

MAINE STATE LEGISLATURE

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VICE-CHAIR

EXECUTIVE DIRECTOR
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REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

126th Legislature
Legislative Council

Thursday, May 23, 2013
2:00 P.M.

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE APRIL 29, 2013 AND MAY 9, 2013 MEETINGS OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
❖ 15	• Executive Director's Report (Mr. Boulter)	Information
16	• Fiscal Report (Mr. Pennoyer)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (no report)	
	• State House Facilities Committee (no report)	
	OLD BUSINESS	
❖ 20	Item #1: Council Actions Taken By Ballot (No Action Required)	Information

NEW BUSINESS

- | | | | |
|------|----------|---|-----------------------|
| ❖ 22 | Item #1: | Consideration of After Deadline Bill Requests | Roll Call Vote |
| 25 | Item #2: | Citizen Trade Policy Commission Regarding Joint Resolution
(Chairs, CTPC) | Information |
| ❖ 27 | Item #3: | Emergency Aid to the City of Lewiston
(Copy of communications) | Information |
| ❖ | Item #4: | Process for Evaluating Needs and Use of Vacated Space on the Second
Floor of the State House
(President Alfond) | Discussion |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. MARK W. EVES
CHAIR

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

CALL TO ORDER

Legislative Council Chair Mark Eves called the April 29, 2013 Legislative Council meeting to order at 3:00 p.m. in the Legislative Council Chamber. [Note: the Legislative Council meeting that had been scheduled for April 25, 2013 was postponed until April 29, 2013.]

ROLL CALL

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

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

Absent: Representative Fredette

Legislative Officers: Darek Grant, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Robert Hunt, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance 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 3:00 p.m. with a quorum of members present.

SUMMARY OF MARCH 28, 2013 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for March 28, 2013 be accepted and placed on file. Motion by Representative Willette. Second by Representative McCabe. **Motion passed unanimous (8-0-0-2, with Representatives Berry and Fredette absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Olympia Snowe Day at the Legislature

In response to the Legislature's invitation to her, former U.S. Senator Olympia Snowe expressed interest in attending a ceremony in her honor and addressing the Legislature in joint convention. No date for the event has been finalized yet, but a session day in late May might be workable for Senator Snowe.

2. Maine Public Broadcasting Network Information Session

MPBN President Mark Vogelzang has expressed his appreciation for the Legislative Council's arranging of the legislator information session that was held on April 10th. Over 40 legislators attended the session to discuss MPBN's pilot program televising legislative activities and offer suggestions for improvement or additional programming.

3. Video Control Units

The Office of Legislative Information Technology is working with MPBN to install control devices for video broadcasts in legislative committee rooms. The devices will allow the legislature to turn off video broadcasts or redirect them from MPBN broadcasts in emergencies or other necessary circumstances.

4. Maine Development Foundation Maine Employers' Initiative

Human Resources Director Debra Olken and Mr. Boulter will be meeting with the Maine Development Foundation this month to complete the application process and other related aspects so the Legislature may join the Maine Employers' Initiative, consistent with the Legislative Council's approval last month.

5. Legislative Emergency and Evacuation Plan

The Legislature's plan has been updated and was distributed to all legislators and legislative employees earlier this month. A building evacuation drill will be planned for the near future to familiarize legislators and employees with the emergency procedures in the event they are called upon to use them.

6. Legislative Record

The Law and Legislative Reference Library is concluding its multi-year project to scan and electronically process the Legislative Record of Maine Legislature from the 68th (1897) through the 125th legislatures (2012). The 68th Legislature was the first legislature to make a record of legislative debate. Once the project is completed, the Record will be available for research and access by the public, and eventually through the Legislature's website.

7. Passing of Edith Hary

Long-term Law Librarian Edith Hary of Pemaquid Point passed away on March 26, 2013 at the age of 90. Beginning in 1947, Miss Hary served as head of the law department of the state library when it was then housed in the State House. From 1971 to 1982, she served as the Law Librarian of the legislature's Law and Legislative Reference Library, retiring in 1982. She was a wealth of knowledge pertaining to the Legislature and Maine law and served with distinction and grace. In recognition of her contributions, unique gifts and the respect she earned among lawyers, judges, legislators, reporters and others, then Governor Joseph Brennan proclaimed October 22, 1982 "Edith Hary Day." Miss Hary served on numerous organizations including on the Executive Committee of the National Conference of State Legislatures and as first national chair of the Legislative Reference Librarians.

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
March	\$231.0	\$199.8	(\$31.2)	-13.5%	\$226.5	-11.8%
FYTD	\$1,924.3	\$1,919.3	(\$5.1)	-0.3%	\$1,918.9	0.0%

General Fund revenue was under budget by \$31.2 million (13.5%) for the month of March and by \$5.1 million (0.3%) for three quarters of fiscal year 2013. The Corporate Income Tax and Sales and Use Tax categories remain the primary drivers of the negative variance. Those categories are under budget by a combined \$17.6 million for March and \$29.7 million for the fiscal year. Individual Income Tax was a contributor to March's monthly negative variance, falling \$10.8 million below budget for the month. However, this variance is largely due to a distribution issue and the shift of two days of processing at the end of the month to April revenue. Individual Income Tax remained over budget for the first three quarters of FY 2013 by \$38.0 million. Another distortion to the reported variance is a \$3.2 million negative variance from the FY 2013 one-time hospital assessment, half of which was due at the end of March. Recognition of that \$3.2 million was delayed until April.

Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$23.4	\$22.7	(\$0.7)	-3.2%	\$23.2	-2.2%
FYTD	\$221.3	\$219.4	(\$1.9)	-0.9%	\$217.9	0.7%

Highway Fund revenue was under budget by \$0.7 million (3.2%) in March and \$1.9 million (0.9%) for three quarters of fiscal year 2013. Fuel Taxes remain the cause of the negative variance and have fallen \$2.6 million (2.1%) for the year. Positive variances from motor vehicle registrations and fees have offset only a portion of the negative variances from the Fuel Taxes category.

Fund for a Healthy Maine Revenue Update

April Tobacco Settlement payments that accrue to the Fund for a Healthy Maine totaled \$50.95 million, \$1.48 million over budget. Assuming no further adjustments this fiscal year, this variance will be recognized as an increase of budgeted revenue when the revenue forecast is updated.

Cash Balance Update

The average balance in the cash pool in March dropped to \$316.4 million. March is generally the low point for cash balances in the fiscal year, before the usual recovery in late April from income tax payments. The State has avoided external borrowing since FY 2006, the last year the State used Tax Anticipation Notes to meet General Fund cash flow needs.

