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State of Maine
 ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 COMMITTEE ON LEGAL AND VETERANS AFFAIRS

March 18, 2009

TO: Senator William Diamond, Chair
 Representative Emily Cain, Chair
 Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Nancy Sullivan, Chair *NS*
 Representative Pamela Jabar Trinward, Chair *PJT*
 Joint Standing Committee on Legal and Veterans Affairs

RE: **General Fund 2010-2011 Biennial Budget (LD 353) and "spending bills"**

Please accept this memo as our report back on the initiatives proposed by LD 353, The General Fund Biennial Budget for 2010-2011 and the accompanying change package. All of the votes taken by the committee were unanimous of those present at the work sessions. We've attached the relevant pages of the LVA worksheet provided by OFPR to highlight where the committee recommended changes to the proposed initiatives. This memo will summarize the committee's report including recommended changes to some initiatives proposed in LD 353. It will also include comments on spending bills referred to Legal and Veterans Affairs.

Department of Defense Veterans and Emergency

The committee unanimously supports the initiatives relating to DVEM, including those in the change package. However, the committee believes that the Governor's budget was remiss in providing no funding for veteran services officers within the Bureau of Veterans Services. Maine veterans are the number one priority of the Legal and Veterans Affairs Committee. Veteran services officers provide crucial outreach to veterans, particularly with regard to enrolling them in the federal VA system. Enrollment in the federal VA system connects veterans with pensions, disability benefits, health care, prescription coverage, nursing home services and other benefits to which they are entitled. Not only is it vital for us to make this connection for the sake of veterans and their well-being but it will also provide savings to the General Fund since many unenrolled veterans are receiving services paid for by the state. *We strongly recommend that the biennial budget include ongoing funding for a minimum of two veterans services officers. This committee is actively working on alternative funding sources for these positions and has plans to meet with the Governor to ensure correction of this glaring oversight in the proposed budget.*

Commission on Governmental Ethics and Election Practices

The committee unanimously supports the initiatives in LD 353 relating to the commission. As always, the committee will closely monitor the levels of the Maine Clean Election Act Fund to ensure that it can continue to provide public financing to candidates.

Department of Public Safety

Licensing and Enforcement and Liquor Licensing:

The committee supports the initiatives relating to Licensing and Enforcement and Liquor Licensing with the exception of the initiative that provides funding for new vehicles for detectives and inspectors (see ref. # 3539 on LVA p. 23) and the language proposed in Part X regarding scheduled printing of the liquor laws for licensees. The committee worked with the Department in an effort to maximize the potential of the 4 vehicles scheduled for replacement during the biennium. The Department has received recommendations from other committees on how to maximize the fleet and our recommendation is consistent with those. The current proposal replaces 2 vehicles this year and 2 next year. We propose an alternative replacement schedule that replaces just one inspector vehicle this year and 3 state police vehicles next year. The benefit of this plan will not be realized until fiscal year 2012 when the Department will only have to replace one vehicle instead of 2. We believe this arrangement makes the most efficient use of these vehicles while maintaining safety and response time as paramount.

The language contained in Part X (see LVA p. 28) eliminates the entire section that requires the Department to make available copies of the statutes governing liquor to licensees in the state. Although, we agree to achieving cost savings by eliminating the regular printing of a bound copy of Title 28-A, the department should have alternative methods to provide hard copies of the law to licensees who can not access them electronically. This was the intent of the Department all along, but the language in Part X does not reflect that. Our proposed language change to Part X is attached.

Gambling Control Board:

With regard to the initiative for the Gambling Control Board, the committee rejects the elimination of gambling addiction services funding in the amount of \$50,000 (see Ref. # 3555, LVA p. 20). The committee believes that these funds are not being allocated in a way that reflects the need for gambling addiction services in our state. Our recommendation is that a non-lapsing, dedicated account be established, allocations from which may only be made when an appropriate structure is designed to make effective use of these funds. (Our analyst will work with yours to draft appropriate statutory language to accomplish this.) We intend to address this issue with a bill to be worked this session, LD 833. In that bill the committee intends to establish an improved framework that will ensure that gambling addiction services funds actually provide this much needed service. To account for the deficit that this will cause, the committee decided to amend the Gambling Control Board's baseline budget to eliminate a currently vacant and frozen, clerk IV position. This position was excluded from allocations last year as a result of the hiring freeze. Elimination of this position (funding as well as headcount) results in a General Fund savings of 61,370 in the first half of the biennium and 64,244 in the second. This savings will cover the

\$50,000 appropriation for gambling addiction services funds and leave some remaining to fund one of our spending bill priorities that will provide transportation services for veterans.

