter, Executive Director
Debra Olken, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Scott Clark, Director, Legislative Information Technology

Senate President Raye convened the meeting at 1:40 p.m. with a quorum of members present.

Legislative Council Chair Raye asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

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

The Legislative Council then proceeded to consider and vote on the bill requests in accordance with the previously established protocol. Of the 36 bill requests, the council authorized 16 requests for introduction in the 2nd Regular Session of the 125th Legislature, 8 failed to be authorized, 3 were withdrawn, 5 had no action taken, and 4 were tabled until a future Legislative Council meeting. Of the 6 joint resolutions, the council authorized 2 requests for introduction in the 2nd Regular Session of the 125th Legislature, 2 failed to be authorized, 1 was withdrawn, and 1 was tabled until a future

Legislative Council meeting. The Legislative Council's actions on the requests are included on the attached list.

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

SUMMARY OF NOVEMBER 17, 2011 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of November 17, 2011 be accepted and placed on file. Motion by Senator Courtney. Second by Representative Cain. **Motion passed (9-0-0-1, with Representative Hayes absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. State House Sprinkler Project Completion

The project to inspect, clean and correct deficiencies in the sprinkler system installed in the State House in 1999-2001 has now been completed. The cleaning and corrective work allows the system to be certified as compliant, and testing indicates that the system will function as designed if needed in the event of a fire in the building. Later this year alternative fire sensing devices will be installed in sensitive areas of the building to help prevent fire alarms triggered by burned popcorn in microwave ovens and other similar items.

2. Status of Council-requested IT enhancements

Last fall, the Legislative Council requested that its staff pursue information technology improvements in three areas designed to increase access to and usability of information by the public or Legislators and legislative employees. The three areas and their status are:

- A. Improved access to legislative email and document databases. IT staff upgraded the Legislature's existing firewall so that it now allows substantially improved remote (VPN) access by staff to their desktop computer applications including email and documents. This project is completed. A second component, installation of Exchange 2010 and an upgrade to Outlook Web Access, is ongoing this week, and will give Legislators and employees increased functionality with their Outlook email, address lists and calendars. The upgraded service will be operational by the second week in February.
- B. Legislative Activities Calendar. The Legislature's website relating to legislative schedules and events was redesigned. Background programming modifications have resulted in the consolidation of most legislative schedules and events into a single area on the website, with the removal of redundant or conflicting scheduling information. A "Legislative Activities Calendar" link is readily apparent on the Legislature's homepage. Legislative events and scheduling, including committee public hearings, work sessions and confirmation hearings, press conferences, and Hall of Flags and Welcome Center activities are

prominently and logically placed on the activities page. The result is an easy-to-find, easy-to-use calendar of most scheduled legislative activities. Viewers may select monthly, weekly or daily views of the activities calendar, with strategically-placed hyperlinks to detailed information about those activities, notably bill status and text. The calendar is now fully operational.

- C. Posting of Written Public Hearing Testimony. Necessary programming and protocols have been developed to allow written testimony received by legislative committees during public hearings to be posted to the Legislature's website on a pilot basis beginning within the next week. Testimony from selected committees will be scanned and posted during the remainder of the session. The pilot project will allow for a full assessment of the protocols and staffing resources needed to post testimony on an on-going basis for all committees in the future. The goal is to post written testimony received at a committee public hearing within one to two work days following the close of the hearing. Public access to the posted testimony will be readily available through a hyperlink on the Legislature's website. For ease of reference, testimony will be categorized by committee, LD number, public hearing date and person who testified.

3. MDF Economic Development Bus Tour

The Maine Development Foundation held its economic bus tour of southern Maine for Legislators on January 11-13, 2012. Over fifty Legislators attended touring more than 12 locations in southern Maine and listening to numerous presenters. Initial feedback on the content of the information and opportunities for discussion has been very positive. The success of this event was due in large measure to the extensive planning and smooth implementation by the staff of MDF and its president, Laurie Lachance, as well as the time and contributions made by Maine businesses and institutions to support this orientation program.

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
December	\$244.4	\$250.7	\$6.3	2.6%	\$237.3	5.6%
FYTD	\$1,303.8	\$1,312.6	\$8.9	0.7%	\$1,283.5	2.3%

General Fund revenue was above budget projections by \$6.3 million (2.6%) for December and \$8.9 million (0.7%) over budget for the fiscal year-to-date (FYTD). The December revenue report now incorporates the December 2011 revenue forecast, which increased budgeted revenue by \$10.6 million in FY 2012. The major contributors to the positive variance through the first half of FY 2012 are the Corporate Income Tax (over by \$5.6 million) and the Insurance Companies Tax (over by \$2.3 million). Cigarette and Tobacco Tax revenue was under budget by \$1.9 million due to some month-end tax receivable adjustments; however most of this variance is expected to be offset in future months. The other major negative variance through December was fine revenue. For the first half of FY 2012, this category has fallen \$1.0 million (17.2%) below budget despite the \$1.7 million FY 2012 downward adjustment for this category in the December 2011 revenue forecast.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2012 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$23.7	\$23.1	(\$0.6)	-2.7%	\$22.7	1.7%
FYTD	\$141.2	\$142.2	\$1.0	0.7%	\$140.0	1.6%

Highway Fund revenue was under budget by \$0.6 million (2.7%) for December, but remained over budget for the FYTD by \$1.0 (0.7%). Fuel Taxes revenue performed poorly relative to budget in December and has fallen \$0.7 million under budget for the FYTD. Within this category, the Gasoline Tax was adjusted upward in FY 2012 by almost \$2.0 million assuming gasoline prices would decline. Recent gasoline price increases have been contrary to that assumption. However, Bureau of Motor Vehicles revenue has been performing very well and has been more than sufficient to offset the negative variances in Fuel Taxes, at least through the first half of FY 2012.

Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission (CEFC) will meet on Thursday, January 26th, at 8:00AM to begin its mid-session revenue forecast update. The CEFC's updated economic forecast, which is due by February 1st, will be used to update the forecast of the major taxes for the March 1st Revenue Forecast. The Revenue Forecasting Committee (RFC) will be meeting in late February to update the revenue forecast; no date has been set for the next RFC meeting.

Cash Balances

The average total cash pool balance for December was \$453.8 million, \$59.2 million less than one year ago. For the General Fund, December internal cash flow borrowing was only \$13.5 million higher than a year ago, despite the effects of the \$43 million one-day borrowing from Other Special Revenue Funds and the MaineCare shortfall. This is largely due to \$52.0 million more in reserve balances than last year. For the Highway Fund, cash balances have been declining noticeably during the construction season. The average balance in December fell \$25.7 million below last December to \$29.8 million.

Status of Legislative Studies

Marion Hylan Barr, Director of the Office of Policy and Legal Analysis, reported on the following to supplement her written status report:

Three of the legislative study commissions have submitted their final reports. They are: Commission to Study Allocation of the Fund for a Healthy Maine, Commission to Study Priorities and Timing of Judicial Proceedings in State Courts, and Committee to Review Issues Dealing with Regulatory Takings. The Blue Ribbon Commission on Affordable Housing has finished its work and its report is currently in production. Three other study committees have also submitted their annual reports. They are: Citizen Trade Policy Commission, Legislative Youth Advisory Council and Right to Know Advisory Committee.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

President Raye, Chair of the Personnel Committee, offered the following report.

The Personnel Committee met on January 26, 2012 and considered a request by a member of the Legislature's nonpartisan staff for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

2. State House Facilities Committee

No report

OLD BUSINESS

None

NEW BUSINESS

Item #2: 2012 Youth in Government Program (Request by State YMCA for Program Dates of November 16, 17, and 18, 2012)

Mr. Lonney Steeves, Program Director of the Youth in Government Program for the State YMCA of Maine requested the use of the State House for the program for the dates of November 16, 17 and 18, 2012.

Motion: That the Legislative Council authorize the State YMCA of Maine to hold its Youth in Government program in the State House on November 16, 17 and 18, 2012. Motion by Representative Cain. Second by Senator Alfond. **Motion passed unanimous (10-0).**

Item #3: Production of New Legislator Orientation Video – Status Report

Mr. Boulter reported that based upon an earlier request by the Legislative Council, to explore the feasibility of producing a new video to replace the outdated legislator orientation video, entitled "Person-to-Person Legislating Maine", he issued a Request for Proposals earlier this week to solicit video production proposals. The cost for the video production will not be known until bids are received in February. Once the bids are received and evaluated, Mr. Boulter will present the information to the Legislative Council for its consideration. It is hoped that filming of House and Senate sessions and joint committee meetings can occur before the end of March.

Item #4: Acceptance of Seventh Annual Report of the Citizen Trade Policy Commission (December 2011)

The Citizen Trade Policy Commission submitted its 2011 Seventh Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2011 Seventh Annual Report of the Citizen Trade Policy Commission and place it on file. Motion by Senator Courtney. Second by Representative Curtis. **Motion passed unanimous (10-0).**

Items #5 -10: Acceptance of the following reports:

- **Final Report of the Committee to Review Issues Dealing with Regulatory Takings (December 2011)**
- **Final Report of the Commission to Study Allocations of the Fund for a Healthy Maine (December 2011)**
- **Final Report of the Commission to Study Priorities and Timing of Judicial Proceedings in State Courts (December 2011)**
- **Sixth Annual Report of the Right to Know Advisory Committee (January 2012)**
- **Final Report of the Legislative Youth Advisory Council (January 2012)**
- **2011 Report Regarding the Land Use Mediation Program (State Planning Office)**
- **2012 Report on Poverty (State Planning Office)**

Motion: That the Legislative Council accept the above listed reports and place them on file. Motion by Representative Cain. Second by Representative Curtis. **Motion passed unanimous (10-0).**

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 Senator Courtney. Second by Representative Cushing. **Motion passed unanimous (10-0).**

The council entered into an executive session at approximately 2:37 p.m. At the conclusion of the executive session, on a motion by Representative Curtis, seconded by Senator Hobbins, with Senator Courtney absent, the Legislative Council voted unanimously to end its executive session at approximately 3:03p.m.

Note: Immediately prior to entering into the above noted executive session, the Legislative Council voted to enter into an Executive Session for a purpose other than that stated in the above motion. The Legislative Council immediately realized the error and voted to end the Executive Session without discussion of any matter. It then entered into an executive session in accordance with the above stated motion.

