

MAINE STATE LEGISLATURE

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REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. SETH A. GOODALL
SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**126th Legislature
Legislative Council**

**Thursday, February 28, 2013
1:30 P.M.**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 29, 2013 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
9	• Executive Director's Report (Mr. Boulter)	Information
11	• Fiscal Report (Mr. Pennoyer)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	
	• State House Facilities Committee	
	OLD BUSINESS	
15	Item #1: Council Actions Taken By Ballot (No Action Required)	Information
16	Item #2: Memorandum of Understanding between the Legislative Council and MPBN for Pilot Maine Capitol Connection Channel (Copy of Executed MOU)	Information

NEW BUSINESS

- | | | |
|----|--|-----------------------|
| 30 | Item #1: Consideration of After Deadline Bill Requests | Roll Call Vote |
| 37 | Item #2: Proposed Legislative Council Policy on Legislative Studies
(Ms. Hylan Barr) | Decision |
| 41 | Item #3: Request to serve lunch to attendees of Maine Credit Union Day in the
Hall of Flags on March 28, 2013
(Request by Maine Credit Union League) | Decision |
| 46 | Item #4: Request for Legislature's Participation in Maine Employers' Initiative,
a Program of the Maine Development Foundation
(Rep. Hayes) | Decision |
| 52 | Item #5: 2012 Annual Report on Activities and Performance, Office of Program
Evaluation and Government Accountability
(Ms. Ashcroft) | Acceptance |
| 80 | Item #6: Proposal for "Olympia Snowe Day"
(Sen. Katz) | Decision |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. MARK W. EVES
CHAIR

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
January 29, 2013**

CALL TO ORDER

Legislative Council Chair Mark Eves called the January 29, 2013 Legislative Council meeting to order at 1:54 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Goodall, Senator Jackson, Senator Thibodeau and Senator Katz

Representatives: Speaker Eves, Representative McCabe, Representative Fredette and Representative Willette

Absent: Representative Berry (arrived after start)

Legislative Officers: Darek Grant, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance 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

Speaker Eves convened the meeting at 1:54 p.m. with a quorum of members present.

**SUMMARY OF DECEMBER 6, 2012 AND DECEMBER 12, 2012 MEETINGS OF
LEGISLATIVE COUNCIL**

Motion: That the Meeting Summaries for December 6, 2012 and December 12, 2012 be accepted and placed on file. Motion by President Alfond. Second by Representative Willette.
Motion passed (9-0-0-1, with Representative Berry absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. 2012 Income Tax Information for Legislators

The Office of the Executive Director has prepared 2012 income tax information for legislators of the 125th and 126th Legislatures as it relates to their legislative salaries and expense payments. The information is intended to aid legislators in preparing their income tax returns for calendar year 2012. The packets were distributed to legislators on Thursday, January 31, 2013.

2. Bill Requests

As of January 18, 2013, the cloture date for filing legislator bill requests for the 1st regular session, 1,984 bill requests had been filed, of which 1,774 are legislator requests. This compares to 1,997 bill requests in the 125th Legislature (1st regular session), 1,899 of which were legislator requests and 1,843 for the 124th Legislature (1st regular session), of which 1,669 were legislator requests.

The Revisor's office is reviewing the requests for duplicates and is giving its highest priority to bill drafting.

3. MDF bus tour of interior Maine

The Maine Development Foundation conducted its regional economic bus tour of interior Maine on January 9-11, 2013, as part of the Legislative Council's legislator orientation program for the 126th Legislature. 70 legislators attended and initial feedback was that the tour was extremely informative and helpful.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$245.4	\$240.2	(\$5.2)	-2.1%	\$250.7	-4.2%
FYTD	\$1,304.1	\$1,304.7	\$0.6	0.0%	\$1,312.6	-0.6%

General Fund revenue was \$5.2 million (2.1%) below budget projections in December, but remained \$0.6 million above budget projections for the first half of FY 2013. The Sales and Use Tax and Corporate Income Tax categories remain below budget despite recent downward forecast adjustments. Preliminary January revenue data (December taxable sales) indicate that holiday sales were below expectations, resulting in sales tax collections being further below budget; however, January corporate income tax receipts will offset some of December's negative variance.

Individual Income Tax collections were \$6.6 million over budget for December and preliminary data for January indicate a positive variance in excess of \$25 million (primarily from estimated payments). At least in the short-term, the strength of individual income tax receipts, due to largely taxpayer behavior to shift certain income into 2012 to avoid tax increases in 2013, will be sufficient to offset negative variances in the other major taxes.

There are a number of other revenue variances that reflect timing issues in the monthly distribution of budgeted revenue for FY 2013. An example is the Transfers for Tax Relief Programs category, which was under budget by \$4.3 million in December, but was ahead of budget for the first half of FY 2013 by \$4.4 million.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$23.5	\$21.2	(\$2.3)	-9.8%	\$23.1	-8.2%
FYTD	\$146.2	\$145.3	(\$0.9)	-0.6%	\$142.2	2.2%

Highway Fund revenue was \$2.3 million (9.8%) under budget in December and \$0.9 million (0.6%) under for the first half of FY 2013. About half of the December negative variance was related to a transfer budgeted in November rather than December. Gasoline Tax performance continues to be a major concern for the Highway Fund, remaining below projections despite rather significant downward adjustments in the December revenue forecast.

Cash Balance Update

The average balance in the State's cash pool in December was roughly \$75 million less than a year ago. The expected improvement in the General Fund cash position over the course of FY 2013 has been offset by negative revenue variances and spending above projections, particularly in the MaineCare program. General Fund internal cash flow borrowing is \$96.5 million higher than a year ago. The Governor's proposed emergency supplemental budget would reduce the amounts appropriated for external cash flow borrowing, but retain some funding for cash flow borrowing costs. The Governor's emergency supplemental budget proposals would not significantly improve the State's cash position until the end of FY 2013. Approximately 70% of the savings initiatives offsetting the MaineCare shortfall and \$35.5 million downward General Fund revenue revision in the December 2012 revenue forecast are reductions in reserve fund balances or General Purpose Aid for Local School (GPA) savings. The use of reserve fund balance transfers has a negative effect on General Fund cash balance and the GPA will not affect cash flow until the end of the fiscal year.

Status of Legislative Studies and Committees

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

Ms. Hylan Barr reported that all of the legislative studies that were authorized and convened have completed their work. Several committees never convened. Study reports have been finalized and issued with the exception of the Judicial Compensation Commission and the staff study on Model Sewer District law whose reports are now being finalized.

Representative Fredette noted that the ACF Committee was authorized to meet 6 times but has not issued a report. Ms. Hylan Barr responded that no report was required; the purpose of the meetings was to oversee the progress of the departmental merger.

Representative Fredette also noted that the Franco-American Task Force has completed its work and issued a report which is on the Legislative Council's agenda. Representative Fredette also inquired about the status of the Commission to Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machines in the State, noting that not all appointments to the commission have been made. Ms. Hylan Barr responded that the commission is not required to issue its report until February 2014 but that she would check on the status of appointments.

Senator Katz asked about proposed legislation relating to a new retirement benefits plan for state employees. Ms. Gresser indicated that a bill has been filed.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Eves, Chair of the Personnel Committee, presented the following report.

The Personnel Committee held a meeting earlier today, January 29, 2013 to consider a request for temporary disability income benefits by a nonpartisan staff member. 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

The committee has not met and, therefore, did not present a report. Representative Fredette stated that he would like to have the committee meet to discuss the security screening protocols used in the State House. Mr. Boulter said he would work with the chair of the State House Facilities Committee to set up a meeting.

3. State House Broadcasting Subcommittee

Senator Goodall, chair of the subcommittee, reported on the subcommittee's work to evaluate the proposal by Maine Public Broadcasting Network to establish a 6 month pilot program for a dedicated television channel devoted to covering legislative proceedings. He stated that the subcommittee and a working group led by Representative McCabe worked with MPBN representatives to develop appropriate procedures and protocols for broadcasting and recording legislative proceedings, including House and Senate sessions and public hearings and work sessions held by joint standing and joint select committees. The result is a detailed memorandum of understanding and limited license agreement between the Legislative Council and MPBN that is presented for Legislative Council review and approval. Senator Goodall emphasized that the proposal is a pilot program for the 1st regular session only. After careful review of the proposed agreement by the subcommittee and MPBN, the subcommittee unanimously recommended that the proposal be presented to the Legislative Council for approval.

Mr. Boulter then proceeded to summarize MPBN's proposal for Maine Capitol Connection Channel and the key components of the recommended agreement. The intent is to provide "C-

SPAN” like coverage of legislative proceedings - gavel to gavel coverage in an impartial and fair manner. Mr. Boulter also indicated that the agreement was reviewed by the Attorney General’s office.

A member asked about use of broadcast material for political or other purposes. Mr. Boulter responded that under the agreement, the material may not be used for partisan, political campaigns or other related purposes. MPBN is copyrighting the Maine Capitol Connection Channel, which limits secondary use of the material as well. Senator Goodall noted that under the “fair use provision” of the U. S. copyright laws, certain limited use of copyrighted materials is allowed without violating the copyright. Under the proposed agreement, MPBN is permitted to allow other news organizations to rebroadcast content, at MPBN’s discretion.

Senator Goodall then suggested the proposed agreement be modified in the following manner:

- Page 4 of the agreement: amend the heading of paragraph 12 to note inclusion of contact information and clarify MPBN’s official contact person, and modifying paragraph 12 to specify that the authorized representative of the Legislative Council is responsible for administering the agreement in accordance with its terms and conditions.
- Page 4 of the agreement: adding a new paragraph 14 to clarify that nothing in the agreement is intended to supersede any federal or state law or legislative rule.

Senator Katz inquired about opportunities for the broadcasts to be carried over cable television. Senator Goodall reported that under the agreement MPBN will be working with Time Warner Cable and other Maine providers of cable television to broadcast the proceedings over cable TV.

Motion: That the Legislative Council approve the proposal by MPBN for a pilot program for the over-the-air channel dedicated to broadcasting legislative proceedings of the 1st regular session; further that the Legislative Council authorize its Executive director to enter into the memorandum of understanding, as amended to include Senator Goodall’s modifications, on behalf of the Legislative Council and that this approval is contingent upon the execution of the memorandum of understanding by the parties. Motion by Senator Goodall. Second by Representative Berry. **Motion passed (9-0-1-0, with Representative Fredette abstaining).**

The vote was reconsidered by the Legislative Council later in the meeting, as follows.

Motion: That the Legislative Council reconsider its action whereby it approved the proposal by MPBN. Motion by Senator Katz. Second by Senator Goodall. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Motion: That the Legislative Council approve the proposal by MPBN for a pilot program for the over-the-air channel dedicated to broadcasting legislative proceedings of the 1st regular session; further that the Legislative Council authorize its Executive director to enter into the memorandum of understanding, as amended to include Senator Goodall’s modifications, on behalf of the Legislative Council and that this approval is contingent upon the execution of the memorandum of understanding by the parties. Motion by Senator Goodall. Second by Representative Willette. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

OLD BUSINESS

None

NEW BUSINESS

On a request from Representative Fredette, Legislative Council Chair Eves asked if there was any objection to taking one item out of order. There was no objection. The Chair then moved to **New Business, Item 6.**

Item #6: Submission of the Final Report of the Task Force on Franco-Americans (December 2012)

The Task Force on Franco-Americans submitted its Final Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the Final Report of the Task Force on Franco-Americans and place it on file. Motion by Representative Fredette. Second by Senator Alfond. **Motion passed unanimous (10-0).**

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

Item #1: Request to Allow Filing of Bill Requests by Newly Elected Constitutional Officers and State Auditor after Bill Cloture Date (Speaker Eves)

Speaker Eves explained to Legislative Council members that the reason for the request is that the Legislature's cloture date for agencies to file bills was on December 5, 2012, well before January 7, 2013, the date when the Constitutional Officers and the State Auditor were sworn into office. Without some accommodation, the newly elected Constitutional Officers and the State Auditor would not have an opportunity to submit legislation on behalf of their agency except by requesting after deadline bill approval on a case-by-case basis.

In response to a question from a Legislative Council member, Mr. Boulter explained that the cloture date was established by Joint Rule and cannot be amended by a vote of the Legislative Council. The option available to the Legislative Council is to modify its procedure for considering after deadline bill requests. He further explained that there is precedence for such a modification such as when a legislator was sworn into office well after the convening of the new legislature. That legislator was allowed to file bill requests up to a date certain without having to obtain further Legislative Council approval.

Senator Jackson made a motion that was subsequently withdrawn. Representative McCabe then made the motion noted below. Following the motion and second by President Alfond, the Legislative Council recessed briefly.

Following the recess, the Legislative Council briefly discussed the importance of members having as much notice as possible of items to be discussed at Legislative Council meetings, and fostering good communication among the members. Mr. Boulter commented that the matter was not on the preliminary agenda but was placed on the revised agenda at Speaker Eves's request, he believed, because the next scheduled meeting of the Legislative Council is February 28th, late in the bill drafting period.

Motion: That all after deadline bill requests filed by the newly elected Attorney General, Secretary of State, State Treasurer and State Auditor until Thursday, February 28, 2013 at 4:00 PM, be deemed to have been authorized by the Legislative Council for introduction in the First Regular Session of the 126th Legislature without further Legislative Council action. After that date, bill requests filed by the Constitutional Officers and the State Auditor are subject to review and approval by the Legislative Council in accordance with its customary procedures for considering after deadline bill requests. Motion by Representative McCabe. Second by Senator Alford. **Motion passed unanimous (9-0-0-1**, with Representative Fredette absent).

Item #2: 2013 Youth in Government Program (Request by State YMCA of Maine for Program Dates of November 15, 16 and 17, 2013)

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 15, 16 and 17, 2013.

Motion: That the Legislative Council authorize the State YMCA of Maine to hold its Youth in Government program in the State House on November 15, 16 and 17, 2013. Motion by Representative Berry. Second by Senator Goodall. **Motion passed unanimous (8-0-0-2**, with Representatives Fredette and Willette absent).

Item #3: Request to serve bagged lunch to students in the Hall of Flags on April 11, 2013 (Request by National Association of Social Workers)

The National Association of Social Workers requested approval to serve a bagged lunch to students in the Hall of Flags at its event scheduled on April 11, 2013. Mr. Boulter explained that the Legislative Council policy for the Hall of Flags limits the use of serving food in the Hall of Flags but does not prohibit a limited use of the nature requested. Mr. Boulter recommended approval of the request as since would not be inconsistent with the long standing policy of the Legislative Council.

Motion: That the Legislative Council authorize the National Association of Social Workers to serve a bagged lunch to students in the Hall of Flags on April 11, 2013. Motion by Representative Berry. Second by Senator Alford. **Motion passed unanimous (9-0-0-1**, with Representative Fredette absent).

Item #4: Submission of the Seventh Annual Report of the Right to Know Advisory Committee (January 2013)

The Right to Know Advisory Committee submitted its Seventh Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the Seventh Annual Report of the Right to Know Advisory Committee and place it on file. Motion by Senator Goodall. Second by Representative McCabe. **Motion passed unanimous (9-0-0-1**, with Representative Fredette absent).

Item #5: Submission of the Annual Progress Report on Public Law 2005, Chapter 2 (Governor's Office of Policy and Management)

The Office of Policy and Management submitted its Annual Progress Report on Public Law 2005, Chapter 2 for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the Annual Progress Report on Public Law 2005, Chapter 2 of the Office of Policy and Management and place it on file. Motion by Senator Goodall. Second by Senator Alford. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Item #7: Submission of 2012 Annual Report of the Midcoast Regional Redevelopment Authority

The Midcoast Regional Redevelopment Authority submitted its 2012 Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2012 Annual Report of the Midcoast Regional Redevelopment Authority and place it on file. Motion by Senator Goodall. Second by Senator Alford. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Item #8: Submission of the Seventh Annual Report of the Citizen Trade Policy Commission (December 2012)

The Citizen Trade Policy Commission submitted its 2012 Seventh Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2012 Seventh Annual Report of the Citizen Trade Policy Commission and place it on file. Motion by Senator Goodall. Second by Representative Berry. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

ANNOUNCEMENTS AND REMARKS

Representative McCabe inquired about a request by the Maine Credit Union League to use the Hall of Flags to serve a meal to credit union representatives for their Maine Credit Union Day in March. Mr. Boulter acknowledged receipt of the request (received after the Legislative Council packet had been distributed), but indicated it was not placed on the revised agenda because it was not deemed to be an emergency. An intervening Legislative Council meeting is scheduled before the event in March.

Representative Berry expressed his appreciation to all those who worked so hard to reach an acceptable agreement with MPBN for the pilot program covering legislative proceedings.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:59 p.m.

REP. MARK W. EVES
CHAIR

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Legislative Council

**Executive Director's Report
February 28, 2013**

1. Maine Capitol Connection Channel

MPBN's Maine's Capitol Connection Channel is in its fourth week of operation, televising various proceedings of the Legislature. I met with each joint standing committee to explain the recent agreement entered into by the Legislative Council and MPBN and to invite suggestions by Legislators. The initial response by members has been favorable, and televising the legislative sessions, public hearings and work sessions has proceeded smoothly. The pilot program runs through mid-June 2013. Attached is the current MCCC station guide.

2. Laws of Maine Digitized

Through the extraordinary efforts of Director John Barden and the staff of the Law and Legislative Reference Library, the entire record of the Laws of Maine, dating back to Maine's statehood in 1820, has been scanned and is available in a digitized format. In all, over 132,000 pages and 69,329 laws and resolves have been converted to electronic format and will be available to the public through the library. The project began in December 2009 and was completed earlier this month. An indexing protocol will now be developed for ease of search and public access.

3. Bill Drafting Status

As of Wednesday, February 27, 2013, the Revisor's office has drafted over 1,065 bills and sentiments. Of those, 350 are out for sponsor review and signature. The current number of bills, excluding any after-deadline bill requests, is 1701.

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Maine Capitol Connection on TV

OVER THE AIR (BY ANTENNA):

WCBB Augusta	10.4
WMEB Bangor	12.4
WMED Calais	13.4
WMEM Presque Isle	10.4
WMEA Biddeford	26.4

ON CABLE:

Time Warner

Cumberland County	171
York County	171
Lewiston / Auburn	181
Augusta / Waterville	181
Bangor / Machias	181
Aroostook County	181

Comcast

Bath / Brunswick / Freeport	na
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Beeline

Farmington / Skowhegan	na
Millinocket	na

Bell Aliant

New Brunswick	na
Nova Scotia	na
Prince Edward Island	na
Labrador	na
Newfoundland	na

ON SATELLITE:

Dish network

Presque Isle DMA	na
Bangor DMA	na
Portland DMA	na

Direct TV

Presque Isle DMA	na
Northern / Eastern Maine	na
Southern / Central Maine	na

Fiscal Briefing

Legislative Council Meeting - February 28, 2013

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$259.3	\$302.7	\$43.4	16.7%	\$242.0	25.1%
FYTD	\$1,563.4	\$1,607.4	\$44.0	2.8%	\$1,554.7	3.4%

General Fund revenue was over budget by \$43.4 million (16.7%) for the month of January and by \$44.0 million (2.8%) for the fiscal year through January. January's variance was due to the significant positive variance in Individual Income Tax collections. Final estimated payments for the 2012 tax year, due by January 15th, increased significantly. December and January Individual Income Tax collections can be attributed to taxpayer behavior shifting income into 2012 in anticipation of federal tax increases. Some of this effect may reduce estimated tax payments revenue later in this fiscal year or reduce revenue in future fiscal years. Also contributing to January's significant income tax variance was a delay in the start of federal income tax processing season, which delayed refund processing and contributed \$19.4 million to the variance. Much of the refund positive variance should be offset in the next month or two.