“Spending bills”

The committee is currently considering 4 spending bills:

LD 834 An Act to Provide for 2 Veterans Service Officer Positions

LD 870 An Act to Improve Transportation for Veterans

LD 293 An Act to Provide Project Support for Veterans’ Cemeteries

LD 242 An Act to Reimburse Phillip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee.

The committee has established as it’s priority, LD 834 An Act to Provide for 2 Veterans Service Officer Positions (Carey). As noted, the committee believes that the biennial budget should have included funding for these positions, not only for the sake of veterans but also for the potential for savings to the General Fund in the long run. We have established a subcommittee that plans to meet directly with the Governor in order to correct this oversight in establishing veterans as a high priority of the state.

In addition to LD 834, the committee plans to dedicate the savings from eliminating the Clerk IV position within the Gambling Control Board to fund LD 870 An Act to Improve Transportation for Veterans (Rotundo). The savings will allow funding in the amount of \$11, 370 in the FY 2010 and \$14, 244 in FY 2011.

Thank you for your time and consideration of our report on the biennial budget, LD 353. Please do not hesitate to contact us if you have questions or concerns. You may also contact our committee analyst, Danielle Fox.

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Enc.

OFPR/LVA worksheet pages with initiative amendments LVA pp 20, 23 and 28

DPS vehicle detail

DPS – Gambling Control Board position detail

Amendment to Part X language

Strike in Part X, section X-1. and replace with the following:

Sec. X-1. 28-A MRSA §82, sub-§8, is amended to read:

8. Publish laws and rules. ~~Publish a compilation containing this Title, other laws concerning liquor and all rules adopted under this Title every 4 years. The bureau shall ensure that licensees have access to the provisions of this title and other laws governing liquor in accordance with this section.~~

~~A. The bureau shall supply a copy of the compilation to every new licensee at no charge~~

A-1. The bureau shall provide notification to licensees that the provisions of this title are available on the Department's website as described in subsection 8-A and that the bureau will provide a paper copy of the title to any licensee at no charge, upon request from that licensee.

B. The bureau shall notify all licensees of changes in the law and rules within 90 days of adjournment of each regular session of the Legislature.

(1) The bureau shall supply a copy of the new laws and rules at no charge when requested by licensees.

(2) The bureau shall supply a copy of the new laws and rules to persons other than licensees for a reasonable fee.

C. The bureau may charge a reasonable fee for ~~the compilation~~ paper copies of this title to cover the cost of producing the ~~compilation~~ paper copy to persons other than licensees; and

Sec. A-59. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Gambling Control Board Z002

Initiative: BASELINE BUDGET

GENERAL FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

GENERAL FUND TOTAL

OTHER SPECIAL REVENUE FUNDS

All Other

OTHER SPECIAL REVENUE FUNDS TOTAL

| | History 2007-08 | History 2008-09 | 2009-10 | 2010-11 |
|--|--------------------|--------------------|------------------------|------------------------|
| | 8,000 | 7,000 | 7,000 6 | 7,000 6 |
| Personal Services | \$604,524 | \$449,591 | \$534,946 | \$548,937 |
| All Other | \$539,339 | \$616,085 | \$651,085 | \$651,085 |
| GENERAL FUND TOTAL | \$1,143,863 | \$1,065,676 | \$1,186,031 | \$1,200,022 |
| | | | \$1,124,661 | 1,35,778 |
| | History 2007-08 | History 2008-09 | 2009-10 | 2010-11 |
| All Other | \$408,379 | \$505,367 | \$668,697 | \$668,697 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$408,379 | \$505,367 | \$668,697 | \$668,697 |

\$ 473,576 \$494,693

Justification:

[Eliminate Clerk IV position FY 10 - \$61,370 FY 11 - 62,244]

The Board was created to regulate, supervise, and exercise general control over the ownership and operation of slot machines, the distribution of slot machines, and slot machine facilities and the people who are employed by those entities.

Gambling Control Board Z002

Initiative: Reduces funding through the elimination of gambling addiction services.

Maintain funding of gambling addiction services in baseline.