ANNOUNCEMENTS AND REMARKS

The Legislative Council meeting was adjourned at 3:04 p.m. on a motion by Senator Alfond, seconded by Senator Plowman. **Motion passed unanimous (10-0).**

**LEGISLATIVE COUNCIL ACTION ON
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION, 125th LEGISLATURE
As of: January 26, 2012**

		Action
SPONSOR: LR 2731	Sen. Alfond, Justin L. An Act To Define Cost Responsibility for Transporting Deaf and Hard-of-hearing Students to the Governor Baxter School for the Deaf	TABLED
SPONSOR: LR 2702	Rep. Berry, Seth A. An Act To Amend the Laws Governing Financial Disclosure by Legislators and High-level Public Officials	FAILED
SPONSOR: LR 2706	Rep. Berry, Seth A. An Act To Prohibit Tax Credits and Exemptions for Businesses That Outsource Jobs to Another Country	TABLED
SPONSOR: LR 2680	Rep. Burns, David C. An Act To Amend the Laws Governing Reimbursement for Certain Services under MaineCare	PASSED
SPONSOR: LR 2676	Rep. Celli, Michael An Act To Prohibit Human Trafficking	FAILED
SPONSOR: LR 2712	Sen. Courtney, Jonathan T. E. Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Maine Veterans' Memorial Cemetery in Springvale	PASSED
SPONSOR: LR 2730	Rep. Curtis, Philip An Act to Authorize the Taxpayers of the Town of Madison to Obtain a Return on Investment Risk	WITHDRAWN
SPONSOR: LR 2709	Rep. Cushing, III, Andre E. An Act To Improve the Accountability of Government Officials	TABLED
SPONSOR: LR 2735	Rep. Cushing, III, Andre E. An Act To Reform Electrical Licensing Laws and Encourage Enrollment in High School Electrical Education Programs	PASSED
SPONSOR:	Rep. Eves, Mark W.	PASSED

SPONSOR: LR 2663	Education Programs Rep. Eves, Mark W. An Act To Enhance the Protection of Social Service Home Visitors	PASSED
SPONSOR: LR 2665	Sen. Goodall, Seth A. An Act To Update the Laws Concerning Defects in Real Estate Transfers	TABLED
SPONSOR: LR 2711	Rep. Harvell, Lance E. An Act To Require a Person To Show Photographic Identification When Using an Electronic Benefits Card	PASSED
SPONSOR: LR 2679	Rep. Haskell, Anne M. An Act To Change the Statute of Limitations on Sex Abuse Crimes When the Actor is a Person in a Position of Control	PASSED
SPONSOR: LR 2728	Rep. Hinck, Jon An Act To Limit to Natural Persons the Right To Contribute to Political Campaigns	FAILED
SPONSOR: LR 2683	Sen. Katz, Roger J. An Act To Establish the Dirigo March as the State of Maine March	PASSED
SPONSOR: LR 2704	Rep. Knight, L. Gary An Act To Facilitate Rapid Response by Businesses to State-declared Disasters	PASSED
SPONSOR: LR 2681	Sen. Langley, Brian D. An Act To Conform Certain Aspects of Maine Law Regarding Child Pornography with Federal Law	PASSED
SPONSOR: LR 2718	Rep. MacDonald, W. Bruce An Act To Amend the Boothbay Region Water District Charter	PASSED
SPONSOR: LR 2664	Rep. McKane, Jonathan B. An Act To Prevent Tax Dollars from Being Used in Political Campaigns	FAILED
SPONSOR: LR 2668	Rep. Nutting, Robert W. An Act To Specifically Exempt from the Prohibition against Texting while Driving Emergency Personnel Who Are Acting in the Course of Their Duties	PASSED

SPONSOR: LR 2688	Rep. Pilon, Donald E. An Act To Prohibit Insurance Companies from Using Credit Scores as an Underwriting Criterion for Motor Vehicle Insurance	FAILED
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SPONSOR: LR 2703	Sen. Raye, Kevin L. An Act To Amend the Laws To Ensure Disclosure of Significant Financial Connections between High-level Public Officials and Organizations Receiving Public Funds	WITHDRAWN
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SPONSOR: LR 2666	Rep. Sirocki, Heather W. Resolve, To Clarify the Pilot Project Authorizing Independent Practice Dental Hygienists To Process Radiographs	FAILED
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SPONSOR: LR 2667	Rep. Sirocki, Heather W. An Act To Consolidate Certain Food Inspection and Certification Programs within the Department of Health and Human Services	PASSED
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SPONSOR: LR 2727	Rep. Slagger, David An Act To Ensure the Authenticity of Items Reported To Be Crafted by Native Americans	PASSED
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SPONSOR: LR 2677	Sen. Thomas, Douglas A. An Act To Allow the Transfer of a Large Game Shooting Area License	PASSED
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SPONSOR: LR 2740	Rep. Volk, Amy F. An Act To Clarify the Laws Governing the Applicable Use Tax Associated with Certain Campground Rentals	PASSED
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JOINT RESOLUTION

SPONSOR: LR 2337	Sen. Dill, Cynthia A. JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF THE INTERIOR AND THE UNITED STATES CONGRESS TO SUPPORT THE CREATION OF A NATIONAL PARK IN MAINE'S NORTH WOODS	WITHDRAWN
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JOINT RESOLUTION

SPONSOR: LR 2672	Sen. Dill, Cynthia A. JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS NOT TO CLOSE RURAL POST OFFICES	FAILED
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JOINT RESOLUTION

