

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

m
R08

L.D. 2220

DATE: 11-12-02

(Filing No. H-1126)

MAJORITY
APPROPRIATIONS AND FINANCIAL AFFAIRS

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220, Bill, "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 Year Ending June 30, 2003"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable prior to June 30, 2003; and

Whereas, it is necessary that such modifications be made as soon as possible to ensure the continuous operation of State Government; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

COMMITTEE AMENDMENT

2

PART A

4

Sec. A-1. Supplemental appropriations and allocations. There are appropriated and allocated from various funds for the fiscal year ending June 30, 2003, to the departments listed, the following sums.

6

8

10

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF 18**

12

Departments and Agencies - Statewide 0016

14

Initiative: Provides for the deappropriation of funds resulting from the curtailment of fiscal year 2002-03 expenditures from departments and agencies statewide, as authorized by Financial Order #05723 F3 and further amended by Financial Order #05871 F3 and Financial Order #06004 F3 and a pending order for the Department of Behavioral and Developmental Services.

16

18

20

22

General Fund	2002-03
Personal Services	(\$1,641,023)
All Other	(49,088,754)
Capital Expenditures	(1,600,160)
Total	<hr/> (52,329,937)

24

26

28

Other Special Revenue Funds	2002-03
All Other	(195,000)
Total	<hr/> (195,000)

30

32

34

Departments and Agencies - Statewide 0016

36

Initiative: Provides for the deappropriation of funds from the curtailment of fiscal year 2002-03 expenditures resulting from savings in Maine State Retirement System Administration in departments and agencies statewide, as authorized by Financial Order #05838 F3.

38

40

42

General Fund	2002-03
Personal Services	(200,000)

44

Departments and Agencies - Statewide 0016

46

Initiative: Provides for the deappropriation of funds from the curtailment of fiscal year 2002-03 expenditures resulting from 3 temporary days off without pay for state employees in

48

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 departments and agencies statewide, as authorized by Financial
Order #05844 F3.

4 **General Fund** **2002-03**
Personal Services (2,974,032)

6 **Departments and Agencies - Statewide 0016**

8 Initiative: Provides for the deallocation of funds resulting
10 from savings in the Highway Fund from 3 temporary days off
without pay for state employees in departments and agencies
12 statewide, as authorized by Executive Order 07 FY 01/02.

14 **Highway Fund** **2002-03**
Personal Services (622,356)

16 **Departments and Agencies - Statewide 0016**

18 Initiative: Provides for the deallocation of funds resulting
20 from savings in Other Special Revenue funds from 3 temporary
days off without pay for state employees in departments and
22 agencies statewide, as authorized by Executive Order 07 FY
01/02.

24 **Other Special Revenue Funds** **2002-03**
26 Personal Services (910,497)

28 **Departments and Agencies - Statewide 0016**

30 Initiative: Provides for the deallocation of funds resulting
from savings in the Fund for a Healthy Maine from 3 temporary
32 days off without pay for state employees in departments and
agencies statewide, as authorized by Executive Order 07 FY
34 01/02.

36 **Fund for a Healthy Maine** **2002-03**
Personal Services (9,318)

38 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
40 **DEPARTMENT OF 18**
42 **DEPARTMENT TOTALS**

GENERAL FUND (55,503,969)
44 **HIGHWAY FUND** (622,356)
OTHER SPECIAL REVENUE FUNDS (1,105,497)
46 **FUND FOR A HEALTHY MAINE** (9,318)

48 **DEPARTMENT TOTAL - ALL FUNDS** (57,241,140)

50 **ARTS COMMISSION, MAINE 94W**

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

Arts - Administration 0178

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Initiative: Provides for the deappropriation of New Century Program Grants for fiscal year 2002-03.

General Fund 2002-03
All Other (16,728)

ARTS COMMISSION, MAINE 94W
DEPARTMENT TOTALS 2002-03

GENERAL FUND (16,728)

DEPARTMENT TOTAL - ALL FUNDS (16,728)

CONSERVATION, DEPARTMENT OF 04

Boating Facilities Program 0226

Initiative: Provides for the deappropriation of funds to achieve savings.

