

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND
FINANCIAL AFFAIRS**

May 2008

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Joint Standing Committee on Appropriations and Financial Affairs

LD 63 **Resolve, To Study Ways To Increase Access to After-school Programs**

RESOLVE 211

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-1002

This bill provides funds for grants to establish after-school programs in communities that currently do not have such programs.

Committee Amendment "A" (H-1002)

This amendment strikes the appropriation and allocations section of the bill and directs the Department of Health and Human Services and the Department of Education, within existing resources, to gather information pertaining to ways to establish and fund after-school programs. The amendment directs the departments to seek input from the Maine Afterschool Network and report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2009. The committee is authorized to submit legislation regarding the report.

Enacted Law Summary

Resolve 2007, chapter 211 directs the Department of Health and Human Services and the Department of Education, within existing resources, to gather information pertaining to ways to establish and fund after-school programs. It directs the departments to seek input from the Maine Afterschool Network and report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2009. The committees are authorized to submit legislation regarding the report.

LD 65 **An Act To Provide Funding for Mentoring Programs**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER EDMONDS	ONTP	

This bill makes ongoing General Fund appropriations of \$100,000 per year to fund the Maine Mentoring Partnership Grant Program.

LD 120 **An Act To Provide Transitional Support for the Downeast Heritage
Museum in Calais**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A RAYE	ONTP	

This bill makes General Fund appropriations of \$250,000 in fiscal year 2007-08 and \$225,000 in fiscal year 2008-09 to the Downeast Heritage Museum in Calais for the first 2 years of a 5-year funding effort to raise \$1,000,000 to support the museum in its becoming self-sustaining.

Joint Standing Committee on Appropriations and Financial Affairs

LD 186 An Act To Provide Funding to the St. Francis Water District for New Wells

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	ONTP	

This bill makes a one-time General Fund appropriation of \$50,000 in fiscal year 2007-08 to the Maine Municipal Bond Bank for the St. Francis Water District.

LD 189 An Act To Invest in an Allied Health Center at Northern Maine Community College

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER SHERMAN	ONTP	

This bill makes a one-time General Fund appropriation of \$500,000 in fiscal year 2007-08 to Northern Maine Community College to help fund a collaborative allied health center in partnership with the University of Maine at Presque Isle, the State and local health care providers. This funding is to be used primarily to purchase equipment for the center.

LD 305 Resolve, To Investigate the Possibility of Expanding Cellular Telephone Service in Certain Rural Areas

RESOLVE 212

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	OTP-AM	H-1001

This bill makes one-time General Fund appropriations of \$125,000 in each year of the 2008-2009 biennium for the Department of Economic and Community Development to enter into partnerships with private businesses to install cellular telephone towers in underserved rural areas where there is currently no signal or to place cellular telephone equipment on state-owned towers in areas that lack cellular telephone service.

Committee Amendment "A" (H-1001)

This amendment replaces the bill with a resolve, eliminates the appropriations and allocations section and directs the Department of Administrative and Financial Services to investigate the possibility of negotiating with providers of cellular telephone service for use of the state-owned tower located in St. Francis and report the results of its investigation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The committee is authorized to submit legislation regarding the report.

Enacted Law Summary

Resolve 2007, chapter 212 directs the Department of Administrative and Financial Services to investigate the possibility of negotiating with providers of cellular telephone service for use of the state-owned tower located in St. Francis and report the results of its investigation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The committee is authorized to submit legislation regarding the report.

Joint Standing Committee on Appropriations and Financial Affairs

LD 314 An Act To Restore Funding for the Reading Recovery Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill makes ongoing General Fund appropriations of \$1,220,000 per year beginning in fiscal year 2007-08 to restore state support for the Reading Recovery program.

LD 425 An Act Regarding the Accounting Procedure for Certain State Programs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOLMAN	ONTP	

This bill provides more transparency to the appropriations process by returning the funding mechanism for the Maine Residents Property Tax Program and business equipment tax reimbursement to General Fund appropriations rather than an offset to General Fund revenue within the individual income tax category beginning in the 2010-2011 biennium. It also requires the State Tax Assessor to issue an annual financial report for the Maine Residents Property Tax Program at the same time as a similar existing report is required for the Business Equipment Tax Reimbursement program.