SPONSOR: LR 2732	Rep. Hayes, Teresea JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SECURE CLEAN WATER ACT FUNDING FOR THE MAINE VOLUNTEER LAKE MONITORING PROGRAM	PASSED
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JOINT RESOLUTION

SPONSOR: LR 2371	Sen. Katz, Roger J. JOINT RESOLUTION URGING CONGRESS TO ENACT THE SOCIAL SECURITY FAIRNESS ACT OF 2011	PASSED
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JOINT RESOLUTION

SPONSOR: LR 2408	Rep. Keschl, Dennis L. JOINT RESOLUTION, MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO TAKE ALL STEPS NECESSARY TO BECOME ENERGY INDEPENDENT	TABLED
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JOINT RESOLUTION

SPONSOR: LR 2699	Rep. Russell, Diane JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT "PERSONS" UNDER THE LAW	FAILED
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ACTION ON REQUESTS PREVIOUSLY TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: LR 2603	Sen. Alfond, Justin L. An Act To Restore Equity in Revenue Sharing	Action PASSED
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SPONSOR: LR 2479	Rep. Bolduc, Brian D. An Act To Reinstate Same-day Voter Registration	FAILED
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SPONSOR: LR 2646	Rep. Cain, Emily A. An Act To Prevent Cost Increases in Health Care for Rural Maine School Districts	WITHDRAWN
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SPONSOR: LR 2319	Sen. Courtney, Jonathan T. E. An Act To Change Certain Effective Dates Regarding Guaranteed Access and the Purchase of Health Insurance from outside Maine	TABLED 11/01/11
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SPONSOR: LR 2339	Rep. Maloney, Maeghan An Act To Limit Taxes on Pensions	TABLED 11/01/11
SPONSOR: LR 2535	Rep. Martin, John L. An Act To Repeal the Authority for an Insurer To Vary the Premium Rate Based on Geographic Area	TABLED 11/01/11
SPONSOR: LR 2618	Sen. Raye, Kevin L. An Act To Clarify Municipal Budget Requirements within an Alternative Organizational Structure	TABLED 11/01/11
SPONSOR: LR 2441	Rep. Russell, Diane An Act To Restore Election Day Voter Registration	FAILED
SPONSOR: LR 2357	Rep. Sirocki, Heather W. An Act To Improve Well Water Testing at Licensed Child Care Facilities	TABLED 11/01/11

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Legislative Council

Executive Director's Report February 7, 2012

1. Status of Posting of Written Public Hearing Testimony

The pilot project to post written testimony received by joint standing committees at public hearings on legislation begins this week. Written testimony received during public hearings by four committees will be scanned and posted to the Legislature's website shortly following each public hearing. The four committees in the pilot project are the joint standing committees on: Insurance and Financial Services, Marine Resources, Transportation, and Veterans and Legal Affairs.

Testimony may be found when viewing the status of a bill in committee or more generally by clicking "Committees", then "Public Hearing Testimony, by Committee" on the Legislature's homepage.

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Fiscal Briefing

Legislative Council Meeting

February 7, 2012

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update

Preliminary data indicate that January revenue was under budget by roughly \$38 million and around \$30 million for the fiscal year through January. The table below summarizes some of the major variances based on preliminary January revenue data.

January 2012 - Major General Fund Revenue Variances
\$'s in Millions

	January	FYTD
Major Negative Variances:		
Sales and Use Tax	(\$4.0)	(\$3.3)
Services Provider Tax	(\$2.2)	(\$2.1)
Individual Income Tax	(\$23.1)	(\$22.9)
Corporate Income Tax	(\$7.1)	(\$1.5)
Cigarette and Tobacco Tax	\$1.5	(\$0.4)
Fines, Forfeits and Penalties	(\$0.3)	(\$1.2)
Tax Relief Fund Transfers	(\$3.1)	(\$3.7)
Hunting and Fishing License Fees	(\$0.9)	(\$0.9)
Major Positive Variances:		
Insurance Companies Tax	\$0.1	\$2.4
Estate Tax	\$0.4	\$0.8
Finance Industry Fees	\$0.3	\$0.4

All of the major taxes performed poorly relative to budget in January. The 4 tax categories affecting revenue sharing transfers were under budget by a combined \$36.5 million in January and \$29.7 for the fiscal year through January. Individual Income Tax had the largest variance. However, roughly \$15 million of the negative variance is due to a large number of refunds having been processed on January 31st. The extra refunding processing day was not factored into the monthly distribution of budgeted revenue. Estimated payments in January for both individual and corporate income taxes were also substantially below budget. And finally, the initial positive performance for holiday sales tax collections in late November appears to have diminished in December.

2. Highway Fund Revenue Update

Highway Fund revenue was slightly over budget in January and for the fiscal year through January despite continuing negative variances in gasoline tax collections.

3. Revenue Forecasting Update

The Revenue Forecasting Committee (RFC) will meet on Wednesday, February 22nd to finalize the mid-session revenue forecast update. The RFC will need to assess and react to January's General Fund revenue performance, but not to any changes in the underlying economic forecast.