Revenue Forecasting Update

The Revenue Forecasting Committee will meet on Friday, April 26th, to update the revenue forecast. That forecast update will incorporate the new April 1st economic forecast and information gathered by individual income tax performance following the April 16th tax filing deadline.

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

NEW BUSINESS

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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 17 bill requests, the council authorized 11 requests for introduction in the 1st Regular Session of the 126th Legislature, 5 failed to be authorized and 1 was tabled until a future Legislative Council meeting. Of the 1 joint resolution, the council did not authorize the request for introduction in the 1st Regular Session of the 126th Legislature. The Legislative Council's actions on the requests are included on the attached list.

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

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Eves, Chair of the Personnel Committee, gave the following report. The Personnel Committee met earlier today, April 29, 2013, to consider the following matters.

- Reappointment of OFPR Director Grant Pennoyer. The committee met with Mr. Pennoyer and discussed his accomplishments and challenges during the past 3 years and his goals for the upcoming years. Upon the recommendation of Executive Director Boulter, the Personnel Committee voted unanimously to recommend that the Legislative Council appoint Mr. Pennoyer to a new 3-year term as Director of the Office of Fiscal and Program Review.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council appoint Grant Pennoyer to a new 3-year term as Director of the Office of Fiscal and Program Review, the date of his appointment being retroactive to April 26, 2013. Motion by Speaker Eves. Second by Representative Berry. **Motion passed unanimous (8-0-0-2, with Senator Goodall and Representative Fredette absent).**

Speaker Eves expressed his appreciation to Director Pennoyer for his work, commitment and professionalism.

- Extension of Employee Retirement Incentive. The Personnel Committee considered and voted to recommend extending the current legislative employee retirement incentive provision that would have expired in the first year of the 126th Legislature through the end of the 126th Legislature.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council extend the retirement incentive program established by the Legislative Council for legislative employees through December 31, 2014. Motion by Speaker Eves. Second by Representative McCabe. **Motion passed unanimous (8-0-0-2, with Senator Goodall and Representative Fredette absent).**

2. State House Facilities Committee

Representative Berry, Chair of the State House Facilities Committee, gave the following report. The State House Facilities Committee met on Thursday, April 18th to follow up on 2 matters previously discussed by the facilities committee:

1. Security Screening in State House

Sen. Katz met with the committee to discuss his after deadline bill request to eliminate security screening in the State House which has been in place since January, 2012. Sen. Katz explained his rationale for removing security screening and felt that the resources now used for security screening would be better utilized elsewhere, including supplementing current security measures in state courts. Other committee members felt that security screening protocols should be modified to improve operations and efficiency rather than eliminating screening measures. Modifications discussed included allowing frequent, low-risk visitors to the State House to receive priority or be allowed to bypass screening measures after a background check.

After a full discussion, the committee made no recommendation but, instead, felt that the proposal to eliminate security screening measures in the State House should be discussed and

decided by the full Legislative Council. The committee asked Capitol Police Chief Gauvin to prepare a memo that outlined various aspects of the screening process for review by the council members. That information is in the Legislative Council's packet of information.

Legislative Council Chair Eves then invited Capitol Police Chief Russell Gauvin to summarize the information he gathered in response to the committee's request.

Chief Gauvin drew Legislative Council members' attention to 2 memos included in the packet, one dated March 26, 2013 and one dated April 24, 2013. The memo discuss the personnel costs for establishing the security screening measures. The initial cost was about \$500,000 for the biennium, including the costs to add one police officer to the Capitol Police force. The personnel costs for the security screening is about \$200,000 annually, for the 4 screener positions. If the screening was to be conducted only during each regular session, the cost savings would be about \$100,000 per year. Chief Gauvin mentioned that he is seeking ways to provide the security screening more efficiently, and a change in the physical layout of the lobby would be helpful. Chief Gauvin also stated that the committee asked about the number of states who conduct security screening at their state houses. He said that he could not locate an exact number, but in 2007 27 states plus the national capitol provided security screening at their capitols. He believed the number has increased significantly since 2007. In the northeast, of the 7 states, 5 are conducting security screening in some manner, and 2 are not conducting screening, those being the states of New Hampshire and Vermont. Vermont is now considering screening measures. The state of Connecticut conducts screening on a limited basis and the states of New York, Rhode Island and Massachusetts conduct security screening on a full-time basis. They also screen all packages and deliveries.

Rep. Berry asked Chief Gauvin to address the value of security screening measures as opposed to other ways of delivering security. Chief Gauvin responded by saying that security screening is prevention which is increasingly important with bombing or other attacks now sometimes occurring on a small scale, such what occurred in Boston on Patriots' Day. Furthermore, of the many buildings that could be targets of attack, the State House is high profile, highly visible building for making political statements, where hotly contested issues are debated and where the public has opportunity to meet with political leaders face-to-face. Chief Gauvin went on to say that the State House, even with security screening, is the least secure State building in the Augusta area. In other buildings, access is strictly controlled and persons must sign in and out and be escorted within the building. He summarized by saying that security screening is about preventing an incident from occurring, not just able to respond once an incident occurs. The goal of screening is to keep dangerous items out of the building and away from targeted areas or persons.

Rep. McCabe asked what benefit, if any, does screening provide to the Executive Protection Unit (a unit of the Department of Public Safety) that is charged with protecting the Governor. Lt. Scott Ireland, Commander of the Maine State Police Investigations Unit, who was present in the audience, stated that the screening has a very positive effect on how the unit does its job. Screening of packages and people provides a high degree of assurance that dangerous items are kept out of the building, when prior to instituting screening measures, transport of items into the building was uncontrolled and unmonitored.

The members of the Legislative Council then discussed the matter. Sen. Katz stated that although he felt the Bureau of Capitol Police does an excellent job, he felt that screening measures were unnecessary. He noted that in his discussions with the Office of the Governor, the Governor's office would not object to elimination of the screening. He stated that for the first

193 years following statehood, Maine did not need to have security screening in the State House, and 90% of the screening is being conducted on school children and other low risk individuals. Sen. Katz felt that an incident is more likely to occur in the Cross Building, a shopping mall or university campus. He suggested that the \$200,000 now being spent on screening could be put to better use, his suggestion being to improve security at state courts where screening is occurring only about 50% of the time. He concluded by saying that he felt that security screening provides a false sense of security and is an unwise use of scarce tax dollars.