This bill requires the State Controller's official annual report of the State and the state budget to specifically identify all nonexpenditure payments that are accounted for as an offset to revenue to increase access to the information by the public.

LD 646 An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP	

This bill makes ongoing General Fund appropriations of \$1,000,000 per year beginning in fiscal year 2007-08 to the University of Maine System to support and expand the University of Maine System Regional Teacher Development Centers and early college readiness programs.

LD 721 An Act To Restore Support for HIV and AIDS Treatment and Prevention

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN TURNER	ONTP	

This bill makes ongoing General Fund appropriations of \$600,000 per year to the Maine Center for Disease Control and Prevention in the Department of Health and Human Services for HIV and AIDS treatment and prevention.

Joint Standing Committee on Appropriations and Financial Affairs

LD 744 An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN	ONTP	

This bill makes ongoing General Fund appropriations of \$4,000,000 per year beginning in fiscal year 2007-08 to the University of Maine System to stabilize and expand the Graduate School of Biomedical Science through the formation of a partnership with the University of New England to collaborate on a school of pharmacy.

LD 782 An Act To Establish a New Method of Determining the State Budget **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

This bill shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning for the fiscal year that begins on July 1, 2010. This bill also provides that the state budget beginning on July 1, 2009 is a one-year budget.

LD 793 An Act To Provide Essential Library Resources to All Maine Communities **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	ONTP	

This bill makes ongoing General Fund appropriations to the Maine State Library for grants to improve library collections throughout the State, to support interlibrary deliveries, to digitize materials for preservation and statewide access, to improve online data resources and to improve area reference and resource centers. The bill also provides funds for 2 librarian positions.

LD 804 An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	ONTP	

Part A of this bill establishes new procedures to govern the act of exceeding or increasing the various spending limitations that currently apply to state, county, municipal and school governments. On the state level, Part A establishes a system to make the determination of compliance with the spending limitation system an accurate year-to-year comparison if the Legislature decides to fund a General Fund expenditure outside of the General Fund appropriation process. For counties, schools and municipalities, the existing approval procedures to exceed the current spending limitations would still be required, but, if the local government was proposing to exceed or increase the applicable limitation and the local government was the recipient of net new funding from the State, the approval would have to be accomplished by a referendum vote. For municipal and school governments, a 2/3 vote of the legislative body, such as the town meeting or school district meeting or city council, would avoid the need to obtain a referendum approval of the budget.

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Part B of this bill establishes a 5% limit on the amount of General Fund and Highway Fund revenues that may be allocated for tax-supported debt service in any fiscal year. Part B also directs the State Treasurer to annually calculate and report to the Legislature on the aggregate unfunded actuarial liability of the State, taking into consideration health and life insurance and pension benefits that are scheduled to be provided to retired state employees, teachers and other governmental workers provided benefits pursuant to state law.

Part C of this bill establishes as a goal a 10% reduction by the year 2010 in the statewide expenditure for educational administrative services in kindergarten to grade 12 public education as that expenditure is measured as a percent of total personal income. It establishes goals for specific categories of costs and services. It also establishes a comprehensive system of analysis, recommendation, outreach and implementation to be accomplished on the local level through the creation of regional planning alliances to achieve that goal within the 26 career and technical education regions in Maine. If the cost reduction goal is not achieved, the Commissioner of Education must submit a plan to the Legislature to achieve the cost reductions.

Part D of this bill amends the law governing the responsibilities of the Executive Department, State Planning Office to collect data and report about the effects of government spending limitation law on Maine's overall tax burden. It also requires the State Planning Office to work with the Maine Development Foundation to prepare the required compliance reports in a manner designed to be accessible to the general public. It also requires the State Planning Office to perform calculations of Maine's state and local government employment and expenditure levels in comparison with other states for the purpose of identifying categories of government employment and expenditure that deviate significantly from national and peer state averages. Finally, it directs the State Planning Office, working in conjunction with Maine Revenue Services, to establish a contract with the Maine Development Foundation to comprehensively analyze the sources of government revenue available to each state in the United States, including Maine, with a focus on comparing the various state and local taxes and fees in terms of nominal revenues by category, tax and revenue burdens, rates of taxes and fee schedules and levels of reliance and exportation.

