



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**127th Legislature
Legislative Council
FEBRUARY 25, 2016
1:30 PM**

PRELIMINARY AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 28, 2016 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
	<ul style="list-style-type: none">• Executive Director's Report (Mr. Pennoyer)	Information
17	<ul style="list-style-type: none">• Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">• Personnel Committee (no report)• State House Facilities Committee	
	OLD BUSINESS	
21	Item #1: Consideration of Pre-Cloture Bill Requests tabled from October 22 and November 19	Roll Call Vote
24	Item #2: Council Actions Taken By Ballot (No Action Required)	Information
	NEW BUSINESS	
25	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote

29	Item #2:	Video/Audio Webcasts Recording and Archiving	Decision
35	Item #3:	Submission of the Report of the Commission to Strengthen and Align the Services Provided to Maine's Veterans (January 2016)	Acceptance
43	Item #4:	Submission of the Report of the Task Force on School Leadership (January 2016)	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. JUSTIN L. ALFOND
SEN. DAWN HILL
REP. JEFFREY M. MCCABE
REP. SARA GIDEON
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

**LEGISLATIVE COUNCIL
MEETING SUMMARY
January 28, 2016**

CALL TO ORDER

President Thibodeau called the January 28, 2016 meeting of the Legislative Council to order at 1:52 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Mason, Senator Cushing, Senator Alfond and Senator Hill

Representatives: Speaker Eves, Representative McCabe, Representative Gideon, Representative Fredette and Representative Espling

Legislative Officers: Heather Priest, Secretary of the Senate
Robert Hunt, Clerk of the House
Jennifer McGowan, Assistant Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Jackie Little, Human Resources Director
Marion Hylan Barr, Director, OPLA
Suzanne Gresser, Revisor of Statutes
Chris Nolan, Director, OFPR
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology
Beth Ashcroft, Director, OPEGA

President Thibodeau convened the meeting at 1:52 p.m. with a quorum of members present.

SUMMARY OF DECEMBER 17, 2015 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for December 17, 2015 be accepted and placed on file. Motion by Senator Alfond. Second by Senator Mason. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. Youth in Government Program – November 11 to 13

At your last meeting, the decision on what weekend would be selected for the annual Youth in Government Program at the State House was delegated to the Secretary of the Senate and the Clerk of the House. They reached consensus that November 11th to the 13th was the best weekend this coming fall for this program.

2. Priority Security Screening Update

After the Legislature convened in early January, there was another surge upward in the number of applications for priority security screening badges. Since my report in December, we have had an additional 33 applications bringing the total number to 127.

3. Original Copper from the State House Dome – Progress Report

As of Wednesday, we have sold 173 total mementos (68 plaques and 108 framed pictures). We have also sold approximately 945 square feet of the copper in rough form.

4. Active Shooter Training

After an initial training session for active shooter situations with the State House evacuation team in mid-December, we have been trying to schedule another session so that others could attend. The first session and the resulting conversations about this training and the concerns about preparing for these type of horrific events generated an outcry for additional training. We were finally able to schedule a second training session for February 17th. The State House Facilities Committee has been discussing security enhancements and will be considering some changes to improve our preparedness and emergency alert systems.

5. New Employee Training and Other Training Sessions

Over the last month, eight employee training sessions were held to meet statutory requirements for workplace harassment and video display terminal, among other important employee reminders. We will offer one additional training session to try and catch the remaining relatively small number of legislative employees that were unable to attend these past sessions. In addition, we also held a new employee orientation last Friday for the benefit of twelve recent new hires from various Legislative offices.

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

OLD BUSINESS

Item #1: Consideration of Bill Requests Tabled from October 22 and November 19

The Legislative Council moved to reconsider and accept two bill requests (LR 2523 and LR 2205). The council authorized 1 requests for introduction in the 2nd Regular Session of the 127th

Legislature, and 1 failed to be authorized. One request (LR 2324) was previously approved by ballot on December 29, 2015. No action was taken on all other previously tabled bill requests, so all remain tabled. The Legislative Council's actions on the requests are included on the attached list.

Legislative Council Chair Thibodeau 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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 16 new bill requests, the council authorized 9 requests for introduction in the 2nd Regular Session of the 127th Legislature, 3 failed to be authorized, and 4 were tabled. Of the 13 previously tabled bill requests, the council authorized 2 requests for introduction in the 2nd Regular Session of the 127th Legislature, 1 was withdrawn by the sponsor prior to the meeting, 1 was previously approved by ballot, and all others remain tabled. The council took no action on the previously tabled joint resolution, so it remains tabled. 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 EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, reported on:

General Fund Revenue Update

Total General Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$258.2	\$284.8	\$26.7	10.3%	\$265.8	7.2%
FYTD	\$1,638.5	\$1,673.3	\$34.8	2.1%	\$1,473.7	13.5%

General Fund revenue was over budget by \$26.7 million (10.3%) for the month of December and over budget by \$34.8 million (2.1%) for the fiscal year through December. These positive variances now reflect the December 2015 revenue forecast, which reduced budgeted revenue by \$2.2 million in FY 2016. Individual income tax revenue was \$14.2 million over budget for the month of December and \$14.2 million over budget for the fiscal year through December. Estimated payments were over budget by \$3.7 million while withholding was over budget by \$9.7 million. Final estimated payments were due January 15th. The estimated payment line will be looked at closely when January revenues are posted. Historically, strong December and January estimated payments have been an indicator that April receipts may be higher than forecasted. The month of December contained an additional Thursday (five rather than four) which is likely the reason for the overage on the withholding line. Sales and use tax revenue was over budget by \$1.8 million for the month and over budget by \$5.0 million for the fiscal year to date. Car and building supply sales were both 11% higher than last fiscal year. Corporate income tax revenue

was over budget by \$1.0 million for the month of December and by \$1.0 million for the fiscal year through December.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$24.0	\$24.2	\$0.2	0.7%	\$24.6	-1.8%
FYTD	\$165.1	\$169.0	\$3.9	2.4%	\$145.5	16.2%

Highway Fund revenue was over budget by \$0.2 million (0.7%) for the month of December and over budget by \$3.9 million (2.4%) for the fiscal year through December. These positive variances now reflect the December 2015 revenue forecast, which increased budgeted revenue by \$20 thousand in FY 2016. Fuel taxes were under budget for the month of December by \$1.2 million while motor vehicle registration and fees were over budget by \$1.0 million. Motor vehicle registrations will be reviewed before the March forecast with the possibility of being adjusted upward.

Cash Balances Update

December cash balances while down from November continue to remain strong. December's total cash balance of \$769.6 million is well above both last year's balance for December of \$585.2 million and the ten-year average for December of \$492.9 million. For the fourth month this fiscal year, there was no General Fund internal borrowing from other funds in December. The average Highway Fund balance of \$36.7 million in December decreased from November's average of \$54.4 million, with the drop-off reflecting the early December annual payment for the Local Road Assistance program.

Review and Update of Economic and Revenue Forecasts

The Consensus Economic Forecasting Commission is scheduled to meet on January 29, 2016 to review and update the economic forecast to comply with its February 1 reporting date. The Revenue Forecasting Committee (RFC) will then meet later in February to review and update the current revenue forecast to comply with its statutory reporting date of March 1st.

Studies Update and Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported that the final two studies, the Commission to Strengthen and Align the Services Provided to Maine Veterans and the Task Force on School Leadership, have completed their work and their reports are either in process or printing. Ms. Hylan Barr further reported that the Citizen Trade Policy Commission is still meeting and will complete their work later in the year.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

The Personnel Committee held a meeting earlier today to consider the following matters:

1. Reappointment of the Revisor of Statutes

The committee considered the reappointment of Suzanne Gresser as Revisor of Statutes. The Personnel Committee voted unanimously to recommend that the Legislative Council reappoint Ms. Gresser.

Motion: That the Legislative Council appoint Suzanne Gresser as Revisor of Statutes, the date of her reappointment being retroactive to January 25, 2016. Motion by Speaker Eves. Second by Senator Alford. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

2. Step Increase for Director of Law Library

The committee reviewed the annual evaluation of and considered a step increase for Director John Barden. The committee voted unanimously to approve this step increase. No action required by the Legislative Council.

3. Step Increase for LIT Director

The committee reviewed the annual evaluation of and considered a step increase for Director Kevin Dieterich. The committee voted unanimously to approve this step increase. No action required by the Legislative Council.

4. Annual Evaluation of OPEGA Director

The committee reviewed the annual evaluation of Director Beth Ashcroft. No action required by the Legislative Council.

5. Request for Temporary Disability Benefits for Nonpartisan Employee

The committee considered a request by the legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

6. Update on Work/Life Balance Pilot Project

The committee received an update on the pilot project. The committee agreed to move forward with this project on a limited basis.

2. State House Facilities Committee

Senator Mason, Chair, reported the State House Facilities Committee met on Wednesday, January 20th to consider the following items.

1. Options for video in committee rooms and video and audio webcasts

The Executive Director and Maine Public Broadcasting have held an initial meeting to revise the estimated costs of implementation and the Legislature's IT staff and MPBN technical staff prepared cost estimate to better evaluate options for implementing video broadcasts of

committees and for replacing Senate and House video. They will continue their discussions and report at the next committee meeting.

The committee also discussed the upgrades to the Legislature's video and audio webcasts that included options for recording and accessing archived meetings beginning with this session. The committee felt that further discussions by the full membership of Legislative Council of the implications and means of making recorded legislative proceedings available is required before implementation.

2. Revisions to the Legislative Council Policy on the Use of the Hall of Flags

The committee reviewed the draft changes to the policy. Other changes were recommended. The committee voted unanimously to recommend those changes to the Legislative Council for approval. A motion will be made under this item in Old Business.

3. Updates from the Executive Director

Mr. Pennoyer updated the committee on the status of security measures stating that further research on this issue by Capitol Police and the Executive Director will be available at the committee's next meeting. Mr. Pennoyer also met with the State Museum Director and the Archivist regarding the possible relocation of the Liberty Bell in front of the Cultural Building. While that location proved problematic, other options are still be explored and a plan will be presented to the committee at a future meeting.