Sales and Use Tax performance is a real concern as is Corporate Income Tax performance, although to a lesser degree. Both are under budget through January. Taxable sales performance for the holiday season was more than 3% below the 2011 holiday season and moving forward high heating oil prices for the next few months and significant recent gasoline price increases will be a further drag on taxable sales.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$25.9	\$26.1	\$0.2	0.6%	\$26.8	-2.6%
FYTD	\$172.1	\$171.4	(\$0.7)	-0.4%	\$168.9	1.4%

Highway Fund revenue was \$0.2 million (0.6%) over budget in January, but was \$0.7 million (0.4%) under budget for the fiscal year through January. Gasoline Tax revenue performance continues to be a major concern for the Highway Fund, lagging behind projections despite rather significant downward adjustments in the December revenue forecast. With recent prices increases and some national forecasts indicating no relief in sight until after Labor Day, negative variances in this category will likely continue until adjusted in the next revenue forecast.

3. Cash Update

The average balance in the cash pool improved in January and was only \$9.5 million less than a year ago and was \$65.1 million higher than last month. January's substantial positive variance related to Individual Income Tax final estimated payments and refund processing helped improved General Fund internal borrowing, which averaged \$46.1 million less in January compared with December 2012. However, General Fund internal borrowing remained roughly \$50 million higher than January 2012. While the improvements in General Fund cash position produced some additional budget savings for the Emergency FY13 Supplemental Bill from lowered assumptions on the extend of of external cash flow borrowing required this fiscal year, there is still an assumption that some external cash flow borrowing will be required in FY 2013.

General Fund Revenue
Fiscal Year Ending June 30, 2013 (FY 2013)
January 2013 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date						FY 2013 Budgeted Totals
	January '13 Budget	January '13 Actual	January '13 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year		
Sales and Use Tax	97,711,530	94,026,716	(3,684,814)	536,630,178	530,938,851	(5,691,327)	-1.1%	0.3%	1,006,986,404	
Service Provider Tax	4,856,149	4,392,551	(463,598)	26,179,100	25,132,327	(1,046,773)	-4.0%	2.0%	53,586,812	
Individual Income Tax	141,836,533	190,219,572	48,383,039	819,369,000	874,415,767	55,046,767	6.7%	7.4%	1,413,890,000	
Corporate Income Tax	5,212,910	5,530,038	317,128	80,041,298	76,384,396	(3,656,902)	-4.6%	-33.3%	186,021,732	
Cigarette and Tobacco Tax	10,345,163	11,295,505	950,342	82,795,157	82,620,310	(174,848)	-0.2%	-2.3%	138,180,000	
Insurance Companies Tax	52,733	79,734	27,001	14,228,008	14,409,720	181,712	1.3%	-1.1%	80,715,000	
Estate Tax	3,587,800	3,287,531	(300,269)	32,727,233	30,445,922	(2,281,311)	-7.0%	95.4%	57,878,175	
Other Taxes and Fees *	10,185,809	10,838,282	652,473	78,385,839	77,697,187	(688,652)	-0.9%	20.9%	151,399,353	
Fines, Forfeits and Penalties	1,858,342	1,935,258	76,916	13,314,765	13,306,060	(8,705)	-0.1%	-1.6%	24,452,139	
Income from Investments	4,217	2,976	(1,241)	53,903	77,271	23,368	43.4%	-60.4%	66,082	
Transfer from Lottery Commission	4,042,304	3,888,325	(153,979)	30,317,306	30,620,864	303,558	1.0%	0.2%	52,550,000	
Transfers to Tax Relief Programs *	(14,721,702)	(17,588,893)	(2,867,191)	(103,456,132)	(101,898,306)	1,557,826	1.5%	3.2%	(112,086,562)	
Transfers for Municipal Revenue Sharing	(8,402,857)	(8,228,275)	174,582	(53,299,390)	(53,647,284)	(347,894)	-0.7%	7.0%	(93,076,067)	
Other Revenue *	2,753,150	2,996,393	243,243	6,138,800	6,875,823	737,023	12.0%	-40.3%	60,219,187	
Totals	259,322,081	302,675,713	43,353,632	1,563,425,065	1,607,378,906	43,953,841	2.8%	3.4%	3,020,782,255	

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

General Fund Revenue
Fiscal Year Ending June 30, 2013 (FY 2013)
January 2013 Revenue Variance Report

Revenue Category	January '13			Fiscal Year-To-Date					FY 2013 Budgeted Totals
	Budget	Actual	Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	11,979,881	9,654,297	(2,325,584)	-19.4%	-19.8%	14,114,107
- Real Estate Transfer Tax	739,063	1,157,963	418,900	4,894,508	5,432,871	538,363	11.0%	18.3%	9,142,526
- Liquor Taxes and Fees	1,704,360	1,229,409	(474,951)	12,334,029	11,971,370	(362,659)	-2.9%	-3.1%	20,940,313
- Corporation Fees and Licenses	271,669	295,073	23,404	1,452,657	1,694,996	242,339	16.7%	10.4%	7,847,099
- Telecommunication Excise Tax	0	0	0	0	(403,834)	(403,834)	N/A	84.1%	11,000,000
- Finance Industry Fees	2,405,099	2,453,670	48,571	13,821,403	14,440,670	619,267	4.5%	1.8%	23,351,990
- Milk Handling Fee	86,927	92,820	5,893	1,815,363	1,835,677	20,314	1.1%	182.0%	2,249,995
- Racino Revenue	1,508,558	966,397	(542,161)	8,915,679	8,407,188	(508,491)	-5.7%	46.6%	16,458,622
- Boat, ATV and Snowmobile Fees	336,539	410,876	74,337	2,186,523	2,155,965	(30,558)	-1.4%	3.0%	4,763,561
- Hunting and Fishing License Fees	2,356,143	2,899,024	542,881	9,870,085	10,212,704	342,619	3.5%	10.8%	16,214,189
- Other Miscellaneous Taxes and Fees	777,451	1,333,050	555,599	11,115,711	12,295,282	1,179,571	10.6%	181.2%	25,316,951
Subtotal - Other Taxes and Fees	10,185,809	10,838,282	652,473	78,385,839	77,697,187	(688,652)	-0.9%	20.9%	151,399,353
Detail of Other Revenue:									
- Liquor Sales and Operations	2,292	1,800	(492)	16,044	12,600	(3,444)	-21.5%	-29.2%	28,084,900
- Targeted Case Management (DHHS)	175,448	81,817	(93,631)	1,228,142	1,012,692	(215,450)	-17.5%	-69.7%	2,105,386
- State Cost Allocation Program	1,343,950	1,312,935	(31,015)	9,275,130	9,110,920	(164,210)	-1.8%	23.5%	16,115,330
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,000,000
- Toursim Transfer	0	0	0	(9,932,319)	(9,932,319)	0	0.0%	-5.4%	(9,932,319)
- Transfer to Maine Milk Pool	(105,287)	0	105,287	(1,477,776)	(1,520,704)	(42,928)	-2.9%	-1165.4%	(2,007,657)
- Transfer to STAR Transportation Fund	0	0	0	(6,137,811)	(6,137,811)	0	0.0%	-92.0%	(6,137,811)
- Other Miscellaneous Revenue	1,336,747	1,599,841	263,094	13,167,390	14,330,444	1,163,054	8.8%	6.0%	25,991,358
Subtotal - Other Revenue	2,753,150	2,996,393	243,243	6,138,800	6,875,823	737,023	12.0%	-40.3%	60,219,187
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(1,759,655)	(2,590,830)	(831,175)	(38,281,829)	(36,042,275)	2,239,554	5.9%	3.6%	(43,081,877)
- BETR - Business Equipment Tax Reimb.	(11,413,678)	(12,346,749)	(933,071)	(44,468,293)	(45,131,545)	(663,252)	-1.5%	8.0%	(47,632,583)
- BETE - Municipal Bus. Equip. Tax Reimb.	(1,548,369)	(2,651,314)	(1,102,945)	(20,706,010)	(20,724,487)	(18,477)	-0.1%	-10.3%	(21,372,102)
Subtotal - Tax Relief Transfers	(14,721,702)	(17,588,893)	(2,867,191)	(103,456,132)	(101,898,306)	1,557,826	1.5%	3.2%	(112,086,562)
Inland Fisheries and Wildlife Revenue - Total	2,788,506	3,443,981	655,475	12,646,772	13,097,670	450,898	3.6%	9.4%	21,894,711

Highway Fund Revenue
Fiscal Year Ending June 30, 2013 (FY 2013)
January 2013 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	January '13 Budget	January '13 Actual	January '13 Variance	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,837,308	15,562,039	(275,269)	102,768,196	101,877,217	(890,979)	-0.9%	-2.2%	194,210,000
- Special Fuel and Road Use Taxes	3,518,551	3,310,504	(208,047)	23,561,454	23,072,736	(488,718)	-2.1%	-1.6%	45,180,000
- Transcap Transfers - Fuel Taxes	(1,422,432)	(1,394,349)	28,083	(10,816,252)	(10,750,047)	66,205	0.6%	1.4%	(17,590,004)
- Other Fund Gasoline Tax Distributions	(396,043)	(391,481)	4,562	(2,991,290)	(2,971,395)	19,895	0.7%	4.9%	(4,856,610)
Subtotal - Fuel Taxes	17,537,384	17,086,714	(450,670)	112,522,108	111,228,511	(1,293,597)	-1.1%	-2.1%	216,943,386
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,573,564	4,600,299	26,735	35,636,881	35,994,093	357,212	1.0%	-0.6%	64,805,936
- License Plate Fees	67,418	57,199	(10,219)	1,752,502	1,845,343	92,841	5.3%	0.3%	3,351,681
- Long-term Trailer Registration Fees	1,212,493	1,417,667	205,174	4,472,129	4,016,817	(455,312)	-10.2%	-11.3%	9,384,523
- Title Fees	906,585	1,121,012	214,427	12,526,988	13,003,545	476,557	3.8%	94.7%	17,836,273
- Motor Vehicle Operator License Fees	678,032	715,851	37,819	5,006,899	4,954,883	(52,017)	-1.0%	5.2%	8,761,371
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(9,250,744)	(9,342,402)	(91,658)	-1.0%	-23.7%	(16,764,002)
Subtotal - Motor Vehicle Reg. & Fees	7,438,092	7,912,028	473,936	50,144,655	50,472,278	327,623	0.7%	8.7%	87,375,782
Motor Vehicle Inspection Fees	248,540	365,771	117,231	1,739,780	2,271,346	531,566	30.6%	24.9%	2,982,500
Other Highway Fund Taxes and Fees	75,023	65,334	(9,689)	716,106	707,788	(8,318)	-1.2%	-6.0%	1,276,365
Fines, Forfeits and Penalties	83,082	78,668	(4,414)	591,685	628,892	37,207	6.3%	9.4%	1,039,868
Interest Earnings	10,354	8,374	(1,980)	70,981	43,509	(27,472)	-38.7%	-23.9%	124,642
Other Highway Fund Revenue	522,578	551,692	29,114	6,335,842	6,029,700	(306,142)	-4.8%	4.5%	9,123,222
Totals	25,915,053	26,068,580	153,527	172,121,157	171,382,024	(739,133)	-0.4%	1.4%	318,865,765

**Legislative Council Actions
Taken by Ballot Since the
January 29, 2013 Council Meeting**

Legislative Council Decision:

That upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council approve budget savings totaling \$374,814 to be achieved in legislative accounts during the 2012-2013 biennium by lapsing funds to the General Fund in accordance with the subcommittee's recommendations;

FURTHER, that upon the recommendation of the Budget Subcommittee, the Legislative Council approve these adjustments in lieu of the deappropriations contained in the Governor's supplemental budget for fiscal year 2012-13; and

FURTHER, that the Executive Director be directed to prepare and transmit all necessary implementing language reflecting this decision of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's supplemental budget bill for fiscal year 2012-13.

Motion by: Senator Justin Alford
Second by: Representative Jeffrey McCabe
Approved: February 7, 2013

Vote: 9-0-0-1 in favor (Sen. Goodall absent)

Legislative Council Decision:

That the Legislative Council approve budget savings totaling \$1.0 million to be achieved in legislative accounts during the 2012-2013 biennium by lapsing funds to the General Fund; further, that the Executive Director be directed to prepare and transmit all necessary implementing language reflecting this decision of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's supplemental budget bill for fiscal year 2012-13.

Motion by: Senator Justin Alford
Second by: Representative Mark Eves
Approved: February 13, 2013

Vote: 10-0-0-0 in favor

Request for Introduction of Legislation:

LR 2017 **An Act to Amend the Law Pertaining to the Amount of Methamphetamine Precursors that May be Bought or Sold**

Submitted by: Representative Alexander Willette
Approved: February 22, 2013

Vote: 10-0-0-0 in favor

REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. SETH A. GOODALL
SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

February 1, 2013

Maine Public Broadcasting Network
Attn: Mark Vogelzang, President & CEO
1450 Lisbon Street
Lewiston, ME 04340

Re: Memorandum of Understanding for Pilot Maine Capitol Connection Channel

Dear Mr. Vogelzang:

Please find attached a copy of the fully executed Memorandum of Understanding and Limited License Agreement between Maine Public Broadcasting Network and the Maine Legislative Council regarding MPBN's Maine Capitol Connection Channel devoted to coverage of the Maine Legislature on a pilot program basis. The agreement becomes effective on Monday, February 4, 2013 and ends at the conclusion of the pilot program on June 19, 2013 unless terminated earlier in accordance with the agreement.

The various aspects and details agreed to in the agreement will provide predictability of process and protocol for both parties and greatly increase the opportunities for a favorable outcome. Because this is a pilot program, some issues or unforeseen circumstances are likely to arise during the course of the pilot program. If they do, MPBN's managing editor should make every effort to bring them to my attention as soon as possible so we may collaborate on appropriate resolutions.

On behalf of the Legislative Council, I wish you much success with MPBN's pilot program this legislative session.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "David".

David E. Boulter
Executive Director

Attachment

CC: Legislative Council Members
Darek Grant, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Scott Clark, Director, Legislative Information Technology

G:\Council\126th Legislative Council\SH Broadcasting Subcommittee\Letter to MPBN re executed MOU 2-1-2013.docx

**MEMORANDUM OF UNDERSTANDING AND
LIMITED LICENSE AGREEMENT
BETWEEN
MAINE PUBLIC BROADCASTING NETWORK
AND
MAINE LEGISLATIVE COUNCIL**

Whereas, the Maine Legislative Council ("Legislative Council") and Maine Public Broadcasting Network ("MPBN") have discussed the public benefits of televising legislative proceedings on a free over-the-air channel devoted to covering the proceedings of the Maine Legislature during a 6-month pilot program;

Whereas, the Maine Legislature currently broadcasts the legislative sessions of the Maine Senate and the House of Representatives by video and audio streaming them over the Internet using legislative facilities, equipment and networks;

Whereas, the Maine Legislative Council desires that certain legislative proceedings be televised so they may be viewed by as wide an audience as possible for the benefit of the residents of Maine;

Whereas, Maine Public Broadcasting Network has offered, at no expense to the Maine Legislature or television viewers, to provide and install the necessary equipment and provide for the telecast of legislative proceedings of the First Regular Session of the 126th Maine Legislature on a pilot program basis; and

Whereas, the Legislative Council and Maine Public Broadcasting Network agree to collaborate to achieve the purposes of this Agreement and agree that the intent of this Agreement is to ensure that MPBN programming gives television viewers an accurate, impartial and unedited view of the flow, content and conduct of legislative proceedings;

Now, therefore, the Legislative Council grants permission to MPBN to install certain broadcasting equipment in legislative areas and to televise the proceedings of the Maine Legislature on an-over-the-air television channel subject to the following conditions:

1. Quality of the Legislative Broadcasts. MPBN has assessed the quality of video broadcasts of the House and Senate proceedings and has determined that they are suitable for its over the air use. The Legislative Council will provide those video transmissions of the Senate and the House to MPBN. The Legislative Council will take reasonable measures to provide broadcast quality transmissions of the legislative proceedings from its equipment and feeds to MPBN but is not obligated to purchase equipment or make any improvements or operational modifications if MPBN later determines that the transmission quality becomes undesirable. The Legislative Council will provide MPBN access to the Senate and House video feeds from the point of the media closet located in the Welcome Center to offices MPBN currently leases in the Cross Building.

2. Televising Legislative Proceedings. MPBN will provide an over-the-air digital channel devoted to televising proceedings of the Maine Legislature and such channel shall be referred to as the "Maine Capitol Connection Channel." Each broadcast must state prominently that the Maine Capitol Connection Channel is a collaborative project of the Maine Legislature and MPBN. Furthermore, the parties have determined that agreement on operating protocols and procedures is essential to the success of this pilot program and MPBN agrees to comply with the provisions contained in Attachment A, which is attached and made a part of this Agreement.
3. Timing of the Legislative Broadcasts. Maine Public Broadcasting Network will strive to televise the legislative proceedings as they occur but may delay or rebroadcast them at other times as MPBN deems appropriate for the convenience of television viewers.
4. Content and Format of the Legislative Broadcasts. The Legislature shall retain complete control over the content of the House and Senate video feeds and audio feeds; however, MPBN will exercise appropriate editorial control over the Maine Capitol Connection Channel broadcasts consistent with the terms of this Agreement, including Attachment A.
5. Recording, Preserving and Archiving. MPBN will maintain the recorded coverage on a daily basis for a 24 hour period, but will not maintain a permanent archival record of the broadcasts made during the period of this Agreement. MPBN may record legislative proceedings for the purpose of rebroadcasts of such content by MPBN.
6. Equipment Maintenance and Insurances. With the exception of legislative cameras that are installed in the House and Senate chambers and legislative sound equipment, MPBN will provide all equipment, including without limitation cameras and studio equipment, necessary for Maine Capitol Connection Channel broadcasts and agrees to maintain them in good working order. MPBN will maintain in force adequate general liability insurance for activities relating to Maine Capitol Connection at all times during the period of this Agreement. Access to maintain, service or repair such equipment is authorized subject to approval by the Director of Legislative Information Technology and is limited to MPBN employees authorized by the Executive Director of the Legislative Council in accordance with established building security protocols. When access to the State House or the Cross Building is necessary outside of regular business hours for equipment repairs, it must be arranged through the State's Building Control Center, upon the express approval of the Director of Legislative Information Technology.
7. Termination of License. This Agreement becomes effective on February 4, 2013 and remains in effect through the statutory date of adjournment for the first regular session unless terminated earlier in accordance with this Agreement.

If at any time, the Legislative Council or the presiding officer of the House or the Senate chooses to interrupt a legislative broadcast, the council or the presiding officer may do so without prior notice and for whatever reason deemed appropriate. However, if the Legislative Council decides to cease televising the legislative broadcasts altogether, it

agrees to do so only after forty-five (45) days written notice to MPBN.