Ref. #: 3555

Committee Vote: 10-0

AFA Vote: _____

GENERAL FUND

All Other

GENERAL FUND TOTAL

absent:
Rep. Beaulieu
Rep. Russell
Sen. Goodall

| | 2009-10 | 2010-11 |
|---------------------------|-----------------------|-----------------------|
| | (\$50,000) | (\$50,000) |
| GENERAL FUND TOTAL | (\$50,000) | (\$50,000) |

Justification:

When the Bangor facility was authorized, part of the legislation provided funds to assist people with gambling addiction. In order to deappropriate these funds, 8 MRSA §1036 §§2 must be amended to remove the requirement for these services. To date, no one has requested assistance through this program. Therefore, there is no impact from eliminating these funds.

Gambling Control Board Z002

Initiative: Reduces funding to bring allocations into line with projected available resources based on the reprojections of racino revenue by the Revenue Forecasting Committee in December 2008.

Ref. #: 3554

Committee Vote: _____

AFA Vote: _____

Justification:

These positions were established in Public Law 2007, chapter 205 for the purpose of enforcing tournament game laws. There is not enough revenue being generated to fund these positions.

Licensing and Enforcement - Public Safety 0712

Adjust vehicle replacement schedule to maximize use -

Initiative: Provides funding for vehicles and other capital equipment.

Ref. #: 3539

Committee Vote:

9-0

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Absent.

Capital Expenditures

2009-10 2010-11

\$38,300 \$40,100

OTHER SPECIAL REVENUE FUNDS TOTAL

*Sen. Goodall
Rep. Valentino
Rep. Tuttle
Rep. Fitts*

~~\$38,300~~ ~~\$40,100~~

19,150 60,150

Justification:

Vehicles and other capital equipment are needed to continue to provide services at the current level.

**LICENSING AND ENFORCEMENT - PUBLIC SAFETY 0712
PROGRAM SUMMARY**

| | History 2007-08 | History 2008-09 | 2009-10 | 2010-11 |
|--|--------------------|--------------------|------------------|------------------|
| OTHER SPECIAL REVENUE FUNDS | | | | |
| POSITIONS - LEGISLATIVE COUNT | 12.000 | 10.000 | 9.000 | 9.000 |
| Personal Services | \$790,619 | \$774,941 | \$667,178 | \$684,810 |
| All Other | \$255,865 | \$249,686 | \$246,180 | \$246,974 |
| Capital Expenditures | \$35,400 | \$20,810 | \$38,300 | \$40,100 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | <u>\$1,081,884</u> | <u>\$1,045,437</u> | <u>\$951,658</u> | <u>\$971,884</u> |

Strike and replace - see letter for
PART X language

1
2 Sec. X-1. 28-A MRSA §82, sub-§8, as enacted by PL 1997, c. 373, §28, is
3 repealed.

4 Sec. X-2. 28-A MRSA §82, sub-§8-A is enacted to read:

5 8-A. Post laws and rules. Post on its publicly accessible website this Title, other
6 laws concerning liquor and all rules adopted under this Title. The bureau shall notify all
7 licensees of changes in the law and rules via a publicly accessible website posting within
8 90 days of adjournment of each regular session of the Legislature. The bureau shall
9 update the posting on its publicly accessible website to reflect new laws and rules; and

10 SUMMARY

11 PART X

12 This Part requires the Department of Public Safety to notify licensees of changes in
13 the liquor rules and regulations through postings on the department's publicly accessible
14 website.

LVA vote 10-0

Absent:

Rep Tuttle

Rep. Pinkham

Rep. Cornell duHoux

State of Maine
 Budget & Financial Management System
 Capital Equipment Subschedule

Change Package: C / A / 52

Orig Budget Initiative (Prev Pt II)

| | FY 2010 | | FY 2011 | |
|--|----------------|-------------------|------------|-------------------|
| 721100 M V TRANSPORTATION EQUIP | | | | |
| Description | Charger | | | |
| <input checked="" type="checkbox"/> Included | | | | |
| Orig Purchase Date / Replace Date | 07/01/2009 | | 07/01/2010 | |
| Current / Est Mileage At Replacement | | 100000 | | |
| Number of Units / Rate Per Unit | | | 1 | 24,900 |
| | | | 100.0% | 24,900 |
| | | 0 | | 24,900 |
| | | | | |
| Description | full size cars | | | |
| <input checked="" type="checkbox"/> Included | | | | |
| Orig Purchase Date / Replace Date | 07/01/2009 | | 07/01/2010 | |
| Current / Est Mileage At Replacement | | 100000 | | |
| Number of Units / Rate Per Unit | 1 | 19,150 | 3 | 20,050 |
| | | 38,300 | 100.0% | 40,100 |
| 01416A071201 | | 38,300 | | 40,100 |
| | | 19,150 | | 60,150 |