Sen. Goodall inquired if a uniformed police officer would need to be stationed outside the Governor's office if security screening measures in the building were removed. Lt. Ireland stated that it would depend upon the perceived threats but elimination of screening in and of itself would not necessarily result in stationing an officer on the second floor of the State House. No action was taken following discussion. See the Legislative Council's action on LR #2071.

Following the discussion, Rep. Berry continued his State House Facilities Committee report.

2. Multi-Year Plan for State House Maintenance and Improvements – 2013

At the last Legislative Council meeting, the council asked the facilities committee to meet again to discuss the dome copper replacement work in light of several questions raised by council members. The committee did discuss the proposed copper replacement. The committee concluded that there are no feasible alternatives and copper replacement is necessary and appropriate given the condition and age (now 104 years old) of the existing copper.

The committee unanimously reaffirmed its earlier recommendation to replace the copper sheathing in 2014 and approve the other projects in the proposed work plan, with several exceptions that he described. Finally, the committee also discussed the general process now used for competitively bidding major construction projects through the construction manager. While this process generally works well, some committee members felt that the process should be committed to writing to better clarify and document the procedures used. The committee asked the Executive Director to outline in writing the process for competitive bidding major projects, taking into consideration such factors as company qualifications and experience and the historic nature of the building and grounds, and include a provision whereby the executive director, rather than the construction manager, would open bids for those projects.

Rep. Berry concluded his report by saying that the committee is unanimously recommending approval of the multi-year plan including necessary preparation for dome and roofing repairs in 2014 so they may be conducted as cost-effectively as possible and in a timely manner, with the following exceptions:

- a. replacement of west entry doors to the State House should be postponed until 2014 when all doors can be done while construction crews are already onsite for the dome work, resulting in some decreased overhead costs;
- b. installation of 3 video cameras in the Appropriations Committee room to facilitate video broadcasts should be postponed until a future date. The committee felt that this project was not as high a priority as other more pressing projects and that discussions with MPBN about cost-sharing capital equipment purchases should occur before the project is authorized; and lastly,
- c. that the Executive Director should arrange for an assessment of the current condition of carpets in the State House and make recommendations for replacement in future years, including potentially some this year if the carpeting poses a safety hazard.

Motion: That upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council authorize maintenance and improvements to the State House and Grounds as described in the 2013 revision of the Multi-Year Plan including all necessary preparations for implementations of Projects 14.1 (dome resheathing) and 14.2 (penthouse repairs) in 2014, except that Project 13.2, west entry door replacements, be postponed until 2014 and Project 13.3, video camera installations in Room 228, be deferred until such time as the Legislative Council authorizes camera installation; further, authorize the Executive Director to take all necessary measures to implement the approved plan in accordance with the schedules contained in the plan; and further, that the Executive Director arrange for an assessment of carpet condition in rooms in the State House and report the results to the facilities committee. Motion by Representative Berry. Second by Senator Goodall. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

OLD BUSINESS

Item #1: Council Action Taken by Ballot since March 28, 2013 Meeting

Request for Introduction of Legislation

LR 2089 An Act to Temporarily Restore Boxing Rules

Submitted by: Representative James Gillway
 Approved: April 3, 2013 Vote: 10-0 in favor

LR 2094 An Act to Amend the Laws Governing Weight Tolerance for Certain Vehicles

Submitted by: Representative Alex Willette
 Approved: April 19, 2013 Vote: 8-0-2-0 in favor (with Senators Goodall and Jackson abstaining)

No Legislative Council action was required.

NEW BUSINESS

Item #2: Time Warner Cable: Recognition of Public Service Contribution – Status Report

Mr. Boulter explained that at an earlier meeting of the Legislative Council, the council voted to accept an offer by Time Warner Cable to install televisions in selected areas in the State House and upgrade the cable service as a public service without cost to the Legislature. The council approval did not allow for advertising or placement of Time Warner logos on the televisions. Instead, the council asked the Executive Director to identify an appropriate alternative form of recognition to Time Warner for its contributions. Mr. Boulter stated that the depiction found in the council's packet was developed by Time Warner Cable. Ms. Melinda Poore, representing Time Warner Cable, asked that the proposal be considered, and given the council's conditional approval at the last meeting, Mr. Boulter presented it for council review. Mr. Boulter described the design, indicating that it would be placed on the bottom of each television. Although they would be in a small font size, the decal that would be applied to the TVs would contain the words, "Time Warner Cable." There would be no other signs near the television sets.

Legislative Council Chair Eves asked for clarification as to whether the council's approval disallowed notation of corporate sponsorship. Mr. Boulter read back the approved motion, emphasizing that the part, "without accompaniment of a Time Warner Cable corporate logo." He stated that the Time Warner logo is its corporate name so it would be difficult to separate them. Legislative Council Chair Eves followed up by indicating that he felt that proposal was logo, along the lines of what the council wanted to avoid. Mr. Boulter indicated that it was a judgment call, which is why he presented the matter to the council for guidance as to its appropriateness.

Sen. Goodall expressed concern about the proposal and felt, as he stated at the earlier meeting, that use of the corporate logo or names would raise policy issues and open up the issues of use of corporate names elsewhere and for other things. He concluded by saying that he felt the proposal is contrary to what was discussed the last meeting, and recommended that the council not take any action on the proposal. The Legislative Council did not take any action with regard to the proposal.

Item #3: Request for Use of Electrical Receptacles in Legislative Parking Lot to Recharge Electric Motor Vehicle(s) – Policy Matter
(Request by Rep. Bruce MacDonald)

Rep. Berry stated that as more people drive electric vehicles, there may be increasing interest in having areas available for battery recharging. He noted that Rep. MacDonald has had some discussions with Executive Director Boulter about recharging locations and paying for the electricity used. Rep. Berry then recommended that the request be referred to the State House Facilities Committee for review and recommendation.

Motion: That the Legislative Council refer the request to the State House Facilities Committee for review and recommendation. Motion by Representative Berry. Second by Senator Alfond. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Item #4: Submission of the Nonpartisan Staff Study: *Standard Sewer District Enabling Legislation* (report prepared by Office of Policy and Legal Analysis)

The Office of Policy and Legal Analysis submitted the nonpartisan staff study, *Standard Sewer District Enabling Legislation*, for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the staff study, *Standard Sewer District Enabling Legislation*, submitted by the Office of Policy and Legal Analysis and place it on file. Motion by Senator Thibodeau. Second by Senator Alfond. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

ANNOUNCEMENTS AND REMARKS

Senator Thibodeau raised an issue regarding access to the Legislative Conference Room for regular Republican caucuses. [Note: This matter was discussed with the Executive Director and resolved following the Legislative Council meeting.]