If at any time MPBN chooses not to transmit the legislative broadcasts in accordance with this license, it may cease transmissions and disconnect and remove its equipment only after providing forty-five (45) days written notice to the Legislative Council. Removal of its equipment will be at MPBN's expense.

8. Limitations to Scope of License. This Agreement authorizes the installation of certain equipment on legislative property and the transmission of the legislative proceedings in accordance with the terms herein and does not and may not be interpreted to grant by implication any further rights or privileges, including, but not limited to, any intellectual property rights in legislative broadcasts.

MPBN may not transfer this Agreement and limited license to any other person or entity without written approval of the Legislative Council. This limited license is nonexclusive and the Legislative Council and the Legislature retain the right at all times to grant any other entity the same or similar license or any other licenses or authorizations without limitation.

9. Installation of Equipment. MPBN may install and operate broadcasting and directly-related equipment in specified areas in the State House and Cross Building for the period of this Agreement only. All such equipment, except for equipment installed in MPBN-leased offices in the State House Press Corps suite, must be identified in Attachment B of this Agreement. Such installation and maintenance must be accomplished under the supervision of the Director of Legislative Information Technology and must be in a manner that is compatible with and does not: disrupt or damage legislative equipment, transmissions or areas; disrupt the historic or architectural integrity of any such room or area; or disrupt the proceedings or functions of the legislature. MPBN is responsible for all costs of its equipment, including its installation, maintenance, repair, replacement and use. MPBN may not access, connect to, move, disconnect, disrupt, alter, tamper with or use legislative wiring, equipment, software or facilities except with the express approval of the Director or the Executive Director of the Legislative Council. Furthermore, MPBN may not arrange for or allow access by any person not an employee of MPBN, including contractors, to any legislative facility, equipment, software or wiring without such express approval of the Director or the Executive Director. Any such violation of these provisions is grounds for immediate termination of this Agreement.

10. Cooperation with Others. MPBN agrees to work with cable television providers in the state for the purposes of broadcasting legislative proceedings over cable television networks in addition to the over-the-air broadcasts by MPBN. MPBN is encouraged to make the video and audio feeds available to cable television providers, including local access television channels. MPBN agrees not to charge cable providers or cable television viewers for such use or viewing during the term of this Agreement.

11. MPBN Rights to Capitol Connection Designations. MPBN owns, solely and exclusively, all

right, title and interest in and to the designations "Maine Capitol Connection" and "Maine Capitol Connection Channel" (the "MCC Marks"), including without limitation: all trademark rights, trade name rights, service mark rights and any other intellectual property rights embodied therein, and all good will associated with the MCC Marks.

12. Parties. The parties to this Agreement and the parties' contact information are as follows.

Maine Public Broadcasting Network maintains its headquarters in Lewiston, Maine with a mailing address of:

Maine Public Broadcasting Network
C/o Mark Vogelzang, President & CEO
1450 Lisbon Street
Lewiston, ME 04340
Tel: (207) 783-9101
Email: mvogelzang@mpbn.net

The Legislative Council is a branch of Maine State Government in Augusta, Maine with a mailing address of:

Maine Legislative Council
c/o Office of the Executive Director
115 State House Station
Augusta, ME 04333-0115
Tel: (207) 287-1615

The authorized representative of the Legislative Council for the purposes of administering the Agreement in accordance with the terms and conditions herein is:

David E. Boulter, Executive Director of the Legislative Council
Tel: (207) 287-1615, Fax: (207) 287-1621
E-Mail: david.boulter@legislature.maine.gov

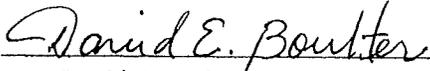
13. Points of Contact in the Chambers. The House of Representatives contacts are: Millicent MacFarland, Clerk of the House (primary); and Robert Hunt, Ass't. Clerk of the House (secondary), telephone (207) 287-1400, and the Senate contacts are: Darek Grant, Secretary of the Senate (primary); and Joy O'Brien, Ass't. Secretary of the Senate (secondary), telephone (207) 287-1540.

14. Conflicts with law or rule. Nothing in this Agreement shall supersede any federal or state law or legislative rule.

This Agreement consisting of thirteen (13) pages including attachments is entered into by Maine Public Broadcasting Network and the Legislative Council on this 29th day of January, 2013.



By: _____
Mark Vogelzang, President & CEO
Maine Public Broadcasting Network



By: _____
David E. Boulter, Executive Director
Maine Legislative Council

Attachments (A, B & C)

Attachment A

Operating Protocols and Procedures

Guiding Principle and Agreement:

MPBN will strive to present “gavel-to-gavel” coverage of legislative proceedings without editorial content so as to accurately present what is seen and heard by a visitor to the Senate or House chamber gallery during a legislative session or a legislative committee room during a legislative hearing or work session. MPBN agrees to abide by the following protocols and procedures when broadcasting or recording the proceedings of the Maine Legislature.

A. Programming Parameters

1. MPBN will demonstrate to the satisfaction of the Legislative Council its technical capacity to produce high quality video coverage of the Maine Legislature before transmitting such coverage for the first time.
2. The Managing Editor is MPBN’s onsite program director. The Managing Editor will make the day-to-day decisions about what events to broadcast and the extent of those broadcasts.
3. The board of directors and officers of MPBN will not make day-to-day decisions about what events to broadcast or the extent of those broadcasts.
4. When the Senate and the House of Representatives are in session at the same time, the Managing Editor will decide which will be broadcast live and which will be recorded for later broadcast.
5. MPBN will abide by its “Guiding Principles of MMC,” as described in Attachment C, attached, to the extent it is not inconsistent with and does not conflict with the provisions of this Agreement.

B. Recording Notification and Parameters

1. The Managing Editor will provide to each member of the Legislative Council, the Executive Director of the Legislative Council, the Clerk of the House and the Secretary of the Senate, a weekly schedule of the legislative sessions, public hearings and work sessions and any other legislative proceedings it intends to cover during the following week. Should the legislative schedule change or the Managing Editor make a change to the broadcasting schedule, MPBN will provide a revised notice if MPBN’s programming is to be changed no later than the evening before the session or meeting or as soon as practical after the change is published.
2. If MPBN wants to broadcast a chamber session, public hearing or work session that it had not previously scheduled, it may do so upon notification to the presiding officers or committee chairs, as applicable, and reasonable notice to the Executive Director of the Legislative

Council, Secretary of the Senate and the Clerk of the House.

3. For each committee proceeding to be covered by MPBN, the Managing Editor will notify the clerk of the committee and upon such notification the committee clerk will be responsible for arranging for a notice to be posted at the door to the committee stating that the proceeding is being covered by MPBN for television broadcast. The notice must be posted well before the start of the proceeding but in any event no later than 15 minutes prior to the scheduled start of the meeting.
4. Prior to the start of a committee hearing or work session, the Managing Editor will notify the committee chairs and staff if a hearing will be broadcasted or recorded.
5. MPBN will broadcast or record proceedings only after the presiding officer or presiding committee chair gavels the session, hearing or work session to order and only until the presiding officer or presiding committee chair adjourns or recesses the chamber session, hearing or work session. Low-level "background" audio may not be broadcast or recorded. Signal transmission must terminate immediately after the proceedings are adjourned or recessed; only background audio may be covered and video coverage must be limited to a general view of the room without close-up shots until such termination is completed.
6. The presiding officer or presiding committee chair may direct the immediate termination of a broadcast without prior notice in the event of an emergency or if a person in attendance poses a risk of harm to those present.

C. Broadcast Content

1. During the term of this Agreement, MPBN anticipates that it will limit its coverage of legislative committees principally to that of the Joint Standing Committee on Appropriations and Financial Affairs located in Room 228 of the State House. However, MPBN is allowed to cover the proceedings of other joint standing or joint select committees of the Legislature, upon prior notice to the Executive Director as provided under paragraphs B (1) and (2) above, using temporary cameras that will be removed following coverage of each proceeding
2. The Managing Editor will attempt to provide equal coverage of Senate and House sessions and, to the greatest extent possible, committee action.
3. If a chamber or committee recesses or adjourns, MPBN will attempt to identify the procedural status of the chamber or committee (e.g., "The committee is at ease in order to caucus"). During these times of recess, MPBN's broadcast, to the greatest extent possible, will default to a wide angle camera shot of the chamber or the angle used by the Legislature's cameras.
4. The Managing Editor will not broadcast any activities not produced or authorized by MPBN.
5. Broadcasts are expected to show proceedings "gavel to gavel." Should on-air time not allow for complete coverage of a proceeding, to the greatest extent possible, the entire proceeding must be available for later broadcast. If the Managing Editor decides to break away from an on-going proceeding, MPBN will inform television viewers, either through a voice over or

through on-air graphics, that the remainder of proceeding may be seen at another time specified.

6. Recordings or broadcasts are limited to proceedings of the full committee or the Senate or the House while they are in session. MPBN will not interview or record or broadcast remarks or statements from any person in the chambers or committee room at any time except those remarks or statements made as part of the formal legislative proceeding or the formal Caucus “response” to a State of the State address.

D. Cameras & Sound Equipment

1. During the term of this Agreement, cameras and related equipment may not be permanently installed. MPBN intends to use the video feeds from the House and Senate; it does not intend to place additional cameras in the chambers. If it does seek to place cameras in a chamber, it must notify the Senate President and the Senate Secretary or the House Speaker and the House Clerk, as applicable. Cameras must be placed in a location and manner that is unobtrusive, will not be disruptive of the proceeding, and will not create a safety hazard or interfere with ingress or egress. Placement of cameras is subject to approval by the Senate Secretary for the Senate chamber, Clerk of the House for the House chamber and Executive Director of the Legislative Council and presiding committee chair for committee rooms. To the greatest extent possible, MPBN and the Executive Director will discuss and agree upon, in advance of any broadcasts, suitable locations for placement of cameras in committee rooms.
2. The focal-length range of the cameras lens used in the committee room must be sufficient to provide for proper framing of each member or other person speaking. Cameras must be silent in motion and not require lighting that interferes with the proceedings in any way or noticeably increases the room temperature.
3. MPBN will use the legislature’s sound system to record or broadcast audio of the legislative proceedings in the chambers and committee rooms.

E. Camera Shot & Audio Selection

1. Cameras must focus only on speakers recognized by the presiding officer or presiding committee chair. Camera shot selection must accurately convey the proceeding as it transpires. Close-ups shots will be limited to speakers recognized by the presiding officer or committee chair.
2. To the greatest extent possible, MPBN will avoid sensational or dramatic camera shots and extreme close-up shots. MPBN will not make any editorial attempt to explain, interpret or in any way add context to legislative proceedings by showing reactions of legislators, staff or other persons to legislation or statements made during such proceedings.

3. To the greatest extent possible, MPBN will avoid camera shots in which materials on legislators' or legislative staff's desks or electronic devices are discernible.
4. MPBN will avoid any audio or video broadcast or recording that MPBN considers, using its best judgment, to be sensational, inflammatory, inappropriate or invasive to personal or private materials or communications.
5. To the greatest extent possible, MPBN will not focus audio or video coverage on a person who has not been recognized at that time by the presiding officer or committee chair.
6. The video must default to a display of a wide angle view whenever the chamber is in recess. When the cameras are not broadcasting or recording in the committee room, they must be angled toward the floor.

F. Keyed Information and Graphics

1. At the beginning of the session or committee hearing or work session, the full name of the legislative body or committee will be displayed onscreen so it may be easily read by viewers. To the greatest extent possible, MPBN will inform viewers periodically during a broadcast that Legislators may be absent from the chamber or committee room due to their other legislative responsibilities and committee assignments.
2. During committee hearings or work sessions, the committee name and date of the hearing or work session will be identified through the use of a lower-third key, crawl or full-screen graphic. This information must appear on screen periodically, if not continually.
3. Legislators will be identified by name, party affiliation, town of residence (for State Representatives) and county of residence (for State Senators) when they speak. When speaking, the House Speaker, Senate President and majority and minority leaders will also be identified by their Legislative Leadership title. In committee proceedings, committee members will be identified in the same manner.
4. Legislative staff who participate in the proceeding will be identified by their position title.
5. The name and affiliation, if any, of those persons who testify at committee proceedings will be identified onscreen whenever possible. The Managing Editor and the Legislative Council will collaborate to identify the best way to collect and relay this information.
6. When legislation is being heard in committee, the bill number and short title will be identified and displayed onscreen periodically, if not continually, to remind viewers of the issue under consideration. When practicable, the prime sponsor of such legislation will be identified when the bill is presented.
7. During voting, the bill number and short title will be displayed to the maximum extent possible. If the short title does not adequately describe the measure under consideration so that it may be readily understood by viewers, MPBN will display such additional information

onscreen or through a voice over.

8. To the maximum extent possible, MPBN will display committee votes on legislation and votes in the chamber, and may display a clearly-readable camera shot of the chamber voting boards when a vote is taken.
9. Pre-produced crawls or full-screen graphics will be prepared to explain how viewers may obtain more information (including the Legislature's Internet address), and explain frequently used terms, e.g., caucus, divided report, indefinitely postponed, recede and concur and point of order. The crawls or graphics will be introduced at appropriate times during broadcast or recording of the proceeding and will be also shown during breaks in floor action.
10. At the conclusion of each committee proceeding that has been recorded or broadcast, the full name of the committee and date of the hearing will be identified. To the greatest extent possible, a summary of the bills considered and legislative action taken by the committee will also be displayed.
11. MPBN will identify to viewers whether an event is being broadcast live or recorded.
12. Correct identification of speakers and issues is crucial to increasing public understanding of the legislative process. Identifying speakers, including legislators and persons testifying, and keeping track of bills will require diligence by MPBN, and MPBN is responsible for ensuring sufficient quality control measures to accomplish such timely identification.

G. Program Editing

1. Once MPBN begins coverage of one chamber, it will continue the recording or broadcasting, to the greatest extent possible, until that body adjourns or recesses.
2. If the chamber is at ease, MPBN will remain with that chamber, to the greatest extent possible, until it adjourns or recesses.
3. Original recorded or live floor action or legislative hearings or work sessions may not be edited except to the extent they are required by law to be edited (e.g., emergencies or use of profane language).
4. Rebroadcast floor action or legislative hearings or work sessions may be edited as long as the consideration of a legislative measure is presented in its entirety and notice of such editing is given to viewers.
5. Rebroadcast material will be aired, to the greatest extent possible, with current bill status and the actual date on which the floor action or legislative hearing or work session occurred being displayed on screen.
6. To ensure viewers receive an accurate view of the flow, content and conduct of floor action or legislative hearings or work sessions, MPBN shall exercise its best judgment in the period during which that material will be rebroadcast.

H. Voice Over

MPBN may provide a "live" voice over operator to explain terms and other general information during proceedings, such as procedural motions. MPBN will not make editorial comments about the proceeding or the matters that are subject to the proceedings but provide a voice over solely to educate the public about the legislative process and the role of the participants.

I. Non-Partisan Nature

Programming will be complete, balanced, and fair without regard to political parties, partisanship or ideology. MPBN coverage of legislative proceedings and deliberations will be unedited except as specified in this Agreement. MPBN will accurately broadcast the proceedings and deliberations to the viewers, and MPBN will not editorialize on such deliberations or proceedings.

J. Use of MPBN Material

MPBN broadcasts of legislative proceedings under this Agreement and any reuse of such broadcasts may not be used for commercial, political, political campaigns, lobbying or partisan purposes, and MPBN agrees to so note in its broadcasts or other dissemination of the proceedings. However, MPBN may allow rebroadcasts of excerpts of its broadcasts by bona fide news organizations provided MPBN is credited as the source of the content.

K. Modifications

During the term of this Agreement, the Legislative Council reserves its rights to supplement or modify the provisions contained in this Attachment after prior consultation with MPBN. Any such supplement or modification must be in writing and approved by the Legislative Council.

Attachment B

Listing of Equipment, Function, Location and Date of Installation

A. Joint Standing Committee on Appropriations & Financial Affairs, Room 228, State House

2 – Sony Camcorders Handycam located rear of room mounted on wall using woodworking clamps with power supplies.

1 – LDK700 Phillips Camera, Vinten 8 head on a Miller support (high-hat), and Sony AC adapter power supply. Located on top of bookcase positioned south of Committee Chairs.

To be installed (future, subject to approval) – Video Kill Switch with indicator

B. Media Closet in State House Welcome Center

Nvision equipment rack located top of video patch rack with dual power supplies

Internal SDN/R09 dual SDI distribution amplifiers for ability to feed Senate and House Video to Welcome Center TV if desired by Legislative Counsel.

Attached to NVision Rack

1 – Analog to SDI video and audio embedder from Black Magic Design with power supply to prepare Senate House feed.

1 – SDI audio embedder to prepare House video feed. Black Magic Design

1 – SDI to HDMI converter located left of door way to feed MCC channel to Welcome Center TV. Black Magic Design

C. Future equipment (subject to approval)

1 – Video kill switch chassis (homemade) for Appropriations committee room cameras

2 – SDI to HDMI converters Black Magic Design for converting House and Senate feeds for Legislature's television in Welcome Center

Installation Date: week of January 28, 2013

Attachment C

MPBN's Guiding Principles for Maine Capitol Connection Channel

The Maine Capitol Connection Channel ("MCC") will use its best efforts to:

provide programming that is fair, accurate, balanced and without regard to partisanship or ideology and advances the knowledge Maine citizens have of their government. MCC coverage is intended to offer viewers access to the deliberations of their government;

provide programming which will be scheduled by the Managing Editor in a manner that recognizes the role of timeliness in the value of information. Programming with content which does not lose value through immediacy may be delayed and replayed;

provide programming and scheduling of telecasts which will reflect a variety of possible subject matter and deliberating bodies. Balance shall also reflect the importance of covering issues of interest to particular geographic areas; and

provide programming and scheduling consistent with MCC's mission with the understanding that MCC's resources are limited. Programming will be consistent with the standards of MPBN, with its Managing Editor making day-to-day programming decisions.

©\Contracts & Misc\Maine Broadcast Proposals\Maine Final Executed Agreement For Public Broadcast Channel (12-01-2013).Docx 2/1/2013 11:45 AM

REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. SETH A. GOODALL
SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

TO: Sponsors of Requests for After Deadline Bills and Memorials
FROM: ^{D.B.} David E. Boulter, Executive Director of the Legislative Council
DATE: February 21, 2013
SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Thursday, February 28, 2013
1:30 P.M.
Room 334, Legislative Council Chamber**

In accordance with the Joint Rules, the Legislative Council will consider after deadline bill requests at its meeting, including the request(s) you have filed with the Revisor's office. In addition, the Council is required by Joint Rule 214 to decide all requests for Memorials proposed for introduction (Joint Resolutions that memorialize another governmental agency or official).

You should plan to attend this Council meeting or ask a member of the Legislative Council prior to the meeting to present the request(s) on your behalf if you are unable to attend the meeting. The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present so it will have the benefit of information from the sponsor when it votes.