LD 817 An Act To Support the Maine Keeping Seniors Home Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

This bill makes an ongoing General Fund appropriation of \$350,000 in fiscal years 2007-08 and 2008-09 to the Department of Health and Human Services for the statewide Keeping Seniors Home program administered by Western Maine Community Action, Inc.

LD 925 An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	ONTP	

The bill makes ongoing General Fund appropriations of \$6,000,000 per year beginning in fiscal year 2007-08 for room and board costs for people served under the MaineCare home and community-based care waiver for people with developmental disabilities. These room and board costs are no longer Medicaid reimbursable and therefore require a state appropriation for grants to make up for the loss in federal funds.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1065 Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SILSBY	ONTP	

This resolve makes ongoing General Fund appropriations of \$125,000 per year beginning in fiscal year 2007-08 to increase the number of scholarships the Finance Authority of Maine awards under the Quality Child Care Education Scholarship Fund and makes a one-time General Fund appropriation to the University of Maine System to develop a degree program for those seeking training for working with preschool children with special needs. This resolve also directs the Finance Authority of Maine to adopt rules to make a nonmatriculated student eligible for a grant under the Quality Child Care Education Scholarship Fund.

LD 1190 An Act To Promote Economic Growth through Education for Androscoggin County

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	ONTP	

This bill makes a one-time General Fund appropriation of \$3,000,000 in fiscal year 2007-08 to complete a portion of a building to address overcrowding at Lewiston-Auburn College.

LD 1268 An Act To Fund the Nursing Education Loan Repayment Program and Fund

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	ONTP	

This bill appropriates \$50,000 from the General Fund each year for the next 2 years to finance the nursing education loan repayment program, which was established in Public Law 2005, chapter 417.

LD 1424 An Act Requiring Long-range Budget Planning

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM	H-993

This bill requires that the state budget document include a long-range plan for State Government and describe any imbalance between projected revenues and projected expenditures.

Committee Amendment "A" (H-993)

This amendment requires that the long-range plan included in the state budget document describe the vision of the Governor or Governor-elect for the upcoming biennium and 2 succeeding biennia, rather than for the next decade. In addition, this amendment removes the requirement that the state budget document describe any imbalance between projected revenues and projected expenditures.

Enacted Law Summary

Joint Standing Committee on Appropriations and Financial Affairs

1. Establishes the Maine Community Enhancement Fund for the purposes of providing resources to towns and municipalities for community planning and facilitating and implementing comprehensive plans;
2. Authorizes, until December 31, 2012, a surcharge of \$20 per transaction for all documents that are recorded in the registry of deeds and transfers revenue from this surcharge for deposit into the Maine Community Enhancement Fund;
3. Directs the Executive Department, State Planning Office to establish a pilot project for a regional planning initiative involving multiple political subdivisions of the State;
4. Allocates funds from the Maine Community Enhancement Fund to the Maine Downtown Center, to the State Planning Office for assisting municipalities in implementing any applicable statewide building code, and to the State Planning Office for a pilot project for a regional planning initiative involving multiple political subdivisions of the State.

Part F of this bill directs the Department of Administrative and Financial Services, Bureau of Revenue Services to implement a program to reimburse service center communities for property taxes lost by reason of the nontaxable status of property of regional significance located within that community.

LD 1852 An Act To Provide Taxpayer Relief

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY	ONTP	

This bill proposes to restrain the growth in state and local government by imposing expenditure limitations on state and local government and by requiring a procedure of voter approval of certain tax and fee increases.

Under this bill, growth in annual expenditures of the General Fund, the Highway Fund and Other Special Revenue Funds are limited according to increases in population and inflation. For the General Fund and Highway Fund budgets, revenues exceeding the expenditure limitation must be distributed by directing 20% of that excess to a budget stabilization fund and 80% of that excess to a tax relief fund. The budget stabilization funds may be used only in years when revenues are not sufficient to fund the level of expenditure permitted by the growth limits. The tax relief funds must be used to provide tax relief through refunds proportional to individual income tax personal exemptions claimed in the previous tax year or a decrease in motor fuels taxes. For state agencies that manage Other Special Revenue Funds, the managers of those funds must report excess surpluses to the Legislature with a plan for refund of those revenues.