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

Updated February 6, 2012

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	1	none	n/a	Sen. Sherman Rep. Edgecomb	meeting held
IFS committee meetings with the Advisory Committee on Maine's Health Insurance Exchange (Resolve 2011, c. 105, eff. date 7/6/11)	3	2	none	n/a	Sen. Whittemore Rep. W. Richardson	meetings held
VLA committee meetings to review report on Maine Clean Elections Act (Resolve 2011, c. 103, eff. date 9/28/11)	2	2	none	(auth to rpt bill to 2nd Reg Sess by 12/1/11)	Sen. Farnham and Rep. Beaulieu	meetings held
TAX committee meetings to review the tax code for reform	4	4	none	n/a	Sen. Trahan and Rep. Knight	meetings held
TRA committee funding in the Hwy budget to meet monthly (PL 2011, c. 392 sections A-3, L1, L-2, eff. date 6/21/11)	monthly	1	none	n/a	Sen. Collins and Rep. Cebra	meeting held
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-1/7/12	Sen. Martin and Rep. Fredette	Not authorized: funding not received by 8/5/11 deadline; Rep. Fredette sponsored LD 1601 - amends Study (begin during session w/ Franco American Center staff)
Commission to Study Allocations of the Fund for a Healthy Maine (Resolve 2011, c. 112, eff. date 9/28/11)	6	3	none	12/7/2011	Sen. McCormick Rep. Sanderson	Report printed
Commission to Study Priorities and Timing of Judicial Proceedings in State Courts (Resolve 2011, c. 104, eff. date 9/28/11)	3	2	none	12/15/11	Sen. Hastings and Rep. Waterhouse	Report printed
Committee to Review Issues Dealing with Regulatory Takings (Resolve 2011, c. 111, eff. date 7/8/11)	3	3	none	12/7/2011	Sen. Thibodeau and Rep. Cushing	Report printed
Blue Ribbon Commission on Affordable Housing (Resolve 2011, c. 108, eff. date 9/28/11)	4	3	none	2/15/2012	Sen. Martin and Rep. Cushing	Report at printers
ON-GOING LEGISLATIVE STUDIES						
Citizen Trade Policy Commission (10 MRSA section 11)	8 in FY 11-12	2	2/10/2012	annually	Sen. Sherman and Rep. Maker	Report printed
Legislative Youth Advisory Council (3 MRSA, section 168-B)	2 per year	1	none	2nd Fri., Feb., even numbered years	Sen. Mason and Rep. Willette	Report printed
Right to Know Advisory Committee (1 MRSA section 411)	4 budgeted for 2011	4	none	1/15 annually	Sen. Hastings	Report printed

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SEN. JUSTIN L. ALFOND
REP. PHILIP A. CURTIS
REP. EMILY ANN CAIN
REP. ANDRE E. CUSHING III
REP. TERRY HAYES

Legislative Council

Report of the Budget Subcommittee for Meeting of February 3, 2012

The Budget Subcommittee met on Friday, February 3, 2012 to consider various budget savings in legislative accounts that could be made available to help cover the current projected shortfall in the Department of Health and Human Services' budget that is being addressed through legislation pending in the Joint Standing Committee on Appropriations and Financial Affairs.

With information provided by the Office of the Executive Director, the budget subcommittee members identified potential savings in various budget lines resulting from increased efficiencies in legislative operations and other measures. Budget savings were identified in areas such as out-of-state travel, legislator in-state travel, printing and mailing costs, photocopying, advertising, legal services, salary savings in nonpartisan offices and unspent funds budgeted for legislative studies.

The Budget Subcommittee voted unanimously to recommend to the Legislative Council that the following budget savings in the noted legislative accounts totaling \$1,404,000 be transferred to the General Fund prior to June 30, 2012:

- A. Legislative Account – Study Commissions, General Fund
\$2,225 in Personal Services line category
\$5,775 in All Other line category
- B. Legislative Account – General Fund
\$304,575 in Personal Services line category
\$1,079,000 in All Other line category
- C. Legislative Account – Law and Legislative Reference Library General Fund
\$12,425 in Personal Services line category

Total: \$1,404,000

The recommendation will be placed on the Legislative Council's agenda for consideration at its next meeting.

LEGISLATIVE COUNCIL
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION 125th LEGISLATURE
As of: February 06, 2012

Action

SPONSOR: LR 2747	Rep. Cebra, Richard M. An Act To Enact the Liberty Preservation Act
SPONSOR: LR 2745	Rep. Fossel, Leslie T. An Act To Require Forfeiture of Public Retirement System Benefits for Persons Convicted of Certain Crimes
SPONSOR: LR 2746	Rep. Fossel, Leslie T. An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws
SPONSOR: LR 2750	Rep. Graham, Anne P. An Act To Allow a Property Tax Abatement When a Building on That Property Is Destroyed by Fire
SPONSOR: LR 2751	Sen. Katz, Roger J. An Act To Establish a Mechanism for the Forfeiture of a Person's Public Pension Benefits When that Person Is Convicted of a Felony Arising out of a Violation of the Public Trust
SPONSOR: LR 2743	Rep. Russell, Diane An Act To Clarify the Voting Rights of People Who Are Not Natural-born

JOINT RESOLUTION

SPONSOR: LR 2744	Rep. Cebra, Richard M. JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REPEAL PORTIONS OF THE NATIONAL DEFENSE AUTHORIZATION ACT CONCERNING THE INDEFINITE DETENTION OF UNITED STATES CITIZENS
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JOINT RESOLUTION

SPONSOR:
LR 2754

Sen. Raye, Kevin L.
JOINT RESOLUTION MEMORIALIZING THE
PRESIDENT OF THE UNITED STATES AND THE
UNITED STATES CONGRESS TO ADEQUATELY
FUND THE LOW-INCOME HOME ENERGY
ASSISTANCE PROGRAM