The council's review of after deadline bill requests is pursuant to the Joint Rules. Please be advised that the Legislative Council asks that all sponsors first research whether there is an existing bill or LR available to a committee that could accommodate their request and thereby avoid introducing new bills unnecessarily. The review procedure then will be as follows:

1. The Council Chair, Speaker Mark Eves, will announce the name of the sponsor and the title of the after deadline bill request.
2. Once recognized to speak by the Chair, the sponsor may proceed to the microphone. The sponsor should be prepared to concisely answer the following questions:
 - Why the bill request is "late" (i.e., filed after the bill cloture date);
 - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
 - Whether the likely committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Sponsors generally are not asked to speak to the merits of the bill although they should be prepared since Legislative Council members may ask questions related to the content or the intent of the bill to clarify the request.

3. Following the questions, Legislative Council members will vote on bill requests individually since a roll call vote is required pursuant to Joint Rules and the council's rules of procedure.

A complete list of the Legislative Council's action on after deadline bill requests is made available to council members and sponsors as soon after adjournment of the council meeting as possible. The list and the roll call votes are available in the Executive Director's office and on the legislature's website if you have any questions about the council decision on the requests.

I hope this information is useful. Please drop by or call me if you have any questions.

Thank you.

Attachment

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**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 2/28/2013 REVISED**

SPONSOR: <u>LR #</u> 2024	Sen. James A. Boyle <u>Title</u> An Act To Establish a Resource and Development Coordinating Council	- <u>Action</u>
SPONSOR: <u>LR #</u> 2030	Rep. Joseph E. Brooks <u>Title</u> An Act To Increase Mileage Reimbursement and Compensation for Jurors	- <u>Action</u>
SPONSOR: <u>LR #</u> 1991	Rep. Alan M. Casavant <u>Title</u> An Act To Improve Citizen Access to Legal Representation	- <u>Action</u>
SPONSOR: <u>LR #</u> 2021	Sen. Margaret M. Craven <u>Title</u> An Act To Ban the Use or Possession of Synthetic Cannabinoids	- <u>Action</u>
SPONSOR: <u>LR #</u> 2001	Spkr. Mark W. Eves <u>Title</u> An Act To Amend the Charter of the South Berwick Water District	- <u>Action</u>
SPONSOR: <u>LR #</u> 1996	Rep. Lori Fowle <u>Title</u> An Act To Amend the Motorcycle Safety Inspection Law	- <u>Action</u>
SPONSOR: <u>LR #</u> 2015	Rep. Teresea Hayes <u>Title</u> An Act To Increase Access to Postsecondary Education for Maine's Children	- <u>Action</u>
SPONSOR: <u>LR #</u> 1989	Sen. Troy D. Jackson <u>Title</u> An Act To Encourage Economic Development in the Forest Products Industry	- <u>Action</u>
1990	An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines	

SPONSOR:	Sen. Roger J. Katz	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2025	Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum	
SPONSOR:	Rep. Catherine M. Nadeau	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2004	An Act To Amend the Laws Pertaining to the Tax Credit for Educational Opportunity	
SPONSOR:	Sen. John L. Patrick	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2023	An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Workers' Compensation Act of 1992	
SPONSOR:	Rep. Robert J. Saucier	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2003	An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible	
2007	An Act To Exempt New Cars from Motor Vehicle Inspection for 2 Years Following Initial Purchase	
2009	An Act To Repeal the Requirement That Proof of Citizenship Be Submitted for Renewal of a Driver's License	
SPONSOR:	Rep. Thomas M. Tyler	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
1986	An Act To Facilitate Children's Testimony	
SPONSOR:	Rep. Lisa R. Villa	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
1998	An Act To Encourage the Consolidation of Certain Municipal Services among Communities	
1999	An Act To Transfer Authority over the Cumberland County Recreation District from the State to the Cumberland County Commissioners	
2000	Resolve, To Direct the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System to Subsidize Housing for Veterans in the State	

JOINT RESOLUTION

SPONSOR:	Rep. Henry John Bear	
<u>LR #</u>	<u>Title</u> - (NOTE: TITLE CHANGE)	<u>Action</u>
2029	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE TO THE HOULTON BAND OF MALISEET INDIANS JUST AND EQUITABLE COMPENSATION COMPARABLE TO THE SETTLEMENT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	
SPONSOR:	Rep. Katherine W. Cassidy	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
1012	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CONGRESS OF THE UNITED STATES TO ADOPT THE VETERANS REMEMBERED FLAG IN HONOR OF ALL VETERANS	
SPONSOR:	Rep. Matthea Daughtry	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
879	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SUPREME COURT TO RECONSIDER AND OVERTURN THE CITIZENS UNITED DECISION	
SPONSOR:	Rep. Jeffrey Evangelos	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
976	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE CITIZENS UNITED DECISION	
SPONSOR:	Sen. Geoffrey M. Gratwick	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
1438	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROVIDE THAT CORPORATIONS ARE NOT CONSIDERED PERSONS UNDER THE LAW	
SPONSOR:	Sen. Troy D. Jackson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
80	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO NOT REQUIRE THE USE OF E15 GASOLINE	
SPONSOR:	Rep. Brian L. Jones	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
258	JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS A CONSTITUTIONAL AMENDMENT RELATING TO THE FREE SPEECH RIGHTS OF INDIVIDUALS AND CORPORATIONS	

<p>SPONSOR: <u>LR #</u> 2026</p>	<p>Rep. Dennis L. Keschl <u>Title</u> JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROTECT THE CLEAN AIR ACT AND FUND THE INFRASTRUCTURE THAT ENSURES HEALTHY AIR FOR MAINE FAMILIES AND BUSINESSES</p>	<p>- <u>Action</u></p>
<p>SPONSOR: <u>LR #</u> 1983</p>	<p>Sen. John L. Patrick <u>Title</u> JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO REINSTITUTE THE GLASS-STEAGALL ACT</p>	<p>- <u>Action</u></p>
<p>SPONSOR: <u>LR #</u> 925</p>	<p>Rep. Deane Rykerson <u>Title</u> 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</p>	<p>- <u>Action</u></p>
<p>SPONSOR: <u>LR #</u> 1226</p>	<p>Rep. Ryan D. Tipping-Spitz <u>Title</u> JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE UNITED STATES CONSTITUTION TO OVERTURN THE CITIZENS UNITED DECISION</p>	<p>- <u>Action</u></p>
<p>SPONSOR: <u>LR #</u> 2028</p>	<p>Sen. John L. Tuttle, Jr <u>Title</u> JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENCOURAGE THE INTERNATIONAL OLYMPIC COMMITTEE TO REVERSE ITS DECISION TO ABOLISH WRESTLING FOR THE 2012 OLYMPICS</p>	<p>- <u>Action</u></p>
<p>SPONSOR: <u>LR #</u> 66</p>	<p>Sen. Richard Woodbury (<u>Sponsor Change</u>) <u>Title</u> JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS A CONSTITUTIONAL AMENDMENT TO REVERSE THE RULING OF THE UNITED STATES SUPREME COURT IN "CITIZENS UNITED V. FEDERAL ELECTION COMMISSION"</p>	<p>- <u>Action</u></p>

**126th Maine State Legislature
Addendum
Legislative Council
Requests to Introduce Legislation
First Regular Session**

Actions Taken After: 2/22/2013

SPONSOR	Sen. Geoffrey M. Gratwick	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2045	An Act To Increase the Transparency of Charges and Expenses of Hospitals That Receive State Funding	
SPONSOR	Sen. Anne M. Haskell	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2039	Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Coordinated Services District System	
SPONSOR	Sen. Troy D. Jackson	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2034	An Act To Establish the Southern Penobscot Regional Program for Exceptional Students	
2035	Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies	
2042	An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund	
2043	An Act To Amend the Laws Governing the Community Development Block Grant Program	
SPONSOR	Sen. Thomas B. Saviello	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System	

REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



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REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Legislative Council Members
126th Legislature

From: *D.B.*
David E. Boulter, Executive Director of the Legislative Council

Date: February 21, 2013

Re: Legislative Council Policy on Legislative Studies

Joint Rule 353, Section 11 requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Policies adopted under this joint rule may include conditions on the funding of legislative studies, exceptions to the Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

Pursuant to that authority, the Legislative Council of the 123rd Legislature adopted policies on legislative studies on May 24, 2007. In February 2011, the Legislative Council of the 125th Legislature adopted its policy on legislative studies. The policies have been essentially the same since 2007.

To remain consistent with the Joint Rules, I recommend the Legislative Council review the attached proposed policy and make any changes you feel are appropriate before readopting them for the 126th Legislature.

Marion Hylan Barr and I would be happy to answer any questions you may have.

Attachment

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REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**Maine Legislative Council Policy
on Legislative Studies
for 126th Legislature**

1. Introduction

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of Joint Rule 353.

2. Council authorization of legislative studies

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that approval of 2/3 of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

3. Funding of legislative studies

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall

provide sufficient money to enable the committees to reasonably conduct and complete the requirements of the studies.

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided.

- A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new board or commission or as the result of an amendment to an existing board or commission must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;
- B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources.
- C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

6. Council review of committee requests to vary from Joint Rule 353

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative Council and must include the committee's recommended draft language for the proposed study along with a list of the ways in which the proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

7. Authority and effective date

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 28th day of February, 2013.

This policy takes effect immediately.

BY: _____
David E. Boulter, Executive Director

Maine Credit Union League

EXECUTIVE DIRECTOR'S
OFFICE

2013 JAN 25 P 1:16

Credit Union Service Center
2 Ledgeview Drive ▪ Westbrook, ME 04092
Mailing Address: P.O. Box 1236 ▪ Portland, ME 04104
773-5671 ▪ 1-800-442-6715 www.maine cul.org

January 25, 2013

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

To Members of the Legislative Council:

Each year, the Maine Credit Union League hosts Credit Union Day at the Statehouse in the Hall of Flags. In years past, this event typically has been held during morning hours, from 9-11 am, and we have served coffee and breakfast pastries. In an effort to enable more credit union representatives from across the State to attend this event, this year we have decided to hold our Hall of Flags event from 11 am – 1 pm on Thursday, March 28th.

In an effort to provide attendees of Maine Credit Union Day with appropriate food options for that time of day, we are asking Legislative Council to please consider making an exception for our event from the limitation on food service found in the Legislative Council Policy on the Use of the Hall of Flags. We would like to serve small finger sandwiches and chips, which currently are prohibited under the policy. Incorporating this change would not require any additional tables than in years past (approximately 10 tables) nor would it require any additional space in the Hall of Flags.

On behalf of Maine's 61 credit unions, I greatly appreciate you taking this request under consideration.

Best regards,



Quincy Hentzel
Director of Governmental Affairs



REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

Legislative Council Policy On the Use of the Hall of Flags

1. Introduction

Since its construction, the Hall of Flags has had a long and distinguished tradition as a Reception room and gathering area for Legislators and the public. With its historic collection of battle flags from the Civil War forward, the Hall of Flags is a place for Maine citizens to honor and reflect upon the many Maine men and women who defended our Country and made the ultimate sacrifice defending freedom and our democratic values and way of life. It is also the most public room in the Maine State House, where members of the public, Executive and Judicial officials and Legislators freely intermingle and communicate in the course of legislative affairs.

In adopting this Hall Use Policy, the Legislative Council establishes protocols for use of the Hall of Flags that: protect the safety of the public; prohibit uses that are inappropriate in the presence of schoolchildren or others; and provide for social discourse and forums for education on governmental matters in ways that bestow respect for the Hall of Flags and honor to the people and events it symbolizes.

2. Authorized Uses

The Hall of Flags may be used only for organized events that have a bona fide educational purpose relating to governmental matters, legislative affairs, legislative or gubernatorial ceremonies or other like category of activity. The Hall of Flags may not be used for any substantially private activity or event unrelated to the conduct of the public's business.

Furthermore, the Hall of Flags may not be used for acts of civil disobedience, petition signing for referenda, clemency petitions or advocacy, private events such as weddings, funerals, dinners or dances, or mercantilism. In addition, activities, including the display or distribution of materials that a person would reasonably find to be offensive, harassing, degrading or unduly disruptive or activities that are inappropriate in the presence of schoolchildren are prohibited.

3. Health and Safety

Protection of the health and safety of persons in the State House takes precedence over all activities and events in the Hall of Flags. The Legislative Council authorizes the Executive Director to establish such procedures and standards as necessary to protect the

health and safety of occupants in the State House at all times and to protect the integrity of the building and its contents. At a minimum: adequate clearances for safe ingress and egress must be maintained at all times in the Hall of Flags; equipment or activities that pose a risk of fire or explosion are prohibited; toxic, noxious or infectious materials are prohibited; and any activity requiring the disabling of smoke detectors, fire alarms or security devices is prohibited. Except for Welcome Back Day and Maine Agriculture Day, the number of tables in the Hall of Flags may not exceed 15.

4. Security

Entities using the Hall of Flags must comply with all facility security requirements and all instructions by security personnel. The Bureau of Capitol Security may remove persons who are threatening, disruptive or in violation of provisions of this policy. Persons who violate this policy or who are disruptive or threatening may be denied future use of the Hall of Flags for any organized event.

5. Limitation on Food Service

The Legislature compensates legislators for some legislative expenses including meals, and legislative staff are sufficiently compensated in their work such that it is unnecessary for others to provide legislators or staff with complementary meals. Escalating levels of food service at Hall of Flag events in recent years have had the unintended but inevitable result of increasing expectations of meal service to be provided by other groups as well as increasing costs to those groups using the Hall of Flags. Furthermore, the serving of meals is unduly disruptive, increases facility maintenance costs, detracts from the overall purposes for use of the Hall of Flags and presents potential facility security risks.

Therefore, except as provided below, the offering of food and beverages in the Hall of Flags is strictly limited to refreshments such as milk, juices, coffee, tea, soda, water, doughnuts, pastries, cookies, fruit, nuts, healthy snacks and other similar category of foods that does not constitute the offering or serving of a meal or partial meal.

Entities who use the Hall of Flags are not obligated to make available any food or beverage as a condition of their use of the hall. However, to the extent that allowable foods are offered, the proprietor of the State House café must be contacted by those entities for the opportunity to provide the desired food service. Furthermore, the Legislative Council encourages the use of locally grown or produced foods to the maximum extent practical when food is served in the State House.

Exceptions: The Legislative Council hereby authorizes such an exception for the following events: Welcome Back Day, New Member Orientation, the Pre-Legislative Conference and other legislative receptions hosted by the Legislature; Maine Agriculture Day; Maine Bankers Day; Maine Community College Day; Maine County Day(s); Maine Tourism Day; and school food service day.

6. Equipment and Furnishings

Equipment and furnishing such as chairs, tables, lights, podiums and sound systems used in the Hall of Flags must be those provided by the Legislative Council. However, The Legislative Council authorizes the use of LCD and slide projectors, laptop computers, tabletop displays and other such portable information presentation equipment to be provided by the entity authorized to use the Hall of Flags. Use of other equipment is not allowed unless it is consistent with the intent of this policy and is specifically authorized by the Clerk of the House when accepting hall reservations under paragraph 11.

7. Nonexclusive Use

The Hall of Flags is a public hall and entities authorized to reserve and use the Hall of Flags often are expected to share the hall with other entities or coordinate activities and schedules. Accordingly, such entities should neither expect nor demand exclusive use of the Hall of Flags. Legislative uses take precedent over other uses in the Hall of Flags, regardless of whether other, nonlegislative entities obtained advance reservations for its use.

8. Times Held for Legislative and Visitor Use

The Clerk of the House shall establish a reservation schedule that provides for unreserved blocks of time in the Hall of Flags each week for legislative press conferences or other unscheduled legislative activities that may arise during the course of the legislative session. In addition, the schedule must provide for convenient times when visitors to the State House may view and reflect upon the collection of historic flags uninterrupted by organized events in the Hall of Flags.

9. Prohibitions

At a minimum, the following are prohibited from the Hall of Flags:

- A. open flames except when used in a safe manner for warming dishes
- B. propane, gasoline, accelerants and other flammable materials
- C. compressed gases and helium-filled balloons
- D. toxic, noxious and infectious materials
- E. grills, frying pans and fryolators
- F. alcohol
- G. animals, except for service animals
- H. noisemakers, bullhorns and other sound amplification or broadcast devices. However, bona fide members of the news media may use broadcast equipment in the course of their work
- I. strobe lights
- J. signs and banners on wooden or rigid supports that may cause injury
- K. weapons of any type except on the person of a law enforcement who is on duty and when the presence of such weapons has first been disclosed to the Bureau of Capitol Security
- L. altering or disabling electrical, telecommunication or security devices or wiring

- M. affixing signs, banners, displays or other materials to walls, columns, flag cases or portraits
- N. active distribution of materials or leaflets
- O. soliciting, marketing or selling of goods or services

10. Security Deposit and Use Agreement

Nonlegislative entities, other than the Chief Executive, Chief Justice or Constitutional Officers, who reserve and use the Hall of Flags must, at the time of reservation or prior to use, provide a security deposit of \$100 and enter into a Use Agreement accepting the terms and conditions of use of the Hall of Flags. The agreement must require such entities to immediately report and accept financial responsibility for any damages to the facility or equipment occurring during their use of the Hall of Flags. The security deposit will be returned unless the entity that uses the Hall of Flags damages legislative equipment or facilities, does not set up or remove all items in a timely fashion, including removing all litter following use, or violates the terms of the Use Agreement. The Executive Director will notify the Clerk of the House when the director believes that an entity has caused damage to the facility, improperly used the Hall of Flags or left the Hall of Flags in an improper condition.

The security deposit may be waived for those entities using the Hall of Flags that require three or fewer tables to be set up. Furthermore, the security deposit may be waived or reduced in situations where paying the deposit would result in a serious economic hardship to the entity using the Hall of Flags.

11. Administration

The Clerk of the House of Representatives and the Executive Director of the Legislative Council, jointly, shall administer this policy. The Clerk is responsible for scheduling and reserving the Hall of Flags for authorized activities during regular business hours and for collecting applicable security deposits. The Executive Director is responsible for preparing the Hall for the scheduled activities and maintaining the Hall of Flags.

12. Authority and Effective Date

Pursuant to its authority under 3 MRSA, §162, the Legislative Council hereby adopts this Policy on the Use of the Hall of Flags on this 27th day of October, 2005.

This policy becomes effective on January 1, 2006.

BY: David E. Boutter
Maine Legislative Council



Join other committed Maine employers who are leading the way to increase the skill & knowledge levels of Maine workers.

About the Program: The Maine Employers' Initiative is a program of the Maine Development Foundation focused on working directly with employers to provide education and career development opportunities for Maine workers and non-traditional students. We all know that an educated workforce is essential for Maine's future growth. Yet, Maine is the lowest in the New England region in the percentage of adults with a college degree. This low education level puts Maine residents at a disadvantage for earnings potential and professional advancement, and limits the state's ability to retain and attract knowledge-based businesses and jobs. Two-thirds of all high-growth, high-wage jobs in the state require post-secondary education and training. It's no surprise that in 2008, Maine ranked 37th in the nation for household income and was the lowest in New England on that measure.

The good news is that we have a unique opportunity given our demographics to focus on improving skills and knowledge of the non-traditional students and working adults. Today's workforce is largely the same workforce Maine will have in 10 years, and we don't have enough people with adequate education and skills to fill the jobs even if all of Maine's kids go on to complete college programs and stay in Maine. According to the 2010 Census, there are almost 220,000 adults in Maine who started college but didn't complete a degree. There are countless others who could be trained to fill a more highly skilled position with their current employer or another. We have a tremendous opportunity to take our demographics and make them work to our advantage by focusing on the working adult and non-traditional students in Maine.