See LWA p. 23
 Ref # 3539

532

A

State of Maine
Gambling Control Board
Position Budgeting FY 08 - FY 11

65200001
PUBLIC SERVICE MANAGER II

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|---------|---------|---------|---------|
| Salary/Attrition/Overtime | 68,933 | 68,933 | 73,109 | 73,109 |
| Retirement Costs | 23,934 | 25,462 | 26,019 | 27,035 |
| Insurance/FICA | 11,087 | 11,463 | 12,020 | 12,528 |
| Allowances/Stipends | - | - | - | - |
| | 103,954 | 105,888 | 111,148 | 112,672 |

65200005
AUDITOR II

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|--------|--------|
| Salary/Attrition/Overtime | 43,286 | 45,282 | 50,017 | 50,505 |
| Retirement Costs | 12,865 | 14,221 | 15,300 | 16,151 |
| Insurance/FICA | 17,321 | 18,033 | 19,037 | 20,002 |
| Allowances/Stipends | - | - | - | - |
| | 73,472 | 77,536 | 84,354 | 86,658 |

65200002
STATE POLICE SERGEANT-E/CLERK IV

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|---------|--------|--------|--------|
| Salary/Attrition/Overtime | 65,030 | 48,136 | 32,374 | 33,792 |
| Retirement Costs | 28,347 | 8,849 | 10,003 | 10,807 |
| Insurance/FICA | 17,830 | 10,807 | 18,664 | 19,645 |
| Allowances/Stipends | 2,396 | 286 | 329 | - |
| | 113,603 | 48,071 | 61,370 | 64,244 |

→ eliminate funding and headcount from GCB baseline

65200004
STATE POLICE DETECTIVE

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|---------|---------|
| Salary/Attrition/Overtime | 58,390 | 58,390 | 62,034 | 62,572 |
| Retirement Costs | 25,507 | 24,084 | 28,169 | 29,284 |
| Insurance/FICA | 10,927 | 11,303 | 11,860 | 12,383 |
| Allowances/Stipends | 2,766 | 3,026 | 3,778 | 3,778 |
| | 97,590 | 96,803 | 105,841 | 108,027 |

65200006
PUBLIC SAFETY INSPECTOR I

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|--------|--------|
| Salary/Attrition/Overtime | 30,466 | 31,754 | 40,200 | 40,200 |
| Retirement Costs | 9,055 | 9,973 | 9,985 | 10,544 |
| Insurance/FICA | 10,273 | 10,673 | 2,484 | 2,484 |
| Allowances/Stipends | - | - | - | - |
| | 49,794 | 52,400 | 52,669 | 53,228 |

65200007
PUBLIC SAFETY INSPECTOR I

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|--------|--------|
| Salary/Attrition/Overtime | 30,466 | 31,754 | 35,247 | 36,907 |
| Retirement Costs | 9,055 | 9,974 | 10,783 | 11,803 |
| Insurance/FICA | 15,277 | 15,893 | 16,758 | 17,630 |
| Allowances/Stipends | - | - | - | - |
| | 54,798 | 57,621 | 62,788 | 66,340 |

65200009
OFFICE ASSOCIATE II

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|-------|-------|
| Salary/Attrition/Overtime | 34,548 | 34,548 | | |
| Retirement Costs | 10,268 | 10,268 | | |
| Insurance/FICA | 9,858 | 10,239 | | |
| Allowances/Stipends | - | - | | |
| | 54,674 | | | |

65200008
IDENTIFICATION SPECIALIST II

| Payroll Cost Type | FY 08 | FY 09 | FY 10 | FY 11 |
|---------------------------|--------|--------|--------|--------|
| Salary/Attrition/Overtime | 30,519 | 31,765 | 34,897 | 34,897 |
| Retirement Costs | 9,071 | 9,975 | 10,676 | 11,160 |
| Insurance/FICA | 17,049 | 17,742 | 11,203 | 11,711 |
| Allowances/Stipends | - | - | - | - |
| | 56,639 | 59,482 | 56,776 | 57,768 |

Totals 604,524 497,801 534,946 548,937