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 4:18 p.m.

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

Action Taken: 4/29/2013

SPONSOR:	Sen. Emily A. Cain	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2117	An Act To Require Disclosures by 3rd-Party Vendors Contracted To Perform Fund-raising	PASSED
2118	An Act To Restore the Integrity of the State Pay System	PASSED
SPONSOR:	Spkr. Mark W. Eves	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2116	An Act To Streamline Billing for Mental Health Services	PASSED
SPONSOR:	Rep. Richard R. Farnsworth	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2115	Resolve, To Require the Department of Health and Human Services To Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program	TABLED
SPONSOR:	Rep. Kenneth W. Fredette	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2105	An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public	PASSED
SPONSOR:	Rep. Nathan L. Libby	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2097	An Act To Include Debt Service for Local School Construction Projects in the Required Local Share of Education Funding	PASSED
SPONSOR:	Rep. W. Bruce MacDonald	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2100	An Act To Require an Economic Impact Assessment upon the Closure or Significant Change in the Status of a Hospital	FAILED
SPONSOR:	Rep. Jeff M. McCabe	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2087	An Act To Provide Property Tax Relief by Expanding Gaming Opportunities	PASSED

SPONSOR: **Rep. Michael A. Shaw**
LR # - Title - Action
 2104 - An Act To Change the Wage Criterion for Eligible Employees under the Pine Tree Development Zone Laws - **FAILED**

SPONSOR: **Sen. Michael D. Thibodeau**
LR # - Title - Action
 2103 - An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use - **PASSED**

SPONSOR: **Sen. John L. Tuttle, Jr**
LR # - Title - Action
 2096 - An Act To Amend the Laws Concerning Persons Committed of the Theft of Scrap Metal - **FAILED**

SPONSOR: **Sen. Linda M. Valentino**
LR # - Title - Action
 2119 - An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School - **PASSED**

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: **Rep. Kenneth W. Fredette**
LR # - Title - Action
 2067 - Resolve, To Establish the Task Force on Poverty and Personal Responsibility - Tabled 03/28/13 **PASSED**

SPONSOR: **Sen. Roger J. Katz**
LR # - Title - Action
 2071 - An Act Regarding Security in the State House - Tabled 03/28/13 **FAILED**

SPONSOR: **Rep. Catherine M. Nadeau**
LR # - Title - Action
 2062 - An Act To Protect Children from Internet Exposure without Parental Consent - Tabled 03/28/13 **PASSED**

SPONSOR: **Rep. Diane Russell**
LR # - Title - Action
 2049 - An Act To Ensure That the Governor and Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown - Tabled 03/28/13 **PASSED**

SPONSOR: **Rep. Jeremy G. Saxton**
LR # - Title - Action
 2061 - An Act To Decrease the Class of the Crime of Driving a Motor Vehicle without a License for 30 Days - Tabled 03/28/13 **FAILED**

JOINT RESOLUTION

SPONSOR:

Rep. Seth A. Berry

LR #

2047

Title

JOINT RESOLUTION MEMORIALIZING THE UNITED
STATES CONGRESS TO ENACT LEGISLATION THAT
WOULD REPLACE SEQUESTRATION

Action

Tabled 03/28/13

FAILED

REP. MARK W. EVES
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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
Special Meeting
May 9, 2013**

CALL TO ORDER

Legislative Council Chair Mark Eves called the May 9, 2013 Special Legislative Council meeting to order at 2:55 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 Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: Millicent MacFarland, Clerk of the House
Robert Hunt, Assistant 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 2:55 p.m. with a quorum of members present.

NEW BUSINESS

Item #1: Emergency Aid to the City of Lewiston

Legislative Council Chair Speaker Eves thanked the members of the Legislative Council for attending the meeting on short notice. He explained that he called the special meeting of the Legislative Council for the purpose of considering a proposal to provide emergency financial aid from legislative accounts to the City of Lewiston in light of the recent tragic fires that have left several hundred people in the city homeless. He stated that he wanted to make sure that the immediate needs in the City of Lewiston are being met to cope with the situation. Legislative Council Vice-chair President Alfond made a motion as described below, seconded by Rep. Berry, and a general discussion among the members followed. Members expressed their support and concern for the victims of the fires in the City of Lewiston.

Rep. Fredette stated that he is familiar with the area of the city where the fires occurred, supported the motion and felt it was appropriate to take this action bipartisan manner. Senator Katz also felt the proposed action was the right action to take and commended the council for doing so collectively. Senator Thibodeau also stated his support for the motion. He added that at a future meeting of the Legislative Council the council should have a broader policy discussion about how to respond to similar situations in the future as they occur. He noted that other communities, smaller than Lewiston, have had devastating fires and other communities in the future may be deserving of consideration. Senator Goodall also supported the motion and expressed his gratitude that the council members can work together to help people who are in real need. Rep. Willette also supported the motion. He stated that he is familiar with the affected area of Lewiston and that those neighborhoods are some of the poorest in the area, and was glad the Legislature could provide the support.

Motion: That the Legislative Council authorize the transfer of \$30,000 from the Legislature's general operating account to the Maine Department of Health & Human Services for the purpose of distributing those funds to the City of Lewiston for emergency housing and aid, consistent with the department's rules; further, that the Executive Director arrange for the fund transfer and so notify the department in writing; and further, that the Executive Director send a letter to the City of Lewiston notifying the city of the forthcoming funds and asking the city to report back to the Legislative Council on the distribution of the funds and their effectiveness in providing emergency aid to individuals adversely affected by the fires. Motion by President Alfond. Second by Representative Berry. **Motion passed unanimous (10-0-0-0).**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:00 p.m.

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

Legislative Council

**Executive Director's Report
May 23, 2013**

1. Emergency Aid to the City of Lewiston

Lewiston City Administrator Ed Barrett expressed his appreciation to the Legislative Council for its contribution of funds that will be used to support the City of Lewiston's efforts to provide emergency aid to the people displaced by the recent fires. In accordance with the Council's request, the city will report back on the distribution and effectiveness of the funds provided.

2. Library Article – *Maine Policy Review*

The Winter/Spring 2013 edition of the *Maine Policy Review* is a special issue on "Libraries & Information." The edition includes an article about the Legislature's Law and Legislative Reference Library written by Director John Barden.

3. Olympia Snowe Day at the Legislature

No date this session has been established yet but discussions continue with representatives of Senator Snowe.