State expenditure limits contained in this bill could be exceeded by a 2/3 vote of each House of the Legislature and approval by the voters. Local district expenditure limits could be exceeded by a majority vote of the voters of the local district.

Under this bill, an increase in state revenue would be possible only by a 2/3 vote of each House of the Legislature and the approval of the voters.

LD 1991 Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center

RESOLVE 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-619

Joint Standing Committee on Appropriations and Financial Affairs

This bill appropriates \$170,000 in 2007-08 and \$680,000 in 2008-09 to the Department of Health and Human Services for grants to the Northern New England Poison Center to continue operation of the poison hotline.

Committee Amendment "A" (S-619)

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to meet with interested parties to develop options for long-term funding of the Northern New England Poison Center.

Enacted Law Summary

Resolve 2007, chapter 206 requires the Department of Health and Human Services to meet with interested parties to develop options for long-term funding of the Northern New England Poison Center.

LD 2042 An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring Disorders Court **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	ONTP	

This bill provides an ongoing General Fund appropriation of \$100,000 beginning in fiscal year 2008-09 to the Judicial Department to continue funding of the Kennebec County Co-Occurring Disorders Court program.

LD 2077 An Act To Increase the State Subsidy for Adult Education within the Department of Education **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	ONTP	

This bill increases the state subsidy for adult education by 6% in fiscal year 2007-08 and by 6% in fiscal year 2008-09.

LD 2098 An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS	ONTP MAJ OTP-AM MIN	

Public Law 2007, chapter 341 required the Department of Health and Human Services, Bureau of Health to implement a comprehensive cancer screening, detection and prevention program and provided a base appropriation of \$500 each fiscal year for the 2008-2009 biennium. This bill increases the tax on tobacco products, such as smokeless tobacco, cigars and pipe tobacco, to a flat rate of \$1 per ounce beginning September 1, 2008 and appropriates an additional \$1,800,000 in fiscal year 2008-09 to the comprehensive cancer screening, detection and prevention program.

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LD 2116 An Act To Provide for the Construction of a Warehouse in Eastport

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP	

This bill provides a one-time General Fund appropriation of \$1,200,000 in fiscal year 2007-08 to the Administration - Ports and Marine Transportation program within the Department of Transportation for the construction of a warehouse at the port of Eastport.

LD 2173 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ OTP-AM MIN	H-806 H-848 MILLS J

LD 2173 is the Governor's proposed Supplemental Budget Bill for the 2008-2009 biennium.

Committee Amendment "A" (H-806)

This amendment was incorporated into LD 2289.

House Amendment "P" (H-840)

This amendment was incorporated into LD 2289.

House Amendment "W" (H-848)

The amendment was incorporated into LD 2290.

LD 2208 An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS EDMONDS	ONTP	

This bill transfers \$5,000,000 from the Maine Budget Stabilization Fund to the General Fund for the Low-income Home Energy Assistance Program and specifies that the funds may be used only for fuel purchases. Any funds remaining at the end of the fiscal year lapse to the Maine Budget Stabilization Fund.

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LD 2226 An Act To Amend the Laws Governing the State's Cash Investment Policies

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ OTP-AM MIN	

This bill makes the following changes to the laws governing investments made by the Treasurer of State.

1. It limits the Treasurer of State to investing money in the cash pool in bonds, notes, certificates of indebtedness or other obligations of the United States.
2. It provides that the primary purposes of investments made by the Treasurer of State are the preservation of capital and the maintenance of maximum liquidity.
3. It provides that at least 95% of investments made by the Treasurer of State must be in instruments with maturities of 9 months or less and may not be subject to a call option. Not more than 5% of investments made by the Treasurer of State may be in instruments with maturities that exceed 9 months and may be subject to a call option.
4. It provides that investment decisions may be made by an employee of the Treasurer of State or by a person pursuant to a contract with the Treasurer of State, subject to oversight by the Treasurer of State, but such an employee or person shall demonstrate to the satisfaction of the Treasurer of State sufficient investment experience and professional skills and qualifications suitable to make such decisions.
5. It provides that the Treasurer of State and a person who makes investment decisions shall identify an appropriate index to track and compare investment performance.
6. It provides that a contract for investment advisory services entered into by the Treasurer of State may not exceed a term of 3 years and is subject to termination at the discretion of the Treasurer of State.