Employers Play a Critical Role: Research shows that when employers demonstrate their support for higher education or skills training/development-- whether that is sponsoring a training program, providing flex time for classes, or helping to pay for tuition or certificate programs -- employees are far more likely to take action.

Benefits: Employers who join MEI benefit from tuition discounts, public recognition as a committed employer, and connections to resources and best practices—not to mention the most important benefits: increased value of the workforce and higher retention rates and employee loyalty.

Sign Up Today: Consider how you are currently supporting your employees to pursue education and career goals, and take just one more step to enhance those efforts. You'll join a growing number of employers around the state who are working together to improve Maine's current and future workforce. Follow these three simple steps:

- Complete the Needs Assessment Survey (takes just 7 minutes) – on the web at: www.mdf.org/mei_overview.php
- Review the list of options and choose an extra step that fits your business or craft your own;
- Take that one step by submitting the commitment letter to us by fax, email or postal mail.

If you need assistance identifying one more step, we can help. You are welcome to contact us at 207-626-3124 or mei@mdf.org.

HOME ABOUT US PROGRAMS MEMBERSHIP PUBLICATIONS EVENTS

Home > Programs > Maine Employers' Initiative > Background



Background

Maine Employers' Initiative

The Maine Employers' Initiative provides Maine's public and private employers with technical assistance, training and statewide recognition for taking steps to promote educational and career advancement opportunities for their employees.

Maine lags New England in the proportion of the adult workforce with two- and four-year college degrees, putting the state at a competitive disadvantage for both employers and employees. While there is a growing focus on our school students to encourage and support them in attending college, the Maine Employers' Initiative is focused on working with employers to support their adult workers in engaging in further training and education. As we transition to more industries, sectors and jobs that require higher and higher levels of skill and education, Maine must work to ensure that the workforce keeps up with the need, and the opportunities, in our changing economy.

The Maine Employers' Initiative has three primary strategies:

- Create opportunities for Maine workers in the workplace by working directly with employers;
- Work to align educational programs with the needs of Maine's employers and businesses; and
- Attract and retain the qualified workers that Maine needs to prosper.

The initiative is one of the five action strategies of the Maine Compact for Higher Education, which seeks to increase the number of degree holders in Maine by 40,000 above current projections by the year 2020. In April of 2007, with the help of the Maine Community Foundation, MDF was awarded grant funding from the Lumina Foundation and the Ford Foundation to launch the Initiative. The Lumina Foundation for Education strives to help people to achieve their potential by expanding access and success in education beyond high school.

The Goal

The Maine Employers' Initiative has a goal of 500 Maine employers committing to take just one more step to promote education and training opportunities for their employees. Research shows that when employers demonstrate their support of skill development and higher education, whether that is mentoring an employee, sponsoring a training program, providing flex time for classes or paying for some portion of tuition, the employees are far more likely to take action to pursue a degree or reach for a career goal. The Initiative envisions that this will result in 5,000 more degree and certificate holders in Maine.

[back to top](#)

Search:

285 WATER STREET, SUITE 5, AUGUSTA, ME 04330 PHONE: 207-622-6345 FAX: 207-622-6346 EMAIL: mdf@mdf.org

Maine Employers' Initiative

- Overview
- Background
- Advisory Council
- MEI Employers
- MEI Resources
- Toolkit
- Sign Up
- Employer Success Stories

CONTACT

Maggie Drummond-Bahl
Phone 207-628-3124



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Maine Employers' Initiative Committed Employers:

• Acrobat Research • Androscoggin Bank • Androscoggin County Chamber of Commerce • Androscoggin Home Care & Hospice • ASK...for Home Care • Auburn Savings Bank, FSB • Axiom Technologies • Bangor Savings Bank • Barber Foods • Bates College • Bath Iron Works • Burgess Advertising & Marketing • Central Maine Community College • Central Maine Healthcare Corporation • Cianbro Corporation • Coastal Enterprises, Inc. • Community Health & Counseling Services • Community Pharmacies • Creative Work Systems • Custom Disability Solutions • Dale Carnegie Maine • Dead River Company • Disability RMS • Eastern Maine Development Corporation • Eastern Maine Healthcare Systems • Eastern Maine Medical Center • Employment Times • FHC, Inc. • Finance Authority of Maine • FISC Solutions • Fluid Imaging Technologies, Inc. • Geiger • Goodwill Industries of Northern New England • Goold Health Systems • Greenville Adult & Community Education • Hussey Seating Company • Inland Hospital • The Jackson Laboratory • Kennebec Savings Bank • Kennebec Valley Chamber of Commerce • Kennebec Valley Community Action Program • Kennebec Valley Community College • Lebel & Harriman, LLP • Lewiston Adult Education • City of Lewiston • Lohman Animal Health • Loring Job Corps Center • Madison Paper Industries • Maine Centers for Women, Work & Community • Maine Children's Home for Little Wanderers • Maine Civil Liberties Union Foundation • Maine Community Action Association • Maine Community Foundation • Maine Compact for Higher Education • Maine Development Foundation • Maine Eye Care Associates • Maine Humanities Council • Maine Municipal Association • Maine Oxy • Maine Public Broadcasting Network • Maine Public Employees Retirement System • Maine State Chamber of Commerce • Maine Technology Institute • Maine Wind Industry Initiative • Maine Women's Lobby & Maine Women's Policy Center • MaineGeneral Health • MaineHousing • Manufacturers Association of Maine • Market Decisions LLC • Massabesic Center for Adult Learning • MD-IT • Mercy Hospital • Mid-Maine Chamber of Commerce • Mid-State Machine Products • Mitchell Institute • MMG Insurance • Mobius, Inc. • Morris Yachts, Inc. • Motivational Services, Inc. • MSAD #3 Adult & Community Education Programs • New Balance Athletic Shoe, Inc. • Northern Maine Community College • Northern New England Housing Investment Fund • Oakhurst Dairy • Peoples Choice Credit Union • Peoples United Bank • Phillips-Strickland House & Boyd Place • PowerPay, LLC • Pratt & Whitney • Redington-Fairview General Hospital • RH Reny's Inc • RSU 20 Adult Education • Saco & Biddeford Savings Institution • Saint Joseph's College of Maine • Sanford Community Adult Education • Sebago Lakes Region Chamber of Commerce • Sebecook Valley Hospital • Sheepscot Valley RSU 12 Whitefield Adult Education • SHRM Maine State Council • Skowhegan Savings Bank • Southern Midcoast Maine Chamber • Southern New Hampshire University • St. Mary's Health System • Susan L. Curtis Foundation • Tambrands Inc., a Procter & Gamble Co. • Texas Instruments • Thomas College • Unity College • University of Maine System • University of Southern Maine • USM, Lewiston-Auburn College • Unum • Valley Distributors, Inc. • City of Waterville • Town of Wells • Windham Adult Education • Women Unlimited • Wright Express • Wright-Pierce • York County Community College



**Your Employer is a member
of a statewide initiative that
qualifies YOU for benefits;
read on for details!**

Tuition Discounts

As the employee of a member of the Maine Employers' Initiative, you qualify for discounts at several Maine institutions if you want to take classes or return to school to get a degree.

- **Thomas College Graduate & Continuing Education Division will waive application fees, offer a 10% course discount, and provide the first course free of charge.** The discount applies to part-time bachelor's and master's degree programs, not accelerated or full-time programs, and the "first course free" applies to eligible new students beginning in fall 2012. To take advantage of the discount, students should contact Thomas by visiting www.thomas.edu, calling 207-859-1102, or emailing grad@thomas.edu.
- **Saint Joseph's College Online offers a 15% discount to member employees.** For details go to: www.online.sjcme.edu To take advantage of this benefit, contact Suzanne Murphy at Saint Joseph's College at 207-893-7824 or smurphy@sjcme.edu.
- **The New England College of Business & Finance offers a 25% discount to member employees and their families.** For details of the programs offered online go to: www.necb.edu For assistance, contact Joanne Lakin at 603-867-4391 or joanne.lakin@necb.edu.
- **The University of New England will waive application fees for member employees.** To have your application fee waived, contact Cynthia Forrest at 207-602-2372 or CForrest@une.edu.
- **The University of Maine at Fort Kent is now offering a discount of 50% on tuition for the second 3 or 4 credit course to all member employers and employees.** If you don't happen to be in Northern Maine, don't worry: UMFK has 9 online degree programs, 4 online certificate programs, and a whole host of distance learning and online course offerings. To take advantage of this great discount, contact Scott Voisine at 834-8644 or voisine@maine.edu.
- **Husson University is now offering a tuition discount for all programs except Pharmacy, Nursing, Occupational and Physical Therapy.** The discount ranges from 5% to 15%, and includes additional credit toward an MBA, as well as 10% off certificate program offerings. Please contact Amber Timms at 941-7148 or TimmsA@husson.edu to take advantage of this great offer.

Other Benefits & Resources

- Southern New Hampshire University offers lower tuition to Maine students – generally 30% lower. To find out about programs offered at SNHU, go to: www.snhu.edu or contact Bo Yerxa at the Brunswick Center at 207-725-6486 or boyerxa@snhu.edu

The Opportunity Maine Program offers a tax credit for student loan payments to all students who earn a degree at a Maine school and continue to live and work here. For details go to: www.opportunitymaine.org/opportunity-maine-program

Other Benefits & Resources Cont'd...

- Jump start a degree by receiving college credit for work done outside the classroom in a work setting or other venue. You can save time and money by doing a prior learning assessment to verify college credit you may have already earned. Go to: www.usm.maine.edu/pla or www.uma.edu/portfolioassessment.html or www.cael.org
- The Harold Alfond College Challenge provides a one-time \$500 grant for all Maine resident babies to open a NextGen® college savings account by the baby's first birthday, regardless of family income. Initial or subsequent contributions are not required to receive the Alfond Grant. For terms and conditions and more details go to: www.500forbaby.org
- Maine also has programs that provide matching grants to eligible NextGen® college savings accounts regardless of family income. The matching grants range from \$50 up to \$400. For terms and conditions and more details go to: www.famemaine.com/nextgen
- Need help financing college classes or degree? You and your employer can match funds with a LifeLong Learning Account. For information, go to: www.mainecareercenter.com/services-programs/training/lila/index.shtml
- Transitioning from high school degree to college level classes or degree path? Want to talk with someone just to find out what your options are? Contact Maine College Transitions at: www.maine.gov/education/aded/dev/transitions.htm
- Maine Apprenticeship Program - Gain experience and education at the same time, working directly in an industry of your choice. For more information go to: www.mainecareercenter.com/services-programs/training/apprenticeship/workers/index.shtml

Maine Educational Loan Authority (MELA) was established by the Maine Legislature in 1988 to provide a supplemental or alternative student loan program to bridge the gap between the full cost of a college education and traditional financial aid resources such as scholarships, grants, and Federal education loans. The Maine Loan® is a credit based education loan and allows borrowers to borrow up to the full cost of an undergraduate or graduate education less other financial aid. For more information about MELA and The Maine Loan program, please call 1-800-922-6352 or visit: www.mela.net

Scholarships

- **The Competitive Skills Scholarship Program (CSSP)** offered through the Career Centers: Post-secondary degree or certificate programs for high wage jobs in industries that need skilled workers; Income eligibility - 200% of the federal poverty level. For more details go to: www.mainecareercenter.com/services-programs/training/cssp/index.shtml
- **Sunrise County Economic Council's (SCEC) Eaton Foundation Young Adult Scholarship Program** targets young adults aged 18-29. Financial assistance of up to \$500 for Washington County residents attending training and/or certification courses, not covered by traditional forms of financial aid, which will increase their employability and/or career advancement potential. For details go to: www.sunrisecounty.org/crmacna.html
- **Osher Scholarships** are available to Maine residents of all ages. Osher Scholarship covers costs to take one course, including books and required materials for individuals who have never completed a college course. For details go to: www.mccs.me.edu/student/osher.html
- **The Maine Sea Coast Mission Scholarships** for non-traditional students of all ages and HS students who are residents of the islands and coastal communities of Downeast Maine enrolling in degree programs or taking specialized courses to prepare for advancement in a variety of fields. For more information about the scholarship deadlines and requirements, call Terri Rodick, 207-288-5097. For details go to: www.seacoastmission.org/scholarships.html

MAINE DEVELOPMENT FOUNDATION

MAINE EMPLOYERS' INITIATIVE

Maine Employers' Initiative Partner Organization Name

Contact Name _____

Contact Title _____

Email _____

Phone Number _____

Organization Name _____

Organization Address _____

Please Describe Your Organization's Step to Increase Education & Career Opportunity in your workplace.

What change is your organization going to make? How is this different from what you are doing now?

When will the change take place?

How many employees will be impacted by the change?

Commitment Pledge

As a Maine Employers' Initiative partner, our organization is committed to taking this one step to increase the skills, knowledge and education among Maine's workforce. The Initiative has permission to use our organization's name and logo on promotional materials.

Signature _____

Print Name _____

Title _____

Date _____

295 Water Street, Suite 5, Augusta, Maine 04330
Tel: 207/626-3119 Fax: 207/622-6346 mdrummond@mdf.org

OPEGA
ANNUAL
REPORT



Office of Program Evaluation and
Government Accountability

Annual Report on
Activities and Performance

2012

a report to the
Government Oversight Committee and the Legislature
from the
Office of Program Evaluation & Government Accountability
of the Maine State Legislature

February

2013

GOVERNMENT OVERSIGHT COMMITTEE OF THE 126TH LEGISLATURE

Senator Emily Ann Cain, Chair
Senator Roger Katz
Senator David C. Burns
Senator Margaret M. Craven
Senator Christopher K. Johnson
Senator Edward M. Youngblood

Representative Chuck Kruger, Chair
Representative Paul T. Davis, Sr.
Representative Andrea M. Boland
Representative H. David Cotta
Representative Lance Evans Harvell
Representative Matthew J. Peterson

Committee Clerk

Etta Connors
Phone: (207) 287-1901
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Email: etta.connors@legislature.maine.gov

Mailing Address:

Government Oversight Committee
82 State House Station
Augusta, Maine 04333-0082

Web:

http://www.maine.gov/legis/opega/About_GOC.html

OFFICE OF PROGRAM EVALUATION & GOVERNMENT ACCOUNTABILITY

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Email: etta.connors@legislature.maine.gov

Requests for OPEGA reviews are considered by the Government Oversight Committee in accordance with a standard process. Requests must be made in writing and must be initiated or sponsored by a legislator. Individual legislators or citizens should review the process and FAQ that are posted on OPEGA's website at <http://www.maine.gov/legis/opega/ProcessProducts.html>. There is also a form there to help facilitate the GOC's consideration of the request. Legislative committees can request reviews directly through a written communication to the Government Oversight Committee.

Copies of OPEGA's reports are free.

Reports are available in electronic format at:
<http://www.maine.gov/legis/opega/Reports.html>

Hard copies of reports may be obtained by contacting OPEGA at:

(207) 287-1901

Office of Program Evaluation & Government Accountability
82 State House Station • Augusta, ME • 04333-0082



BETH L. ASHCROFT
DIRECTOR

MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY

February 20, 2013

The Honorable Emily Cain, Senate Chair
The Honorable Chuck Kruger, House Chair
And Members of the Government Oversight Committee
82 State House Station
Augusta, Maine 04333

The Honorable Justin Alford, President of the Senate
and Members of the 126th Maine Senate
3 State House Station
Augusta, Maine 04333

The Honorable Mark Eves, Speaker of the House
and Members of the 126th Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2012. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. I hope that you and Maine's citizens continue to view our efforts and results as a worthwhile use of taxpayer dollars as we continue working to increase our value to you.

Sincerely,

A handwritten signature in cursive script that reads "Beth L. Ashcroft".

Beth L. Ashcroft
Director

Cc: Darek Grant, Secretary of the Senate
Millicent MacFarland, Clerk of the House

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About OPEGA

History:

The Office of Program Evaluation and Government Accountability (OPEGA) is a non-partisan, independent legislative office created by Public Law 2001, Chapter 702. The Office first became operational in January 2005. Its authorizing statute is 3 MRSA §§991- 997.

Organization:

OPEGA is part of a unique organizational arrangement within the Legislature that ensures both independence and accountability. This structure is critical to ensuring that OPEGA can perform its function in an environment as free of political influence and bias as possible.

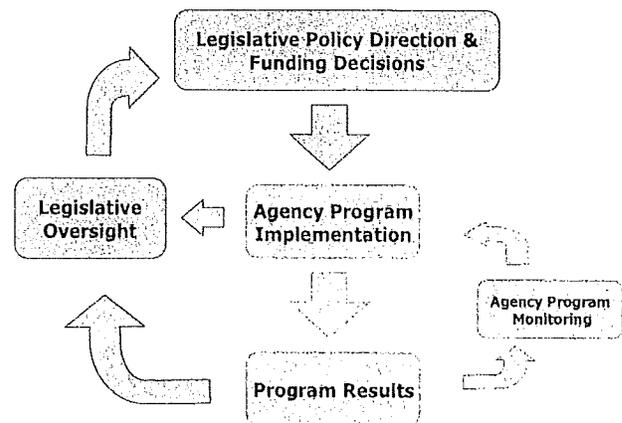
The Legislative Council appoints the Director of OPEGA for five year terms and also sets the Director's salary. OPEGA's activities are overseen by the legislative Government Oversight Committee (GOC), a 12-member bi-partisan and bi-cameral committee appointed by legislative leaders according to Joint Rule. The GOC's oversight includes approving OPEGA's budget and annual work plan as well as monitoring OPEGA's use of resources and performance.

Staffing:

OPEGA has an authorized permanent staff of seven full-time positions including the Director and the Administrative Secretary, who also serves as the Committee Clerk for the GOC. In 2012, OPEGA also had one temporary part-time analyst position.

Function:

OPEGA primarily supports legislative oversight by conducting independent reviews of State government as directed by the GOC¹. As legislators perform their oversight function, they often have questions about how policies are being implemented, how programs



are being managed, how money is being spent and what results are being achieved.

The GOC and OPEGA address those questions from an unbiased perspective through performance audits, evaluations and studies. The independence and authorities granted by their governing statute provide the Legislature with a valuable supplement to policy committee oversight. In addition, the GOC and OPEGA are in an excellent position to examine activities that cut across State government and span the jurisdictions of multiple policy committees.

The results of OPEGA's reviews are provided to legislators and the public through formal written reports and public presentations.

¹ When directed to do so, OPEGA also has authority to perform audits of non-State entities that receive State funds or have been established to perform governmental functions.