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Fiscal Briefing

Legislative Council Meeting

May 23, 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
April	\$365.9	\$429.7	\$63.9	17.5%	\$372.5	15.4%
FYTD	\$2,290.2	\$2,349.0	\$58.8	2.6%	\$2,291.5	2.5%

General Fund revenue was over budget by \$63.9 million (17.5%) for the month of April and by \$58.8 million (2.6%) for fiscal year through April. These variances do not yet reflect the adjustments of the May 2013 report of the Revenue Forecasting Committee (RFC), which increased FY 2013 budgeted General Fund revenue forecast by \$43.5 million. This positive variance through April exists only as a result of the performance of the Individual Income Tax, which was \$96.5 million over budget through April. Much of this resulted from high income taxpayers reacting to pending tax changes and shifting income recognition into 2012. Partially offsetting the Individual Income Tax positive variance were negative variances in the two other major taxes, Corporate Income Tax and Sales and Use Tax.

2. Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$25.4	\$27.0	\$1.6	6.4%	\$25.9	4.1%
FYTD	\$246.7	\$246.4	(\$0.3)	-0.1%	\$243.8	1.1%

Highway Fund revenue was over budget by \$1.6 million (6.4%) in April, but remained under budget for the fiscal year through April by \$0.3 million (0.1%). These variances do not reflect the May 2013 RFC's downward revision to FY 2013 budgeted Highway Fund revenue of \$3.5 million. Fuel Taxes had been underperforming, but had a positive variance in the month of April. It is uncertain whether recent gasoline price declines contributed to the April improvement (March sales) and will continue to help reverse recent negative fuel tax variances.

3. Cash Update

The average balance in the cash pool in April increased by \$83 million compared with March and was \$3.8 million higher than April 2012. Most importantly, the General Fund balance improved sufficiently that the Administration felt comfortable offering up the remaining \$250,000 budgeted for external cash flow borrowing as additional savings in the Governor's proposed "change package" to the Biennial Budget Bill, LD 1509.

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

Revenue Category	April '13 Budget	April '13 Actual	April '13 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	77,971,102	73,649,764	(4,321,338)	751,213,953	730,342,048	(20,871,905)	-2.8%	-0.5%	1,006,986,404
Service Provider Tax	4,118,001	4,210,717	92,716	38,803,812	37,012,524	(1,791,288)	-4.6%	3.1%	53,586,812
Individual Income Tax	210,945,000	269,366,548	58,421,548	1,134,740,000	1,231,197,422	96,457,422	8.5%	7.4%	1,413,890,000
Corporate Income Tax	27,138,800	27,953,143	814,343	144,283,173	131,932,789	(12,350,384)	-8.6%	-28.4%	186,021,732
Cigarette and Tobacco Tax	10,879,174	10,803,920	(75,254)	113,231,479	113,113,784	(117,695)	-0.1%	-1.7%	138,180,000
Insurance Companies Tax	11,851,328	12,890,195	1,038,867	41,736,537	41,241,032	(495,505)	-1.2%	-13.6%	80,715,000
Estate Tax	3,587,800	4,204,841	617,041	43,490,633	40,535,061	(2,955,572)	-6.8%	47.8%	57,878,175
Other Taxes and Fees *	9,519,732	13,821,796	4,302,064	115,858,110	115,087,426	(770,684)	-0.7%	21.8%	151,399,353
Fines, Forfeits and Penalties	1,705,706	1,918,485	212,779	19,794,895	19,637,606	(157,289)	-0.8%	-4.4%	24,452,139
Income from Investments	(30,540)	(20,165)	10,375	17,485	74,131	56,646	324.0%	-28.2%	66,082
Transfer from Lottery Commission	4,042,304	4,302,955	260,651	43,454,807	43,530,090	75,283	0.2%	-4.4%	52,550,000
Transfers to Tax Relief Programs *	(907,799)	(1,165,186)	(257,387)	(109,752,379)	(109,206,071)	546,308	0.5%	3.2%	(112,086,562)
Transfers for Municipal Revenue Sharing	(5,998,881)	(4,630,896)	1,367,985	(71,245,818)	(72,038,702)	(792,884)	-1.1%	5.1%	(93,076,067)
Other Revenue *	11,049,714	12,432,090	1,382,376	24,590,877	26,544,873	1,953,996	7.9%	-6.4%	60,219,187
Totals	365,871,441	429,738,208	63,866,767	2,290,217,564	2,349,004,014	58,786,450	2.6%	2.5%	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)
April 2013 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	April '13 Budget	April '13 Actual	April '13 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	607,534	2,506,903	1,899,369	6,576,071	9,032,650	2,456,579	37.4%	38.6%	9,142,526
- Liquor Taxes and Fees	1,704,360	1,847,575	143,215	17,489,319	17,059,181	(430,138)	-2.5%	-0.5%	20,940,313
- Corporation Fees and Licenses	1,521,891	1,549,855	27,964	4,824,582	4,999,944	175,362	3.6%	1.3%	7,847,099
- Telecommunication Excise Tax	0	0	0	0	(383,410)	(383,410)	N/A	84.9%	11,000,000
- Finance Industry Fees	1,906,099	2,022,650	116,551	19,539,701	21,206,130	1,666,429	8.5%	4.6%	23,351,990
- Milk Handling Fee	86,926	90,373	3,447	2,076,143	2,111,743	35,600	1.7%	75.6%	2,249,995
- Racino Revenue	1,508,558	1,092,188	(416,370)	13,441,354	11,960,074	(1,481,280)	-11.0%	25.3%	16,458,622
- Boat, ATV and Snowmobile Fees	387,432	356,938	(30,494)	3,081,349	2,869,842	(211,507)	-6.9%	-3.8%	4,763,561
- Hunting and Fishing License Fees	813,572	752,871	(60,701)	12,955,678	12,481,418	(474,260)	-3.7%	2.1%	16,214,189
- Other Miscellaneous Taxes and Fees	983,360	3,602,444	2,619,084	23,894,032	24,095,556	201,524	0.8%	136.3%	25,316,951
Subtotal - Other Taxes and Fees	9,519,732	13,821,796	4,302,064	115,858,110	115,087,426	(770,684)	-0.7%	21.8%	151,399,353
Detail of Other Revenue:									
- Liquor Sales and Operations	8,059,692	8,697,709	638,017	8,080,320	8,716,609	636,289	7.9%	8.4%	28,084,900
- Targeted Case Management (DHHS)	175,449	345,514	170,065	1,754,489	1,972,882	218,393	12.4%	-46.4%	2,105,386
- State Cost Allocation Program	1,151,471	1,356,197	204,726	13,247,510	12,982,399	(265,111)	-2.0%	19.9%	16,115,330
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,000,000
- Tourism Transfer	0	0	0	(9,932,319)	(9,932,319)	0	0.0%	-5.4%	(9,932,319)
- Transfer to Maine Milk Pool	(5,373)	(60,204)	(54,831)	(1,672,750)	(1,580,908)	91,842	5.5%	-75.0%	(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	1,668,475	2,092,874	424,399	19,251,438	20,524,021	1,272,583	6.6%	6.2%	25,991,358
Subtotal - Other Revenue	11,049,714	12,432,090	1,382,376	24,590,877	26,544,873	1,953,996	7.9%	-6.4%	60,219,187
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(689,290)	(1,079,380)	(390,090)	(41,020,525)	(39,481,141)	1,539,384	3.8%	3.6%	(43,081,877)
- BETR - Business Equipment Tax Reimb.	(218,509)	(84,768)	133,741	(47,359,752)	(48,928,372)	(1,568,620)	-3.3%	7.3%	(47,632,583)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	(1,038)	(1,038)	(21,372,102)	(20,796,558)	575,544	2.7%	-8.7%	(21,372,102)
Subtotal - Tax Relief Transfers	(907,799)	(1,165,186)	(257,387)	(109,752,379)	(109,206,071)	546,308	0.5%	3.2%	(112,086,562)
Inland Fisheries and Wildlife Revenue - Total	1,295,605	1,186,088	(109,517)	16,874,022	16,321,513	(552,509)	-3.3%	1.1%	21,894,711