General Fund 2002-03
All Other (5,730)

CONSERVATION, DEPARTMENT OF 04
DEPARTMENT TOTALS 2002-03

GENERAL FUND (5,730)

DEPARTMENT TOTAL - ALL FUNDS (5,730)

DEVELOPMENT FOUNDATION, MAINE 99D

Maine Development Foundation 0198

Initiative: Provides for the deappropriation of funds to achieve savings.

General Fund 2002-03
All Other (8,000)

DEVELOPMENT FOUNDATION, MAINE 099D
DEPARTMENT TOTALS 2002-03

GENERAL FUND (8,000)

DEPARTMENT TOTAL - ALL FUNDS (8,000)

2	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF 19	
4	Administration - Economic and Community Development 0069	
6	Initiative: Provides for the deappropriation of funds to	
8	achieve savings.	
10	General Fund	2002-03
	All Other	(1,000,000)
12		
14	Forum Francophone 0882	
16	Initiative: Provides for the deappropriation of the balance of funds for this program.	
18	General Fund	2002-03
	All Other	(15,000)
20		
22	Office of Tourism 0577	
24	Initiative: Provides for the deappropriation of funds to achieve savings.	
26	General Fund	2002-03
	All Other	(121,463)
28		
30	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF 19	
32	DEPARTMENT TOTALS	2002-03
	GENERAL FUND	(1,136,463)
34		
	DEPARTMENT TOTALS - ALL FUNDS	(1,136,463)
36		
38	EDUCATION, DEPARTMENT OF 05	
40	Health Insurance - Retired Teachers 0854	
42	Initiative: Provides for the deappropriation of funds by postponing the 2nd 5% increase for Teacher Retiree Health that was due to be effective on April 1, 2003.	
44		
46	General Fund	2002-03
	All Other	(384,146)
48	EDUCATION, DEPARTMENT OF 05	
50	DEPARTMENT TOTALS	2002-03

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	GENERAL FUND	(384,146)
4	DEPARTMENT TOTALS - ALL FUNDS	(384,146)
6	HISTORIC PRESERVATION COMMISSION, MAINE 94P	
8	Maine Historic Preservation Commission 0036	
10		
12	Initiative: Provides for the deappropriation of New Century Program Grants for fiscal year 2002-03.	
14	General Fund	2002-03
16	All Other	(30,726)
18	HISTORIC PRESERVATION COMMISSION, MAINE 94P	
20	DEPARTMENT TOTALS	2002-03
22	GENERAL FUND	(30,726)
24	DEPARTMENT TOTALS - ALL FUNDS	(30,726)
26	HOUSING AUTHORITY, MAINE STATE 99H	
28	Temporary Housing Assistance 0714	
30	Initiative: Provides for the deappropriation of funds to eliminate funding for the Temporary Housing Assistance Program.	
32	General Fund	2002-03
34	All Other	(52,500)
36	HOUSING AUTHORITY, MAINE STATE 99H	
38	DEPARTMENT TOTALS	2002-03
40	GENERAL FUND	(52,500)
42	DEPARTMENT TOTALS - ALL FUNDS	(52,500)
44	HUMANITIES COUNCIL, MAINE 95H	
46	Maine Humanities Council 0942	
48	Initiative: Provides for deappropriation of New Century Program Grants for fiscal year 2002-03.	
50	General Fund	2002-03
	All Other	(7,623)

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	HUMANITIES COUNCIL, MAINE 95H	
	DEPARTMENT TOTALS	2002-03
4		
	GENERAL FUND	(7,623)
6		
	DEPARTMENT TOTALS - ALL FUNDS	(7,623)
8		
	HUMAN SERVICES, DEPARTMENT OF 10A	
10		
	Purchased Social Services 0228	
12		
	Initiative: Provides for the one-time deappropriation of funds and one-time allocation of TANF reserve funds in the Purchased Social Services Block Grant account to be used for the transfer of state purchased child care services costs.	
14		
16		
	General Fund	2002-03
18	All Other	(2,900,000)
20		
	Total	(2,900,000)
22		
	Federal Block Grant Fund	2002-03
24	All Other	3,900,000
26	Total	3,900,000
28	Child Care Services 0583	
30		
	Initiative: Provides for the one-time allocation of TANF reserve funds in the Child Care Development Fund account to be used for the transfer of home visitation costs funded by the Fund for a Healthy Maine.	
32		
34		
	Federal Block Grant Fund	2002-03
36	All Other	1,200,000
38	FHM - Purchased Social Services 0961	
40		
	Initiative: Provides for the one-time deallocation of Fund for a Healthy Maine funds for purchased child care social services to be replaced with TANF Block Grant reserve funds in the Child Care Development Fund.	
42		
44		
	Fund for a Healthy Maine	2002-03
46	All Other	(1,200,000)
48	FHM - Home Visitation 0953-06	

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Initiative: Provides for the one-time deallocation of funds
4 from the Fund for a Healthy Maine for Home Visitation that will
be replaced by TANF reserve funds in the Social Services Block
Grant account.