LD 2231 An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act

**P & S 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	H-1011

The purpose of this bill is to reduce the cost of prescription drugs purchased by the State and counties by expanding access to discounted prescription drugs under the federal 340B program. The bill: 1) Requires that counties and the Department of Corrections contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act; and 2) Directs the Department of Health and Human Services and the Department of Corrections to each develop a plan to maximize access to prescription drugs through Section 340B of the federal Public Health Service Act.

Committee Amendment "A" (H-1011)

This amendment replaces the bill and removes language that requires that counties and the Department of Corrections contract only with entities that are eligible to participate in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act. It requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to

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recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Enacted Law Summary

Private and Special Law 2007, chapter 43 requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Private and Special Law 2007, chapter 43 was enacted as an emergency measure effective April 16, 2008.

LD 2289 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

PUBLIC 539

Sponsor(s)

FISCHER

Committee Report

Amendments Adopted

LD 2289 was introduced in the House without reference to a committee. It incorporated all of Committee Amendment "A" to LD 2173 (H-806) plus House Amendment "P" to Committee Amendment "A" (H-840) and Senate Amendment "S" to Committee Amendment "A" (S-519).

Enacted Law Summary

Public Law 2007, chapter 539 achieves a net savings to the General Fund of \$190,775,079 and a net cost to the Fund for a Healthy Maine of \$2,265,450

PART A makes appropriations and allocations of funds for the 2008-2009 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C relates to the funding of K-12 education.

PART D makes appropriations and allocations of funds for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART E contains implementing language for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART F increases fees related to food inspection and licensing by the Department of Health and Human Services and directs the departments involved in the process to eliminate any duplication of their jurisdictions.

PART G provides dedicated funding for the Harness Racing Commission from revenues collected by the commission, the state share of the handle and a portion of slot machine income.

PART H requires transfers from the Accident, Sickness and Health Insurance Internal Service Fund, and health insurance excess equity reserve funds to the General Fund.

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PART I relates to the operations of the Statewide Radio and Network System Reserve Fund and the acquisition of a statewide enterprise system.

PART J requires transfers from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds.

PART K authorizes the transfer of funds from the Department of Inland Fisheries and Wildlife carrying account and to develop a plan to ensure the continuation of the "Maine Fish and Wildlife Magazine" as a self-supporting publication.

PART L authorizes transfers from the General Fund to the Maine Clean Election Fund in fiscal year 2007-08 and fiscal year 2009-10 and reduces the amount of the initial payments in the 2008 and 2009 general election.

PART M requires lottery winnings to be offset against Maine liquidated tax debts.

PART N repeals certain powers and duties of the Commissioner of Health and Human Services and provides a transition and planning process for the privatization of the Elizabeth Levinson Center.

PART O relates to the authority of the Bureau of General Services to enter into agreements to conduct energy projects at state facilities.

PART P approves the cost items in collective bargaining agreements reached by the Judicial Department.

PART Q changes certain reporting for the Consensus Economic Forecasting Commission and for the Revenue Forecasting Committee.

PART R relates to a cooperative purchase system for schools statewide.

PART S allows the State Controller to share confidential working papers during an audit or investigation with the subject of the audit or investigation, other auditors or law enforcement.

PART T reorganizes the position of Commissioner of Professional and Financial Regulation.

PART U lapses unencumbered balance forward in the Salary Plan, General Fund account.

PART V directs the transfer from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program.

PART W adds costs to those funded by the General Purpose Aid to Local Schools account.

PART X revises the basis for applying residential treatment facilities and nursing facilities taxes.

PART Y repeals provisions related to rates paid to agencies providing services to individuals with mental retardation.

PART Z renames four programs of the Department of Health and Human Services.

PART AA authorizes the transfer of funds between the Mental Retardation Waiver - Supports program and other MaineCare programs.

PART BB lapses unencumbered balances in the Disproportionate Share General Fund accounts and transfers specified Other Special Revenue Funds in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

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PART CC adds salary savings balances from specified positions in the Psychiatric Center accounts to those balances authorized to be transferred to All Other.

PART DD authorizes the transfer of available fund balances to fund leased space agreements.

PART EE ensures that the school nurse consultant position is jointly supervised by staff of the Department of Health and Human Services and the Department of Education.