Key OPEGA Activities

During 2012, OPEGA:

- Developed an annual work plan for 2012 as assigned and approved by the Government Oversight Committee.
- Completed four performance reviews and issued three full reports and an Information Brief with the results of those projects. Gave oral presentations to the Government Oversight Committee (GOC) in conjunction with the release of those documents. Appendix A is a listing of all reports issued by the Office since 2005.
- Initiated and conducted substantial work on three other reviews assigned by the GOC. These reviews are currently in progress and final reports on two of them are expected to be released during the first session of the 126th Legislature. The third review, a formal follow-up on issues reported by OPEGA in 2005, is expected to continue through 2014.
- Provided technical assistance to the Joint Standing Committee on Education on a contracted independent study of Maine's school funding formula. OPEGA's support of this effort was approved by the GOC and is described in legislative Resolve 2011, Chapter 166. To date, OPEGA has provided assistance with: developing and issuing a Request for Proposal; evaluating proposals and selecting a consultant; finalizing the contract, and reviewing the consultant's work plan for adherence to the Resolve objectives and the consultant's proposal. OPEGA will continue providing technical support through 2013.
- At the direction of the GOC, drafted legislation to implement recommendations from two of OPEGA's reports. LD 1843, relating to quasi-independent State entities, was ultimately enacted as Public Law 2011, Chapter 616 in April 2012. The second piece of legislation relating to Child Development Services has been introduced in the first session of the 126th Legislature as LD 34.
- Processed and conducted research related to seven requests for OPEGA reviews or assistance received in 2012. Presented five of the requested topics to the GOC for consideration. The GOC placed two of the topics on OPEGA's 2012 Work Plan and forwarded two others to the relevant legislative policy committees for consideration and action. OPEGA supported the GOC in gathering substantial additional information and explanation from State agencies on the last request and the GOC determined that an OPEGA review of the matter would yield limited additional information or value.
- Provided input, as requested, to the Joint Standing Committee on State and Local Government, and its non-partisan staff, during that Committee's consideration of potential changes to 3 MRSA Chapter 35 – the Government Evaluation Act.
- Staffed 13 GOC meetings including preparing written meeting materials and meeting summaries.
- Monitored the status of management and legislative actions taken to address findings and recommendations from previously issued reports.
- Maintained the OPEGA/GOC website, including regularly posting OPEGA reports and related documents as well as GOC meeting agendas and summaries.
- Prepared and submitted the statutorily required annual report on OPEGA's activities and performance for 2011 to the Government Oversight Committee and the Legislature.

Performance in 2012

Since 2009 OPEGA has been measuring and reporting its performance against the goals and objectives established in a GOC-approved Strategic Plan. In 2012 we began, but have not completed, an effort to update the goals, objectives and performance measures in our Strategic Plan to ensure they are relevant and appropriate to current legislative expectations for the Office, as well as the increasing variety of projects assigned and work products developed. We plan to continue that effort over the coming year and anticipate that revised goals, objectives and performance measures will be incorporated into the 2013 OPEGA Annual Report. For this Annual Report, however, we are discussing our activities and performance in the context of the overall goals and outcome indicators that have been the foundation of our past Strategic Plan.

Mission

The Office of Program Evaluation and Government Accountability exists to support the Legislature in monitoring and improving the performance of State government by conducting independent, objective reviews of State programs and activities² with a focus on effectiveness, efficiency and economical use of resources.

Vision

OPEGA is valued as a credible source of objective information that contributes to good government and benefits Maine's citizens.

Values

OPEGA seeks to be a model for best practices in government and is committed to:

- ◆ Independence and objectivity
- ◆ Professionalism, ethics and integrity
- ◆ Participatory, collaborative approach
- ◆ Timely, effective communications
- ◆ Valuable recommendations
- ◆ Continuous improvement
- ◆ Using skilled and knowledgeable staff
- ◆ Minimizing disruption of operations
- ◆ Identifying root causes
- ◆ Measuring its own performance
- ◆ Smart use of its own resources

Overall Goals

- A. Provide timely, relevant and useful information and recommendations.
- B. Conduct all work with objectivity and accuracy.
- C. Communicate regularly on our activities, results and impacts.
- D. Utilize OPEGA's resources effectively, efficiently and economically.

Indicators of Overall Outcomes

OPEGA tracks and reports on the following measures as broad indicators of the outcomes of our work:

- number of visits to OPEGA's website;
- percentage of recommendations that have been implemented or addressed affirmatively by the agencies or the Legislature; and
- estimated fiscal impact, actual or potential, associated with OPEGA recommendations.

² When directed to do so by the Government Oversight Committee, OPEGA is also authorized to perform audits of non-State entities that receive State funds or have been established to perform governmental functions.

Goal A: Provide timely, relevant and useful information and recommendations.

In working toward this goal, OPEGA strives to meet multiple, and sometimes competing, objectives like:

- Ensure assigned projects are focused on topics and questions of most interest and value to the Legislature.
- Complete as many assigned projects as possible.
- Complete projects within timeframes where results will be most useful and relevant to other legislative work, or that otherwise meet legislative needs and expectations.
- Produce quality work products that sufficiently address the questions OPEGA was directed to explore and contain useful, understandable information.
- Make recommendations that are implementable and can be expected to make a difference in resolving issues identified, or addressing the underlying causes of those issues.

OPEGA's ability to meet these objectives is dependent on the scope of the projects assigned, OPEGA's non-project workload, and the emergence of current issues and requests for OPEGA reviews that may affect priorities. OPEGA's non-project workload includes:

- staffing the GOC;
- processing requests for OPEGA reviews and performing research to prepare them for GOC consideration;
- conducting follow-up work to monitor the status of actions taken to implement recommendations on past reports; and
- drafting legislation related to our reports at the direction of the GOC.

Each of these non-project efforts requires varying levels of OPEGA resources over the course of a year and can impact resources available for projects on the official Work Plan depending on the priority given them. OPEGA provides regular project status reports to the GOC and works closely with the Committee to ensure we are meeting expectations for timeliness and prioritization.

Projects Worked on and Completed

In 2012 as in 2011, OPEGA was flexible in responding to the needs of the GOC and the 125th Legislature. We continually juggled competing priorities in order to be responsive to time-sensitive legislative needs and emerging concerns. As shown in Table 1, OPEGA worked on eight projects in 2012, the same number as 2011, although the scopes of those projects varied between the two years. The size of the projects and the specific priorities set by the GOC impacted the number of projects OPEGA completed in each of those years and the timeliness with which they were done. OPEGA completed four projects in 2012 compared to six projects in 2011. Table 2 shows the typical resources and timeframes for the various size projects OPEGA worked on and completed in the 2011 – 2012 biennium.

Project Size	2011					2012				
	Projects		Work Products			Projects		Work Products		
	Worked On	Completed	Full Reports	Information Briefs	Summary for GOC	Worked On	Completed	Full Reports	Information Briefs	Summary for GOC
Small	4	4	0	2	2	1	0	0	0	0
Medium	2	2	2	0	0	3	2	2	0	0
Large	3	1	1	0	0	4	2	1	1	0
Total	9	7	3	2	2	8	4	3	1	0

Note: Two projects completed in 2011 were carried over from 2010. Several projects were worked on in both 2011 and 2012 and four projects initiated in 2012 carried forward to 2013.

OPEGA worked on one small project in 2012. It is a Special Project where OPEGA is providing technical assistance to the Education Committee on its independently contracted review of Maine’s school funding formula. That project will continue through 2013. In contrast, OPEGA worked on and completed four small projects in 2011, all of which had been given priority in OPEGA’s Work Plan. The GOC requested OPEGA give priority to two of these projects in order to get results more quickly. The two others were Special Projects where OPEGA provided support for public inquiries led by the GOC.

Of the three medium reviews OPEGA worked on in 2012, two were assigned as Rapid Response reviews and were completed in 2012. Rapid Response projects are usually performed as a result of an allegation, event or information that creates a suspicion of intentional wrong-doing or unintentional mismanagement and neglect. The remaining 2012 medium review got a delayed start due to other priority projects. It is a formal follow-up review and is planned to continue through 2014.

The two large projects completed in 2012 were carry overs of projects in progress in 2011. The other two large projects worked on in 2012 have carried over to 2013. All four large projects worked on in 2012 experienced delays in getting started, or while in progress, due to the small and medium projects in 2011 and 2012 that were given priority.

Table 2. Typical Resources and Timeframes for OPEGA Projects Completed in 2011 -2012

Project Size	Typical Hours on Project **	Typical Staffing Level**	Typical Months to Complete
Small	< 500 hours	1-2 staff	2 to 4
Medium	500 - 1200 hours	2-3 staff	4 to 6
Large	over 1200 hours	3-4 staff	10 to 12

** Does not include the OPEGA Director

Work Products Developed

Another factor in the length of time to complete a project is the type of work product being developed. OPEGA issues full reports on OPEGA reviews when conclusions are drawn, and/or there are reported issues and recommendations, that impact the agency under review. Information Briefs are produced when questions assigned by the GOC are more informational, rather than evaluative, in nature. Information Briefs typically do not contain significant issues or recommendations for corrective action, but may contain general observations or suggestions for improvement that do not require an agency’s formal response. Full reports consume more OPEGA resources and take longer to develop than Information Briefs as OPEGA works with the agency to obtain corrective action plans that can be included in the report. OPEGA’s statute also requires that the affected agencies be given a minimum of 15 days to review and respond to the final draft of these full reports before they can be publicly issued.

As shown in Table 1, OPEGA published five formal work products on completed OPEGA reviews in 2011 and four in 2012. In both years, the formal work products were a combination of full reports and Information Briefs. OPEGA’s work products on the two Special Projects for the GOC’s public inquiries in 2011 were less formal summaries of information OPEGA had gathered to provide to the GOC.

The three full reports issued in 2012 contained 12 recommendations and the three full reports issued in 2011 contained 20 recommendations. Of the 32 recommendations made in 2011 – 2012, 15 have been implemented or otherwise affirmatively addressed and 14 are in progress as of OPEGA’s last follow up. OPEGA tracks the percent of recommendations implemented over time as an overall outcome indicator discussed on page 11 of this report.

Current Challenges

A perennial challenge in meeting this goal has been how to most efficiently and equitably select the projects assigned to OPEGA – particularly when the GOC receives requests for OPEGA reviews of current concerns that seem urgent and/or are receiving significant public attention. As the Office has become more established, more and different types of requests have been received, resulting in a need to prioritize those projects considered most timely and with the most potential for significant impact. The selection of certain projects over others is not intended to be a judgment upon the merit of different topics, but rather a decision based on available resources, project feasibility and potential benefit. However, the varied nature of the topics considered by the GOC, and the public attention given some of them, make it difficult to consistently apply standard criteria or rationales in assigning projects to OPEGA. In 2012, the GOC and OPEGA needed multiple GOC meetings to gather and consider information for determining whether certain requested reviews would potentially be of value.

A related challenge is that prioritizing and addressing emerging concerns in a timely manner, whether through an OPEGA review or support of a GOC public inquiry, inevitably means other Work Plan projects, planned or in progress, experience delays. Over the course of 2011 and 2012, six projects on OPEGA's Work Plan were impacted in this manner by Rapid Response reviews and other GOC-prioritized projects. OPEGA responds to whatever priorities the GOC sets and apprises the GOC of how new projects being considered would impact those already on OPEGA's Work Plan. While OPEGA is able to adapt to changing priorities, delays in planned projects can be frustrating to legislators and members of the public who are anxious for OPEGA to be working on the Work Plan projects of most interest to them. Delays can also impact the agencies that are under review.

Goal B: Conduct all work with objectivity and accuracy.

OPEGA adheres as fully as possible to the performance auditing standards issued by the United States Government Accountability Office (GAO), known as the *Generally Accepted Government Auditing Standards (GAGAS)* or Yellow Book standards. Adherence to professional standards assures OPEGA's work is objective and accurate and reported results are appropriately supported.

Since 2009, OPEGA has been tracking completion of eight key quality assurance (QA) points incorporated into our internal processes that we believe are most critical to ensuring adherence to the professional standards. Our performance target was to complete all the QA points applicable to each project - only counting a quality assurance point as met if we have documentary evidence the required action was performed within the specified timeframe. We met our 100% target on QA points in both 2009 and 2010, but in 2011 we did not meet, or did not have adequate documentary support for claiming we met, our QA performance target.

In 2012, OPEGA undertook an internal effort to get our performance on this measure back on track by developing and implementing a standardized QA process and tools to use on each project. We re-assessed the designated QA points to ensure they were still the best and most appropriate indicators, and developed a checklist to track adherence to the QA points and maintain adequate supporting documentation. At the beginning of each review, a "QA point-person" is designated who is responsible for ensuring and documenting that the points are met. OPEGA has completed one project since the new QA process and checklist were implemented and all QA points on the new checklist were met.

Goal C: Communicate regularly on our activities, results and impacts.

OPEGA strives to keep those we serve regularly apprised of the projects and other activities we are working on, our results, and the work products available on the projects we complete. Our target audience includes all legislators, not just GOC members, and the general public.

Communication Efforts

In 2012, our efforts to keep legislators and the public informed on our activities and results included:

- posting our Work Plan (with current status) and reports, as well as GOC Meeting Agendas and Summaries, to OPEGA's website;
- distributing GOC meeting agendas in advance to an interested parties email list the Office maintains that includes media representatives, legislators and members of the public that have asked to receive such notifications;
- sending written advance notification of the scheduled public presentation of OPEGA reports, and related GOC public comment periods, to the members of legislative leadership and all joint standing committees that may have jurisdiction over, or a special interest in, the subject matter of the reports;
- distributing, immediately following release of the report, full copies of the final reports to each member of legislative leadership and all joint standing committees that may have jurisdiction over, or a special interest in, the subject matter of the reports;
- notifying all legislators, within a day of report release, that a final report is available - typically done via email with a report summary attached;
- issuing press releases on completed projects within a day of report release, typically done via email with report summaries attached; and
- submitting OPEGA's Annual Report on 2011 Activities and Performance to the Legislature with presentations of that report to both the GOC and the Legislative Council.

In 2012, as in 2011, there continued to be increased media interest in current and past OPEGA reports, as well as certain topics under consideration by the GOC. The media coverage has generally been thoughtful and accurate and, therefore, quite helpful in keeping the public and legislators informed of OPEGA and GOC activities. OPEGA tracks the number of visits to our website as a general overall indicator of interest. That metric is discussed on page 11 of this report.

OPEGA also desires to provide legislators and the public with information about the actual impacts of our work and the recommendations made as a result. We actively follow up on the recommendations in issued reports and periodically review the implementation status on specific reports with the GOC. The Committee also receives formal report backs from responsible agencies. Our Annual Reports include mention of significant actions taken on past reports in the past year (see page 17) as well as discussion of two overall indicators of impact that we track. Those indicators, discussed on pages 11-13, are percent of recommendations implemented or affirmatively addressed and estimated potential fiscal impact associated with OPEGA's recommendations.

Current Challenges and Initiatives

A continuing challenge in determining and communicating the impacts of our work is the timeliness and thoroughness of the follow-up we are able to conduct. Currently, OPEGA strives to at least determine and confirm whether agencies have taken meaningful action on each recommendation made. Even this degree of follow-up can consume significant resources depending on the number and complexity of the issues and recommendations involved. OPEGA has struggled to prioritize follow-up work, particularly in the last two years, as more of the

projects assigned by the GOC have been high priority. Consequently, our follow-up has been limited and not very timely. It has also been difficult to fit agency report backs and meaningful consideration of implementation on past reports into the GOC's meetings. The GOC generally meets about 15 times a year and more current agenda items necessarily receive priority at those meetings.

We would like to be able to report on whether actions taken, by agencies or the Legislature, have been effectively implemented and resulted in the actual improvements or financial impacts envisioned. Occasionally agencies are able to provide us with actual impact information they have gathered but, for the most part, gathering that level of impact detail would require the GOC to assign specific follow-up projects to OPEGA's Work Plan.

An OPEGA initiative for 2013 is to address the challenge of staying current and effective in our follow-up efforts by designing and implementing a more structured and formalized follow-up process and procedure. We have developed a proposed approach that we will be seeking the GOC's input on in the near future.

A second 2013 initiative related to this goal is to assess the feasibility of communicating the results of our reviews in an on-line audio/visual form in addition to the written products we already produce. Some of OPEGA's peer offices in other states have started producing brief Podcasts of their reports that can be accessed on their websites. We also believe this could be a useful communication vehicle and intend to explore what resources would be required for OPEGA to produce Podcasts or similar audio/visual products.

Goal D: Utilize OPEGA's resources effectively, efficiently and economically.

OPEGA is committed to using skilled and knowledgeable staff, smart use of our own resources and continuous improvement – all of which are important to achieving this goal.

Fiscal Resources

One measure that reflects the choices we have made regarding use of our resources is a comparison of our actual to budgeted expenses. Table 3 shows OPEGA's adjusted General Fund budget and actual expenses for the past three fiscal years.

	FY 2010	FY 2011	FY 2012
Total General Fund budget (adjusted)	\$836,385	\$962,048	\$791,442
Total General Fund dollars expended	\$708,850	\$780,173	\$672,613
Dollar variance of expenditures to budget	(\$127,535)	(\$181,875)	(\$118,829)
% variance of expenditures to budget	(15%)	(19%)	(15%)

OPEGA's actual expenditures have been under budget each year since beginning operations in 2005 and that trend continued in 2012. The Office's baseline appropriation was reduced to reflect this historical experience and address the State's ongoing fiscal challenges beginning with the biennial budget for FY 2010 – 2011. A transfer of \$147,268 from prior year unencumbered balances to cover anticipated consulting costs increased OPEGA's adjusted budget for FY11 from \$814,780 to \$962,048.³

In some years, the Legislature also reduces OPEGA's budget to meet State or legislative cost savings initiatives. In 2012, OPEGA's adjusted budget included a reduction of \$17,440 associated with eliminating merit salary increases

³ Unencumbered balances that had accumulated from OPEGA's expenditure variances over the years have gradually been reduced to cover unbudgeted cost-of-living adjustments to salaries and, as approved by the Legislative Council, to help address the State's continuing budget deficits. In total, about \$1.7 million of unadjusted appropriations made to OPEGA in fiscal years 2012 and prior were lapsed back to the General Fund.

for employees and changes to employee benefit plans. It also reflected \$6,960 transferred from OPEGA to the Legislative Study Account to cover expenses of the Commission to Study Allocations of the Fund for a Healthy Maine. Legislation forming the Commission implemented a recommendation in OPEGA's 2009 report on programs supported by the Fund.

OPEGA's actual expenditures for FY12 were \$672,613, about 15% under budget. The variance was primarily due to:

- a position vacancy for part of the year;
- no projects requiring consultant services; and
- actual costs for employee training, printing, advertising and per diem payments for GOC members lower than budgeted.

Staff Development

As previously mentioned, OPEGA's work is guided primarily by the *Generally Accepted Government Auditing Standards (GAGAS)*. GAGAS Standard 3.46 requires performance auditors to meet continuing professional education (CPE) requirements. Every two years each OPEGA analyst and the Director must complete a total of 80 CPE hours, with at least 20 CPE being completed in each year and at least 24 of the total 80 hours of CPE being directly related to government auditing or the government environment.

The intent of these standards is to ensure staff stays abreast of new developments in the government auditing arena and the profession, and obtains a broad skill set that enhances the Office's effectiveness and efficiency. The OPEGA professionals to whom these CPE requirements applied in 2012 all met the training requirements for the two-year period.