6 **Fund for a Healthy Maine** **2002-03**
All Other (1,000,000)

8

10 **Medical Care - Payments to Providers 0147**

12 Initiative: Provides for the deappropriation and allocation of
14 funds associated with changes in the way the MaineCare Program
reimburses medical and remedial private nonmedical institutions
for personal care services to allow for federal match.

16 **General Fund** **2002-03**
All Other (5,000,000)

18

Total (5,000,000)

20

22 **Federal Expenditures Fund** **2002-03**
All Other 5,000,000

24

Total 5,000,000

26 **Medical Care - Payments to Providers 0147**

28 Initiative: Deappropriates and allocates funds on a one-time
30 basis associated with increasing the federal share of
school-based rehabilitation services for allowable
32 cost-of-living adjustments for federal fiscal years 1999-00,
2000-01 and 2001-02. Any additional actions needed to secure
34 these federal funds will be the responsibility of the
Department of Human Services and the Department of Education
and will not be the responsibility of individual school
36 districts.

38 **General Fund** **2002-03**
All Other (5,000,000)

40

42 **Federal Expenditures Fund** **2002-03**
All Other 5,000,000

44

46 **Medical Care - Payments to Providers 0147**

48 Initiative: Deappropriates and allocates funds on a one-time
basis associated with increased federal funding from the State
Child Health Insurance Program, SCHIP, for state expenditures.

50 **General Fund** **2002-03**

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	All Other	(1,000,000)
4	Federal Block Grant Fund	2002-03
	All Other	1,000,000
6	Medical Care - Payments to Providers 0147	
8	Initiative: Provides for the allocation of funds to increase rates for municipally funded ambulance services to that of usual charges.	
10		
12	Federal Expenditures Fund	2002-03
14	All Other	442,073
16	Medical Care - Payments to Providers 0147	
18	Initiative: Provides for the allocation of funds to match existing state child welfare funds spent by the Bureau of Child and Family Services for children served in private nonmedical institutions.	
20		
22	Federal Expenditures Fund	2002-03
24	All Other	550,000
26	Nursing Facilities 0148	
28	Initiative: Provides for the deappropriation and deallocation of funds associated with the repeal of the law that allows nonprofit nursing facilities to be reimbursed for a return on net assets.	
30		
32	General Fund	2002-03
34	All Other	(118,380)
36	Total	<hr/> (118,380)
38	Federal Expenditures Fund	2002-03
40	All Other	(235,839)
42	Total	<hr/> (235,839)
44	Nursing Facilities 0148	
46	Initiative: Provides for the deappropriation and deallocation of funds associated with the repeal of the law that lowered the minimum occupancy percentages for nursing facilities.	
48	General Fund	2002-03
50	All Other	(66,142)

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	Total	(66,142)
4	Federal Expenditures Fund	2002-03
	All Other	(129,904)
6	Total	<hr/> (129,904)
8	Bureau of Elder and Adult Services 0140	
10	Initiative: Deappropriates funds on a one-time basis from the	
12	Bureau of Elder and Adult Services administrative account by	
14	deferring some information technology spending until fiscal	
	year 2003-04.	
16	General Fund	2002-03
	All Other	(42,861)
18	Bureau of Medical Services 0129	
20	Initiative: Provides for the allocation of federal funds for a	
22	state planning grant to assess different plans to provide	
	access to health care in Maine.	
24	Federal Expenditures Fund	2002-03
26	All Other	1,283,426
28	HUMAN SERVICES, DEPARTMENT OF 10A	
	DEPARTMENT TOTALS	2002-03
30	GENERAL FUND	(14,127,383)
32	FEDERAL EXPENDITURES FUND	11,909,756
	FEDERAL BLOCK GRANT FUND	6,100,000
	FUND FOR A HEALTHY MAINE	(2,200,000)
34	DEPARTMENT TOTALS - ALL FUNDS	<hr/> 1,682,373
36	MUSEUM, MAINE STATE 94M	
38	Administration 0180	
40	Initiative: Provides for deappropriation of New Century Program	
42	Grants for fiscal year 2002-03.	
44	General Fund	2002-03
46	All Other	(3,165)
48	MUSEUM, MAINE STATE 94M	
	DEPARTMENT TOTALS	2002-03
50	GENERAL FUND	(3,165)