PART FF lapses unencumbered balance forward in the Division of Forest Fire Control, General Fund account in the Department of Conservation to the General Fund.

PART GG authorizes reorganization of programs and accounts in the Department of Education.

PART HH provides a process for determining the cost of dispensing a medication under the MaineCare program.

PART II transfers funds from the Bureau of Revenue Services Fund to the unappropriated surplus of the General Fund.

PART JJ provides for several methods of decreasing costs or increasing revenue for the judicial branch to offset the deappropriation made in Part A.

PART KK reestablishes the State Nuclear Safety Inspection Office and transfers the responsibility of all oversight and coordination of the spent fuel storage facility to the Department of Health and Human Services.

PART LL lapses funds from legislative accounts to the General Fund.

PART MM extends the authority to transfer information technology positions and funding.

PART NN requires the carry forward of balances in the Management Information Systems program, General Fund account and lapses unencumbered balance forward in the General Purpose Aid for Local Schools, General Fund to the General Fund.

PART OO allows the Department of Health and Human Services to seek collection of certain debts by transferring the debt to the Department of Administrative and Financial Services, Bureau of Revenue Services for collection by the bureau under its tax collection authority or using a specified set-off procedure.

PART PP transfers surplus funds of the State Fire Marshal Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART QQ requires a specified savings in the General Fund to be achieved through the elimination of state positions.

PART RR repeals the educational attainment investment tax credits in the income tax and insurance premiums tax statutes.

PART SS repeals the recruitment credits in the income tax and insurance premiums tax statutes.

PART TT directs the Department of Human Services to apply for a federal waiver to establish a different preferred drug list for MaineCare members enrolled under the childless adult waiver, and makes other provisions for the administration of the prescription drug benefit.

PART UU revises the time frame for the elimination of 100 positions in the Office of MaineCare Services and

Joint Standing Committee on Appropriations and Financial Affairs

requires a report on the positions to be eliminated.

PART VV lapses unencumbered funds from the Department of Conservation to the General Fund.

PART WW incorporates LD 262 as amended by the Taxation Committee. It also amends the real estate transfer tax provisions regarding transfers made to the Housing Opportunities for Maine Fund.

PART XX increases the special housing allowance available to certain TANF recipients and provides a new transitional benefit.

PART YY requires a plan of consolidation, eliminating duplication or creating greater efficiencies in certain ministerial licensing and registration functions, food safety inspection activities and the regulation of drinking water and septic systems.

PART ZZ provides that the proceeds from the sale or lease of certain properties must be deposited in the General Fund.

PART AAA requires the State Controller to ensure that all financial commitments and adjustments have been made before transferring unexpended Personal Services balances to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

PART BBB transfers funds from the Maine Coastal and Inland Surface Oil Clean-up Fund to the unappropriated surplus of the General Fund.

PART CCC updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes concerning income tax and estate tax laws, enacts new modifications for individual and corporate income tax to include provisions enacted in the Economic Stimulus Act of 2008, enacts new modifications to itemized deductions for individuals and the fiduciary adjustment for estates and trusts and enacts a new addition modification related to the exclusion from income of certain state and local tax benefits or qualified payments to a member of a qualified volunteer emergency response organization.

PART DDD provides technical amendments to the service provider tax provisions of the Maine Revised Statutes.

PART EEE transfers Personal Services unencumbered balances in the Disproportionate Share General Fund accounts of the Riverview and Dorothy Dix Psychiatric Centers to the All Other line category.

PART FFF reduces funding as part of a departmentwide reorganization of the Department of Health and Human Services and requires a report to the legislature detailing the new organizational structure and the specific positions eliminated.

PART GGG provides one-time funds for an independent review and evaluation to determine the effectiveness of economic development programs and tax incentives implemented throughout State Government.

PART HHH transfers funds from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART III provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from reducing the services provided through the cooperative agreement with the University of Maine System.

PART JJJ provides the method for distributing departmentwide savings that will result from consolidating outpatient

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services into one section of MaineCare.

PART KKK specifies conditions under which a person is allowed to report on the income tax return the sales tax on casual rentals rather than filing sales and use tax returns.

PART LLL increases camping fees for nonresidents and requires the meals and lodging tax to be added to the fees for both residents and nonresidents.