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:
LR 2731

Sen. Alfond, Justin L.
An Act To Define Cost Responsibility for Transporting
Deaf and Hard-of-hearing Students to the Governor
Baxter School for the Deaf

Action
TABLED 01/26/12

SPONSOR:
LR 2706

Rep. Berry, Seth A.
An Act To Prohibit Tax Credits and Exemptions for
Businesses That Outsource Jobs to Another Country

TABLED 01/26/12

SPONSOR:
LR 2709

Rep. Cushing, III, Andre E.
An Act To Improve the Accountability of Government
Officials

TABLED 01/26/12

SPONSOR:
LR 2665

Sen. Goodall, Seth A.
An Act To Update the Laws Concerning Defects in Real
Estate Transfers

TABLED 01/26/12

SPONSOR:
LR 2319

Sen. Courtney, Jonathan T. E.
An Act To Change Certain Effective Dates Regarding
Guaranteed Access and the Purchase of Health Insurance
from outside Maine

TABLED 11/01/11

SPONSOR:
LR 2339

Rep. Maloney, Maeghan
An Act To Limit Taxes on Pensions

TABLED 11/01/11

SPONSOR:
LR 2535

Rep. Martin, John L.
An Act To Repeal the Authority for an Insurer To Vary
the Premium Rate Based on Geographic Area

TABLED 11/01/11

SPONSOR:
LR 2618

Sen. Raye, Kevin L.
An Act To Clarify Municipal Budget Requirements within
an Alternative Organizational Structure

TABLED 11/01/11

SPONSOR:
LR 2357

Rep. Sirocki, Heather W.
An Act To Improve Well Water Testing at Licensed Child
Care Facilities

TABLED 11/01/11

JOINT RESOLUTION

SPONSOR:
LR 2408

Rep. Keschl, Dennis L.
JOINT RESOLUTION, MEMORIALIZING THE
PRESIDENT OF THE UNITED STATES AND THE
UNITED STATES CONGRESS TO TAKE ALL STEPS
NECESSARY TO BECOME ENERGY INDEPENDENT

TABLED 01/26/12

**STATE OF MAINE
125th LEGISLATURE
FIRST REGULAR SESSION**

**Final Report
of the
BLUE RIBBON COMMISSION ON
AFFORDABLE HOUSING**

February 2012

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Rep. Andre E. Cushing, III, Chair
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Dennis Marble
Dale McCormick
Charles Newton
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Dana Totman
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Executive Summary

The Blue Ribbon Commission on Affordable Housing was established by Resolve 2011, chapter 108 (Appendix A). The Commission consists of 17 members: eight appointed by the President of the Senate, seven appointed by the Speaker of the House, the Director of the Maine State Housing Authority, and the Commissioner of Economic and Community Development. A list of Commission members is included as Appendix B. The resolve directs the Commission to seek funding contributions to fully fund the costs of the study. Outside funding was provided by the Maine Affordable Housing Coalition (MAHC), a statewide nonprofit organization.

The duties of the Commission are set forth in Resolve 2011, chapter 108 (Appendix A). The duties include the following:

- Review current data and research on affordable housing among the New England states and nationally;
- Assess the economic impact of affordable housing in this State;
- Review innovative affordable housing programs in other states;
- Identify regulatory barriers to affordable housing; and
- Submit a report, with findings and recommendations, to the Maine Legislature by February 15, 2012.

The Blue Ribbon Commission on Affordable Housing met four times and reached agreement on the following findings and recommendations.

The Commission's deliberations were guided by the fundamental principle that affordable housing is critical to the well-being of all Maine families and that all Maine people should have access to decent and safe affordable housing. Due to the breadth and complexity of both federal and State housing laws and funding sources, the Commission determined that it had insufficient time to perform an in-depth review of certain aspects of housing policy, including the identification of cost drivers associated with affordable housing development. However, the Commission believes that affordable housing plays a vital role in helping to meet the essential needs of low- and moderate-income families, the elderly and special needs populations, as well as young adults within Maine communities.

A. Multi-family Housing

Federal issues

- **Finding #1:** The Commission recognizes the significant impact that federal resources have on Maine's ability to provide affordable housing assistance to low-income families. In addition, the federal government authorizes state and local governments to use the proceeds from the sale of tax-exempt private activity bonds to fund affordable housing activities in their respective states. The Commission finds that tax-exempt private activity bonds are a critical funding source for affordable housing in Maine.

- **Recommendation #1:** The Commission recommends sending a letter to Maine's federal delegation that advocates for the continuation and preservation of federal housing assistance programs and incentives at existing funding levels in recognition of the significant demand for affordable housing in Maine.
- **Recommendation #1-A:** The Commission also recommends sending a letter to Maine's federal delegation that advocates for the federal government to preserve the authority for the State and local governments to issue tax-exempt private activity bonds that allow the proceeds of the bond sale to finance mortgages for multi-family housing. The Commission recommends that the State and local governments promote the use of this valuable resource to the maximum extent possible.