Current Challenges and Initiatives

For at least the past five years, budgetary constraints have made it challenging to obtain the necessary CPE hours through quality, effective training with real value for improving OPEGA staff skills and knowledge. We have limited out-of-state travel and used free or inexpensive training opportunities that are at least relevant to our work whenever possible. Those opportunities include participating in on-line training webinars and audio conferences and attending live training seminars offered through professional organizations in Maine. While we have held down costs and managed to complete our CPE requirements through this approach, we have reached a point where individual staff members, and the Office as a whole, are gaining little in expanded skills and knowledge. In 2013, we will focus on determining what individual staff members and the Office could most benefit from, and seek the most cost-effective resources and approach for meeting those training needs.

Another on-going challenge has been to strike the appropriate balance in allocating OPEGA staff time, including that of the Director, between review projects and other Office activities and responsibilities. Some non-project activities have consistently received less priority than progressing on projects and responding to the GOC's current need for information, even though they are also important to maintaining and increasing the value of our function.

For example, in the past several years, the GOC has more frequently chosen to introduce legislation, stemming from OPEGA's current and past reports, as a means to effect change. Working with the Committee on proposed legislation is one of OPEGA's non-project responsibilities, but it can be time-consuming. This was especially true with the legislation the GOC introduced on quasi-independent State entities in 2012 that became Public Law 2011, Chapter 616. In that case, significant research was required, a whole new section of statute had to be crafted and OPEGA worked closely with the GOC, the Office of Policy and Legal Analysis, the Office of the Revisor and up to 40 agencies potentially affected by the bill.

The challenge in balancing project and non-project priorities has affected OPEGA's timeliness in completing some of the non-project work. Our follow-up on past reports has been limited and not timely, and we are still working on two pieces of legislation the GOC voted to introduce last year, both of which have required some research to determine what needs to go into the bill. For the last two years, we have also failed to meet the statutory due date for submission of our annual reports.

In 2012, OPEGA began several initiatives attempting to gain efficiencies on project work and allocate more resources and attention to non-project work. These initiatives, which will continue into 2013, included:

- Re-assessing and re-assigning some roles and responsibilities among staff within the Office, which also has the goal of giving staff more on the job opportunities for professional development. Effectively implementing these changes will require renewed commitment to supporting staff with sufficient, meaningful training and guidance.
- Obtaining approval from the Legislative Council to establish an additional temporary part-time position for FY13 (which began in July 2012) funded with unspent OPEGA balances from prior years. An existing OPEGA staff member who desired to only work part-time moved into the temporary position allowing us to retain this capable employee for another year. However, a delay in backfilling the full time position left vacant and other staffing developments, means this initiative will primarily allow OPEGA to maintain the historical number of staff hours available throughout FY13, rather than provide a temporary increase in resources as originally planned.
- Updating our strategic plan to establish more current and relevant performance objectives and measures. In revising the Plan, we will consider objectives and measures that reflect the need to give more priority to some of the critical non-project work.

Overall Indicators of Outcomes

OPEGA tracks data on three measures that are broad indicators of the outcomes of our work. These are:

- number of visits to OPEGA's website;
- percentage of recommendations implemented or affirmatively addressed; and
- estimated potential fiscal impacts associated with OPEGA recommendations.

Outcomes associated with OPEGA's work are affected by many factors beyond OPEGA's control. For example, the nature of the review topics assigned to OPEGA by the Government Oversight Committee can vary considerably from year to year and not all are primarily focused on cost savings. The ability to calculate estimated savings also varies based on the exact nature of the recommendations made and data available. Nonetheless, OPEGA is committed to identifying and documenting opportunities to improve the State's fiscal situation, where applicable, within the study areas determined by the GOC.

Similarly, while OPEGA is committed to offering recommendations that are actionable and make sense for the State, there are many factors outside our control that affect whether those recommendations are implemented. Such factors include agency priorities, the nature and availability of resources needed to accomplish the implementation, and political considerations. Some of our recommendations also call for actions that lay the ground work, or nurture support, for longer term improvements that may take time to implement and may not show their full benefits for years to come.

Number of Visits to OPEGA’s Website

We track this measure as an indicator of the overall interest in our function and our work products. Our website traffic in 2011 substantially increased from 2010. We believe this reflected the fact that several of OPEGA’s projects in 2011 were of significant general interest to Maine’s citizens and were well covered by Maine’s media, including the report on the Maine Turnpike Authority which also garnered national and international attention. Media coverage of a report on Maine State Housing Authority was likely a factor in 2012. Even though website visits declined from 2011, the numbers were still significantly higher than those in 2010.

	2010	2011	2012
Total visits to OPEGA’s website	5,634	10,845	8,605
Visits from Maine towns	4,256 from 110 towns	8,761 from 133 towns	6,517 from 108 towns
Visits from other states*	861 from 48 states	1,439 from 50 states	1,301 from 49 states
Visits from countries other than USA	517 from 70 countries	645 from 83 countries	787 from 89 countries

*Counts includes visits from the District of Columbia

For the period 2008 – 2012, there were a total of 40,503 visits to the website including:
 32,044 visits from 220 Maine towns;
 5,461 visits from the 50 other states and the District of Columbia; and
 2,998 visits from 142 countries other than the USA.

Percent of Recommendations Implemented or Affirmatively Addressed

This is a measure of how often action is taken by agencies or the Legislature to address the specific issues identified in our reviews, either through implementation of our recommended action or through alternative actions reasonably expected to improve the situation we identified. Tracking this data gives us insight into the significance and usefulness of our results and recommendations, as well as the overall effectiveness of our function in facilitating warranted changes in State government.

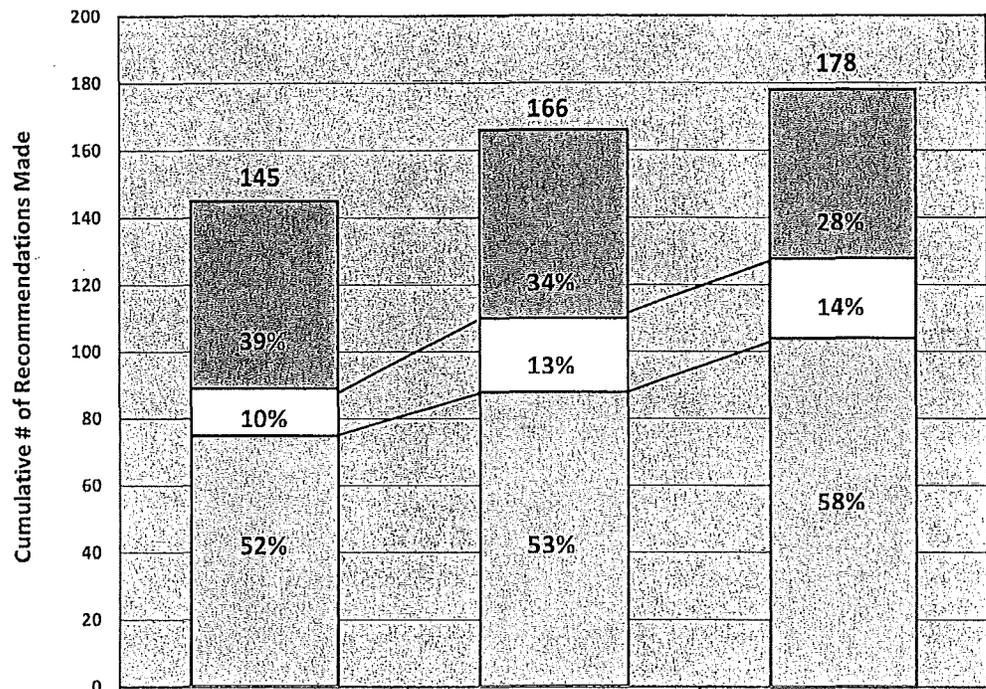
For the period January 2005 through December 2012 (based on OPEGA’s follow-up to date) 58% of all recommendations made (104 of 178) have now been implemented or affirmatively addressed including:

- 62% of the recommendations directed to management (73 of 117); and
- 51% of recommendations directed to the Legislature (31 of 61).

OPEGA is aware of activity in progress that, if successfully completed, could result in implementation of another 24 recommendations, 16 of which had been directed to management and eight to the Legislature.

As shown in Figure 1, the percentage of total OPEGA recommendations that have been implemented or affirmatively addressed has continued to increase each of the last three years, as has the percentage of recommendations where there is some activity in progress. We believe this trend reflects improvements in defining more actionable recommendations, increased responsiveness of agencies in acting on issues identified by OPEGA, even while reviews are in progress, and the GOC’s initiatives in the past few years to introduce legislation as a means to implement recommendations when appropriate.

Figure 1. Status of Actions on OPEGA Recommendations



	2010	2011	2012
Not Yet Addressed as of Last Follow Up	56	56	50
In Progress	14	22	24
Implemented or Affirmatively Addressed	75	88	104

Of the 50 recommendations that had not yet been addressed at the end of 2012 (as of OPEGA's last follow-up), 33 are from six OPEGA reports that the Office and GOC are no longer conducting active follow-up on. Twenty-six of those 33 recommendations are from the reports OPEGA issued in 2006 on State-wide Information Technology Planning and Management and Guardians ad litem for Children in Child Protection Cases. In both instances, the responsible agencies have noted resource constraints, or a need for additional resources, as barriers to implementing OPEGA's recommendations or otherwise addressing the issues reported. In 2012, the GOC considered two separate requests for new OPEGA reviews of the Office of Information Technology and Guardians ad litem for Children. The requests were based on concerns and issues that mirrored those OPEGA had reported on in 2006, indicating that improvements in these programs and activities since 2006 have indeed been limited. See Action on Past Reports on page 18 for actions taken by the GOC on these 2012 review requests.

Most of the remaining 17 unaddressed recommendations are from three reports released in 2008 and 2009. OPEGA will be bringing these to the attention of the GOC for its determination on whether to initiate Committee action on any of relevant recommendations before active follow-up on those reports ceases.

Estimated Potential Fiscal Impact Associated with OPEGA Recommendations

The fiscal impacts associated with issues and recommendations reported by OPEGA for the period January 2005 through December 2012 are summarized below. Fiscal impacts associated with OPEGA's 2012 reports include unplanned past costs that could have been avoided, potential future costs that could be avoided, unnecessary expenditures incurred, potential fraud and misuse of funds, potential for increased revenues, and potential for reduced expenses on an on-going basis. These impacts are described in more detail in the Summary of Reports and Results section on page 14 of this report. There was no reasonable basis for estimating dollar amounts associated with most of them, but dollar amounts that were available are included in the figures below. Supporting information about the fiscal impacts estimated for older reports can be found in OPEGA's prior annual reports.

As a result of identified weaknesses documented through OPEGA's work since 2005, there have been at least:

- \$30.5 million in unplanned costs that could have been avoided;
- \$4.18 million in overpayments and other unnecessary expenditures;
- \$597,806 in confirmed misuse of funds and fraud; and
- other inefficiencies, reduced productivity and opportunities for increase revenue that could not be readily quantified.

Correcting these deficiencies, as recommended by OPEGA, should help ensure that such negative fiscal impacts are not incurred in the future. Additionally, affected agencies have recovered at least \$430,000 of the total in confirmed misuse of funds and fraud from those responsible.

OPEGA recommendations for longer term, or more structural, changes have also offered the potential for avoiding or reducing costs on a significant level. For most of these, there was no reasonable basis for readily developing realistic, quantifiable estimates of what those positive fiscal impacts might be. In the few instances where sufficient information was available, we conservatively estimated **at least**:

- \$766,834 in actual reduced costs on an annual basis;
- \$190,700 in potential reduced costs on an annual basis;
- \$4,132,907 in potential reduced costs on a one-time basis; and
- 5,612 hours of State employee time (the equivalent of nearly 3 full-time positions) that could be saved or redirected.

Additional resources needed to implement recommendations made (including those meant to improve quality of services) are estimated to be at least:

- \$1,218,744 in one time expenditures; and
- \$539,665 in annual expenditures.

In some cases, the expenditure of additional resources is expected to be offset by future savings or greater efficiency and productivity but those offsets could not be readily estimated.

Summary of Projects and Results

During 2012, OPEGA reported on four projects bringing the total reports published by OPEGA since 2005 to 33. A listing of those reports can be found in Appendix A.

Maine State Housing Authority: Review of Certain Expenditures

OPEGA was tasked with reviewing MaineHousing's expenditures for sponsorships, donations, and memberships, as well as any travel and meal expenses, or other expenses, where the nature of the vendor and the amount of the expense may raise questions as to reasonableness or necessity in relation to MaineHousing's mission and programs. This was not intended to be a comprehensive review of all MaineHousing expenditures, but rather a focused review of the specific expense areas identified as of concern to the GOC. The GOC assigned this project and gave it priority as a Rapid Response review amid legislative and public concerns raised when MaineHousing released a listing of its vendors in response to a Freedom of Access Act request.

OPEGA judged substantially all of the sampled MaineHousing expenses to be generally consistent with its mission and primary activities. All the expenses appeared business-related and no indications of fraud were found. However, we did identify \$50,959 in expenditures made over the last five years that might be unnecessary either because they were not related, or only indirectly related, to MaineHousing's mission or because they were expenses not typical for a State agency. We also noted several expense categories where the level of activity seemed considerably more frequent than is typical for State agencies. These expense categories were: sponsorships and organizational memberships; out of state conferences; food and refreshments for employees; and other employee benefits. OPEGA recommended that the MaineHousing Board reconsider the Authority's level of expenses and activity in these areas and the areas where unnecessary expenses were noted. Other specific issues addressed in the report were:

- Supporting documentation for expense reimbursements and corporate credit card charges were not always submitted timely and often lacked itemized receipts or specific explanations of the business purpose.
- Business purchases made on employees' personal credit cards created opportunity for personal gain and circumventing purchasing controls.
- Some expenses were coded to accounts that did not accurately reflect the nature of the expense.

Mid-way through the review, two events transpired that affected MaineHousing and its response to the issues noted above. First, the Director resigned in March 2012 for reasons unrelated to the OPEGA review. With her resignation, the Board began setting a new course for the Authority that supported the actions necessary to address the reported findings. Second, two pieces of legislation were passed that affected MaineHousing operations. LD 1778 pertained to the governance of MaineHousing. It increased the number of Commissioners on MaineHousing's Board from eight to ten, established that certain powers and duties are vested with the Board of Commissioners rather than the Director, and made the Director more accountable to the Board. LD 1843⁴ set expectations for governance and certain financial and business practices for quasi-independent State entities.

Actions taken by MaineHousing's Board and management in September 2012 to comply with the new requirements in LD 1843 (enacted as Public Law 2011, Chapter 616) also addressed most of the issues OPEGA reported from this review. As of this report, MaineHousing has fully implemented all four of OPEGA's recommendations primarily through establishing or updating policies and procedures. Consequently, OPEGA and the GOC will continue to monitor MaineHousing's implementation of those policies through the reports to the Legislature required by the new law.

⁴ LD 1843 is described in more detail under the Action of Past Reports section on page 17 of this report.

Cost Per Prisoner in the State Correctional System

OPEGA was tasked with analyzing Maine's costs associated with housing and managing prisoners and residents under the jurisdiction of the Maine Department of Corrections (MDOC). A national report showing Maine as having the seventh highest cost per prisoner (CPP) in the nation prompted questions among members of the Joint Standing Committee on Criminal Justice and Public Safety and the GOC as to why Maine's costs were so much higher than other states.

OPEGA found MDOC calculates its CPP in a manner generally consistent with that of other states and research organizations. This method involves dividing certain corrections' expenditures by the average daily prisoner population each year. OPEGA did not suggest any changes in MDOC's methodological approach to calculating CPP. MDOC does, however, exclude certain costs from the calculation that we judged to be indirectly related to the cost of housing prisoners. Although the proportion of these indirect costs in relation to MDOC's total expenditures is small, we suggested MDOC consider incorporating them into future CPP calculations. We also noted opportunities for MDOC to improve its methods for determining the average prisoner counts used in the CPP calculation.

Our review also found that comparing state correctional systems using the CPP statistic is inherently problematic. Understanding the differences between correctional systems in underlying factors that drive costs, i.e. staffing ratios, would be more valuable than the CPP statistic in understanding how Maine compares to other states. We did not undertake that task as part of this review, but MDOC has begun participating with other states in a continuous effort called the Performance-Based Measures System that will produce data on the underlying factors and allow such comparisons in the future. MDOC expected to have useful data from this effort that could be shared with legislators by the end of 2012.

The MDOC administration changed in early 2011 and has undertaken several initiatives that are expected to impact cost per prisoner statistics. These include an adjusted staffing model, continuing efforts to reduce overtime, re-missioning Mountain View Youth Development Center, and changing location and staffing for the Women's Reentry Center.

Child Development Services

OPEGA was tasked with a review of Child Development Services (CDS), a program that is the responsibility of Maine's Department of Education (MDOE), but which is administered through the statutorily-created Child Development Services System. The CDS program provides early childhood intervention services and Free and Appropriate Public Education to children with disabilities from birth through age five in accordance with the federal Individuals with Disabilities Education Act. Recent legislator interest in a review of CDS stemmed primarily from recurring supplemental budget requests for the program over the past several years. Additionally, legislators had heard a number of concerns from private service providers who contract with the CDS. These concerns included, but were not limited to, timely payment of invoices, central and regional management of CDS offices, and a perceived shift toward CDS using its own employees to deliver services rather than private providers. OPEGA's review focused on costs and fiscal management of the program.

MDOE and CDS are responsible for ensuring children receive appropriate, quality services and complying with pertinent laws and regulations, but they are also responsible for being good stewards of State and federal resources while doing so. We observed a culture throughout the CDS System that was appropriately focused on compliance and providing quality services for children, but which did not place sufficient emphasis on fiscal considerations and impacts. The culture was one of several overarching issues OPEGA identified that, taken together, significantly

hindered the comprehensive, system-wide management of this entitlement program, particularly from a fiscal perspective. These overarching issues also contributed to recurring appropriation overruns. OPEGA identified the following specific issues during the course of this review:

- Organizational structure and limited capabilities in key management functions hinder comprehensive management, transparency and oversight of the program.
- MDOE and CDS do not place sufficient emphasis on ensuring efficient and cost-effective use of resources in the implementation of the CDS program.
- MDOE is not adequately monitoring CDS' finances nor ensuring CDS' biennial budgets reflect projected actual resource needs.
- CDS does not track actual service units provided by its direct service staff against children's Plans and does not consistently monitor staff productivity.
- Electronic data needed, or useful, for managing the program is not always reliable or captured in a consistent manner.
- Contract management is decentralized and professional administrative services are not always competitively procured.
- Program revenue sources are not maximized.
- Lack of coordination between MDOE, CDS and DHHS creates risk of potential fraud and abuse in the MaineCare program associated with billing for CDS program services.

MDOE began addressing some of the structural and accountability issues through proposed statutory changes that the Legislature passed in April 2012 as Part OO of the Governor's Supplemental Budget for fiscal years 2012 and 2013. As a result, the independent governing boards of the CDS regional sites have been eliminated and the regional sites now report directly to the State Director of Early Childhood Education. There is, however, much more to be done to bring about the systemic changes required for meaningful improvements to the fiscal management of this program. MDOE and the CDS State Director continue to implement a comprehensive action plan laid out to address the issues OPEGA reported and will be reporting back to the GOC on the status of that action plan in early 2013.

