

SEN. MICHAEL D. THIBODEAU  
CHAIR

REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

127<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**127<sup>th</sup> Legislature  
Legislative Council**

**March 26, 2015  
1:30 PM**

**REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE FEBRUARY 26, 2015 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Acceptance</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
❖ 9	• Executive Director's Report (Mr. Pennoyer)	<b>Information</b>
11	• Fiscal Report (Mr. Nolan)	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Personnel Committee No report	
	• State House Facilities Committee	<b>Information</b>
	<b>OLD BUSINESS</b>	
❖ 15	Item #1: Council Actions Taken By Ballot (No Action Required)	<b>Information</b>
	<b>NEW BUSINESS</b>	
❖ 16	Item #1: Consideration of After Deadline Bill Requests	<b>Roll Call Vote</b>
	<b>ANNOUNCEMENTS AND REMARKS</b>	
	<b>ADJOURNMENT</b>	

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**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
February 26, 2015**

**CALL TO ORDER**

President Thibodeau called the February 26, 2015 meeting of the Legislative Council to order at 1:40 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

Absent: Senator Alfond

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

Arrived after start of meeting: 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, Office of Policy and Legal Analysis  
Chris Nolan, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology

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

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

## **NEW BUSINESS**

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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 13 bill requests, the council authorized 12 requests for introduction in the 1<sup>st</sup> Regular Session of the 127<sup>th</sup> Legislature, 1 was tabled. Of the 3 joint resolutions, the council took no action on the 3 previously tabled items. Of the 2 Late-filed Major Substantive Rule requests, the council authorized 2. The Legislative Council's actions on the requests are included on the attached list.

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

## **SUMMARY OF JANUARY 29, 2015 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 29, 2015 be accepted and placed on file. Motion by Representative Fredette. Second by Senator Hill. **Motion passed unanimous (7-0-0-3,** with Senator Alford, Representatives Eves and Espling absent).

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

Grant Pennoyer, Executive Director, reported on the following:

1. Heating and Plumbing Issues

Work to reconnect two remaining heating units that have been off line due to leaks in the supply line is in the process of being scheduled. The work to correct one of the two heating units in the Legislative Conference Room is going to be delayed until after the session due to the amount of the work required to resupply the unit. The work to resupply and connect a heating unit in a staff office within the Governor's Office will be scheduled as soon as a part arrives to tap into existing supply lines in the ceiling of the Legislative Conference Room.

2. Installation of Backup Cooling System for Computer Server Room

The backup cooling system for the Computer Server Room is now installed. We were fortunate that despite all the bitterly cold weather this winter, we did not experience an issue with regular cooling units that can fail when we have extremely cold weather.

### **Fiscal Report**

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

## General Fund Revenue Update

**Total General Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$322.3	\$308.1	(\$14.2)	-4.4%	\$298.8	3.1%
FYTD	\$1,777.1	\$1,781.8	\$4.7	0.3%	\$1,655.1	7.7%

General Fund revenue was under budget by \$14.2 million (4.4%) for January but still \$4.7 million (0.3%) over budget for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted revenue for FY 2015 by \$45.5 million.

Individual income tax revenue was \$6.1 million under budget for the month of January driven largely by refunds exceeding budgeted amounts. Fiscal year to date individual income tax revenue is \$6.8 million over budget. Estimated payments were \$1.9 million over budget which could be an indicator that April receipts may be higher than forecasted. Corporate income tax revenue was \$4.2 million under budget for the month due largely to refunds. Estimated corporate income tax payments were over budget by \$1.2 million. The sales and use tax category came in \$2.1 million (1.9%) over budget for the month and is \$2.1 million (0.3%) above budget for the fiscal year to date. Total taxable sales for the month of December (January revenue) were 8.8% higher than December 2013. Reduced energy prices contributed to this increase.

Other significant revenue variances for January reflected purely timing issues in the monthly distribution of revenue for FY 2015 including the Transfers for Tax Relief Programs category, which was over budget by \$4.9 million for January. Lottery revenue was under budget by \$1.4 million for January due to a large jackpot payout in December.

## Highway Fund Revenue Update

**Total Highway Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$26.4	\$24.8	(\$1.6)	-6.0%	\$26.7	-7.0%
FYTD	\$169.4	\$170.3	\$0.9	0.5%	\$169.5	0.4%

Highway Fund revenue was under budget by \$1.6 million (6.0%) in January but still over budget by \$0.9 million (0.5%) for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted Highway Fund revenue for FY 15 by \$7.5 million.