2	DEPARTMENT TOTALS - ALL FUNDS	(3,165)
4	TREASURER OF STATE (OFFICE OF) 28	
6	Debt Services 0021	
8	Initiative: Provides for the deappropriation of funds from	
10	\$3,876,375 in savings on debt service due to lower interest and	
12	premium on tax anticipation notes, TAN, and \$1,260,424 in	
	savings due to lower interest and additional savings on General	
	Obligation bonds.	
14	General Fund	2002-03
	All Other	(5,136,799)
16		
18	TREASURER OF STATE (OFFICE OF) 28	
	DEPARTMENT TOTALS	2002-03
20	GENERAL FUND	(5,136,799)
22	DEPARTMENT TOTALS - ALL FUNDS	(5,136,799)
24	SECTION TOTALS	2002-03
26	GENERAL FUND	(76,413,232)
	FEDERAL EXPENDITURES FUND	11,909,756
28	FEDERAL BLOCK GRANT FUND	6,100,000
	OTHER SPECIAL REVENUE FUNDS	(1,105,497)
30	HIGHWAY FUND	(622,356)
	FUND FOR A HEALTHY MAINE	(2,209,318)
32		
	SECTION TOTALS - ALL FUNDS	(\$62,340,647)
34		
36	Sec. A-2. Appropriations and allocations. The following	
	appropriations and allocations are made.	
38	ATTORNEY GENERAL, DEPARTMENT OF	
40	Chief Medical Examiner - Office of 0412	
42	Initiative: Appropriates one-time funds to support a contract	
44	for assistance with the backlog of autopsies.	
46	General Fund	2002-03
	All Other	50,000
48	ATTORNEY GENERAL, DEPARTMENT OF 26	
50	DEPARTMENT TOTALS	2002-03

2	GENERAL FUND	50,000
4	DEPARTMENT TOTALS - ALL FUNDS	50,000
6	BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF 14	
8	Mental Health Services - Community 0121	
10	Initiative: Appropriates funds to partially offset a reduction 12 contained in the statewide curtailment deappropriation in Part A, section 1 of this Act.	
14	General Fund	2002-03
16	All Other	300,000
18	BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF 14	
20	DEPARTMENT TOTALS	2002-03
22	GENERAL FUND	300,000
24	DEPARTMENT TOTAL - ALL FUNDS	300,000
26	SECTION TOTALS	2002-03
28	GENERAL FUND	350,000
30	SECTION TOTALS - ALL FUNDS	\$350,000

PART B

Sec. B-1. PL 2001, c. 358, Pt. JJ, §1 is repealed.

**Sec. B-2. Bureau of General Services Planning and Construction
account: lapsed balances.** Notwithstanding any other provision of
law, \$1,285,000 of unencumbered balance forward in fiscal year
2002-03 in the Bureau of General Services Planning and
Construction General Fund account in the Department of
Administrative and Financial Services lapses to the General Fund
in fiscal year 2002-03.

**Sec. B-3. Capital Construction and Improvement Reserve Fund
account: lapsed balances.** Notwithstanding any other provision of
law, \$1,720,608 of unencumbered balance forward in fiscal year
2002-03 in the Capital Construction and Improvement Reserve Fund
General Fund account in the Department of Administrative and
Financial Services lapses to the General Fund in fiscal year
2002-03.

2 **Sec. B-4. General Fund Salary Plan: lapsed balances.**
3 Notwithstanding any other provision of law, \$6,708,171 of
4 unencumbered balance forward in fiscal year 2002-03 in the
5 General Fund Salary Plan account in the Department of
6 Administrative and Financial Services lapses to the General Fund
7 in fiscal year 2002-03.

8 **Sec. B-5. Transfer of funds.** Notwithstanding any other
9 provision of law, the State Controller shall transfer \$2,431 from
10 the Bureau of Revenue Services Other Special Revenue funds
11 account in the Department of Administrative and Financial
12 Services to the unappropriated surplus of the General Fund no
13 later than June 30, 2003.