4. Request to Light the State House for National Eating Disorders Awareness Week

A request was made to light the State House with special blue and green lighting in honor of National Eating Disorders Awareness Week on Tuesday, February 23rd. In keeping with previous requests, the committee voted unanimously to deny the request.

5. The rebidding of Architect and Construction Manager contracts

The committee discussed the status of a subcommittee to review rebidding the construction manager role for projects other than the deferred projects. The subcommittee will be meeting in the next 4 to 6 weeks to seek input from interested parties to explore options for rebidding the Construction Manager contract as soon as possible.

At the close of his report, Senator Mason expressed his concern that committee proceedings were being recorded without prior Council approval. He also requested that further discussion be held at the next State House Facilities Committee meeting and at a future Legislative Council meeting.

OLD BUSINESS

Item #2: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2324 An Act to Strengthen Intragovernment Communication

Submitted by: Senator Roger Katz

Approved: December 29, 2015

Vote: 6-3-0-1 in favor (with Sen. Mason, Sen. Cushing and Rep. Espling opposed and Rep. Fredette absent)

LR 2596 An Act to Amend the Laws Regarding the Operation of All-terrain Vehicle or Snowmobile on a Controlled Access Highway

Submitted by: Representative Robert Saucier

Approved: December 29, 2015

Vote: 8-0-0-2 in favor (with Sen. Mason and Rep. Fredette absent)

LR 2596 An Act to Combat Drug Addiction through Enforcement, Treatment and Recovery

Submitted by: Senator Michael Thibodeau

Approved: December 29, 2015

Vote: 8-0-0-2 in favor (with Sen. Mason and Rep. Fredette absent)

LR 2614 Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge

Submitted by: Senator Paul Davis

Approved: January 13, 2016

Vote: 9-0-0-1 in favor (with Rep. McCabe absent)

LR 2583 An Act to Convey Property to the Sinclair Sanitary District

Submitted by: Representative Roland Danny Martin

Approved: January 27, 2016

Vote: 9-0-0-1 in favor (with Rep. Fredette absent)

Item #3: Revision of the *Legislative Council Policy on the Use of the Hall of Flags*

Motion: That upon the recommendation of the State House Facilities Committee, the Legislative Council approve the revisions to the *Legislative Council Policy on the Use of the Hall of Flags* as presented. Motion by Senator Mason. Second by Senator Cushing. **Motion passed unanimous (10-0).**

NEW BUSINESS

Item #2: Submission of the 2015 Annual Report on Activities and Performance, OPEGA

Motion: That the Legislative Council accept the 2015 Annual Report on Activities and Performance, OPEGA and place it on file. Motion by Senator Alfond. Second by Senator Cushing. **Motion passed unanimous (10-0).**

Item #3: Submission of the Report of the Commission to Study Difficult to Place Patients

Motion: That the Legislative Council accept the Report of the Commission to Study Difficult to Place Patients and place it on file. Motion by Senator Alfond. Second by Speaker Eves. **Motion passed unanimous (10-0).**

Item #4: Submission of the Report of the Joint Standing Committee on Health and Human Services Study of Allocations of the Fund for a Healthy Maine

Motion: That the Legislative Council accept the Report of the Joint Standing Committee on Health and Human Services Study of Allocations of the Fund for a Healthy Maine and place it on file. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Item #5: Submission of the Tenth Annual Report of the Right to Know Advisory Committee

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

Item #6: Submission of the Annual Report of the Midcoast Regional Redevelopment Authority

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

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:20 p.m.

**127th Legislature - Second Regular Session
Legislative Council Action Taken January 28, 2016 on
Pre-Cloture Bill Requests Tabled
October 22 and November 19, 2015**

		Action
Representative Campbell of Orrington		
LR 2330		TABLED 11/19/15
	An Act To Encourage the Development of Commercial Transportation Opportunities in Bucksport	
LR 2331		TABLED 11/19/15
	An Act To Encourage the Development of Electrical and Natural Gas Infrastructure in Bucksport	
Representative Eves of North Berwick		
LR 2523		TABLED 10/22/15
	An Act To Support and Strengthen the Direct Care Workforce	PASSED 1/28/16
Representative Fowle of Vassalboro		
LR 2209		TABLED 10/22/15
	An Act To Amend the Public Safety Laws	
Representative Fredette of Newport		
LR 2343		TABLED 10/22/15
	An Act To Authorize a General Fund Bond Issue to Invest in Marine Transportation and Port Infrastructure at Mack Point to Meet the Needs of the Marine Construction and Shipping Business Sector and to Create Jobs	

Representative Gattine of Westbrook

LR 2432

TABLED
10/22/15

An Act To Promote the Success and Accountability of
Welfare Reform Initiatives in Maine

Representative Gattine of Westbrook

LR 2456

TABLED
11/19/15

Resolve, To Improve Access to and the Quality of Services
for Persons with Mental Illness

Senator Gerzofsky of Cumberland

LR 2200

TABLED
10/22/15

An Act To Amend and Clarify the Brunswick Naval Air
Station Job Increment Financing Fund

Representative Gideon of Freeport

LR 2479

TABLED
11/19/15

An Act To Make Maine Energy-independent

Representative Herbig of Belfast

LR 2401

TABLED
10/22/15

An Act to Provide Job Opportunities to Families Participating
in the Temporary Assistance for Needy Families Program

Senator Hill of York

LR 2408

TABLED
11/19/15

An Act To Provide Accountability in State Government
Partnerships

Senator Katz of Kennebec

LR 2324

TABLED
10/22/15
**Approved by
Ballot 12/29/15**

An Act To Strengthen Intragovernment Communication

Representative Malaby of Hancock

LR 2384

An Act To Fix Changes Made to Maine's Provider Tax

TABLED
10/22/15

Representative McCabe of Skowhegan

LR 2321

An Act To Amend the Maine Criminal Code to Clarify the Prohibition on the Exercise of Improper Influence

TABLED
10/22/15

Representative McCabe of Skowhegan

LR 2322

An Act To Ensure the Proper Functioning of State Government by Ensuring Execution of Executive Branch Duties

TABLED
11/19/15

Representative Rotundo of Lewiston

LR 2399

An Act To Fund and Implement Wage Adjustments for All State Correctional Employees Who Perform Direct Care or Supervision of Prisoners

TABLED
11/19/15

Senator Saviello of Franklin

LR 2205

An Act To Create a Battery Stewardship Program

TABLED
11/19/15
FAILED 1/28/16

Senator Thibodeau of Winterport

LR 2417

An Act To Ensure Accountability in Maine's Welfare System

TABLED
10/22/15

Representative Wadsworth of Hiram

LR 2489

An Act To Ensure a Timely Reduction in Energy Costs for Maine Consumers

TABLED
11/19/15

**127th Maine State Legislature
Legislative Council
Action Taken on
Requests to Introduce Legislation
Second Regular Session
January 28, 2016**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Roberta B. Beavers

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2628	An Act To Improve Services for Persons Who Are Deaf and Hard of Hearing by Updating the Laws Governing Qualifications for Certain Members of the Telecommunications Relay Services Advisory Council	PASSED

SPONSOR: Rep. Henry E. Beck

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2638	An Act To Tax Electronic Cigarettes	TABLED

SPONSOR: Sen. Eric L. Brakey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2654	An Act To Authorize Medicinal Cannabis for the Treatment of Opiate and Pharmaceutical Drug Addiction and Recovery	FAILED

SPONSOR: Rep. Richard H. Campbell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2621	An Act To Allow the Placement of Road Signs Advertising Events That Benefit Philanthropic Organizations and Allow Free Admission to Military Personnel	PASSED

SPONSOR: Rep. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2605	An Act To Establish a Recall Process for Elected Officials	FAILED

SPONSOR: Rep. Michael Gilbert Devin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2647	An Act To Recognize Certain Veterans Service Organizations Providing Direct Supportive Services to Veterans and Their Families Living with Service-related Post-traumatic Stress Disorder or Traumatic Brain Injury	PASSED

SPONSOR: Rep. Aaron M. Frey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2600	Resolve, To Rename the Essex Street Overpass in Bangor the Brent Cross Bridge	PASSED

SPONSOR: Rep. Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2640	An Act To Protect Maine's Wood Products Industry	TABLED

SPONSOR: Rep. Jared F. Golden

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2617	An Act To Ensure Transparency in Government Contracting	FAILED

SPONSOR: Rep. Barry J. Hobbins

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2642	An Act To Provide Supplemental Allocations, Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017	PASSED

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2630	An Act To Increase Access to Health Coverage for Drug Addiction Services and Qualify Maine for Federal Funding for Such Services	TABLED

SPONSOR: Rep. Robert J. Saucier

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2634	An Act To Require That Public Universities in the State Give Preference to Maine Companies When Awarding Contracts Related to Fuel and Heating	PASSED

SPONSOR: Sen. Thomas B. Saviello

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2655	An Act To Exempt from Sales Tax All Fundraising Efforts by Nonprofit Organizations	PASSED

SPONSOR: Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2597	An Act To Revise the Laws Regarding Dental Practices	PASSED

SPONSOR: Rep. William R. Tuell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2646	An Act To Continue To Provide Group Exemption Passes to State Parks for Persons with Disabilities	PASSED

SPONSOR: Rep. Arthur C. Verow

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2625	An Act Concerning Visitation Rights for Adult Children of Adults under Guardianship	TABLED

LATE-FILED MAJOR SUBSTANTIVE RULES

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2651	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Late-filed Major Substantive Rule of the Maine Health Data Organization	PASSED

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2652	Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Late-filed Major Substantive Rule of the Maine Milk Commission	PASSED

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Justin L. Alford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2594	An Act To Facilitate the Timely Processing of Applications for Supplemental Nutrition Assistance Program Benefits	Tabled 12/17/15
2595	An Act To Prohibit the Expenditure of Any Cash-based Benefits from the State on Lottery Tickets	Tabled 12/17/15

SPONSOR: Sen. James F. Dill

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2558	An Act To Provide Assistance to Laid-off Workers	Tabled 12/17/15
2575	An Act To Amend the Maine Veterinary Practice Act	Tabled 12/17/15

SPONSOR: Rep. Michelle Ann Dunphy

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2561	An Act To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill	Tabled 12/17/15

SPONSOR: Rep. Robert A. Foley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2560	An Act To Authorize the Maine Public Employees Retirement System To Provide Long-term Disability Insurance	Tabled 12/17/15 Withdrawn by Sponsor 1/27/16