Motor fuel excise taxes were \$1.5 million under budget driven mainly by special fuel. These taxes are due on the last day of the month, and since the 31<sup>st</sup> was on a Saturday, that day's receipts (just under \$1.2 million) were posted in February. Motor vehicle registration and fees revenues were \$0.5 million under budget in January. The majority of this variance related to title fees directly related to car sales.

## Cash Balances Update

Average cash balances increased in January after a slight drop off in December. January's total cash balance of \$678.0 million was well above both last year's balance for January of \$499.0 million and the ten-year average for January of \$515.4 million. General Fund internal borrowing decreased in January to \$116.8 million from \$155.5 million in December and was significantly lower than last January's borrowing. The average Highway Fund balance of

\$53.6 million in January increased from December's average of \$28.6 million that reflected the early December annual payment for the Local Road Assistance program.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

No Report

### 2. State House Facilities Committee

No Report

## OLD BUSINESS

### Item #1: Legislative Council Actions Taken by Ballot Since the January 29, 2015 Meeting

#### LR 1902 An Act to Limit the Use of Ropes and Buoys in Great Ponds

Submitted by: Representative Michael Shaw  
Approved: February 10, 2015      Vote: 10-0 in favor

#### LR 1913 An Act Regarding Gaming

Submitted by: Representative Louis Luchini  
Approved: February 12, 2015      Vote: 9-0-1-0 in favor (with Rep. Fredette abstaining)

#### LR 1901 An Act to Increase Funding for the Maine Community College System

Submitted by: Representative Jeff McCabe  
Approved: February 12, 2015      Vote: 9-0-1-0 in favor (with Rep. Espling abstaining)

## NEW BUSINESS

### Item #2: Proposed Legislative Council Policy on Legislative Studies

Ms. Hylan Barr reviewed the proposed Legislative Council Policy on Legislative Studies as well as the background and procedures relevant to this policy. Mr. Pennoyer explained that the proposed policy is consistent with the ones for previous years.

Senator Hill asked if there were any changes that the Council should be considering. Mr. Pennoyer pointed out that the provision requiring prior approval by the Legislative Council of non-conforming studies before being reported out of committee has not been enforced or followed in the past. Ms. Hylan Barr pointed out that any change to this section of the policy

would require a change to the Rules. The Council decided to consider this matter further with the idea that the Rules Committee would also consider it.

**Motion:** That the Legislative Council adopt the proposed Legislative Council Policy on Legislative Studies for the 127<sup>th</sup> Maine Legislature. Motion by Senator Mason. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senator Alford, Representatives Eves, Fredette and Espling absent).

**Item #3: Request to serve lunch to attendees of Maine Credit Union Day in the Hall of Flags on April 2, 2015** (Request by the Maine Credit Union League)

Ms. Elise Baldacci, Director of Governmental Affairs for the Maine Credit Union League (MCUL), requested that for its event, Maine Credit Union Day, to be held in the Hall of Flags on April 2, 2015, the Maine Credit Union League be given an exemption to the limitation on food served as established in the *Legislative Council Policy on the Use of the Hall of Flags*.

Mr. Pennoyer explained the request by the Maine Credit Union League to serve a meal to legislators in the Hall of Flags on "Maine Credit Union Day". He also drew Legislative Council members attention to the *Legislative Council Policy on the Use of the Hall of Flags* adopted in January 2006. Under the policy, food is allowed in the Hall of Flags subject to limitations, including that with few exceptions, the food served may not constitute a meal. The request by MCUL would not be consistent with the policy and, therefore, would require Legislative Council approval.

**Motion:** That the Legislative Council approve the request by the Maine Credit Union League to serve lunch in the Hall of Flags on April 2, 2015. Motion by Senator Cushing. Second by Representative McCabe. **Motion passed unanimous (6-0-0-4**, with Senator Alford, Representatives Eves, Fredette and Espling absent).

**ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:08 p.m.

**127th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 2/26/2015 1:39:19 PM**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Paul T. Davis, Sr**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1926	An Act To Ensure the Stocking of Inland Waters in the State	PASSED
1927	An Act To Amend the Laws Governing the Taking of Live Smelts	PASSED

**SPONSOR: Sen. Geoffrey M. Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1921	An Act To Protect Maine Consumers from Medical Identity Theft	PASSED

**SPONSOR: Sen. Anne M. Haskell**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1917	An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime	PASSED

**SPONSOR: Sen. Roger J. Katz**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1920	An Act To Establish the Maine Board of Court Reporting and Legal Recorders	PASSED

**SPONSOR: Rep. Joyce A. Maker**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1923	An Act To Prohibit the Selling of Humans	PASSED

**SPONSOR: Rep. John L. Martin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1930	An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug and Cosmetic Act	PASSED

**SPONSOR: Rep. Carol A. McElwee**

LR #	Title	Action
1900	An Act To Address the Issues Surrounding Smelting	PASSED

**SPONSOR: Rep. Matthew G. Pouliot**

LR #	Title	Action
1928	An Act To Establish a Tax-free Savings Program for Individuals with Disabilities	PASSED

**SPONSOR: Rep. Michael A. Shaw**

LR #	Title	Action
1903	An Act To Exempt Local Fuel Delivery Vehicles from Hours-of-service Restrictions during Winter Months	PASSED

**SPONSOR: Rep. Heather W. Sirocki**

LR #	Title	Action
1919	Resolve, To Convene a Work Group To Recodify the Statutes Governing Dental Practice	PASSED

1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	TABLED 2/26/15
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**SPONSOR: Rep. Nathan J. Wadsworth**

LR #	Title	Action
1922	An Act To Strengthen the Craft Distillery Industry in Maine	PASSED

**TABLED BY THE LEGISLATIVE COUNCIL****LATE-FILED MAJOR SUBSTANTIVE RULES****SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1887	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15 PASSED 2/26/15

1888	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15 PASSED 2/26/15
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## JOINT RESOLUTIONS

**SPONSOR: Rep. Henry John Bear**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15
243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15

**SPONSOR: Rep. Justin Mark Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
162	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	Tabled 01/29/15

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127<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

## Legislative Council

### Executive Director's Report March 26, 2015

#### 1. Heating and Plumbing Issues

A new leak in the heating system developed late last week in the west wall of the Legislative Conference Room. The affected supply and return lines have been isolated and shut off to stop any further water damage. However, this means that the Legislative Conference Room and the Governor's Chief of Staff's office are without heat until repairs can be completed. Electric heaters have been placed in the Legislative Conference Room as a temporary heat source. We are in the process of scheduling the repairs, which will need to take place on a weekend or in the evening.

#### 2. Update on Living Memorial from the Summit Display

At its January 8<sup>th</sup> meeting, the Legislative Council approved Rep. Golden's request to display the Living Memorial from the Summit in the Hall of Flags with a time to be determined by the Executive Director and Rep. Golden. The display is now tentatively planned for the two-week period that will begin the Tuesday after the Memorial Day weekend, May 26<sup>th</sup>. The display's planned location will be in the southeast corner of the Hall of Flags.

#### 3. Facebook Page for Law and Legislative Reference Library

The Law and Legislative Reference Library is in the process of developing and setting up a Facebook page as a means of expanding connections with potential patrons and the library community at large. Libraries use Facebook to post information about their resources and events, and Facebook's algorithm steers that information toward users who are likely to be interested in it. Other libraries in the state have requested to "friend" the Law and Legislative Reference Library. The proposed page development will make that possible. The new Facebook page will be an additional tool that the Law and Legislative Reference Library uses to meet its statutory mission of providing for "the informational needs of the Legislature, other branches of State Government, and the citizens of Maine." No other Nonpartisan Offices are planning any such social media initiatives.

#### **4. 2015 Senate and House Registers Update**

The Secretary of the Senate and the Clerk of the House are in the final stages of proofing the *2015 Senate and House Registers*. The release of this very popular booklet was delayed to capture the results of the recent special election to replace former Rep. Dickerson from Rockland. This pocket size booklet is printed once each biennium as soon as possible during the First Regular Session of each Legislature. It includes a wealth of information about individual Legislators and includes the complete Joint Rules of the Legislature. The Secretary and the Clerk are going to time the release of this booklet in order to incorporate some recent changes that were unanimously approved by the Joint Select Committee on Joint Rules, but not yet passed by the full Legislature. The booklet also includes the Legislative Code of Ethics that was adopted by the 100<sup>th</sup> Legislature. Some interest was expressed by some members of the Joint Select Committee on Joint Rules to update that Legislative Code of Ethics, which has been unchanged for more than 50 years. If this update to the code can be implemented expeditiously, the Secretary and Clerk will incorporate an adopted update to the Legislative Code of Ethics in this year's booklet.