State and local issues

- **Finding #1:** In order to streamline the regulatory process, the Maine State Housing Authority's (MSHA's) regulations for the production and preservation of affordable housing, to the maximum extent possible, should not be more restrictive than the applicable federal and State program requirements.
- **Recommendation #1:** The Commission recommends that MSHA review its regulatory requirements for affordable housing programs to ensure that they meet, but do not exceed minimum federal standards for these programs and are also consistent with State policy.
- **Finding #2:** The Commission finds that quality, multi-family housing is costly to develop due to the applicable building codes and life-safety requirements, and improvements that are necessary to ensure a positive quality of life for the individuals and families residing in these units. The Commission also finds that there are long-term benefits and cost savings related to energy efficiency building standards for these units, which may also include assisting MSHA with participation in the voluntary carbon market and energy conservation.
- **Recommendation #2:** The Commission recommends that MSHA explore innovative ways to provide rewards to developers of affordable housing who are able to assist MSHA with achieving energy efficiency savings or innovative solutions to reduce costs and maintain the benefits in affordable housing developments. This also includes assisting MSHA with their participation in the voluntary carbon market. The Commission also recommends that MSHA seek a balance using a proportional allocation of weatherization funds and program services for both single-family and multi-family housing on similar terms.

B. Single-family Housing

Federal issues

- **Finding #1:** The Commission is concerned about the high number of Maine homes that are in danger of foreclosure, and the impact this may have on the State's ability to meet the need for affordable housing. Federal resources are available for mortgage delinquency and foreclosure prevention counseling services, which the Commission finds are important in helping to address Maine's high rate of foreclosures.

- **Recommendation #1:** The Commission recommends continued support of federal funding for federal foreclosure prevention and delinquency counseling programs through agencies like HUD and *NeighborWorks America* (community-focused affordable housing programs and services).
- **Finding #2:** The Commission finds that changing employment patterns and economic conditions in Maine have significantly affected housing affordability. The Commission finds that providing workforce housing should be a focus of federal and State housing programs.
- **Recommendation #2:** The Commission recommends sending a letter to Maine's federal delegation advocating for changes in federal law that would allow MSHA to use its first-time homebuyer program for mortgage assistance to a broader array of Maine families that are in need of workforce housing.

State and local issues

- **Finding #1:** Maine does not receive dedicated federal funding for single-family housing. However, the federal government authorizes state and local governments to issue tax-exempt private activity bonds, and allows the proceeds to be used to fund affordable housing for first-time homebuyers. The Commission finds that this is a critical source of revenue for the State, which provides valuable mortgage assistance for first-time homebuyers and financing for the construction of affordable housing.
- **Recommendation #1:** The Commission recommends that the State resume the use of tax-exempt private activity bonds, as authorized by the federal government, in order to generate valuable revenue to finance mortgages for first-time homebuyers.
- **Finding #2:** The Commission finds that the judicial foreclosure process in Maine is a lengthy process and the State should support efforts to streamline the process, in order to assist those homeowners who are interested in a more expeditious foreclosure process. Since June 15, 2010, real estate transfer taxes have been imposed on the purchase and sale of foreclosure properties, which, in turn, have been dedicated to the Department of Professional and Financial Regulation (DPFR) Bureau of Consumer Credit Protection to fund statewide outreach and housing counseling services.
- **Recommendation #2:** The Commission recommends sending a letter to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, with a copy to the Joint Standing Committee on Appropriations and Financial Affairs, advocating for the Legislature to continue State funding through the Real Estate Transfer Tax (from the purchase and sale of foreclosed properties) of the foreclosure prevention program at the Bureau of Consumer Credit Protection.
- **Finding #3:** The Commission finds that home rehabilitation and repair loans and grants to low-income homeowners may be the least expensive way to address many housing issues in both urban and rural areas. Helping homeowners address health and safety issues, through rehabilitation or weatherization, costs considerably less than new home construction.

- **Recommendation #3:** MSHA should continue to focus its efforts on providing low-interest home improvement loans to homeowners so that homes remain more affordable for the long term. The Commission recommends continued efforts to improve existing housing stock, such as the array of federal rehabilitation and weatherization programs that provide critical assistance to low-income families for energy efficiency improvements, energy assistance, appliance replacement, and other related goals [through the Low Income Home Energy Assistance Program (LIHEAP), Weatherization Assistance Program, Community Housing Improvement Program (CHIP), Appliance Replacement Program, Regional Employer-Assisted Collaboration for Housing (REACH)]. The Commission also recommends continued support of Efficiency Maine's Property Assessed Clean Energy (PACE) program that assists homeowners with obtaining low-interest weatherization home improvement loans (up to \$15,000) to help reduce energy costs and make homes more comfortable and affordable. These loans can either be paid back by the homeowner over a 15-year period or, if the home is sold, the loan can either be paid off or the remaining balance can be transferred in the loan to the next owner. The Commission also recommends grants in this area for low-income families who may be unable to qualify for a loan or afford loan payments.
- **Finding #4:** The Commission finds that zoning and land use requirements have a significant impact on the affordability of housing.
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- **Recommendation #4:** The Commission recommends that the Joint Standing Committee on Labor, Commerce, Research and Economic Development and the Joint Standing Committee on State and Local Government review successful zoning and land use programs in other states that encourage single-family and multi-family developments, include plans to have an affordability component, including for workforce housing, and focus on smart-growth principles. The Commission recommends the use of mixed-use zoning ordinances that support the development of buildings that serve a combination of residential and commercial development purposes. The Commission also recommends the creation of a model voluntary incentive program for municipalities to adopt to help enhance the development of affordable housing for moderate- and low-income families, especially in communities that are close to jobs and transportation where there is a significant demand for affordable housing.
- **Finding #5:** The Commission finds that manufactured homes offer a positive alternative for those in need of affordable housing and looking for a means of entry into homeownership.
- **Recommendation #5:** The Commission recommends that MSHA continue to provide low-interest loans for first-time homebuyers that are interested in purchasing a qualifying HUD-certified manufactured home.