SPONSOR: Rep. Kenneth W. Fredette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2592	An Act To Create the Maine Energy Office	Tabled 12/17/15

SPONSOR: Rep. Roland Danny Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2583	Resolve, Authorizing Sinclair Sanitary District To Lease Land for Telecommunications Purposes	Tabled 12/17/15 Approved by ballot 1/27/16

SPONSOR: Rep. Jeff M. McCabe

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2569	An Act To Establish a Commission on the Blind and Visually Impaired	Tabled 12/17/15

SPONSOR: Rep. Michael D. McClellan

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2567	An Act To Provide Relief from the Construction Code for Campgrounds and Camps	Tabled 12/17/15 TABLED 1/28/16

SPONSOR: Rep. Richard A. Pickett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2556	An Act To Allow Certain Retirees To Buy Back Lost Pay	Tabled 12/17/15

SPONSOR: Rep. Christine B. Powers

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2582	Resolve, To Name the Naples Bay Bridge on Route 302 in Naples the Robert Neault Bridge	Tabled 12/17/15 PASSED 1/28/16

SPONSOR: Sen. Thomas B. Saviello

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2568	An Act Regarding the Educational Opportunity Tax Credit	Tabled 12/17/15 PASSED 1/28/16

JOINT RESOLUTIONS

SPONSOR: Rep. Henry John Bear

LR #
2163

Title
JOINT RESOLUTION TO ALLEVIATE TRIBAL
UNEMPLOYMENT AND FUND ECONOMIC
DEVELOPMENT AND EMPLOYMENT PROGRAMS WITHIN
THE HOULTON BAND OF MALISEET INDIANS BY URGING
THE PRESIDENT OF THE UNITED STATES AND THE
UNITED STATES CONGRESS TO ESTABLISH A PROCESS
TO PROVIDE EQUITABLE MALISEET LAND CLAIMS
SETTLEMENT COMPENSATION FOR THE OCCUPATION
AND LOSS OF NEARLY 5,000,000 ACRES OF MALISEET
TRIBAL HOMELAND IN THE AROOSTOOK COUNTY
REGION

Action
Tabled 12/17/15

Fiscal Briefing

Legislative Council Meeting – February 25, 2016

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$300.3	\$327.4	\$27.0	9.0%	\$308.1	6.3%
FYTD	\$1,938.8	\$2,000.7	\$61.9	3.2%	\$1,781.8	12.3%

General Fund revenue was over budget by \$27.0 million (9.0%) for the month of January and over budget by \$61.9 million (3.2%) for the fiscal year through January. Individual income tax revenue was \$28.0 million over budget for the month of January and \$42.2 million over budget for the fiscal year through January. Estimated payments were over budget by \$14.9 million while withholding was over budget by \$8.4 million. The final estimated payment due January 15th was \$14.9 million over budget and 17.5% higher than January 2015. The December 2015 and January 2016 estimated payments combined increased 7.2% over last year. Sales and use tax revenue was under budget by \$0.1 million for the month and over budget by \$4.9 million for the fiscal year to date, mainly attributed to use tax being under budget by \$1.7 million for the month of January. Taxable sales for the month of December were 2.1% over December 2014. Transfers for tax relief programs were over budget for the month (more transfers than budgeted) by \$5.5 million, but still \$13.8 under budget (less transfers than budgeted) for the year to date. Lottery revenue was over budget for the month by \$3.6 million due to the extraordinarily high Powerball jackpot in January.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$25.6	\$26.4	\$0.8	3.2%	\$24.8	6.6%
FYTD	\$190.7	\$195.4	\$4.7	2.5%	\$170.3	14.8%

Highway Fund revenue was over budget by \$0.8 million (3.2%) for the month of January and over budget by \$4.7 million (2.5%) for the fiscal year through January. Fuel taxes were slightly under budget for the month of January, while motor vehicle registration and fees were over budget by \$0.5 million. Highway Fund "other revenue" was over budget by \$0.2 million in January because of several highway opening permits due to natural gas lines.

3. Cash Balances Update

January's total average cash balances of \$835.3 million were well above both last year's balances for January of \$678.0 million and the ten-year average for January of \$533.3 million. For the fifth month this fiscal year, there was no General Fund internal borrowing from other funds in January. The average Highway Fund balance of \$39.1 million in January increased slightly from December's average of \$36.7 million but was below last year's balance for January of \$53.6 million.

4. Review and Update of Revenue Forecast

The Revenue Forecasting Committee (RFC) will meet on February 22nd to review and update the current revenue forecast to comply with this year's statutory reporting date of March 1st. A summary of the preliminary findings will be presented at Thursday's meeting.

**General Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)**

January 2016 Revenue Variance Report

Revenue Category	January '16		January '16		Fiscal Year-To-Date			FY 2016 Budgeted Totals	
	Budget	Actual	Actual	Variance	Budget	Actual	Variance		Variance %
Sales and Use Tax	118,556,943	118,438,212	118,438,212	(118,731)	798,725,779	803,620,837	4,895,058	0.6%	23.4%
Service Provider Tax	4,166,643	3,894,360	3,894,360	(272,283)	27,704,432	26,736,506	(967,926)	-3.5%	8.1%
Individual Income Tax	153,825,691	181,800,628	181,800,628	27,974,937	930,498,528	972,658,886	42,160,358	4.5%	12.9%
Corporate Income Tax	4,200,000	8,602,087	8,602,087	4,402,087	46,599,620	51,624,985	5,025,365	10.8%	-35.6%
Cigarette and Tobacco Tax	10,371,361	10,564,090	10,564,090	192,729	83,570,154	84,256,213	686,059	0.8%	3.1%
Insurance Companies Tax	80,879	25,473	25,473	(55,406)	12,894,637	12,729,894	(164,743)	-1.3%	-7.0%
Estate Tax	2,660,087	1,891,159	1,891,159	(768,928)	13,308,438	14,471,145	1,162,707	8.7%	-32.6%
Other Taxes and Fees *	10,896,238	10,347,640	10,347,640	(548,598)	76,515,565	77,565,191	1,049,626	1.4%	4.1%
Fines, Forfeits and Penalties	1,596,272	1,235,255	1,235,255	(361,017)	12,844,166	11,345,316	(1,498,850)	-11.7%	-10.0%
Income from Investments	66,968	106,122	106,122	39,154	504,021	571,765	67,744	13.4%	162.9%
Transfer from Lottery Commission	3,152,994	6,715,383	6,715,383	3,562,389	31,460,931	34,950,224	3,489,293	11.1%	8.9%
Transfers to Tax Relief Programs *	(7,850,508)	(13,346,990)	(13,346,990)	(5,496,482)	(60,518,950)	(46,759,708)	13,759,242	22.7%	9.4%
Transfers for Municipal Revenue Sharing	(5,253,534)	(5,576,299)	(5,576,299)	(322,765)	(39,683,052)	(40,065,587)	(382,535)	-1.0%	-16.6%
Other Revenue *	3,856,934	2,670,846	2,670,846	(1,186,088)	4,393,469	(2,998,645)	(7,392,114)	-168.3%	-121.4%
Totals	300,326,968	327,367,966	327,367,966	27,040,998	1,938,817,738	2,000,707,022	61,889,284	3.2%	12.3%

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

**General Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)**

January 2016 Revenue Variance Report

Revenue Category	January '16			Fiscal Year-To-Date			% Change from Prior Year	FY 2016 Budgeted Totals
	Budget	Actual	Variance	Budget	Actual	Variance		
Detail of Other Taxes and Fees:								
- Property Tax - Unorganized Territory	0	0	0	11,207,189	11,207,189	(0)	0.0%	14,225,984
- Real Estate Transfer Tax	1,498,219	1,345,223	(152,996)	10,247,542	10,825,408	577,866	5.6%	15,697,389
- Liquor Taxes and Fees	1,523,236	1,491,977	(31,259)	12,621,183	13,245,156	623,973	4.9%	21,214,918
- Corporation Fees and Licenses	249,813	263,361	13,548	1,795,035	1,822,310	27,275	1.5%	9,088,649
- Telecommunication Excise Tax	0	0	0	(34,249)	(34,249)	0	N/A	7,500,000
- Finance Industry Fees	2,695,992	2,797,030	101,038	15,871,938	16,847,080	975,142	6.1%	26,851,990
- Milk Handling Fee	444,706	257,498	(187,208)	2,333,416	1,981,586	(351,830)	-15.1%	4,556,944
- Racino Revenue	744,337	606,538	(137,799)	5,142,654	5,164,352	21,698	0.4%	8,678,540
- Boat, ATV and Snowmobile Fees	356,539	301,394	(55,145)	2,094,002	1,944,729	(149,273)	-7.1%	4,523,561
- Hunting and Fishing License Fees	2,213,227	2,063,029	(150,198)	9,911,048	9,709,810	(201,238)	-2.0%	15,850,342
- Other Miscellaneous Taxes and Fees	1,170,169	1,221,591	51,422	5,291,558	4,851,822	(439,736)	-8.3%	11,104,641
Subtotal - Other Taxes and Fees	10,896,238	10,347,640	(548,598)	76,515,565	77,565,191	1,049,626	1.4%	139,292,958
Detail of Other Revenue:								
- Liquor Sales and Operations	2,445	2,440	(5)	15,617	18,970	3,353	21.5%	9,667,500
- Targeted Case Management (DHHS)	333,206	223,294	(109,912)	1,322,842	1,269,916	(52,926)	-4.0%	2,640,000
- State Cost Allocation Program	1,668,789	1,353,280	(315,509)	10,772,037	10,600,588	(171,449)	-1.6%	18,296,832
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	7,000,000
- Tourism Transfer	0	0	0	(12,854,128)	(13,112,062)	(257,934)	-2.0%	(12,854,128)
- Transfer to Maine Milk Pool	0	(772,685)	(772,685)	0	(7,552,605)	(7,552,605)	N/A	(13,239,128)
- Transfer to STAR Transportation Fund	0	0	0	(6,800,000)	(7,308,989)	(508,989)	-7.5%	(6,800,000)
- Other Miscellaneous Revenue	1,852,494	1,864,517	12,023	11,937,101	13,085,537	1,148,436	9.6%	23,085,906
Subtotal - Other Revenue	3,856,934	2,670,846	(1,186,088)	4,393,469	(2,998,645)	(7,392,114)	-168.3%	27,796,982
Detail of Transfers to Tax Relief Programs:								
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	(767)	(767)	0	2,149	2,149	N/A	0
- BE/IR - Business Equipment Tax Reimb.	(7,730,011)	(10,648,668)	(2,918,657)	(29,500,975)	(23,606,158)	5,894,817	20.0%	(35,000,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(120,497)	(2,697,555)	(2,577,058)	(31,017,975)	(23,155,699)	7,862,276	25.3%	(31,771,938)
Subtotal - Tax Relief Transfers	(7,850,508)	(13,346,990)	(5,496,482)	(60,518,950)	(46,759,708)	13,759,242	22.7%	(66,771,938)
Inland Fisheries and Wildlife Revenue - Total	2,676,051	2,461,975	(214,076)	12,612,302	12,228,484	(383,818)	-3.0%	21,447,907