#### **5. Legislative Council Policies and Procedures Posted on the Web**

There are numerous policies and procedures that have been adopted by the Legislative Council over the years, which have not been readily available to the Legislature. The Executive Director's Office recently completed a web page under the Legislative Council's heading with links to each of the adopted policies and procedures grouped by subject matter. Some of these policies have not been updated for many years. I am planning to work with the Council and the appropriate Council committees to review these policies and procedures and incorporate appropriate updates. The link to the page is:  
<http://legislature.maine.gov/execdir/legislative-council-policies-and-procedures/9280/>.

# Fiscal Briefing

Legislative Council Meeting – March 26, 2015

Prepared by the Office of Fiscal & Program Review

## 1. General Fund Revenue Update (see attached)

**Total General Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$110.9	\$148.7	\$37.8	34.0%	\$110.0	35.2%
FYTD	\$1,888.1	\$1,930.5	\$42.4	2.2%	\$1,765.0	9.4%

General Fund revenue was over budget by \$37.8 million (34.0%) for February, increasing the positive variance for the fiscal year through February to \$42.4 million (2.2%).

Individual income tax revenue was \$51.9 million over budget for the month of February driven largely by lower refunds than budgeted. Maine Revenue Services has consistently processed refunds this tax season, so this situation could be an indicator that refunds were over estimated. The next few months will be an indicator of whether this situation is an anomaly for the month or an indicator that refunds were over estimated. Corporate income tax revenue was \$6.7 million under budget for the month due largely to refunds. These refunds are for 2013 final corporate returns. Review of the remaining returns is expected to be completed over the next few months and this line is still expected to be close to budget for the year. The sales and use tax category came in \$2.8 million under budget but continues to track close to budget for the fiscal year to date. February's revenue (January sales) appears to have been negatively affected by the weather.

Other significant revenue variances for February reflected purely timing issues in the monthly distribution of revenue for FY 2015, including the Transfers for Tax Relief Programs category, which was over budget by \$2.1 million for February but only slightly over budget for the fiscal year to date.

## 2. Highway Fund Revenue Update (see attached)

**Total Highway Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$26.7	\$26.6	(\$0.1)	-0.4%	\$25.5	4.3%
FYTD	\$196.1	\$196.9	\$0.8	0.4%	\$195.1	0.9%

Highway Fund revenue was under budget by \$0.1 million (-0.4%) in February but still over budget by \$0.8 million (0.4%) for the fiscal year through February.

Long-term trailer registration fees were under budget by \$1.2 million in February due to a significant February payment received at the beginning of March. These revenues are over budget for the fiscal year to date by \$0.4 million. Motor vehicle registration fees were over budget by \$0.5 million in February and continue to run close to budget year to date. Title fee revenue is \$0.4 million under budget and appears to be adversely affected by the winter storms.

## 3. Cash Balances Update

Average cash balances decreased slightly in February after an increase in January. February's total cash balance of \$675.4 million was still well above both last year's balance for February of \$444.1 million and the ten-year average for February of \$485.9 million. General Fund internal borrowing decreased in February to \$113.0 million from \$116.8 million in January and was significantly lower than last February's borrowing of \$190.5 million. The average Highway Fund balance of \$54.2 million in February was slightly above January's average of \$53.6 million and was significantly higher than last February's balance of \$33.2 million.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2015 (FY 2015)**  
**February 2015 Revenue Variance Report**