Highway Fund Revenue **Fiscal Year Ending June 30, 2013 (FY 2013)**

April 2013 Revenue Variance Report

Revenue Category	April '13 Budget	April '13 Actual	April '13 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	14,782,972	14,926,780	143,808	146,025,296	144,525,283	(1,500,013)	-1.0%	-2.2%	194,210,000
- Special Fuel and Road Use Taxes	3,221,682	3,607,924	386,242	34,484,168	33,728,879	(755,289)	-2.2%	-1.5%	45,180,000
- Transcap Transfers - Fuel Taxes	(1,330,569)	(1,362,307)	(31,738)	(14,818,696)	(14,675,284)	143,412	1.0%	1.7%	(17,590,004)
- Other Fund Gasoline Tax Distributions	(369,677)	(373,275)	(3,598)	(4,073,021)	(4,040,333)	32,688	0.8%	4.2%	(4,856,610)
Subtotal - Fuel Taxes	16,304,408	16,799,122	494,714	161,617,747	159,538,545	(2,079,202)	-1.3%	-2.0%	216,943,386
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,526,766	5,905,046	378,280	50,866,274	51,839,743	973,469	1.9%	0.3%	64,805,936
- License Plate Fees	211,062	218,531	7,469	2,476,409	2,641,518	165,109	6.7%	1.5%	3,351,681
- Long-term Trailer Registration Fees	481,030	547,532	66,502	8,691,599	8,809,483	117,884	1.4%	0.1%	9,384,523
- Title Fees	1,052,261	1,386,592	334,331	15,658,344	16,821,386	1,163,042	7.4%	70.8%	17,836,273
- Motor Vehicle Operator License Fees	751,291	725,394	(25,898)	7,304,119	7,065,532	(238,588)	-3.3%	2.8%	8,761,371
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(12,435,136)	(12,807,702)	(372,566)	-3.0%	-18.7%	(16,764,002)
Subtotal - Motor Vehicle Reg. & Fees	8,022,410	8,783,095	760,685	72,561,609	74,369,959	1,808,350	2.5%	7.7%	87,375,782
Motor Vehicle Inspection Fees	248,540	570,957	322,417	2,485,400	2,846,604	361,204	14.5%	19.1%	2,982,500
Other Highway Fund Taxes and Fees	127,046	111,884	(15,162)	1,017,467	975,276	(42,191)	-4.1%	-9.4%	1,276,365
Fines, Forfeits and Penalties	93,226	79,087	(14,139)	872,442	861,869	(10,573)	-1.2%	-0.7%	1,039,868
Interest Earnings	10,824	12,770	1,946	103,313	72,274	(31,039)	-30.0%	-21.5%	124,642
Other Highway Fund Revenue	574,551	649,177	74,626	8,009,932	7,734,959	(274,973)	-3.4%	3.1%	9,123,222
Totals	25,381,005	27,006,092	1,625,087	246,667,910	246,399,486	(268,424)	-0.1%	1.1%	318,865,765

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

REVISED

Requests for Introduction of Legislation:

LR 2125 An Act to Fix and Improve the Grading System of Public Schools in Maine

Submitted by: Senator Rebecca Millett

Approved: May 6, 2013 Vote: 7-3-0-0 in favor

LR 2131 An Act to Maintain Access to Safe Medical Marijuana

Submitted by: Representative Jeff McCabe

Approved: May 8, 2013 Vote: 7-3-0-0 in favor

LR 2135 An Act to Assist the Lewiston Fire Victims

Submitted by: Senator Margaret Craven

Approved: May 8, 2013 Vote: 10-0-0-0 in favor

LR 2139 An Act to Create a Sales Exemption for Incidentally Caught Lobsters

Submitted by: Senator Anne Haskell

Approved: May 17, 2013 Vote: 10-0-0-0 in favor

LR 2144 An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporations

Submitted by: Senator Justin Alfond

Approved: May 16, 2013 Vote: 9-0-0-1 in favor (with Senator Thibodeau absent)

LR 2145 An Act to Support Maine Businesses by Authorizing Certain Brewing Partnerships

Submitted by: Senator Justin Alfond

Approved: May 16, 2013 Vote: 9-0-0-1 in favor (with Senator Thibodeau absent)

LR 2115 **Resolve, To Require the Department of Health and Human Services to Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program**

Submitted by: Representative Richard Farnsworth
Approved: May 21, 2013 Vote: 6-4-0-0 in favor

LR 2148 **Joint Resolution Memorializing the President of the United States, the United States Congress and the United States Trade Representative Regarding the Use of Trade Promotion Authority in International Trade Policy**

Submitted by: Representative Sharon Treat
Approved: May 21, 2013 Vote: 6-4-0-0 in favor

LR 2141 **An Act to Help Facilitate the Merger of the Bangor Hydro Electric Company and the Maine Public Service Company**

Submitted by: Representative Richard Farnsworth
Approved: May 22, 2013 Vote: 9-1-0-0 in favor