**Highway Fund Revenue
Fiscal Year Ending June 30, 2016 (FY 2016)**

Updated 2/18/16

January 2016 Revenue Variance Report

Revenue Category	January '16		January '16		Fiscal Year-To-Date				FY 2016 Budgeted Totals	
	Budget	Actual	Actual	Variance	Budget	Actual	Variance	% Variance		% Change from Prior Year
Fuel Taxes:										
- Gasoline Tax	15,952,869	16,294,308	341,439		121,269,094	121,133,340	(135,754)	-0.1%	17.9%	197,254,300
- Special Fuel and Road Use Taxes	3,438,997	3,065,866	(373,131)		28,324,192	28,465,428	141,236	0.5%	20.6%	46,393,600
- Transcap Transfers - Fuel Taxes	(1,424,470)	(1,429,534)	(5,064)		(10,992,051)	(11,008,570)	(16,519)	-0.2%	-1.5%	(17,903,637)
- Other Fund Gasoline Tax Distributions	(398,934)	(410,235)	(11,301)		(3,032,573)	(3,032,327)	246	0.0%	-1.4%	(4,932,738)
Subtotal - Fuel Taxes	17,568,462	17,520,405	(48,057)		135,568,662	135,557,871	(10,791)	0.0%	20.4%	220,811,525
Motor Vehicle Registration and Fees:										
- Motor Vehicle Registration Fees	4,230,553	4,331,165	100,612		35,604,822	36,861,934	1,257,112	3.5%	0.5%	65,595,787
- License Plate Fees	53,396	45,988	(7,408)		1,887,658	1,970,819	83,161	4.4%	0.8%	3,458,710
- Long-term Trailer Registration Fees	1,110,591	1,278,116	167,525		4,510,666	5,377,512	866,846	19.2%	1.7%	9,884,523
- Title Fees	942,235	1,029,383	87,148		7,271,651	7,935,353	663,702	9.1%	8.9%	13,129,254
- Motor Vehicle Operator License Fees	538,789	658,473	119,684		4,246,343	4,814,663	568,320	13.4%	13.6%	7,425,882
- Transcap Transfers - Motor Vehicle Fees	0	0	0		(7,663,195)	(7,940,965)	(277,770)	-3.6%	-2.5%	(15,483,404)
Subtotal - Motor Vehicle Reg. & Fees	6,875,564	7,343,124	467,560		45,857,945	49,019,316	3,161,371	6.9%	2.7%	84,010,752
Motor Vehicle Inspection Fees	523,229	466,081	(57,148)		1,669,944	2,332,768	662,824	39.7%	43.5%	2,982,500
Other Highway Fund Taxes and Fees	45,333	328,860	283,527		708,744	1,024,649	315,905	44.6%	48.6%	1,293,729
Fines, Forfeits and Penalties	63,008	60,445	(2,563)		482,975	442,687	(40,288)	-8.3%	-23.8%	905,910
Interest Earnings	28,104	14,968	(13,136)		164,570	113,176	(51,394)	-31.2%	117.6%	305,087
Other Highway Fund Revenue	519,063	699,800	180,737		6,262,072	6,951,398	689,326	11.0%	-1.5%	9,201,412
Totals	25,622,763	26,433,683	810,920		190,714,912	195,441,864	4,726,952	2.5%	14.8%	319,510,915

127th Legislature - Second Regular Session

Pre-Cloture Bill Requests Tabled
October 22 and November 19, 2015

		Action
Representative Campbell of Orrington		
LR 2330	An Act To Encourage the Development of Commercial Transportation Opportunities in Bucksport	TABLED 11/19/15
LR 2331	An Act To Encourage the Development of Electrical and Natural Gas Infrastructure in Bucksport	TABLED 11/19/15
Representative Fowle of Vassalboro		
LR 2209	An Act To Amend the Public Safety Laws	TABLED 10/22/15
Representative Fredette of Newport		
LR 2343	An Act To Authorize a General Fund Bond Issue to Invest in Marine Transportation and Port Infrastructure at Mack Point to Meet the Needs of the Marine Construction and Shipping Business Sector and to Create Jobs	TABLED 10/22/15
Representative Gattine of Westbrook		
LR 2432	An Act To Promote the Success and Accountability of Welfare Reform Initiatives in Maine	TABLED 10/22/15
LR 2456	Resolve, To Improve Access to and the Quality of Services for Persons with Mental Illness	TABLED 11/19/15
Senator Gerzofsky of Cumberland		
LR 2200	An Act To Amend and Clarify the Brunswick Naval Air Station Job Increment Financing Fund	TABLED 10/22/15

127th Legislature - Second Regular Session

Pre-Cloture Bill Requests Tabled
October 22 and November 19, 2015

Representative Gideon of Freeport

LR 2479

An Act To Make Maine Energy-independent

TABLED 11/19/15

Representative Herbig of Belfast

LR 2401

An Act to Provide Job Opportunities to Families Participating in the Temporary Assistance for Needy Families Program

TABLED 10/22/15

Senator Hill of York

LR 2408

An Act To Provide Accountability in State Government

TABLED 11/19/15

Representative Malaby of Hancock

LR 2384

An Act To Fix Changes Made to Maine's Provider Tax

TABLED 10/22/15

Representative McCabe of Skowhegan

LR 2321

An Act To Amend the Maine Criminal Code to Clarify the Prohibition on the Exercise of Improper Influence

TABLED 10/22/15

LR 2322

An Act To Ensure the Proper Functioning of State Government by Ensuring Execution of Executive Branch Duties

TABLED 11/19/15

Representative Rotundo of Lewiston

LR 2399

An Act To Fund and Implement Wage Adjustments for All State Correctional Employees Who Perform Direct Care or Supervision of Prisoners

TABLED 11/19/15

Senator Thibodeau of Winterport

LR 2417

An Act To Ensure Accountability in Maine's Welfare System

TABLED 10/22/15

127th Legislature - Second Regular Session

**Pre-Cloture Bill Requests Tabled
October 22 and November 19, 2015**

Representative Wadsworth of Hiram

LR 2489

TABLED 11/19/15

An Act To Ensure a Timely Reduction in Energy Costs for Maine
Consumers

**Legislative Council Actions
Taken by Ballot Since the
January 28, 2016 Council Meeting**

Requests for Introduction of Legislation:

LR 2575 An Act to Amend the Maine Veterinary Practice Act

Submitted by: Senator James Dill

Approved: February 4, 2016

Vote: 7-2-0-1 in favor (with Sen. Mason and Rep. Espling opposed and Rep. Fredette absent)

**LR 2663 An Act to Extend the Time for Commencing an Action Relating to Death
Caused by Homicide**

Submitted by: Senator Linda Valentino

Approved: February 16, 2016

Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

**127th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session**

**As of: February 19, 2016
AFTER DEADLINE BILL REQUESTS**

SPONSOR: Sen. Justin L. Alfond

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2687	An Act To Provide an Exemption from State Tax Liability for Employers Who Pay the Student Loan Debt of Their Employees	

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2693	An Act To Address Employee Recruitment and Retention Issues at State Mental Health Facilities	

SPONSOR: Sen. Brian D. Langley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2714	An Act To Increase Education Funding	

SPONSOR: Rep. Louis J. Luchini

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2664	An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law	

SPONSOR: Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2659	An Act To Expedite Health Care Programs for Maine Veterans	

SPONSOR: Sen. Kimberley C. Rosen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2683	An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin	

SPONSOR: Rep. Diane M. Russell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2697	An Act To Authorize the Treatment of Opioid Addiction through Medicinal Cannabis	

SPONSOR: Pres. Michael D. Thibodeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2698	An Act Regarding Stolen Valor	

DEORGANIZATION BILLS

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2635	An Act Authorizing the Deorganization of Cary Plantation	
2636	An Act Authorizing the Deorganization of Oxbow Plantation	

LATE-FILED MAJOR SUBSTANTIVE RULES

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2708	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Justin L. Alford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2594	An Act To Facilitate the Timely Processing of Applications for Supplemental Nutrition Assistance Program Benefits	Tabled 12/17/15
2595	An Act To Prohibit the Expenditure of Any Cash-based Benefits from the State on Lottery Tickets	Tabled 12/17/15

SPONSOR: Rep. Henry E. Beck

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2638	An Act To Tax Electronic Cigarettes	Tabled 01/28/16

SPONSOR: Sen. James F. Dill

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2558	An Act To Provide Assistance to Laid-off Workers	Tabled 12/17/15

SPONSOR: Rep. Michelle Ann Dunphy

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2561	An Act To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill	Tabled 12/17/15

SPONSOR: Rep. Robert A. Foley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2560	An Act To Authorize the Maine Public Employees Retirement System To Provide Long-term Disability Insurance	Tabled 12/17/15

SPONSOR: Rep. Kenneth W. Fredette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2592	An Act To Create the Maine Energy Office	Tabled 12/17/15

SPONSOR: Rep. Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2640	An Act To Protect Maine's Wood Products Industry	Tabled 01/28/16

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2630	An Act To Increase Access to Health Coverage for Drug Addiction Services and Qualify Maine for Federal Funding for Such Services	Tabled 01/28/16

SPONSOR: Rep. Roland Danny Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2583	Resolve, Authorizing the Reconveyance of Land and Authorizing the Sinclair Sanitary District To Lease Land for Telecommunications Purposes	Tabled 12/17/15