14 **Sec. B-6. Transfer of funds.** Notwithstanding any other
15 provision of law, the State Controller shall transfer \$38,626
16 from the Bureau of General Services Energy Conservation Other
17 Special Revenue funds account in the Department of Administration
18 and Financial Services to the unappropriated surplus of the
19 General Fund no later than June 30, 2003.

20 **Sec. B-7. Transfer of funds.** Notwithstanding any other
21 provision of law, the State Controller shall transfer \$200 from
22 the Energy Costs - Stripper Well Other Special Revenue funds
23 account in the Department of Administrative and Financial
24 Services to the unappropriated surplus of the General Fund no
25 later than June 30, 2003.

26 **Sec. B-8. Transfer of funds.** Notwithstanding any other
27 provision of law, the State Controller shall transfer \$200,000
28 from the Public Improvements - Planning/Construction - Admin
29 Other Special Revenue funds account in the Department of
30 Administrative and Financial Services to the unappropriated
31 surplus of the General Fund no later than June 30, 2003.

32 **Sec. B-9. Transfer of funds.** Notwithstanding any other
33 provision of law, the State Controller shall transfer \$10,362,638
34 from the Fund for a Healthy Maine Other Special Revenue funds
35 account in the Department of Administrative and Financial
36 Services to the unappropriated surplus of the General Fund no
37 later than June 30, 2003.

38 **Sec. B-10. Transfer of funds.** Notwithstanding the Maine
39 Revised Statutes, Title 20-A, Part 9, the Commissioner of
40 Administrative and Financial Services shall transfer \$9,600,000
41 from the Maine Learning Technology Endowment to the
42 unappropriated surplus of the General Fund no later than June 30,
43 2003.

44
45
46
47
48
49
50

2 **Sec. B-11. Transfer of funds.** Notwithstanding any other
3 provision of law, the State Controller shall transfer \$10,000,000
4 from the Operating Capital of the General Fund to the
5 unappropriated surplus of the General Fund no later than June 30,
6 2003.

7 **Sec. B-12. Transfer of funds.** Notwithstanding any other
8 provision of law, on or before June 30, 2003, the State
9 Controller shall transfer \$9,300,000 from the unallocated surplus
10 of the Highway Fund to the unappropriated surplus of the General
11 Fund as reimbursement for funds provided for highway improvement
12 projects.

13 **Sec. B-13. Calculation and transfer.** Notwithstanding any other
14 provision of law, the State Budget Officer shall calculate the
15 amount of savings in Part A, section 1 that applies against each
16 Other Special Revenue funds account and the Fund for a Healthy
17 Maine for all departments and agencies from the requirement that
18 state employees take 3 days off without pay in fiscal year
19 2002-03 pursuant to Executive Order 07 FY 01/02 and shall
20 transfer the calculated amount to the General Fund by financial
21 order upon the approval of the Governor. This transfer is
22 considered an adjustment to allocations in fiscal year 2002-03
23 including allocations from the Fund for a Healthy Maine. The
24 State Budget Officer shall provide the joint standing committee
25 of the Legislature having jurisdiction over appropriations and
26 financial affairs a report of the transferred amount no later
27 than January 15, 2003. The following Other Special Revenue funds
28 accounts are exempt from these calculations: the Public Reserved
29 Lands Management Fund account and the Submerged Lands Fund
30 account in the Department of Conservation and the Baxter State
31 Park Authority account.

32 **Sec. B-14. Calculation and transfer.** Notwithstanding any other
33 provision of law, the State Budget Officer shall calculate the
34 amount of savings in Part A, section 1 that applies against each
35 Highway Fund account for all departments and agencies from the
36 requirement that state employees take 3 days off without pay in
37 fiscal year 2002-03 pursuant to Executive Order 07 FY 01/02 and
38 shall transfer the calculated amount to the General Fund by
39 financial order upon the approval of the Governor. This transfer
40 is considered an adjustment to allocations in fiscal year
41 2002-03. The State Budget Officer shall provide the joint
42 standing committee of the Legislature having jurisdiction over
43 appropriations and financial affairs a report of the transferred
44 amount no later than January 15, 2003.