Revenue Category				Fiscal Year-To-Date					FY 2015 Budgeted Totals
	February '15 Budget	February '15 Actual	February '15 Var.	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	74,984,540	72,226,235	(2,758,305)	724,218,511	723,511,738	(706,773)	-0.1%	9.7%	1,194,004,518
Service Provider Tax	4,126,334	3,772,557	(353,777)	29,090,449	28,497,155	(593,294)	-2.0%	0.6%	50,303,776
Individual Income Tax	6,333,333	58,276,335	51,943,002	860,696,566	919,476,751	58,780,185	6.8%	9.5%	1,448,905,200
Corporate Income Tax	3,750,000	(2,907,356)	(6,657,356)	91,482,911	77,217,877	(14,265,034)	-15.6%	-11.6%	186,481,769
Cigarette and Tobacco Tax	9,612,285	9,161,720	(450,565)	90,533,185	90,898,519	365,334	0.4%	-0.6%	134,890,000
Insurance Companies Tax	963,253	1,679,719	716,466	14,834,149	15,364,451	530,302	3.6%	9.9%	82,250,000
Estate Tax	2,295,000	822,229	(1,472,771)	24,754,951	22,293,313	(2,461,638)	-9.9%	92.5%	38,406,991
Other Taxes and Fees *	8,577,523	8,360,054	(217,469)	79,402,080	82,900,724	3,498,644	4.4%	5.5%	132,300,597
Fines, Forfeits and Penalties	2,283,008	1,801,622	(481,386)	15,068,826	14,403,469	(665,357)	-4.4%	-3.3%	23,000,770
Income from Investments	15,594	75,946	60,352	74,482	293,454	218,972	294.0%	63.2%	112,451
Transfer from Lottery Commission	4,442,342	4,565,433	123,091	38,570,509	36,657,740	(1,912,769)	-5.0%	7.4%	57,350,462
Transfers to Tax Relief Programs *	(3,379,375)	(5,419,715)	(2,040,340)	(57,036,428)	(57,007,078)	29,350	0.1%	8.9%	(59,183,362)
Transfers for Municipal Revenue Sharing	(7,181,445)	(6,748,780)	432,665	(40,264,221)	(41,097,374)	(833,153)	-2.1%	9.2%	(61,599,125)
Other Revenue *	4,103,804	3,023,839	(1,079,965)	16,625,416	17,063,014	437,598	2.6%	34.6%	49,587,338
<b>Totals</b>	<b>110,926,196</b>	<b>148,689,837</b>	<b>37,763,641</b>	<b>1,888,051,386</b>	<b>1,930,473,753</b>	<b>42,422,367</b>	<b>2.2%</b>	<b>9.4%</b>	<b>3,276,811,385</b>

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

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2015 (FY 2015)**  
**February 2015 Revenue Variance Report**

Revenue Category	February '15			Fiscal Year-To-Date					FY 2015 Budgeted Totals
	Budget	Actual	Var.	Budget	Actual	Variance	Variance %	% Change from Prior Year	
<b>Detail of Other Taxes and Fees:</b>									
- Property Tax - Unorganized Territory	0	0	0	10,571,602	11,203,639	632,037	6.0%	-6.6%	13,949,984
- Real Estate Transfer Tax	1,029,890	749,488	(280,402)	8,783,382	8,724,550	(58,832)	-0.7%	36.8%	13,192,973
- Liquor Taxes and Fees	1,751,304	1,374,597	(376,707)	14,010,432	14,581,989	571,557	4.1%	1.8%	21,015,690
- Corporation Fees and Licenses	655,425	433,097	(222,328)	2,204,655	2,260,101	55,446	2.5%	-0.7%	8,313,649
- Telecommunication Excise Tax	0	0	0	0	52,290	52,290	N/A	104.5%	8,250,000
- Finance Industry Fees	1,987,666	2,691,350	703,684	17,401,334	18,908,300	1,506,966	8.7%	4.5%	25,351,990
- Milk Handling Fee	132,536	85,648	(46,888)	850,967	722,946	(128,021)	-15.0%	-3.4%	1,381,114
- Racino Revenue	719,563	536,219	(183,344)	6,064,698	5,739,206	(325,492)	-5.4%	-1.4%	8,922,512
- Boat, ATV and Snowmobile Fees	334,885	276,239	(58,646)	2,428,887	2,254,837	(174,050)	-7.2%	-3.5%	4,523,561
- Hunting and Fishing License Fees	1,144,743	1,274,521	129,778	11,044,456	11,611,555	567,099	5.1%	1.8%	15,753,396
- Other Miscellaneous Taxes and Fees	821,511	938,895	117,384	6,041,667	6,841,310	799,643	13.2%	7.2%	11,645,728
<b>Subtotal - Other Taxes and Fees</b>	<b>8,577,523</b>	<b>8,360,054</b>	<b>(217,469)</b>	<b>79,402,080</b>	<b>82,900,724</b>	<b>3,498,644</b>	<b>4.4%</b>	<b>5.5%</b>	<b>132,300,597</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	2,375	4,350	1,975	3,758,980	3,818,502	59,522	1.6%	13815.8%	13,483,364
- Targeted Case Management (DHHS)	105,556	360,746	255,190	1,563,228	1,772,310	209,082	13.4%	33.9%	2,353,916
- State Cost Allocation Program	1,642,293	1,660,114	17,821	14,586,064	14,888,543	302,479	2.1%	17.6%	20,777,688
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,000,000
- Tourism Transfer	0	0	0	(11,624,127)	(11,624,127)	0	0.0%	-12.0%	(11,624,127)
- Transfer to Maine Milk Pool	0	(182,794)	(182,794)	(187,155)	(182,794)	4,361	2.3%	N/A	(563,777)
- Transfer to STAR Transportation Fund	0	0	0	(7,066,534)	(7,066,534)	0	0.0%	-16.4%	(7,066,534)
- Other Miscellaneous Revenue	2,353,580	1,181,424	(1,172,156)	15,594,960	15,457,115	(137,845)	-0.9%	2.3%	25,226,808
<b>Subtotal - Other Revenue</b>	<b>4,103,804</b>	<b>3,023,839</b>	<b>(1,079,965)</b>	<b>16,625,416</b>	<b>17,063,014</b>	<b>437,598</b>	<b>2.6%</b>	<b>34.6%</b>	<b>49,587,338</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	3,046	3,046	0	9,032	9,032	N/A	101.2%	0
- BETR - Business Equipment Tax Reimb.	(3,034,829)	(1,936,648)	1,098,181	(30,231,696)	(31,582,425)	(1,350,729)	-4.5%	16.8%	(32,080,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(344,546)	(3,486,113)	(3,141,567)	(26,804,732)	(25,433,685)	1,371,047	5.1%	-6.7%	(27,103,362)
<b>Subtotal - Tax Relief Transfers</b>	<b>(3,379,375)</b>	<b>(5,419,715)</b>	<b>(2,040,340)</b>	<b>(57,036,428)</b>	<b>(57,007,078)</b>	<b>29,350</b>	<b>0.1%</b>	<b>8.9%</b>	<b>(59,183,362)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>1,593,542</b>	<b>1,636,553</b>	<b>43,011</b>	<b>14,173,466</b>	<b>14,604,623</b>	<b>431,157</b>	<b>3.0%</b>	<b>0.3%</b>	<b>21,346,862</b>