SPONSOR: Rep. Jeff M. McCabe

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2569	An Act To Establish a Commission on the Blind and Visually Impaired	Tabled 12/17/15

SPONSOR: Rep. Michael D. McClellan

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2567	An Act To Provide Relief from the Construction Code for Campgrounds and Camps	Tabled 01/28/16

SPONSOR: Rep. Richard A. Pickett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2556	An Act To Allow Certain Retirees To Buy Back Lost Pay	Tabled 12/17/15

SPONSOR: Rep. Arthur C. Verow

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2625	An Act Concerning Visitation Rights for Adult Children of Adults under Guardianship	Tabled 01/28/16

JOINT RESOLUTIONS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2163	JOINT RESOLUTION TO ALLEVIATE TRIBAL UNEMPLOYMENT AND FUND ECONOMIC DEVELOPMENT AND EMPLOYMENT PROGRAMS WITHIN THE HOULTON BAND OF MALISEET INDIANS BY URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ESTABLISH A PROCESS TO PROVIDE EQUITABLE MALISEET LAND CLAIMS SETTLEMENT COMPENSATION FOR THE OCCUPATION AND LOSS OF NEARLY 5,000,000 ACRES OF MALISEET TRIBAL HOMELAND IN THE AROOSTOOK COUNTY REGION	Tabled 12/17/15

Background on the Upgrade of Legislature's Video and Audio Webcasts Using Sliq Media Technologies

Issues prompting the upgrade:

The Legislature's hardware and software for video and audio streaming of legislative proceedings was very outdated and was getting very difficult to keep in working order. It also relied on the use of Windows Media Player, which did not work well with mobile devices and Apple products.

Options to address webcast issues:

The Office of Legislative Information Technology (LIT) had reached out to an outside vendor in the past to explore options and costs for recording and archiving legislative proceedings in response to previous bills directing the Legislature to archive and make saved audio broadcasts of its proceedings available to the public. Now facing a required upgrade of its encoding hardware for webcasts, the Legislature once again explored these external options for providing improved webcasts and for archiving. Two vendors were considered: Granicus and Sliq Media Technology (Sliq). Both Granicus and Sliq were invited to come and make presentations of their services to the Secretary of the Senate, Clerk of the House, the Executive Director and LIT staff.

At the last presentation, the Secretary of the Senate and her Assistant Secretary and the Clerk of the House and his Assistant Clerk viewed the demonstration of what Sliq had implemented for some other states and other governmental entities. At the same time, Sliq and International Roll Call (IRC), Maine's vendor for chamber software and support, were promoting their cooperative efforts in some states that took the feeds from IRC chamber systems and indexed or tagged Sliq's archived video and audio files for easier search and retrieval of specific segments of text, either by indexes of either legislator speaking or calendar item.

In consultation with the Secretary, the Clerk and the Executive Director, LIT decided to go with Sliq. The delivery of Sliq webcasts are part of an all-inclusive service agreement for a monthly fee that includes all the hardware and software required to both provide webcasts and archive all Senate and House sessions (video) and committee meetings (14 audio locations). All recorded events are stored locally on Legislature's servers and on Sliq's "Harmony Cloud Streaming Service." Sliq provides programming support for the software interface between IRC system and Sliq for indexing archived Senate and House sessions. Archived committee audio is

only recorded by date and time of a broadcast meeting as there is no IRC feed to tag committee proceeds, just the calendar of committee meetings.

Implementation of Sliq Webcasts:

LIT and the Executive Director entered into the contract on July 31st, the last day to take advantage of a special promotional contract offer by Sliq. Beginning in mid-August, LIT and Sliq worked through a number of implementation issues and issues have continued through the start of the session. LIT and Sliq were able to set up enough to record a basic webcast of the Senate Confirmation session on November 19th. On Monday, December 7th, LIT hosted a demonstration for Secretary, Clerk and Executive Director of the archived video of the Senate Confirmation session as indexed using IRC feeds that was on the Sliq cloud server. Executive Director sent an email the next day, December 8th, to Council members and Chiefs of Staff explaining the upgrades to the webcasts and offering to meet with them and provide a demonstration in advance of a Legislative Council meeting discussion of implementation. That discussion did not happen at the December meeting. Instead, the plan was to brief the caucuses of the upgraded webcasts and the archived video and audio files prior to implementing archiving.

In addition to Maine, several other states (Arkansas, Iowa, Kansas and New Hampshire) entered into contracts with Sliq for webcasting and archiving in 2015. Sliq's standard implementation provides streaming services and archiving of video and audio broadcasts. The streaming services are actually not live streaming services, but immediate playback of the recorded file that is used for both streaming and archiving. Eight other states have implemented Sliq services that have archived video for Legislative Chambers and also have implemented archiving of committee meetings.

Since the beginning of the 2nd Regular Session, all Senate, House and committee proceeding that have been broadcast on the web have been using the Sliq standard process and as such, an archived file was saved to Sliq cloud servers. LIT and Sliq have not yet worked out and, given the concerns expressed about recording and archiving committee proceedings, have delayed the final decision making on the necessary software and web site to make the archived files available both internally and/or to the public. Once the Council decides whether or not to archive video and audio files, LIT and Sliq will react appropriately.

If the Legislative Council decides not to archive or only archive Senate and House videos, LIT will need to evaluate whether the Sliq contract is worth continuing, versus building an in-house solution during the summer (cannot design and build home-grown system mid-session). Sliq did indicate that they could implement a streaming only service for committee hearings, but we don't have details on how that would be done. It would be different from their normal process of recording all proceedings, as is routinely done for their customers in other states, as noted above. The Legislative Council will also need to determine what LIT and Sliq do with the current archived audio files.



Recordings or Webcastings of Committee Meetings

In February 2014, a request for information about recordings/webcastings of committee meetings and the archiving thereof was posted to the listserv of the American Society of Legislative Clerks and Secretaries. The specific questions were:

- 1) Does your chamber record or webcast its committee meetings?
- 2) If yes to #1, by which method—audio, video, both?
- 3) Does your chamber archive the recordings/webcasts?
- 4) If yes to #3, how?
 - What technology is used?
 - Where are the recordings/webcasts stored?
 - Is there a time limit on how long the recordings/webcasts are kept?
 - Who has access to, and how does someone access, the archives?

Shown below is a summary of the responses.

The following chambers responded that they do not record or webcast committee meetings.

Arkansas Senate
Mississippi House

Missouri Senate and House

Other Responses

California Senate

- 1) Yes
- 2) Both
- 3) Yes
- 4) The video stream is converted to a file on a local hard drive where it is trimmed and linked to the Senate web page.
The recordings are stored locally within the Senate
Currently there is no expiration time limit for the webcasts
The archived webcasts are available to the public via the California Senate Internet “video on demand” page.
Live streams are also available by clicking on the “Listen” or “Watch” icons next to the hearing information on the main page.

Colorado House

Chamber [floor] action is webcast, recorded, and archived (audio and video) since 2008. It is available to the world on Coloradochannel.net.

Committee action is recorded (audio only). We now use Granicus, and archived recordings are available to the public on the Colorado legislative web site or Coloradochannel.net.

We used to use Freedom software, but Freedom software is no longer supported. Anything recorded on Freedom can only be accessed here in the capitol. Prior to using the Freedom software, the committee meetings were recorded on reel to reel tapes and those are available in the state archives office.

Florida House

- 1) Yes
- 2) Both
- 3) Yes
- 4) Podcast. House website. We have not determined how long these will be kept at this point but we anticipate future data storage issues. Full public access.

Illinois House

1. Yes for the Chamber. We have always audio-recorded all committee hearings. We only webcast a few committee hearings. Those in the capitol building are done by webcast and audio & video record. In the adjacent Stratton Building, we do not.
2. See above
3. Yes
4. Video is captured direct to hard disk using Adobe Premiere software via a firewire connection. The recordings are stored on the legislative computer system, but only the House Clerk's office has access. There is no time limit on the storage. Only the House Clerk has access. Neither audio or video are stored for access on the internet. We readily respond to any FOIA requests, which are distributed on CD.

Kentucky House

1. We record about half the committee meetings and those are streamed live through KET's website (<http://www.ket.org/legislature/>) as well. There is an agreement between the Legislative Research Commission (LRC) and KET. LRC pays for most of the man hours for the coverage.
2. Both. Audio is recorded for nearly all meetings, but not streamed. Audio copies can be obtained from the LRC Library.
3. Yes, located on KET 'S website: <http://www.ket.org/legislature/archives/>. Archives are kept on KET's website up to about six years ago. We have everything back to 1992 on DVD here in-house as well. WE provide all the duplicating services. KET does not do any duplication of General Assembly videos.
4. Here, meetings are recorded onto a DVR, then transferred to DVD. KET uses RealPlayer and Windows Media for streaming and archiving.
We maintain the DVD's here in our office back to 2010. The LRC Library has 1992-2009.
Right now, we don't have any plans of removing and DVD archives. I believe KET will continue to keep their on-line archives as well.
Lawmakers and staff can get copies of any committee or floor session for free. Members of the general public can request a copy of any meeting for \$10 plus tax (unless they from a tax exempt organization). They simply request a copy from our office. Copies are normally completed within one business day.

Louisiana House

- 1) We record & webcast both.
- 2) Video
- 3) Yes
- 4) We use the Windows Media video format to encode and webcast. Our live webcasts are streamed simultaneously to the Internet and internally over our network. A windows media server is used to broadcast webcasts to our network and serves as the archive for on-demand video. A service provider (SWAGIT) provides live broadcast streaming to the Internet recordings/archived video (from April of 2010 to current date) for on-demand access live on our Windows media server. A second streaming video server provides on-demand access to video recorded prior to April of 2010; video prior to this date were recorded in Real Video format. We began video webcasting in 1999 and video from that year to date are available from our House website, available to all

Massachusetts Senate

- 1) Occasionally
- 2) Video
- 3) Yes
- 4) Indefinitely
 - All webcast events are stored on our server and are searchable via the public web site
 - Adobe Flash player is required

Montana House

- 1) Yes
- 2) Both
- 3) Yes
- 4) -- Granicus saves them on our cloud based service account in addition to saving them ourselves to a local server. We also archive television broadcasts on DVD.
-- Granicus recordings are on the cloud, we save ours locally to our network servers. In addition, audio recordings are our "official record" of committee meetings, so they are sent for permanent storage to a long-term facility (dark archive) and the facility we use is the OCLC - Online Computer Library Center, Inc. (OCLC). Our DVDs are kept at the Montana Historical Society.
-- No -- We still have every electronic broadcast we have ever made on hand.
-- Public access available online currently through Granicus.