PART MMM transfers funds from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund.

PART NNN authorizes the Department of Health and Human Services to assess an annual enrollment fee to certain participants in the MaineCare program.

PART OOO transfers funds from Other Special Revenue Funds to the unappropriated surplus of the General Fund by June 30, 2008 and requires the reversal of the transfer on July 1, 2008 as repayment.

PART PPP increases the fee for background checks performed by the State Bureau of Identification and dedicates a portion of the fee to offset the cost of maintenance and replacement of hardware and software associated with the system.

PART QQQ increases the license fee on certificates of approval from \$600 to \$1,000 for malt liquor and for wine for out-of-state alcohol manufacturers.

PART RRR requires training funds paid to the employer under the Governor's Training Initiative Program to be on a reimbursement basis and limits the reimbursement rates.

PART SSS makes distributions from the County Jail Prisoner Support Fund discretionary and directs the Commissioner of Corrections to review the current organizational structure.

PARTS TTT through ZZZ require savings identified in the Initiative to Streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ in central services, telecommunications, technology training, postal and printing functions, employment and general advertising, and property and vehicle liability insurance.

PART AAAA limits the subtraction modification for the recapture of carry-back net operating losses and allows unused amounts resulting from the limitation to be carried over to future tax years.

PART BBBB restores the maximum benefit base under the Maine Residents Property Tax Program and repeals indexing of those amounts for inflation.

PART CCCC prohibits charging the Companion Animal Sterilization Fund for indirect costs under a Department of Agriculture, Food and Rural Resources indirect cost allocation plan, authorizes the Commissioner to contract out administration of the fund, limits expenditures for administration and directs a review of the fund and its administration.

PART DDDD transfers funds from various accounts within the Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund, specifies that the amount to be transferred represents available balances and prohibits an increase in assessed fees as a result of the transfer.

PART EEEE transfers funds from the Emergency Services Communications Bureau, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund.

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PART FFFF requires the Treasurer of State to implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

PART GGGG directs the establishment by rule of license fees for food and food salvage establishments, meat and poultry processors and beverage plants to increase revenue by a specified amount as well as fees for registering a fuel dispensing nozzle and payments to local sealers for inspection of dispensing nozzles.

PART HHHH allocates funds from the Fund for a Healthy Maine to offset reductions in block grant funding or other reductions in family planning services, domestic violence and sexual assault programs, the Hancock County Drug Court and agencies that provide HIV/AIDS services.

PART IIII provides Fund for a Healthy Maine funding to local school units that provide breakfasts to eligible students for the student's portion of the cost of the breakfast.

PART JJJJ requires the Department of Education to work with other departments to better coordinate efforts to assist youths with handicaps who are in transition from school to the community.

PART KKKK requires that any fees associated with the Steve Powell Wildlife Management Area be deposited into a dedicated revenue account.

PART LLLL affects the Office of Program Evaluation and Government Accountability and was, subsequently, significantly amended by LD 2307, Public Law 2007, chapter 710.

PART MMMM requires the Commissioner of Health and Human Services to consult with the Court Master regarding proposed administrative staffing changes or changes in administrative position counts at Riverview Psychiatric Center and to provide notice to the Legislature regarding proposed changes and the results of the consultation with the Court Master.

PART NNNN requires the monthly reports concerning individuals with mental retardation and developmental disabilities.

PART OOOO establishes a position in the Department of Conservation to offset an eliminated position in the Land Use Regulation Commission, restores some funding for the civil air patrol program and adjusts funding between fiscal years to fund indigent defense.

PART PPPP establishes the Commission To Review Short-term and Long-term Costs in the Maine Public Employees Retirement System.

LD 2290 An Act To Protect Access to Health Care

PUBLIC 545

Sponsor(s)

MILLS J

Committee Report

Amendments Adopted

This bill gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication and provide a minimum level of crisis services established by the department. It includes appropriations for mental health consolidated crisis services and community integration services. It provides increased funding for MaineCare home- and community-based services for people who are served through the Medicaid Mental Retardation Waiver. It appropriates funds for hospital-based physicians and additional payments to hospitals. This

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bill also updates the base year for the hospital tax and excludes municipally funded hospitals from the tax after July 1, 2008. This bill was enacted without reference to any committee.