**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 5/20/2013**

REVISED

SPONSOR:			Rep. Richard R. Farnsworth	
<u>LR #</u>	-	<u>Title</u>		- <u>Action</u>
2149		Resolve, To Study a Tracking System To Effectively Communicate and Coordinate Prompt Screening, Evaluation and Treatment Planning for Children with Autism Spectrum Disorders		
SPONSOR:			Rep. Kenneth W. Fredette	
<u>LR #</u>	-	<u>Title</u>		- <u>Action</u>
2124		An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy		
2147		Resolve, To Establish a Study Group To Study the Issue of Medicaid Expansion		
SPONSOR:			Rep. Stacey K. Guerin	
<u>LR #</u>	-	<u>Title</u>		- <u>Action</u>
2129		An Act Regarding Access for Dual-licensed Liquor Licensees		
SPONSOR:			Sen. Troy D. Jackson	
<u>LR #</u>	-	<u>Title</u>		- <u>Action</u>
2141		An Act To Help Facilitate the Merger of the Bangor Hydro Electric Company and the Maine Public Service Company		ACCEPTED BY BALLOT

JOINT RESOLUTION

SPONSOR:			Rep. Sharon Anglin Treat	
<u>LR #</u>	-	<u>Title</u>		- <u>Action</u>
2148		JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES TRADE REPRESENTATIVE REGARDING THE USE OF TRADE PROMOTION AUTHORITY IN INTERNATIONAL TRADE POLICY		ACCEPTED BY BALLOT

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:

Rep. Richard R. Farnsworth

LR #

Title

Action

2115

Resolve, To Require the Department of Health and Human Services To Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

Tabled 04/29/13
**ACCEPTED BY
BALLOT**

126th Maine State Legislature

ADDENDUM

Legislative Council
Requests to Introduce Legislation
First Regular Session

Actions Taken After May 20, 2013

Joint Resolution

SPONSOR: Rep. Dean A. Cray

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2155	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO INCREASE CONFIDENCE IN OUR NATION'S FOOD SYSTEM	

Sen. Troy Jackson, Chair
Sen. John Patnick
Sen. Roger Sherman
Rep. Sharon Treat, Chair
Rep. Jeff McCabe
Rep. Bernard Ayotte

Robert Umphrey
Stephen Cole
Michael Herz
Dr. Joel Kase



EXECUTIVE DIRECTOR'S
OFFICE

2013 MAY -7 A 9:38

Mike Karagiannes
Wade Merrill
John Palmer
Linda Pistner
Harry Ricker
Jay Wadleigh

Staff:
Lock Kienmaler

STATE OF MAINE

Citizen Trade Policy Commission

May 7, 2013

Speaker Mark W. Eves, Chair
President Justin L. Alfond, Vice Chair
Legislative Council
126th Maine State Legislature
115 State House Station
Augusta, Maine 04333-0115

Dear Speaker Eves, President Alfond and Members of the Legislative Council,

As you know, the Maine Citizen Trade Policy Commission (CTPC) "... is established to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements." [10 MRSA §11(3)] In seeking to fulfill its statutory mandate, the Commission voted unanimously during its meeting of April 26, 2013 to submit this letter to you indicating our strong concerns regarding a resolution currently tabled in the House.

During our April 26th meeting, CTPC member Representative Jeff McCabe asked the commission to review the wording and contents of a proposed Resolution titled "Joint Resolution Affirming the Friendship between the State of Maine and the Republic of China". Representative McCabe noted that this Resolution includes language which supports Taiwan's inclusion in the United Nations Framework Convention on Climate Change, the United Nations International Civil Aviation Organization and the TransPacific Partnership Agreement (TPPA). Representative McCabe indicated his significant concerns about the appropriateness of these

Citizen Trade Policy Commission
c/o Office of Policy & Legal Analysis
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670
<http://www.maine.gov/legis/opla/citpol.htm>


various endorsements and pointed out that most of these issues have been reviewed by the CTPC which is the entity created by the Legislature specifically for the review of international trade agreements. To the extent that the TPPA has been reviewed, the CTPC has raised various concerns which are detailed in our 2012 Assessment which can be viewed at the CTPC website:

<http://maine.gov/legis/opla/CTPC2012finalassessment.pdf>

After discussion, the CTPC unanimously endorsed a motion to send you this letter indicating the commission's significant concerns regarding the legislative approval of these endorsements which have not been properly reviewed in any detail by the CTPC or any legislative policy committee.

In closing, we strongly urge you and all members of the Legislature to consider amending the proposed Resolution to omit all endorsements of any participation of the Republic of China in all international trade agreements until such a time that the CTPC and other legislative policy committees can properly review and vet any such endorsement by the Maine State Legislature.

Sincerely,

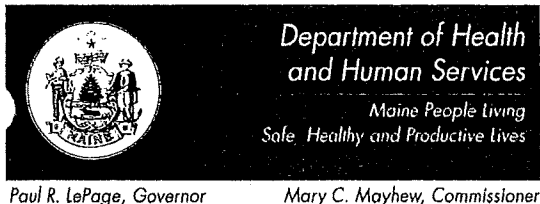


Senator Troy Jackson, Chair



Representative Sharon Anglin Treat, Chair

Citizen Trade Policy Commission
c/o Office of Policy & Legal Analysis
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670
<http://www.maine.gov/legis/opla/citpol.htm>



Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax (207) 287-3005
TTY Users: Dial 711 (Maine Relay)

EXECUTIVE DIRECTOR'S
OFFICE

2013 MAY 21 A 8:30

May 17, 2013

Representative Mark W. Eves, Chair
Senator Justin L. Alfond, Vice-Chair
Legislative Council
#115 State House Station
Augusta, ME 04333-0115

Re: Emergency Assistance to Fire Victims in the City of Lewiston

Dear Representative Eves and Senator Alfond:

I want to thank the Legislative Council for providing the emergency funds to assist the fire victims in Lewiston. This funding will go a long way in meeting the immediate needs of the families who have been devastated by these fires.

This letter outlines the processes by which we will disperse the funds to the City of Lewiston and the needs that will be funded through this effort. Department staff has been in close communication with Sue Charron, the city's General Assistance Director and we are well aware of the urgent needs of the fire victims.

Funds will be transferred into account 014-10A-0130-001 within the Office for Family Independence. The Department will be requesting a new unit code to acknowledge the receipt of the funds and to track expenditures within the fund. The City of Lewiston will submit invoices similar to those used in the General Assistance program, but the invoice will include language to distinguish that the service provided is associated with the fires.