Nebraska Unicameral

- 1) The Nebraska Legislature currently webcasts both floor proceedings and committee hearings. This coverage is provided by Nebraska Public Television, which also provides the service to hearings before the Supreme Court and Court of Appeals, as well as proceedings from the Governor's hearing room.
- 2) Video
- 3) Yes. These archived proceedings are used for preparing transcripts, which are the official records of legislative activity.
- 4) --Streaming is provided using streaming encoding servers, using software that selects a compatible format depending on the user's device and browser. A copy of the files of Floor Proceedings and Hearing Rooms is made available to the Legislative Technology Center via FTP
--On a combination of high performance SAN disk and LTO5 storage at the Public Broadcasting facility.
--No.
--The archives are only available to engineers maintaining the storage at the Public Broadcasting facility, and the transcribers and the Legislative Technology Center for the Legislature.

Nevada Senate

- 1) Yes.
- 2) Both.
- 3) Yes.
- 4) --For the 2013 Session, the Senate used both Granicus (video/audio) and For the Record (audio only, utilized with foot pedal by committee secretaries for minutes preparation).
-- Granicus: "In the cloud." For the Record: Locally on LCB servers.
-- No limit.
-- Archives are fully accessible by staff. Archives not available to public except by request. Members of the public can request URL "publishing points" of individual meetings at no charge, or request DVDs at a nominal charge (DVDs provided free of charge if requester indicates they do not have a computer or email).

Oklahoma House

- 1) Yes, we both record and webcast in real time.
- 2) Only audio so far.
- 3) Yes.
- 4) -- Granicus Media Manager
-- On House homepage.
-- Indefinitely. They are archived by date.
-- They are accessible to the public through the House homepage.

Texas Senate

- 1) Yes (record, webcast, and telecast)
- 2) Both audio and internet video
- 3) Yes
- 4) -- Audio—MP3 audio file; Webcast—RealMedia format streaming video, but next session video will be H.264 MP4 streaming video
-- MP3 audio stored in two locations: Texas Legislative Council (TLC) file server and compact disc in Senate Staff Services office; RealMedia webcasts currently stored on TLC servers, going forward MP4 video will be stored on Granicus servers, including full converted archives
-- Audio files kept in Senate Staff Services for three previous sessions, then the files are moved to the state archives
-- Audio files can be accessed by Senate Staff Services and TLC upon request; RealMedia files are available for public viewing at any time on the Senate website, but with no file download capability

Utah House

- 1) Yes, we record and webcast committee meetings.
- 2) Audio for committee meetings and video/audio for floor debates.
- 3) Yes.
- 4) Technology: FLV, rm, mp4
Storage: Some files are stored on a vendor's servers; some files are stored on Utah House servers.
Time limit: No time limit on how long we store files.
Access: All archived files are accessible to the public via the UT Legislature's website.

Vermont House

- 1) Yes
- 2) Audio
- 3) Yes
- 4) CD recordings which are kept with the Secretary of State archives. There is no time limit for how long recordings are kept.

Washington Senate

- 1) The Senate records hearings. See Note below regarding webcasts.
- 2) Audio
- 3) Yes.
- 4) -- AV Capture All.
-- The recordings are kept on our network and backed up by the IT staff along with all our other data. The AV Capture All site contains recordings since 2010 when we contracted with them (see link below).
-- No real time limit, only limited by the amount of storage drives the IT department wishes to purchase/keep. As staff is able, digital copies of the recordings are created and sent to State Archives for posterity.
-- The committee clerks and staff and Senate administration have access to the committee recordings. As part of the AV Capture All service, once hearings are "published" the audio is available to anyone on AV Capture All's website for which we provide [a link](#) – 2nd from the bottom.

NOTE: TVW records and webcasts a good portion of both committee and floor sessions, generally both video and audio. They've been limited by equipment and staff but, as they've automated their processes over the years, their recordings are surprisingly comprehensive and are available on line. They have a number of years available but the coverage of all committees diminishes, both in terms of scope and technology (audio v. video), as you go back through the years.



**STATE OF MAINE
127th LEGISLATURE
SECOND REGULAR SESSION**

**Commission to Strengthen and Align the Services
Provided to Maine's Veterans**

January 2016

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A. Authorizing Legislation, Resolve 2015, chapter 48

B. Membership list, Commission to Strengthen and Align the Services Provided to Maine's Veterans

Executive Summary

The Commission to Strengthen and Align Services Provided to Maine’s Veterans as established by Resolve 2015, chapter 48, held five meetings during the fall and winter of 2015 and 2016. The commission was charged with identifying gaps in the provision of benefits and services to which veterans are entitled and making recommendations to improve access and delivery of those benefits and services. Recommendations made in this report are intended to support current, as well as future, improvements by providing necessary data to inform the implementation of future programs, establishing ways to bridge gaps in delivery of existing benefits and simply increasing awareness of the services and benefits that are available to Maine’s veterans. Rather than beginning this report with a list of the commission’s numerous findings and the identification of inadequacies in services and their delivery, this report presents recommendations at the outset. With this proposed blueprint of initiatives, the report identifies the problems, gaps and inadequacies which we believe they will help to resolve.

In large part, the commission’s recommendations will include:

1. Making enhancements to the state agency charged with the responsibility to assist those who have served: the Bureau of Veterans Services within the Department of Defense, Veterans and Emergency Management;
2. Improving administration of services to address homelessness among veterans in Maine through coordination and oversight;
3. Improving transportation for veterans to allow for better access to services and benefits; and
4. Supporting methods to ensure the success of veterans enrolled in postsecondary education, resulting in immediate and longer term benefits to veterans, their families and the communities in which they work and live.

The initiatives we recommend establish a foundation which will provide support for continued necessary improvements. We view our recommendations as reasonable to implement with manageable costs that are far outweighed by the benefits. Below is a chart summarizing the commission’s findings and recommendations made in sections III and IV of the report.

RECOMMENDATIONS	
ESTABLISHING A FOUNDATION TO SUPPORT ONGOING IMPROVEMENTS	
A. Enhancements to the Bureau of Veterans Services	
Commission Finding	Corresponding Recommendation
1. Marketing and outreach	
There are an estimated 140,000 veterans in Maine; less than half are enrolled with the U.S. Department of Veterans Affairs. The number of veterans who are unknown to the Bureau of Veterans Services (BVS) is too great.	<p>Make permanent and provide ongoing funding for existing outreach coordinator.</p> <p>Require specific, purpose-driven marketing and outreach duties within the bureau’s statutory charge.</p>

There is a lack of awareness of the BVS among Maine's veterans, which means that veterans in need are not getting the services they have earned.	Develop a statutory framework that requires the bureau to implement a purpose-driven marketing and outreach strategy. Structure veteran service officer (VSO) positions within BVS so that they may attend events outside the hours of a standard work day and receive compensation for that time.
The need for outreach and marketing functions within the bureau will exceed the 24-month period for which BVS has been authorized to employ an outreach coordinator (contract position).	Establish the position of outreach coordinator as a permanent position within the bureau.
Family members and loved ones play a significant role in connecting veterans with services, because veterans can be reluctant to seek help due to shame, lack of trust and other issues.	Require the marketing and outreach functions of the bureau to target family members of veterans in addition to veterans.
2. Case management system	
BVS is crippled by the lack of a modern case management system. Efficiency and veteran customer service suffer without this tool. A case management system will also provide accurate tracking of veteran data and necessary marketing and outreach functions.	Provide funding for acquisition and implementation of a case management system for BVS.
3. Data collection and statistics	
Military retirees and members of the Maine National Guard who completed service but were never called to active duty are not tracked by either the BVS or the Department of Defense, Veterans and Emergency Management (DVEM).	Direct DVEM to track military retirees and members of the Maine National Guard who are not otherwise tracked as veterans.
4. Veterans service officers	
VSOs had approximately 41,000 active cases in 2015. In October 2015, each VSO was handling an estimated 2,200 cases.	The number and location of VSOs should be evaluated and amended if an analysis of the veteran population and distribution call for a change of locations or an increase in the number of VSOs. The Legislature should consider establishing a ratio (one VSO/ number of veterans) to ensure that there are enough VSOs to provide adequate service to veterans.
BVS offices that are co-located with a VA community based outpatient clinic see highest number of visits from veterans and are subject to a reasonable rental fee.	Encourage continued partnership with VA to allow for co-location of BVS offices with community-based outpatient clinics.