**Highway Fund Revenue  
Fiscal Year Ending June 30, 2015 (FY 2015)**

**February 2015 Revenue Variance Report**

Revenue Category	February '15			Fiscal Year-To-Date					FY 2015 Budgeted Totals
	Budget	Actual	Var.	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	14,775,105	15,518,334	743,229	117,769,319	118,291,321	522,002	0.4%	0.7%	194,218,900
- Special Fuel and Road Use Taxes	3,551,083	3,453,275	(97,808)	27,760,229	27,057,854	(702,375)	-2.5%	0.0%	45,679,700
- Transcap Transfers - Fuel Taxes	(1,346,753)	(1,406,713)	(59,960)	(12,255,983)	(12,248,341)	7,642	0.1%	-0.1%	(17,628,133)
- Other Fund Gasoline Tax Distributions	(369,481)	(388,074)	(18,593)	(3,366,426)	(3,377,632)	(11,206)	-0.3%	-0.5%	(4,856,833)
Subtotal - Fuel Taxes	16,609,954	17,176,822	566,868	129,907,139	129,723,202	(183,937)	-0.1%	0.6%	217,413,634
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,470,803	4,916,123	445,320	41,094,644	41,599,676	505,032	1.2%	1.6%	65,659,536
- License Plate Fees	224,867	246,380	21,513	2,034,399	2,202,473	168,074	8.3%	1.1%	3,351,681
- Long-term Trailer Registration Fees	2,848,703	1,649,391	(1,199,312)	6,537,521	6,939,324	401,803	6.1%	0.0%	9,384,523
- Title Fees	1,203,995	853,273	(350,722)	8,520,311	8,142,384	(377,927)	-4.4%	-2.5%	13,129,254
- Motor Vehicle Operator License Fees	595,434	543,505	(51,930)	4,830,139	4,783,379	(46,760)	-1.0%	-9.3%	7,425,882
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(7,664,481)	(7,747,710)	(83,229)	-1.1%	0.0%	(15,483,404)
Subtotal - Motor Vehicle Reg. & Fees	9,343,802	8,208,671	(1,135,131)	55,352,533	55,919,526	566,993	1.0%	0.0%	83,467,472
Motor Vehicle Inspection Fees	123,398	567,203	443,805	1,989,194	2,193,125	203,931	10.3%	7.0%	2,982,500
Other Highway Fund Taxes and Fees	83,365	101,880	18,515	805,580	791,236	(14,344)	-1.8%	2.0%	1,270,229
Fines, Forfeits and Penalties	67,925	52,491	(15,434)	666,818	633,247	(33,571)	-5.0%	-4.9%	1,007,998
Interest Earnings	9,418	19,669	10,251	67,851	71,684	3,833	5.6%	99.1%	105,523
Other Highway Fund Revenue	487,516	493,023	5,507	7,293,319	7,551,317	257,998	3.5%	12.6%	9,726,971
<b>Totals</b>	<b>26,725,378</b>	<b>26,619,759</b>	<b>(105,619)</b>	<b>196,082,434</b>	<b>196,883,337</b>	<b>800,903</b>	<b>0.4%</b>	<b>0.9%</b>	<b>315,974,327</b>