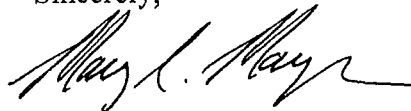
Based on the information we have received, the funds will be used to pay 100 percent of the following expenses:

- **Immediate shelter needs:** Funds may be used to pay for temporary housing such as hotel rooms as the families are awaiting permanent housing.
- **Rent:** Funds may be used to assist with monthly rent.
- **Security Deposits:** Funds may be used to provide the security deposits in order to secure permanent housing.
- **Utility Costs:** Funds may be used for costs associated with electricity, fuel, propane, water and sewer.

- **New Mattresses:** To mitigate the potential for bed bug problems, funds can be used to purchase new mattresses and bedding.
- **Documents:** Funds may be used to replace documents destroyed in the fire. Documents may include immigration documents (I-94), birth certificates, driver's license, State of Maine ID, marriage/divorce certificates and educational transcripts/diplomas.
- **Mental Health and/or Substance Abuse:** For fire victims who have no insurance, funds may be used to pay for mental health counseling and/or substance abuse counseling for Post-Traumatic Stress Disorder, anxiety or depression. We recognize that these types of issues are common in the aftermath of a devastating loss and that refugees who were displaced in their countries of origin may show increased symptoms because of the re-traumatization caused by the fires.
- **Medical:** For fire victims who have no insurance, funds may be used to pay for any medical costs associated with the fires, which may include the replacement of prescription drugs, eyeglasses or other needed medical/adaptive equipment lost in the fires.

The Department will take every action necessary to disperse the funds expeditiously. We will continue to work closely with city officials and all of the social service agencies in Androscoggin County to assure that we are doing all that we can to help the fire victims return to permanent housing and to begin to rebuild a stable, productive life.

Sincerely,



Mary C. Mayhew
Commissioner

MCM/klv

cc: Legislative Council Members
Senator Margaret M. Craven
Representative Michael E. Carey
Representative Michel A. Lajoie
Representative Nathan F. Libby
Representative Margaret R. Rotundo
Representative Wayne R. Werts
Ed Barrett, City Administrator, City of Lewiston
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director

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

May 13, 2013

Ed Barrett, City Administrator
City Administrator's Office
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Re: Emergency assistance to fire victims in the City of Lewiston

Dear Mr. Barrett:

This letter is to follow up on the letter that Legislative Council Chair Mark Eves and Legislative Council Vice-chair Justin Alfond sent to DHHS Commissioner Mary Mayhew on May 10, 2013, a copy of which was sent to you. As they indicated in that letter, the Legislative Council is deeply concerned about the welfare of the victims of the recent fires in Lewiston, and felt it was appropriate for the Legislative Council to transfer \$30,000 from its own budget for the express purpose of having those funds made available for reimbursement to the city for housing and other emergency aid it is extending to the fire victims. My staff is working with the Department of Health and Human Services to arrange for the fund transfer and as soon as we receive word from the department that it is prepared to accept the funds, they will be transferred immediately. I am hopeful that this action will occur today so the money may be used for emergency assistance without further delay.

Although the Legislative Council felt the action it took was necessary and appropriate given the circumstances, it was something that is not in the ordinary operation of the council. As such, the council is very interested in feedback from the city on how the funds were used and their effectiveness in assisting the families and individuals who were left homeless due to the fire and without access to essential services to assist them. The Legislative Council would appreciate receiving a letter from the city that provides its assessment on the use of the funds once the situation in Lewiston has stabilized and you have an opportunity to do so. We would be grateful for such a letter. Please address the correspondence to Rep. Mark W. Eves, Chair and Sen. Justin L. Alfond, Vice-chair, Maine Legislative Council, c/o Office of the Executive Director, 115 State House Station, Augusta, ME 04333-0115.

In the meantime if you have any questions or concerns, please feel free to contact me at 287-1615 or by email at david.boulter@legislature.maine.gov at any time. Thank you.

Sincerely,

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

David E. Boulter
Executive Director of the Legislative Council

Cc: Dawna Lopatosky, Legislative Finance Director



Justin L. Alfond
President of the Senate

State of Maine
126th Maine Legislature

Mark Westwood Eves
Speaker of the House

May 10, 2013

Mary Mayhew, Commissioner
Office of the Commissioner
Department of Health and Human Services
221 State Street
11 State House Station
Augusta, ME 04333-0011

Re: Emergency assistance to fire victims in the City of Lewiston

Dear Commissioner Mayhew:

As you know the recent tragic structure fires in the City of Lewiston have caused untold property damage and left more than 200 people homeless. The impact on the community, and most certainly on the victims, has been devastating. The Maine Legislature, along with the rest of the state, is deeply concerned about the welfare of the victims of the fires. We want to ensure that every effort is made to provide a safety net for those individuals and families who have been burned out of their homes and are without resources or access to essential services to assist them in their time of need.

While we understand that your department is currently exploring every avenue to provide emergency assistance to the fire victims, the Legislative Council felt it appropriate to lend its immediate support to provide resources to the victims of the fires. Toward that end, the Legislative Council held an emergency meeting on Thursday, May 9, 2013 and voted unanimously to transfer \$30,000 from the legislative account to the Department of Health and Human Services for the express purpose of having those funds available for reimbursement to the City of Lewiston for housing and other emergency aid for the victims in accordance with applicable DHHS rules and procedures and city requirements. The Council felt it was necessary, given the unique circumstances, until such time as other emergency funds are made available to the City. According to city administrators, the immediate need is for emergency housing arrangements, including providing security deposits and initial rent payments for those families who are not already receiving subsidized housing. More than 20 families are in this crisis situation. We ask that you accept the legislature's funds and work with the city to distribute them as soon as possible to allow the victims to arrange for immediate shelter and other emergency services.

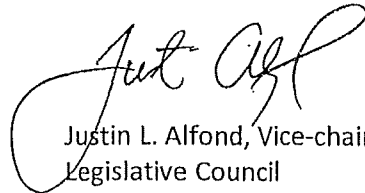
The office of the Executive Director will work with your staff to transfer the funds to the appropriate account in your department and handle any other logistical details. The Executive Director's office will give this matter top priority so the funds may be available to the City of Lewiston without delay, and we ask that your department use its best efforts to expedite the process as well.

Thank you for your assistance in this critical matter, and if you have any questions, please contact the office of the Executive Director at 287-1615 at any time.

Sincerely,



Mark W. Eves, Chair
Legislative Council



Justin L. Alfond, Vice-chair
Legislative Council

Cc: Legislative Council Members
Sen. Margaret Craven
Rep. Michael Carey
Rep. Michel Lajoie
Rep. Nathan Libby
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