C. Special Needs and the Elderly

Federal issues

- **Finding #1:** The Commission finds that there is a dramatic need for Section 8 vouchers across the nation and in Maine. There are significant waiting lists for subsidized housing and the Section 8 voucher program across the State and federal funding does not meet the significant demand for this type of housing in Maine. Additionally, the Private Non-Medical Institutions (PNMIs) may undergo significant changes as they relate to Medicaid reimbursement, which may result in discharges for some residents from these facilities and a greater need for affordable, barrier-free housing.
- **Recommendation #1-A:** The Commission recommends that Maine's federal delegation prioritize funding to increase by four times the number of Section 8 housing vouchers than is currently provided to the State of Maine.
- **Recommendation #1-B:** In response to the changes in federal Medicaid reimbursement for PNMIs, the Commission recommends that the Department of Health and Human Services (DHHS) explore other programs that are non-PNMI based that could provide alternative sources of funding for affordable subsidized housing for the elderly and those with special needs.

State and local issues

- **Finding #1:** The Commission finds that Maine's demographics and limited resources require significant planning in order to ensure that affordable housing projects meet the needs specific to each region of the State. Coordination between the developers of affordable barrier-free housing for Maine's special needs and elderly populations, and the providers of State services must be improved. The Commission finds that moving the elderly and individuals with special needs out of PNMI-based affordable housing has a ripple effect on all parties involved. Moving affects the individuals in need of the housing and also affects MSHA when it has issued the debt to build the affordable housing and the developers that own and operate the housing. If funds are no longer provided by DHHS to the developer to pay for the mortgage and services provided for in this type of housing, then the mortgage is not paid and MSHA is then unable to pay the bond service, which could result in default.
- **Recommendation #1:** The Commission recommends that the Joint Standing Committee on Labor, Commerce, Research and Economic Development direct the creation of a stakeholder group convened by the Office of Elder Services with MSHA, in cooperation with the Office of Cognitive and Physical Disability Services, the Office of Adult Mental Health Services, Licensing and Regulatory Services, the Statewide Homeless Council and any other interested parties to develop a comprehensive, coordinated plan to address the housing and service needs of Maine's low-income elders, adults with disabilities and the homeless. The stakeholder group should consider the creation of memorandums of understanding between MSHA and DHHS regarding expectations for both groups in the development of housing and services. The Commission recommends that this stakeholder group further explore the idea that PNMI services be tied to the affordable

housing unit, rather than to the individual who receives the services. This will ensure that the affordable housing development receives a more consistent flow of funding to cover the length of the mortgage required to finance these units, so valuable services and assistance can continue to be provided to the elderly and individuals with special needs over the long term.

- **Finding #2:** The Commission finds that one of MSHA's primary roles is to provide safe, affordable housing for special needs populations, but housing will fail if DHHS or some other resource does not provide reliable, long-term funding for supportive services that these populations need.
- **Recommendation #2:** The Commission recommends that DHHS prioritize funding to ensure that services will be available to low-income elderly homeowners and individuals with special needs so that they can remain independent in their own homes for as long as they are able to do so. The Commission also recommends that funding be provided to increase the availability of long term care services and support for low-income elderly and individuals with special needs so that they can remain independent in their homes within their communities.
- **Finding #3:** The Commission finds that efforts to provide safe housing for the elderly, increase the quality of Maine's housing stock, and help reduce the State's overall nursing home cost are essential. The Commission finds that the rehabilitation and weatherization of older housing stock and multi-unit affordable housing projects for the elderly and other special needs populations are important steps toward addressing housing affordability issues.
- **Recommendation #3:** The Commission recommends continued support for programs across the State that provide services to assist low-income elderly homeowners to remain in their homes by providing home repairs, home accessibility modifications, energy conservation improvements, and other related services to help people age in place.
- **Finding #4:** The Commission finds that greater collaboration among State and federal agencies is critical to ensure the greatest return from limited resources. The Commission finds that the DHHS and the Department of Defense, Veterans and Emergency Management (DVEM) could benefit from collaborative efforts during the planning stage in the creation of multi-family affordable housing units for homeless veterans and recognizes the success of such collaboration during previous years.
- **Recommendation #4:** The Commission recommends that a letter be sent to MSHA requesting that MSHA work with DVEM, Bureau of Veterans' Services and DHHS to maintain outreach efforts with homeless veterans and to collaborate in efforts to develop multi-family affordable housing units for homeless veterans.
- **Recommendation #4-A:** The Commission recommends a letter be sent to the Joint Standing Committee on Labor, Commerce, Research and Economic Development requesting that the Statewide Homeless Council provide an annual report to the Committee summarizing its progress and the collaboration that has occurred between the relevant State and local agencies and regional councils appointed to the Statewide Homeless Council (30-A MRSA § 5047). The Commission supports the Council's current efforts to coordinate homeless assistance services as well as funding resources.

The Commission recommends that these efforts be strengthened with increased participation by the pertinent State agencies, including at least quarterly attendance at Council meetings by appointees.