SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER

125TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

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

MEETING SUMMARY
November 15, 2012

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the November 15, 2012 Legislative Council meeting to order at 11:15 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Raye, Senator Plowman, Senator Hobbins and Senator Alfond
	Absent: Senator Courtney
Representatives:	Speaker Nutting, Representative Cain and Representative Hayes
	Absent: Representatives Curtis and Cushing
Legislative Officers:	Heather Priest, Clerk of the House Joseph Carleton Jr., Secretary of the Senate David E. Boulter, Executive Director 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

Senate President Raye convened the meeting at 11:15 a.m. with a quorum of members present.

SUMMARY OF OCTOBER 5, 2012 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of October 5, 2012 be accepted and placed on file. Motion by Senator Plowman. Second by Representative Cain. **Motion passed (7-0-0-3,** with Senator Courtney, Representatives Curtis and Cushing absent).

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REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

Mr. Boulter expressed his appreciation to the Legislative Council for all of the great work that the council has done over the past 2 years. He noted that the council has accomplished a great deal, including managing accounts in tough economic times, creating thoughtful legislative policies and personnel policies, and authorizing improvement of the Grounds. Also on behalf of all of the staff, Mr. Boulter expressed his appreciation for the support given to the staff by the council members during the last two years.

President Raye expressed his appreciation of the excellent work done by the staff throughout the Legislature. President Raye also thanked Mr. Boulter for his leadership.

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
October	$244.2	$245.0	$0.9	0.4%	$230.6	6.3%
FYTD	$856.0	$830.0	($26.0)	-3.0%	$840.2	-1.2%

General Fund revenue was $0.9 million (0.4%) above budget projections in October, but remained $26.0 million under budget for the fiscal year through October. The Sales and Use Tax and Corporate Income Tax categories were the primary contributors to the negative variance for the fiscal year, falling $13.1 million and $14.5 million, respectively, below budget through October. Within the Individual Income Tax category, he noted another area of concern is withholding payments, which were under budget by $5.6 million for the first four months.

Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
October	$28.8	$32.1	$3.3	11.6%	$29.0	10.7%
FYTD	$90.4	$95.7	$5.3	5.9%	$89.9	6.5%

Highway Fund revenue was $3.3 million over budget in October and $5.3 million over for the fiscal year-to-date (FYTD) through October. October's performance would have been below budget but for a significant one-time event that resulted in 179,000 titles for trailers generating net revenue of $4.1 million to the Highway Fund.

Cash Update

The average balance in the cash pool in October was $97.3 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 $98.9 million higher than a year ago. This is a concern and may affect the decision regarding external borrowing in FY 2013.

MaineCare Spending Update

Despite declining caseloads, MaineCare weekly cycle payments through the first 17 weeks of FY 2013 averaged $45.6 million, which exceeds the average of last fiscal year of $44.9 million. The FY 2013 MaineCare budget assumes a reduction of spending from FY 2012 levels.

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.

She reported that all the committees and commissions have either concluded their work and are preparing final reports or will be holding their final meetings soon. The exception is the Task Force on Prevention of Sexual Abuse of Children, the chairs of which have decided that they will not be convening the task force.

REPORTS FROM COUNCIL COMMITTEES

1. **Personnel Committee**

   No report

2. **State House Facilities Committee**

   No report

OLD BUSINESS

Item #1: Portrait of former U.S. Senator George J. Mitchell (Letter of No Objection)

A copy of a letter of no objection was received from former U.S. Senator George J. Mitchell regarding the commissioning and display of his portrait in the State House. No action of the Legislative Council was required.

NEW BUSINESS

Item #1: Legislative Council Actions Taken by Ballot Since October 5, 2012 Meeting

That the Legislative Council authorize a limited extension of the Task Force on the Prevention of Sexual Abuse of Children's reporting deadline from November 7, 2012 to December 4, 2012.

Motion by: Senator Kevin Raye
Second by: Representative Robert Nutting
Approved: November 15, 2012 Vote: 6-0-4-0 in favor

Item #2: Request for 2nd Off-site Meeting of Task Force on Franco-Americans

The legislatively-authorized study group, the Task Force on Franco-Americans, requested approval from the Legislative Council to hold an off-site meeting of the task force at the Franco-American Heritage Center in Lewiston on Wednesday, November 28, 2012. Funds for the increased costs would come from the task force's existing budget.

Motion: That the Legislative Council approve the request from the Task Force on Franco-Americans to hold a meeting at the Franco-American Heritage Center in Lewiston on Wednesday, November 28, 2012. Motion by Representative Nutting. Second by Senator Alfond. **Motion passed (7-0-0-3,** with Senator Courtney, Representatives Curtis and Cushing absent).

Item #3: Request to Install and Display Holiday Wreath on State House Grounds

Mr. Boulter drew Legislative Council members' attention to an email from Rep. Dianne Tilton in the council's packet that requested temporary installation of a large holiday wreath on the State House Grounds, either on the South lawn or in Capitol Park. According to Rep. Tilton, the wreath display is to commemorate the 30th anniversary of the Downeast Wreath Company of Harrington, Maine, owned by Mr. David Frasier. The wreath is proposed to be 65 +/- feet tall and will be decorated with lights and a bow. There will be no religious aspect to the display. There will be no advertising. A temporary support structure will have to be constructed to support the wreath. A council member asked if there was any prohibition of someone taking a photograph of the wreath (without advertising signs) and then using the photograph for advertising purposes. Mr. Boulter responded that he was unaware of any prohibition on that use.

Motion: That the Legislative Council authorize the installation of a 65 foot tall, Maine-made balsam fir holiday wreath on the south lawn of the State House or in Capitol Park, such wreath to be donated, installed and removed by David Frasier of Downeast Wreath Company, Harrington, Maine without cost to the Legislature; further that the period of display to be from approximately December 1, 2012 through January 2, 2013; and further that the wreath decoration and display be secular and subject to approval of the Executive Director of the Legislative Council. Motion by Senator Plowman. Second by Representative Nutting. **Motion passed (7-0-0-3,** with Senator Courtney, Representatives Curtis and Cushing absent).

Item #4: Acceptance of 2012 Annual Report of Loring Development Authority of Maine

The Loring Development Authority of Maine submitted its 2012 Annual Report for acceptance by the Legislative Council.

> **Motion:** That the Legislative Council accept the 2012 Annual Report of the Loring Development Authority of Maine and place it on file. Motion by Representative Cain. Second by Senator Alfond. **Motion passed (7-0-0-3,** with Senator Courtney, Representatives Curtis and Cushing absent).

ANNOUNCEMENTS AND REMARKS

President Raye expressed his thanks to the members of the Legislative Council as well as with the staff who have done so much to make the Legislature run well, including the nonpartisan Office Directors, the Secretary of the Senate and the Clerk of the House. To those members of the council who will be returning to the Legislature, President Raye wished them the very best going forward. President Raye said he felt blessed to have had the opportunity to work with each of the council members, and he wished them the best and that the next 2 years be characterized by the same spirit of friendship and cooperation that was experienced over the past 2 years.

The Legislative Council meeting was adjourned at 11:31 a.m. on a motion by Representative Hayes, seconded by Representative Nutting. **Motion passed (7-0-0-3,** with Senator Courtney, Representatives Curtis and Cushing absent).