45 **Sec. B-15. Statewide curtailment of General Fund expenditures in**
46 **fiscal year 2002-03.** Notwithstanding any other provision of law,
47 the State Budget Officer shall transfer by
48
49

2 financial order upon the approval of the Governor the amounts
3 identified in the fiscal year 2002-03 Personal Services, All
4 Other and Capital Expenditures appropriations and allocations of
5 the accounts in Financial Order #05723 F3, as adjusted by
6 Financial Order #05871 F3 and Financial Order #06004 F3 and any
7 subsequent financial orders, for all departments and agencies up
8 to the amount of the deappropriations and deallocations in Part
9 A, section 1 of this Act. These transfers are considered
10 adjustments to appropriations and allocations in fiscal year
11 2002-03.

12 **Sec. B-16. Statewide curtailment of General Fund expenditures in**
13 **fiscal year 2002-03.** Notwithstanding any other provision of law,
14 the State Budget Officer shall transfer by financial order upon
15 the approval of the Governor the amounts identified in the fiscal
16 year 2002-03 Personal Services appropriations of the General Fund
17 accounts in Financial Order #05838 F3 that represent savings in
18 Maine State Retirement System administration. These transfers
19 are considered adjustments to appropriations in fiscal year
20 2002-03.

22 **Sec. B-17. Statewide curtailment of General Fund expenditures in**
23 **fiscal year 2002-03.** Notwithstanding any other provision of law,
24 the State Budget Officer shall transfer by financial order upon
25 the approval of the Governor the amounts identified in the fiscal
26 year 2002-03 Personal Services appropriations of the General Fund
27 accounts in Financial Order #05844 F3 that represent savings from
28 the requirement that state employees take 3 days off without pay
29 in fiscal year 2002-03 pursuant to Executive Order 07 FY 01/02.
30 These transfers are considered adjustments to appropriations in
31 fiscal year 2002-03.

32 **Sec. B-18. Retroactivity.** That section of this Part that
33 repeals Public Law 2001, chapter 358, Part JJ, section 1 is
34 retroactive to June 4, 2001.
35

36
37
38 **PART C**

39 **Sec. C-1. Division of Quality Assurance and Regulation account:**
40 **lapsed balances.** Notwithstanding any other provision of law,
41 \$6,071 of unencumbered balance forward in fiscal year 2002-03 in
42 the Division of Quality Assurance and Regulation General Fund
43 account in the Department of Agriculture, Food and Rural
44 Resources lapses to the General Fund in fiscal year 2002-03.
45

46 **Sec. C-2. Pollution Control Structures account: lapsed balances.**
47 Notwithstanding any other provision of law, \$154,000 of
48 unencumbered balance forward in fiscal year 2002-03 in the
49 Pollution Control Structures General Fund account in the
50

2 Department of Agriculture, Food and Rural Resources lapses to the
General Fund in fiscal year 2002-03.

4

PART D

6

**Sec. D-1. Contingent Account - Attorney General account: lapsed
balances.** Notwithstanding any other provision of law, \$17,657 of
8 unencumbered balance forward in fiscal year 2002-03 in the
Contingent Account - Attorney General General Fund account in the
10 Department of the Attorney General lapses to the General Fund in
fiscal year 2002-03.

12

PART E

14

**Sec. E-1. Disproportionate Share - Bangor Mental Health Institute
account: lapsed balances.** Notwithstanding any other provision of
16 law, \$163 of unencumbered balance forward in fiscal year 2002-03
in the Disproportionate Share - Bangor Mental Health Institute
18 General Fund account in the Department of Behavioral and
Developmental Services lapses to the General Fund in fiscal year
20 2002-03.

22

Sec. E-2. Medicaid Match - MR account: lapsed balances.
24 Notwithstanding any other provision of law, \$35,989 of
unencumbered balance forward in fiscal year 2002-03 in the
26 Medicaid Match - MR General Fund account in the Department of
Behavioral and Developmental Services lapses to the General Fund
28 in fiscal year 2002-03.

30

Sec. E-3. MH Services Child Medicaid account: lapsed balances.
Notwithstanding any other provision of law, \$40,459 of
32 unencumbered balance forward in fiscal year 2002-03 in the MH
Services Child Medicaid General Fund account in the Department of
34 Behavioral and Developmental Services lapses to the General Fund
in fiscal year 2002-03.