**Legislative Council Actions  
Taken by Ballot Since the  
February 26, 2015 Council Meeting**

**Requests for Introduction of Legislation:**

**LR 1941      An Act to Remove Barriers to School Construction Financing in Regional School Administrative Units**

Submitted by: Representative Christopher Babbidge  
Approved:      March 11, 2015                      Vote: 9-1 in favor (with Rep. Espling opposed)

**LR 1949      An Act to Assist School Districts with Regard to Extra Snow Days**

Submitted by: Representative Chuck Kruger  
Approved:      March 11, 2015                      Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

**LR 1961      An Act to Amend the Definition of “Property Fiscal Capacity” in the School Funding Law to Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value**

Submitted by: Representative Stephen Stanley  
Approved:      March 13, 2015                      Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

**LR 1964      An Act to Prohibit the Sale and Possession of Powdered Alcohol in the State**

Submitted by: Representative Jeff McCabe  
Approved:      March 18, 2015                      Vote: 9-1 in favor (with Rep. Espling opposed)

**LR 1981      An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles**

Submitted by: Representative Michael McClellan  
Approved:      March 26, 2015                      Vote: 9-1 in favor (with Rep. Espling opposed)

**Legislative Council Decision:**

That the Legislative Council authorize an exception to the Use of the Hall of Flags Policy to allow electric cooking appliances to be used to cook ployes on Franco-American Day, March 18, 2015.

Motion by:      President Thibodeau  
Second by:      Speaker Eves  
Approved:      March 11, 2015                      Vote: 10-0 in favor

**127th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 3/26/2015 10:32 AM**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Scott W. Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1971	An Act To Prohibit the Sale of Powdered Alcohol	

**SPONSOR: Sen. Paul T. Davis, Sr**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1982	An Act To Eliminate the Requirement That Truck Campers Be Registered	

**SPONSOR: Rep. Lori A. Fowle**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1942	An Act To Provide Expedited Court Review of Child Visitation Orders for Military Personnel on Duty out of State	

**SPONSOR: Rep. Kenneth W. Fredette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1939	An Act To Create Fairness with Regard to Pay for State Employees	

1943	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	
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**SPONSOR: Rep. Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1975	An Act To Carry Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust	

**SPONSOR: Rep. Scott M. Hamann**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1979	An Act To Allow Foster Children To Remain in Their Current Daycare	

**SPONSOR: Rep. Barry J. Hobbins**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1980	An Act To Study Court Facility Needs in Oxford, Waldo and York Counties	

**SPONSOR: Sen. Christopher K. Johnson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1958	An Act To Ensure the Proportional Offset against Social Security Retirement Benefits of Workers' Compensation Awards	

**SPONSOR: Rep. Richard S. Malaby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1977	An Act To Allow the Treatment of Forensic Patients	

**SPONSOR: Sen. David R. Miramant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1955	An Act To Allow a Student Who Resides in a Municipality without a High School and Attends a Private School That Does Not Offer Athletics To Participate in Athletics at a Public School	

**SPONSOR: Sen. Thomas B. Saviello**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1965	An Act To Expand the Educational Opportunity Tax Credit	
1966	An Act To Allow Persons To Train Dogs To Hunt Coyotes	
1967	An Act To Assist Municipalities with the Recycling of Solid Waste	

#### LATE-FILED MAJOR SUBSTANTIVE RULES

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1956	Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation	
1963	Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Late-filed Major Substantive Rule of the Department of Health and Human Services	

#### JOINT RESOLUTIONS

**SPONSOR: Sen. Catherine Breen**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1938	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPROVE A GRANT APPLICATION TO DEVELOP A PIER PROGRAM	