Successful implementation of OPEGA's recommendations could minimize or reduce future costs, increase revenue received from MaineCare and private health insurers, and identify fraud and misuse of funds. Specific dollar amounts associated with these potential fiscal impacts could not be reasonably estimated at the time of review, but may become evident as recommendations are implemented.

Communications Regarding a Computer System Weakness Resulting in MaineCare Claims Payments for Ineligible Individuals

OPEGA was tasked with a Rapid Response review of communications in the Executive Branch regarding a computer system weakness resulting in MaineCare claims payments for ineligible individuals. MaineCare, Maine's Medicaid program, provides health insurance to certain low income residents. It is administered by the Office of MaineCare Services within the Department of Health and Human Services. A weakness in the design of business rules for the Maine Integrated Health Management System (MIHMS) resulted in \$10.6 million in improper claims payments for 7,730 members, and artificially inflated the MaineCare caseload by 19,000 members.

The issue and its implications were not reported to the Legislature until early March 2012, after the Joint Standing Committee on Appropriations and Financial Affairs had spent considerable time weighing controversial cuts to MaineCare eligibility. This prompted legislator questions and concerns about the information DHHS chose to share with the Legislature. OPEGA's review focused on human communications within the Executive Branch, between

the Executive Branch and the contractors on the computer system project, and between the Executive and Legislative branches related to the computer issue.

OPEGA found that an ineligible segments issue was identified by DHHS staff working on the project to implement the new claims payment system in August 2010. The issue was properly documented and placed on a list for corrective action by the contractor designing and operating the system at that time. It remained unaddressed due to a multitude of other system issues that arose and received priority. Project management was aware of the issue and the fact that it was resulting in improper claims payments from at least March 2011 on and the issue was given higher priority. Although, the contractor and the State still struggled to implement a timely and successful fix for the issue, the DHHS Project Manager did not bring this specific issue to the attention of the MIHMS Steering Committee or DHHS executive management.

Consequently, while knowledge of the specific issue was known for quite some time by individuals actively working on the project, executive management was not aware of the issue or its resulting implications until late December 2011. The DHHS Commissioner was not confident in the accuracy of financial impact estimates she was receiving from staff and continued to seek better information. As a result, she did not report on the issue and its impacts to the Governor or the Legislature until late February/early March 2012.

In conducting this review, OPEGA identified issues we believe contributed to this system flaw not being prioritized more highly or reported to the Commissioner earlier. We did not gather sufficient information for making recommendations related to these issues as they were beyond the scope of this review. Nonetheless, we believe they warrant DHHS' consideration regarding MIHMS and future system projects. At the time of our review DHHS was already taking steps to address issues in the following areas:

- MIHMS Project Management
- Steering Committee Effectiveness
- Issue Prioritization
- Communication within the MIHMS Project Team, and between the MIHMS Project Team and Executive Management

Actions on Past Reports

OPEGA and the GOC continue to monitor actions taken on previously issued reports, and determine whether additional Committee action is needed to implement recommendations not yet satisfactorily addressed. Some notable actions taken on past OPEGA reports in 2012 were:

- The GOC introduced LD 1843, An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities. LD 1843 was considered and amended by the Joint Standing Committee on State and Local Government. It was passed by the Legislature, signed into law by the Governor as Public Law 2011, Chapter 616 and is now codified in statute 5 MRSA §§12021-12024. The legislation was a by-product of OPEGA's review of the Maine Turnpike Authority as the GOC felt it appropriate to clarify legislative expectations and strengthen oversight for all significant quasi-independent entities created by the Legislature. A major aspect of this law establishes responsibilities and requirements for quasi-independent State entities on certain financial policies and procedures. In particular, It charges the governing body of the entity with:
 - ensuring activities and expenditures are consistent with the entity's authorizing law;
 - ensuring the entity complies with the financial policies and procedures established by the governing body;
 - establishing policies and procedures relating to the selection of vendors and procurement of services;

- establishing policies and procedures governing expenditures for contributions;
 - establishing policies and procedures governing expenditures for travel, meals and entertainment;
 - ensuring the agency does not retain any person, other than entity staff, that would be required to register as a lobbyist; and
 - reporting annually to the Legislature on certain types of expenditures.
- The GOC considered a legislator-sponsored request for a new OPEGA review of concerns related to the Office of Information Technology that mirrored issues in a report issued by OPEGA in 2006. The request was an indication that effective action had not been taken to address previously reported issues. The GOC voted to add a formal follow-up review of Office of Information Technology (OIT) to OPEGA's Work Plan given the criticality of information technology to all of State government. This follow-up review, now in progress, is designed to hold OIT accountable for establishing and implementing specific improvement goals and action plans in the critical areas of: project management, business continuity and disaster recovery planning, and supporting the State's data and information needs. The follow-up review is not expected to be fully complete until 2015 depending on OIT's action plans in each area.
 - The GOC considered a legislator-sponsored request for a new OPEGA review of concerns related to Guardians ad Litem for Children (GALs) that mirrored issues in a report issued by OPEGA in 2006. The request was an indication that effective action had not been taken to address previously reported issues. The GOC sought the assistance of the Legislature's Joint Standing Committee on Judiciary in getting the Judicial Branch to take action on some of the key issues left unaddressed. The Maine Supreme Court Chief Justice committed to convening a task force to design an improved complaint process for citizens with complaints about GALs. The Task Force met and issued a report with recommendations that is currently under review by the Judiciary Committee of the 126th Legislature.
 - Two pieces of legislation recommended by the 2011 Commission to Study Allocations of the Fund for a Healthy Maine were introduced and passed by the Legislature. The resulting laws addressed several recommendations in OPEGA's 2009 report on Fund for a Healthy Maine Programs⁵ by:
 - specifying prevention, education and treatment activities concerning unhealthy weight and obesity as acceptable uses of the fund;
 - requiring the DAFS Commissioner to create a new budget program specific to Unhealthy Weight and Obesity efforts;
 - establishing the Fund for a Healthy Maine (FHM) as a separate Fund for accounting purposes;
 - requiring State agencies and contractors receiving FHM funding to separately account for those dollars and report on the use of those dollars toward targeted FHM purposes to the DAFS Commissioner;
 - requiring the DAFS Commissioner to compile a report on the uses of the Fund and submit it to the Legislature by October 1st each year; and
 - establishing that the Joint Standing Committee on Health and Human Services shall review all proposals that come before the Legislature that involve use of the Fund to ensure proposals are consistent with the goals and purpose of Fund.

⁵ The Commission to Study Allocations for the Fund for a Healthy Maine was established through legislation introduced by the GOC in 2011 to address one recommendation in OPEGA's 2009 report on Fund for a Healthy Maine Programs. The enacted laws resulting from the Commission's work are Public Law 2011, Chapter 617 and Public Law 2011, Chapter 701.

- The Public Utilities Commission's Emergency Services Communications Bureau (ESCB) and the Enhanced 9-1-1 Advisory Council took actions that addressed the final two recommendations in OPEGA's 2010 report on Emergency Communications in Kennebec County. In February, the Council adopted a standardized call transfer protocol for use by all E9-1-1 Public Safety Answering Points (PSAPs) and dispatch centers. The purpose of the standard protocol is to prevent "blind transfers" of calls between emergency communications centers (ECCs) and ensure critical information is passed between ECCs in an efficient manner. All PSAPs are expected to implement the policy and work with dispatch-only sites in their regions. Additionally, in March, the legislative Joint Standing Committee on Energy, Utilities and Technology encouraged the ESCB to move as quickly as possible in redirecting wireless calls from Department of Public Safety (DPS) PSAPs to the PSAP most likely to dispatch the needed emergency service. In 2012, approximately 50,000 9-1-1 calls were redirected from DPS PSAPs to the county or municipal PSAPs. Twenty-five of 26 PSAPs now receive some wireless calls directly. The ESCB's goal is to complete the re-route of all cell towers to the appropriate PSAP (to the extent that a PSAP is willing to accept the additional call volume) by January of 2014. Redirecting these calls reduces the number of transfers between PSAPs and spreads the costs associated with receiving wireless calls among PSAPs.

Appendix B summarizes the current implementation and follow-up status of OPEGA's reports.

Acknowledgements

OPEGA would like to acknowledge and express appreciation to others in State government for the knowledge, service and other assistance they willingly contribute to OPEGA's reviews and general operations. In particular, special thanks to the:

- Office of the Executive Director of the Legislature;
- Office of Legislative Information Technology;
- Office of Policy and Legal Analysis;
- Office of Fiscal and Program Review;
- Law and Legislative Reference Library;
- Office of the State Controller;
- State Audit Department; and
- Office of the Attorney General.

Appendix A: Listing of Available OPEGA Reports by Date Issued

Report Title	Date Issued	Overall Conclusion	JSC's that Received Report
Communications Regarding a Computer System Weakness Resulting in MaineCare Claims Payments for Ineligible Individuals	November 2012	DHHS MIHMS project staff knew of the issue in 2010, but executive management knowledge of the issue and its impact was limited until early 2012. Several factors contributed to the system weakness not being highly prioritized or reported to the DHHS Commissioner earlier.	AFA HHS
Child Development Services	July 2012	Implementing comprehensive program management, encouraging responsible stewardship of resources, and developing data to support management decisions could improve efficiency and cost effectiveness.	AFA EDUC
Cost Per Prisoner in the State Correctional System	June 2012	MDOC's methodology for calculating the cost per prisoner is reasonable but the statistic is of limited use in comparing states to one another due to a number of variables.	AFA CJ&PS
Maine State Housing Authority: Review of Certain Expenditures	May 2012	Most expenses reviewed were connected to MaineHousing's mission. Some expense types or amounts may be unnecessary and should be reconsidered.	AFA LCRED
Health Care Services in State Correctional Facilities	November 2011	Weaknesses exist in MDOC's monitoring of contractor compliance and performance. Contractor not compliant with some MDOC policies and professional standards. New administration is undertaking systemic changes.	AFA CJ&PS
Sales of State Real Estate	October 2011	Process is inconsistent across departments. Public notice on real estate sales is limited.	
GOC Special Project: Investigation into Sale of Real Estate to Maine State Prison Warden	August 2011	GOC questioned judgment of State officials in allowing sale to proceed but found no intentional misdealings.	
Maine Green Energy Alliance	August 2011	Weak controls and informal practices created high risk for misuse of funds and non-compliance. No inappropriate funding uses identified, but compliance issues were noted.	EU&T
Certificate of Need	May 2011	Process appears clear, consistent and transparent. Opportunity for better documentation exists.	HHS
Health Care Services in State Correctional Facilities: Opportunities to Contain Costs and Achieve Efficiencies	April 2011	Opportunities exist to better manage costs of health care in State correctional facilities by restructuring contracts with providers and implementing electronic medical records.	AFA CJ&PS HHS
GOC Special Project: Investigation into MTA's Purchase of Gift Cards	April 2011	GOC determined there was sufficient evidence of potential misuse of funds to request an investigation by the Attorney General's Office.	
Maine Turnpike Authority	January 2011	Strong planning process drives bond and toll decisions. Some contracting practices and expenditure controls should be improved. Additional clarity needed around surplus transfer and operating expenses.	Transportation

Report Title	Date Issued	Overall Conclusion	JSC's that Received Report
Emergency Communications in Kennebec County	February 2010	Fragmented PSAP and dispatch network presents challenges. Quality and rate issues need to be addressed to optimize public safety.	EU&T CJ&PS
OPEGA's Special Project on Professional and Administrative Contracts	February 2010	Opportunities exist to reduce FY11 General Fund costs for professional and administrative contracts by temporarily suspending some contracts. Potential also exists to reduce costs of on-going agreements.	AFA
Fund for a Healthy Maine Programs	October 2009	Adequate frameworks exist to ensure cost-effectiveness of specific activities. Allocations should be reassessed and changes should be made to improve financial transparency.	AFA HHS
MaineCare Durable Medical Equipment and Medical Supplies	July 2009	Prevention and detection of unnecessary or inappropriate claims should be strengthened to better contain costs.	AFA HHS
Maine State Prison Management Issues	June 2009	The workplace culture of Maine State Prison may be exposing employees and the State to unacceptable risks and needs continued attention.	CJ&PS
MaineCare Children's Outpatient Mental Health Services	February 2009	8% of funds spent support DHHS's administrative costs. Primary drivers are a contract with the ASO and costs incurred in processing provider claims. Another 19% of expenses can be attributed to providers' administrative costs.	AFA HHS
Fund For A Healthy Maine Programs: A Comparison of Maine's Allocations to Other States and a Summary of Programs	February 2009	Maine consistently prioritized preventive health services more than other states.	AFA HHS
State Contracting for Professional Services: Procurement Process	September 2008	Practices generally adequate to minimize cost-related risks; controls should be strengthened to promote accountability.	AFA
DHHS Contracting for Cost-Shared Non-MaineCare Human Services	July 2008	Cash management needs improvement to assure best use of resources.	AFA HHS
State Administration Staffing	May 2008	Better information needed to objectively assess possible savings opportunities.	AFA
State Boards, Committees, Commissions and Councils	February 2008	Opportunities may exist to improve State's fiscal position and increase efficiency.	AFA State & Local Nat. Resources
Bureau of Rehabilitation Services: Procurements for Consumers	December 2007	Weak controls allow misuse of funds, affecting resources available to serve all consumers.	AFA Labor
Riverview Psychiatric Center: An Analysis of Requests for Admission	August 2007	Majority seeking admission not admitted for lack of capacity but appear to have received care through other avenues; a smaller group seemed harder to place in community hospitals.	CJ&PS HHS
Urban-Rural Initiative Program	July 2007	Program well managed; data on use of funds should be collected.	Transportation

Report Title	Date Issued	Overall Conclusion	JSC's that Received Report
Highway Fund Eligibility at the Department of Public Safety	January 2007	The absence of a clear definition of HF eligibility and reliable activity data prevent a full and exact determination of which DPS activities are eligible to receive HF.	AFA CJ&PS Transportation
Economic Development Programs in Maine	December 2006	EDPs still lack elements critical for performance evaluation and public accountability.	AFA Agriculture LCRED Taxation
Guardians ad litem for Children in Child Protection Cases	July 2006	Program management controls needed to improve quality of guardian ad litem services and assure effective advocacy of children's best interests.	HHS Judiciary
Bed Capacity at Riverview Psychiatric Center	April 2006	RPC referral data is unreliable; other factors should be considered before deciding whether to expand.	CJ&PS HHS
State-wide Information Technology Planning and Management	January 2006	State is at risk from fragmented practices; enterprise transformation underway and needs steadfast support.	AFA State & Local
Review of MECMS Stabilization Reporting	December 2005	Reporting to Legislature provides realistic picture of situation; effective oversight requires focus on challenges and risks.	AFA HHS
Title IV-E Adoption Assistance Compliance Efforts	November 2005	Maine DHHS has made progress in addressing compliance issues; additional efforts warranted.	HHS

Appendix B: Summary of Implementation and Follow-Up Status on Issued Reports
 (Implementation status based on information gathered by OPEGA as of 1-31-13)

Report Title (Date)	Implementation Status	Follow-up Status
Reports Still in Active Follow-Up Status (by date of issuance)		
Child Development Services (July 2012)	Partially Implemented (Activity in Progress)	Follow-up continuing
Health Care Services in State Correctional Facilities (November 2011)	Partially Implemented (Activity in Progress)	Follow-up continuing
Maine Green Energy Alliance (August 2011)	Partially Implemented (Activity in Progress)	Follow-up continuing
Fund for a Healthy Maine Programs (October 2009)	Mostly Implemented (Activity in Progress)	Follow-up continuing
MaineCare Durable Medical Equipment and Medical Supplies (July 2009)	Mostly Implemented (Activity in Progress)	Follow-up continuing
MaineCare Children's Outpatient Mental Health Services (February 2009)	Limited Implementation	Follow-up continuing
State Administration Staffing (May 2008)	Partially Implemented	Follow-up continuing (No FU conducted in 2012)
State Boards, Committees, Commissions and Councils (February 2008)	Limited Implementation	Follow-up continuing (No FU conducted in 2012)
Economic Development Programs in Maine (December 2006)	Partially Implemented	Follow-up continuing (FU in 2012 was limited)
Reports No Longer in Active Follow-Up Status (by date of issuance)		
Maine State Housing Authority: Review of Certain Expenditures (May 2012)	Fully Implemented	Active follow-up ceased
Maine Turnpike Authority (January 2011)	Fully Implemented	Active follow-up ceased
Emergency Communications in Kennebec County (February 2010)	Mostly Implemented	Active follow-up ceased
OPEGA's Special Project on Professional and Administrative Contracts (February 2010)	Partially Implemented	Active follow-up ceased
Maine State Prison Management Issues (June 2009)	Fully Implemented	Active follow-up ceased
State Contracting for Professional Services: Procurement Process (September 2008)	Fully Implemented	Active follow-up ceased
DHHS Contracting for Cost-Shared Non-MaineCare Human Services (July 2008)	Fully Implemented	Active follow-up ceased
Bureau of Rehabilitation Services: Procurements for Consumers (December 2007)	Fully Implemented	Active follow-up ceased

Report Title (Date)	Implementation Status	Follow up Status
Urban-Rural Initiative Program (July 2007)	Fully Implemented	Active follow-up ceased
Guardians ad litem for Children in Child Protection Cases (July 2006)	Partially Implemented	Active follow-up ceased
Bed Capacity at Riverview Psychiatric Center (April 2006)	Fully Implemented	Active follow-up ceased
State-wide Information Technology Planning and Management (January 2006)	Partially Implemented	Active follow-up ceased
Review of MECMS Stabilization Reporting (December 2005)	Mostly Implemented	Active follow-up ceased
Title IV-E Adoption Assistance Compliance Efforts (November 2005)	Fully Implemented	Active follow-up ceased

Note: Implementation and follow-up are not applicable for the following OPEGA study reports as they did not contain recommendations: Communications Regarding Computer System Weakness, Cost Per Prisoner in the State Correctional System, Sales of State Real Estate; Certificate of Need; Health Care Services in State Correctional Facilities; Opportunities to Contain Costs and Achieve Efficiencies; Riverview Psychiatric Center: An Analysis of Requests for Admissions; Highway Fund Eligibility for the Department of Public Safety; and, Fund For A Healthy Maine Programs: A Comparison of Maine's Allocations to Other States and a Summary of Programs.

Proposal for "Olympia Snowe Day"

Senator Olympia Snowe is one of the giants of Maine political history. An alumnus of both the Maine House of Representatives (1973 to 1976) and the Maine Senate (1976-1978), she served with distinction in the United States Congress for eight terms and then in the United States Senate for three terms. Senator Snowe chose not to seek reelection in 2012, concluding a 34-year record of service to Maine in the United States Congress. Her long and distinguished career was characterized by hard work, a dedication to her home state, and a willingness to work across the aisle to move our country forward. Senator Snowe represented Maine in Washington longer than anyone else in the last 100 years. She has served as an inspiration to thousands of Mainers, particularly women and girls.

"Olympia Snowe Day" here at the Maine Legislature would give us an opportunity to honor her, to extend an invitation to her to address a joint session of the 126th Legislature and to provide her with an appropriate memento to mark the occasion.

I propose the Legislative Council approve the concept and then reach out to Senator Snowe to extend the invitation.

Respectfully submitted,
Senator Roger Katz