B. Veterans Service Organizations	
The state provides \$129,000 annually to support two service officers at Togus, who are not under BVS supervision. The state has little information to determine if the funds are being used as intended. Service officers receiving these funds are tasked by the VA to assist with claims of out-of-state veterans under the VA's "it's the nation not the station" policy.	Service officers not under the supervision of BVS but who receive state dollars (casino revenue) should be assisting Maine veterans and be subject to reporting and accountability requirements.
The VA has no deadline for resolving appeals of denied claims. Appeals often drag out for months. If an appeal is successful, the claim award is not applied retroactively to when the veteran submitted the request to the VA.	Encourage proper training and provide appropriate oversight for service officers (not employed the bureau) who assist veterans in making claims with the VA.
C. Transportation	
Access to jobs, social services, medical appointments, mental health services and community activities are crucial to veterans because they have greater risk than the general population of experiencing unemployment, homelessness, PTSD and suicide. Maine's aging veteran population, the number of post 9/11 veterans with traumatic brain injury and the insufficiency of VA and volunteer ride programs demonstrate the need for a state transportation policy that includes a veteran-specific component.	Develop long-term transportation policy using existing regional provider networks that includes veterans as targeted constituency in need of services.
Transportation services exist but are not accessible to some veterans due to minor administrative or policy hurdles. Veterans eligible for MaineCare are prohibited from using MaineCare transportation services to deliver them to VA health care services.	Amend MaineCare rules to allow for enrollees to receive transportation to VA administered services. Encourage change to the agreement between Disabled American Veterans Organization (van program) and the VA to allow for transportation to community based outpatient clinics, not just Togus.
D. Veterans experiencing homelessness	
Maine has been allocated 196 vouchers from the Housing and Urban Development Veterans	If receipt of a HUD VASH voucher is contingent upon completion of an intake

<p>Affairs Supportive Housing initiative (HUD VASH). Fifty-three of those vouchers are unassigned. One barrier to providing all available vouchers is failure of the VA to provide staff to conduct mandated intake processes which align veterans with supportive services required to be accessed to maintain the voucher.</p>	<p>process and administration of VA support services, the VA should ensure that staff and resources are available.</p>
<p>The Point-in-time (PIT) count administered by HUD and the VA is a required component of the HUD VASH voucher program. It is conducted annually in January by various agencies and providers but not with funding or resources from HUD or the VA. The PIT count is not the best method for providing an accurate picture of the problem of veteran homelessness.</p>	<p>The PIT count should be conducted more than once per year, including a warmer time of year when more veterans are likely on the streets. HUD and the VA should provide funding and resources for the mandated survey to ensure the count is conducted properly and reaches rural areas of Maine.</p> <p>BVS should be supported as a participant in the PIT count.</p>
<p>The federal government states that the problem of chronic veteran homelessness is eliminated when a state (or region) reaches “functional zero.” Functional zero means there is capacity to provide housing for the number of homeless veterans as determined by the PIT count.</p>	<p>Success at resolving chronic homelessness among veterans should be determined by actually placing veterans in stable housing, not just creating the capacity to do so.</p>
<p>Addressing homelessness among Maine veterans requires more than vouchers. Maine must work to facilitate communication among all providers and coordinate efforts to maximize available resources.</p> <p>Voucher programs do not solve the need for emergency housing for veterans within the criminal justice system who have the opportunity to go through Veterans Court programs. Release on bail is prohibited unless the veteran has a supervised address to which the veteran is released.</p>	<p>Create an interagency council to facilitate communication and coordination with regard to efforts aimed at eliminating homelessness among Maine veterans.</p> <p>Establish a position within the BVS to serve as staff to the council and promote the implementation of the council’s recommendations.</p>
<p>E. Postsecondary education and supporting successes achieved through the GI Bill</p>	
<p>Successful completion of postsecondary education is enhanced when institutions provide dedicated services to assist veterans with transition from military life and provide training to faculty, staff and student colleagues about veteran issues, military culture and the</p>	<p>Require each campus within the University of Maine System with a significant enrollment of veterans to provide transition assistance, orientation and coordination of resources based on the model employed at the University of Southern Maine.</p>

emotional cycle of deployment.	
Federal benefits align with postsecondary institution's academic class schedules too strictly imposing hardships on student veterans during school breaks and between semesters.	GI Bill benefits should not be withheld during short-term breaks at postsecondary educational institutions.
The VA demands reimbursement for overpayment of educational benefits made in error by the VA (at no fault of the veteran) while the veteran is a full-time student living on GI bill benefits.	The VA should be prohibited from collecting a debt from a student veteran incurred when the VA mistakenly made an overpayment while the veteran is still enrolled in postsecondary education program.

**RECOMMENDATIONS
BUILDING ON THE FOUNDATION**

A. Improving access to mental health treatment

Commission Finding	Corresponding Recommendation
<p>35-40% of Maine's veterans are seeking mental health services through the VA. There are long waiting lists for these services.</p> <p>The VA does not operate a comprehensive inpatient treatment facility in Maine. The closest facility is in western Massachusetts (North Hampton).</p> <p>When a veteran is willing to seek out mental health care services it is often at a time of crisis. The need to access those services quickly is critical and failure to do so leads to tragic consequences.</p> <p>The number of mental health care providers available to veterans enrolled with the VA is in jeopardy because of low reimbursement rates and untimeliness of payment from VA contracted entity.</p>	<p>The commission did not have time to make specific recommendations to address the findings which demonstrate there is a need to increase access to mental health care services.</p>

B. Veterans court and pretrial services

<p>There is a lack of inpatient treatment for both long-term and short-term mental health and substance abuse treatment in Maine. This leads to a significant disconnect between veterans and the supports the Co-occurring Disorder and Veterans Court (CODVC) has to offer.</p>	<p>The commission applauds the success of the Veterans Court program and recognizes the value of the contribution of volunteers like those from Veteran Mentors of Maine. Although the commission did not have adequate time to make specific recommendations to support the work of the</p>
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There is only one Veterans Justice Outreach worker in the state responsible for the referral of services to all veteran clients and the connection to services for all justice-involved veterans in the state.

There is no program to provide home support or daily living skills staff in the veteran community. The VA reports having these services available but the COVDC has not been able to access them for veterans in need of those services. Because they claim to provide them, the VA will not reimburse community program providers who are able to deliver those services.

Peer mentorship programs require support and expansion.

Access to same-day emergency services such as housing, transportation and funding for basic necessities is lacking. Veterans often have to wait days, weeks and even months for such assistance.

court and the programs associated with it, we hope that this report creates a greater awareness and fosters continued discussion.



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**STATE OF MAINE
127th LEGISLATURE
SECOND REGULAR SESSION**

TASK FORCE ON SCHOOL LEADERSHIP

February 2016

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- B. Membership List, Task Force on School Leadership
- C. Resources Provided to the Task Force
- D. Follow-up Report from the National Conference of State Legislatures: “A Day in the Life: Maine Legislators Learning with Principals”
- E. Follow-up Report from the Maine Principals’ Association: “A Day in the Life: Maine Legislators Learning with Principals”
- F. Acknowledgement of Key Resource People and Organizations

Executive Summary

The Task Force on School Leadership (“Task Force”) was established during the First Regular Session of the 127th Legislature by Resolve 2015, Chapter 46 (LD 1042, “Resolve, To Create the Task Force on School Leadership”). The Task Force was comprised of 17 members, including three legislators and 14 individuals with school leadership experience. The Task Force was established to study policy issues connected to providing excellence in school leadership in prekindergarten to grade 12 public schools and was charged with developing strategies and making recommendations to enhance the identification, recruitment, preparation, mentoring, evaluation, professional development and retention of effective public school principals and other public school leaders.

State Policies and Practices that Foster Excellence in School Leadership

The following elements were included in the National Conference of State Legislatures’ (NCSL) presentations to the Task Force regarding challenges confronting school leadership in other states, as well as their observations related to other states’ legislation, policies and best practices to foster excellence in school leadership:

- School leadership is second only to classroom instruction among all school-related factors that contribute to what students learn at school;
- Principals are key to retaining good teachers; school leaders both recruit and retain high quality staff since the number one reason for teachers’ decisions about whether to stay in a school is the quality of administrative support; and it is the school leader who must develop this establishment;
- Preparing a pipeline of principals who can improve teaching and learning is essential to achieving state policy goals for student performance and economic progress;
- Effective principals have core competencies, including: shaping a transformational vision of academic success for all students; creating a hospitable school climate; managing people, data and processes; improving instruction; leading the professional learning community; and cultivating leadership in others;
- Graduates of effective education leadership programs are better-prepared, perform better in high-needs schools, and are twice as likely to actually become principals as compared to school leaders who are not prepared by education leadership programs;
- State policymakers should understand challenges specific to their state in order to identify the best policies to cultivate and support a pipeline of effective principals;
- State requirements for principal preparation programs should be more streamlined; and, without mentors, it is difficult to recruit or prepare non-educators to become principals;

- Rural schools are in a more challenging situation with untrained and inexperienced principals; and
- A huge increase in the amount of support and mentoring is necessary to produce a larger pool of school leaders.

The Task Force proposes that the Legislature consider the following strategies and recommendations to enhance the identification, recruitment, preparation, mentoring, evaluation, professional development and retention of effective school principals and other school leaders.

STRATEGY 1: RECRUITMENT

Identifying Prospective Candidates for School Principalship Recruitment and Selection

Since preparing a pipeline of principals and instructional leaders is essential to achieving state policy goals for student performance and economic progress, Maine policymakers must recognize the challenges specific to urban and rural school districts across the State in order to distinguish the best policies that can cultivate and support a pipeline of effective principals and school leaders. Leadership positions in Maine schools and school districts are not viewed as attractive professional roles by many capable leaders currently working in Maine schools. Numerous educators hold administrative certificates, but do not apply for administrator openings. Teacher leaders are supported in some school districts, but not in others.

Branding and marketing the profession of school principals can help encourage aspiring educators to step forward into pathways that prepare them for entering into the principalship. For state and local school officials, the process of branding should involve devising strategies and utilizing media and technology platforms to communicate the desirable qualities and intrinsic values of Maine school principals, as well as sharing positive news and reframing negative portrayals of the roles of principals that can drive prospective educational leaders to identify with the profession of school principals.

Recommendation #1. State and local education policy officials should collaborate with the Maine School Boards Association, the Maine School Superintendents Association and the Maine Principals' Association to:

1.1 Develop and support regional partnerships that bring together school districts, university educator preparation programs and the Department of Education to create "homegrown approaches" that provide developmental sequences of learning in action that encourage teachers and educators to become candidates for school leadership positions and to provide pathways for aspiring candidates to explore, study, practice and take on leadership roles in their schools; and

1.2 Design alternative pathway approaches for recruiting, hiring and training school leaders that would exempt an otherwise qualified candidate for a principal or school leadership position from being required to enroll in a graduate education leadership program, (that awards a post baccalaureate degree consistent with the state rules for providing eligible applicants for

school administrator licenses), prior to being hired by a school district. The alternative pathway approaches would require an approved training program for exempt candidates who are selected to be hired by a school district to enter the principalship.