**SPONSOR:** Rep. Stanley Byron Short, Jr.

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1935	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RATIFY TRADE AGREEMENTS THAT ARE IN THE BEST INTERESTS OF THE AMERICAN PEOPLE AND ARE FAIR	

**TABLED BY THE LEGISLATIVE COUNCIL**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:** Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	Tabled 02/26/15

**JOINT RESOLUTIONS**

**SPONSOR:** Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15

243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15
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**SPONSOR:** Rep. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
162	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	Tabled 01/29/15

GRANT T. PENNOYER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council  
From: Grant Pennoyer, Executive Director  
Date: March 20, 2015  
Re: Late-filed Major Substantive Rule

For your consideration, the Maine Department of Transportation has submitted the following explanation as to why the major substantive rule, LR 1956 "Rules for Permitting Overlimit Commercial Vehicles of Specified Configurations to Travel Designated Routes", was late-filed and as such is part of the after deadline list.

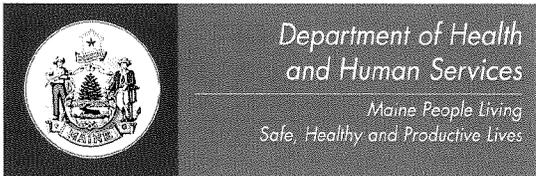
The major substantive rules were required as a result of legislation enacted during the Second Regular Session of the 126<sup>th</sup> Legislature. LD 1076 was not enacted as an emergency bill, therefore was not effective until 90 days post adjournment. Work began on the drafting of these extensive rules this past fall. The rules required extensive cooperation and input from Secretary of State – Bureau of Motor Vehicles, as well as the Maine State Police; coordinating the three entities was difficult at times and added to the process. A key staff person with the Maine State Police was on extended medical leave for a 6-week period during this time, and our Chief Engineer, the individual mainly responsible for the engineering analysis required by LD 1076, was out at various times this past fall for medical reasons.

Let me know if you have any questions or need any further clarification. Thanks!  
~Nina

Nina A. Fisher – MaineDOT  
*Manager of Legislative & Constituent Services*  
16 State House Station | Augusta, ME 04333  
207.624.3002 | 207.624.3001 FAX

Received via email March 18, 2015.

- LR 1963 -



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

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

### MEMORANDUM

**To:** Office of the Executive Director  
Maine State Legislature

**From:** Sheldon Wheeler / Eriko Farnsworth  
Office of Substance Abuse and Mental Health Services  
Department of Health and Human Services

**Date:** March 19, 2015

**Subject:** **Major Substantive Rule Change**  
14-118 MRSA Ch. 11 Rules Governing the Controlled Substances  
Prescription Monitoring Program Section 5, Requirements for Dispensers

Please find enclosed major substantive rule change documents for review by the legislature. Please see the Checklist for Major Substantive Rules Filings for a list of documents included.

This major substantive rule change will replace a requirement to report to the Prescription Monitoring Program (PMP) the filling of controlled substances within seven (7) days to not later than the close of business on the next business day of the controlled substance after it has been dispensed. By reducing the dispenser reporting timeframe, the rule change supports more informed prescribing for all healthcare providers and will improve detection of questionable activity that may signal drug diversion and/or misuse.

This change also aligns the rule with statutory definitions in 32 M.R.S §13702-A for dispensing and delivery. Reporting of the date the medication is delivered along with the date the prescription was filled will provide more accurate and timely data to all PMP end users.

The provisional rule change will not impose any economic cost on municipalities or counties. An Economic Impact Statement summarizes any potential impact on small businesses.

This DHHS rule change is late-filed as the Office of Substance Abuse and Mental Health Services (SAMHS) sought to amend previously proposed rule change after considering comments received during the public comment period, October 8, 2014 through November 7, 2014. Some time was needed for the Office of the Attorney General and the DHHS Commissioner's Office to closely review and consider the appropriateness of the amended changes proposed by SAMHS. The Department made changes to the Final Rule from the Proposed Rule, in response to comments, and also on the advice of the Office of the Attorney General. Explanations of the changes can be found in the document, "Summary of Comments and Responses".

*Please note.*

For any questions or concerns please feel free to contact:

Department of Health and Human Services  
Office of Substance Abuse and Mental Health  
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11 State House Station  
Augusta, ME 04333

Sheldon Wheeler  
Acting Director  
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Eriko Farnsworth  
PMP Project Integration Coordinator  
Eriko.Farnsworth@Maine.Gov  
(207) 485-4884 direct

Thank you