Enacted Law Summary

Public Law 2007, chapter 545 gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication and provide a minimum level of crisis services established by the department. It includes appropriations for mental health consolidated crisis services and community integration services. It provides increased funding for MaineCare home- and community-based services for people who are served through the Medicaid Mental Retardation Waiver. It appropriates funds for hospital-based physicians and additional payments to hospitals. It also updates the base year for the hospital tax and excludes municipally funded hospitals from the tax after July 1, 2008.

Joint Standing Committee on Appropriations and Financial Affairs

SUBJECT INDEX

Budget Bills

Enacted

- | | | |
|---------|---|------------|
| LD 2289 | An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 | PUBLIC 539 |
| LD 2290 | An Act To Protect Access to Health Care | PUBLIC 545 |

Not Enacted

- | | | |
|---------|--|---------------------|
| LD 2173 | An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 | DIED BETWEEN HOUSES |
|---------|--|---------------------|

Fiscal Policy

Enacted

- | | | |
|---------|---|------------|
| LD 1424 | An Act Requiring Long-range Budget Planning | PUBLIC 613 |
|---------|---|------------|

Not Enacted

- | | | |
|---------|--|---------------------|
| LD 425 | An Act Regarding the Accounting Procedure for Certain State Programs | ONTP |
| LD 782 | An Act To Establish a New Method of Determining the State Budget | ONTP |
| LD 804 | An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency | ONTP |
| LD 1654 | An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds | ONTP |
| LD 1852 | An Act To Provide Taxpayer Relief | ONTP |
| LD 2226 | An Act To Amend the Laws Governing the State's Cash Investment Policies | DIED ON ADJOURNMENT |

Miscellaneous Funding and Other Requests

Enacted

LD 63	Resolve, To Study Ways To Increase Access to After-school Programs	RESOLVE 211
LD 305	Resolve, To Investigate the Possibility of Expanding Cellular Telephone Service in Certain Rural Areas	RESOLVE 212
LD 1991	Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center	RESOLVE 206
LD 2231	An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act	P & S 43 EMERGENCY

Not Enacted

LD 65	An Act To Provide Funding for Mentoring Programs	ONTP
LD 120	An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais	ONTP
LD 186	An Act To Provide Funding to the St. Francis Water District for New Wells	ONTP
LD 189	An Act To Invest in an Allied Health Center at Northern Maine Community College	ONTP
LD 314	An Act To Restore Funding for the Reading Recovery Program	ONTP
LD 646	An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs	ONTP
LD 721	An Act To Restore Support for HIV and AIDS Treatment and Prevention	ONTP
LD 744	An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine	ONTP
LD 793	An Act To Provide Essential Library Resources to All Maine Communities	ONTP
LD 817	An Act To Support the Maine Keeping Seniors Home Program	ONTP
LD 925	An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities	ONTP
LD 1065	Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers	ONTP
LD 1190	An Act To Promote Economic Growth through Education for Androscoggin County	ONTP
LD 1268	An Act To Fund the Nursing Education Loan Repayment Program and Fund	ONTP
LD 1848	An Act To Promote Sustainable Prosperity	ONTP

LD 2042	An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring Disorders Court	ONTP
LD 2077	An Act To Increase the State Subsidy for Adult Education within the Department of Education	ONTP
LD 2098	An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program	ACCEPTED ONTP REPORT
LD 2116	An Act To Provide for the Construction of a Warehouse in Eastport	ONTP
LD 2208	An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program	ONTP

**JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	9	28.1%	1.6%
<u><i>Bills Carried Over from previous session</i></u>	23	71.9%	4.1%
Total Bills referred	32	100.0%	5.7%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	32	100.0%	5.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	4	12.5%	0.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	24	75.0%	4.5%
Total unanimous reports	28	87.5%	5.3%
B. Divided committee reports			
<i>Two-way reports</i>	4	12.5%	0.8%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	4	12.5%	0.8%
Total committee reports	32	100.0%	6.0%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	3.1%	0.2%
<i>Private and Special Laws</i>	1	3.1%	0.2%
<i>Resolves</i>	3	9.4%	0.5%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	5	15.6%	0.9%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommittees and carried over.

Prepared by the Office of Policy and Legal Analysis
122nd Legislature, Second Regular Session