Recommendation #2. Bring together policy leaders from the Maine Department of Education and the State Board of Education to work in partnership with the Maine School Boards Association, the Maine School Superintendents Association, the Maine Principals' Association, the University of Maine System and other key education stakeholder groups to develop coherent approaches to:

2.1 Help school districts identify and recruit prospective candidates for principal and school leadership positions;

2.2 Compose and publicize a description of the realities under which principals, superintendents and other school leadership personnel work, pointing out the incentives and disincentives for top-flight educators to take on these roles;

2.3 Redefine these school leadership roles to include more incentives and fewer disincentives;

2.4 Provide professional development grants and state leadership guidance to help school districts create the supports and conditions to "grow their own leadership"; and

2.5 Contract with a marketing/branding firm to help build recruitment strategies that coach administrators on how to make credible pitches to prospective candidates that would entice them to consider becoming a principal, including informing educators about the joys of serving in a leadership role and enlightening them that entering into the principalship is really about being a good person that has a greater impact on a larger group of students and teachers.

Recommendation #3. The Education and Cultural Affairs Committee should consider proposing legislation to revise the educational costs for school leadership in the Essential Programs and Services (EPS) school funding formula to:

3.1 Provide additional funding for the costs of school leaders by lowering the ratio of the number of students per principal and assistant principal. Maine's current school funding formula calculates the salary and benefit costs for school administrators at a 315:1 student-to-school administrative staff ratio; perhaps the ratio should be revised to 275:1 to provide additional funds for school leadership, including principals, assistant principals, instructional coaches, curriculum and assessment leaders. This strategy would encourage local school districts to recognize that additional support is needed to make the work of building administrators achievable. The current EPS formula's staffing ratio for school leadership has become a reason for local districts not to provide adequate building administrators because the state funding formula says that we do not need them;

3.2 Require that the minimum salary of a first year principal shall be at least 5% higher (calculated on a per diem basis) than the salary that the educator would be entitled to -- in

relation to their educational experience and credentials -- under the school district's negotiated teacher salary scale. This proposal would persuade aspiring teachers to consider becoming a principal when they take into account the increased workload, the longer work year, the increased exposure to public scrutiny, and less job security; and

3.3 Establish targeted funding to revise salary structures under the school funding formula to provide rural and low income school districts with additional resources to increase salaries for principal and school leader positions that would provide incentives for candidates to seek employment in a rural or low income school district and resources for promoting low-performing schools.

STRATEGY 2: PREPARATION

Enhancing the Preparation, Licensure and Certification of School Principals

State laws and regulations for school administrator preparation programs and certification requirements are too challenging; and without extensive induction and mentoring, it is difficult to recruit, select and prepare educators to become school principals. A number of states have audited education leadership preparation programs to verify if they were providing proper instruction and in-depth internships that prepare their students how to cope with the present-day challenges facing school leaders. It is imperative that state policymakers examine our universities' administrator preparation programs to ascertain what exists and what is missing in our preparation programs for our schools' educational leadership.

Recommendation #4. The State should generate a clear, well-supported description of evidence-based, best practices for developing strong educational leaders; convene relevant parties to generate statewide strategies to bring leadership development programs into alignment with these best practices (and de-certifying, if necessary, programs that do not align with these practices); and revise state certification requirements to match these practices.

Recommendation #5. The State should also include in these educational leader preparation initiatives a strong role for school districts in creating teacher leadership positions, encouraging talented leaders to seek administrative positions, and a period of intensive support for new administrators. The Department of Education, the State Board of Education, the Legislature's Education Committee and all professional education associations should keep their "eyes on the leadership prize" to restore the statewide commitment similar to Maine LEAD programs that were implemented to promote school leadership in the 1990 and early 2000 decades.

Recommendation #6. The Department of Education and local school boards should organize up to four or five regional collaboratives across the State to develop school leadership teaching systems that provide a structured sequence of pathways to recruit, prepare and retain candidates for school leadership roles. State and local education officials should consider exploring the Montgomery County Leadership Development Program in Maryland and the school leadership "teaching hospital" model currently under construction in the Bangor Public Schools.

STRATEGY 3: RETENTION

Providing Mentoring, Professional Development and Training to Promote the Retention, Performance and Professional Growth of School Principals

Research conducted by University of Maine Professor Donaldson and Professor Marnik on Maine principals from 1997 to 2011 concluded that about one third of all Maine principals change jobs every two years. This means that close to 33% of Maine schools experience a change in leadership every two years and the school districts, as a result, need to go through the time intensive process of hiring a new principal and habituating the person to the school district and the community. According to data reported by the Maine Principals' Association for the 2014-2015 school year, 40% of Maine high school principals were in their first or second year in their position at that school; and 25% of middle school principals and 29% of elementary principals were also in their first or second year.

The induction and orientation of new school administrators in Maine schools is advanced by the Maine Principals' Association (MPA) "Great Beginnings" program. The MPA's comprehensive induction plan was constructed in alignment with the standards for school leaders established by the Interstate School Leaders Licensure Consortium (ISLLC); and the program is designed for new principals and assistant principals with less than one year in their school leadership position.

Recommendation #7. The State should assign major responsibility to school districts for providing mentoring, professional development and training that promotes the retention, performance and professional growth of school principals; and the Department of Education should assist school districts to develop a "human resource development" approach to supporting, developing, and evaluating school leaders.

Recommendation #8. The State should also recognize and support regional approaches for professional development and training, especially for superintendents and principals.

Recommendation #9. The Education and Cultural Affairs Committee should consider proposing legislation to:

9.1 Allow retired administrators to return to employment at full salary in locations with emergency needs. This proposal is a short term solution for school districts; and the retired administrator should only be employed for a limited duration (e.g., one school year); and

9.2 Provide a waiver of the five year limit on lifetime post retirement employment in a Maine Public Employees Retirement System position and a waiver of the re-certification requirement for those educational administrators who retired in good standing.

Recommendation #10. The Education and Cultural Affairs Committee should also consider proposing legislation to revise the educational costs for school leadership in the Essential Programs and Services (EPS) school funding formula to:

10.1 Establish targeted funding for an induction and orientation program, such as the Maine Principals' Association's "Great Beginnings" program, as a requirement for first year building administrators. The induction and orientation program, which is a "survival kit" for school leaders, should become further refined into two programs, one for principals and one for assistant principals;

10.2 Establish targeted funding for professional development for principals and other school leader positions; and

10.3 Establish targeted funding and meaningful mentoring programs, such as the Maine Principals' Association's two-year program for school leaders, to support the professional growth, performance and retention of school leaders.

STRATEGY 4: OTHER FACTORS

Other Factors Relevant to Enhancing Excellence in School Leadership

The following findings and recommendations are related to other concerns and circumstances that the Task Force members suggest should be considered by the legislative and executive branches of the State of Maine.

Factors Relating to Age, Experience, Recruitment, Retention and Mobility of the State's Corps of School Leaders

The 2011 Maine Principal Study conducted by University of Maine Professor Donaldson and Professor Mamik addressed three specific challenges facing principals in Maine schools:

1. Attracting the best educators to the principalship;
2. Supporting them professionally so that the management requirements do not eclipse the leadership of learning programs for children and teachers; and
3. Making principal work manageable and personally rewarding without sacrificing personal commitments and priorities.

The report revealed that in comparison to 1997, 2001, and 2005, the average Maine principal in 2011 was supervising a significantly larger school and staff than before, in a school where more students were eligible for free or reduced-price lunch, and spending the highest work-hours recorded in this study, an average of 70 hours per week. In regard to balancing job and family/personal life, 65% of Maine principals reported that they struggle to balance it, with 56% stating that the job intrudes too much on their personal lives and 69% have little time left for themselves.

Task Force members agreed that stress -- from legislation, school boards, parents, home life, etc. -- has increased and affected the turnover rates of principals. Members questioned

whether recent changes in society, social contracts, and family/personal life have an effect on principal's decisions for remaining in their leadership positions. The Task Force also noted that the principalship is an aging workforce since many "baby boomers" are reaching retirement age.

Recommendation #11. The State should conduct research to ascertain the generational differences of candidates for school leadership positions since there is a difference between generations regarding how they look at their jobs, their time in their school buildings and events, managing their families and having a balance between their work and personal time.

Maine schools have been barraged by legislative and administrative initiatives and policies for the past 30 years. In many cases, these are unfunded; in others, they are short-funded; in yet others, such as student assessment and standard-setting, they are short-lived and even self-contradictory. School leaders are expected to "implement" these policies. They tell us that it is exceedingly difficult to lead reform when the sand is constantly shifting under them.

Recommendation #12. The Education and Cultural Affairs Committee should consider establishing by law or joint rules a "circuit breaker" procedure that will ensure that any proposed bill or policy mandating change or "reform" in Maine schools meets two tests:

12.1 Well-supported evidence establishes that the proposed change has a high likelihood of improving the learning or healthy development of a majority of Maine school children; and

12.2 The resources and the responsibility for implementing the proposed change(s) are specifically described and judged to be sufficient for successful implementation.

Recommendation #13. Direct the Department of Education and the State Board of Education to undertake a thorough review of all requirements on leadership in schools and school districts; and to remove all those obligations that cannot be demonstrated to positively contribute to successful leadership, including the implementation of sound educational practice, the educational success of students or the protection of students' rights, welfare and safety.

Factors Related to "A Day in the Life: Maine Legislators Learning with Principals"

Members of the Task Force appreciated the reports related to the pairing of Education and Cultural Affairs Committee members with Maine school principals during "A Day in the Life: Maine Legislators Learning with Principals" presented by the National Conference of State Legislatures and the Maine Principals' Association. The responses of legislators and principals regarding the work and life balance issues confronting school leaders, as well as the impact of state standards, student assessment, performance evaluation and professional development on school leaders also raised a couple of recommendations.

Recommendation #14. The thoughtful conversations and the lessons learned from "A Day in the Life" suggest that state policymakers and school leaders should arrange experiences that would enable legislators and building administrators to come together at a common "bully pulpit."

Recommendation #15. Compliance with the additional requirements placed on school leadership regarding performance-based education and performance-based diplomas suggest that increasing the number of school leaders is a necessity. These requirements should be re-evaluated and transformed from a mandate to a voluntary support of transition.

Recommendation #16. The additional requirements placed on school leadership regarding performance evaluation and professional growth systems for teachers and principals suggest that increasing the number of school leaders is a necessity. These requirements should be re-evaluated and transformed from a mandate to a voluntary support of transition.

Recommendation #17. Present conditions that challenge work and life balance are detriments to those considering school leadership positions. The work load needs to be shifted and shared by the addition of positions whose work roles and duties are consistent with the new expectations and structure of our present-day educational system.