36

**Sec. E-4. MH Services Community Medicaid account: lapsed
balances.** Notwithstanding any other provision of law, \$2,113,059
38 of unencumbered balance forward in fiscal year 2002-03 in the MH
Services Community Medicaid General Fund account in the
40 Department of Behavioral and Developmental Services lapses to the
42 General Fund in fiscal year 2002-03.

44

PART F

46

Sec. F-1. Division of Forest Fire Control account: lapsed balances.
Notwithstanding any other provision of law, \$1,000 of
48 unencumbered balance forward in fiscal year 2002-03 in the
Division of Forest Fire Control General Fund account in the

2 Department of Conservation lapses to the General Fund in fiscal
year 2002-03.

4 **Sec. F-2. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$4,138 from
6 the Municipal Recreation Fund Other Special Revenue funds account
in the Department of Conservation to the unappropriated surplus
8 of the General Fund no later than June 30, 2003.

10 **Sec. F-3. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$1,797 from
12 the Conservation Central Admin Other Special Revenue funds
account in the Department of Conservation to the unappropriated
14 surplus of the General Fund no later than June 30, 2003 pursuant
to Financial Order 05870 F3.

16 **Sec. F-4. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$1,494 from
18 the Maine Rivers Coordination Other Special Revenue funds account
in the Department of Conservation to the unappropriated surplus
20 of the General Fund no later than June 30, 2003.

22 **Sec. F-5. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$64,796
24 from the Keep Maine Scenic Other Special Revenue funds account in
the Department of Conservation to the unappropriated surplus of
26 the General Fund no later than June 30, 2003 pursuant to
Financial Order 05870 F3 and Financial Order 06037 F3.

30 **Sec. F-6. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$5,445 from
32 the Treat ME Right Other Special Revenue funds account in the
Department of Conservation to the unappropriated surplus of the
34 General Fund no later than June 30, 2003 pursuant to Financial
Order 05870 F3.

36
38 **PART G**

40 **Sec. G-1. Department of Corrections account: lapsed balances.**
Notwithstanding any other provision of law, \$10,721 of
42 unencumbered balance forward in fiscal year 2002-03 in the
Correctional Medical Services Fund General Fund account in the
44 Department of Corrections lapses to the General Fund in fiscal
year 2002-03.

46
48 **PART H**

50 **Sec. H-1. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$976 from

2 the Veterans Services Other Special Revenue funds account in the
Department of Defense, Veterans and Emergency Management to the
unappropriated surplus of the General Fund no later than June 30,
4 2003.

6 **Sec. H-2. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$62,200
8 from the Dam Repair and Reconstruction Fund Other Special Revenue
funds account in the Department of Defense, Veterans and
10 Emergency Management to the unappropriated surplus of the General
Fund no later than June 30, 2003.

12 **Sec. H-3. Transfer of funds.** Notwithstanding any other
14 provision of law, the State Controller shall transfer \$570 from
the MEMA - Hazardous Material Other Special Revenue funds account
16 in the Department of Defense, Veterans and Emergency Management
to the unappropriated surplus of the General Fund no later than
18 June 30, 2003.

20 **PART I**

22 **Sec. I-1. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$75,250
24 from the Administration - Economic and Community Development
Other Special Revenue funds account in the Department of Economic
26 and Community Development to the unappropriated surplus of the
General Fund no later than June 30, 2003.

28 **Sec. I-2. Transfer of funds.** Notwithstanding any other
30 provision of law, the State Controller shall transfer \$51,000
from the Maine Biomedical Research Fund Other Special Revenue
32 funds account in the Department of Economic and Community
Development to the unappropriated surplus of the General Fund no
34 later than June 30, 2003.

36 **Sec. I-3. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer from the
38 Department of Economic and Community Development Economic
Opportunity Fund Other Special Revenue funds account the
40 available cash balance, including any interest accrued, to the
unappropriated surplus of the General Fund no later than June 30,
42 2003. The cash balance is estimated to be \$25,774.

44 **Sec. I-4. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$17,600
46 from the Job Retention Program Other Special Revenue funds
account in the Department of Economic and Community Development
48 to the unappropriated surplus of the General Fund no later than
June 30, 2003.

50

2

PART J

4

Sec. J-1. Education in Unorganized Territory account: lapsed balances. Notwithstanding any other provision of law, \$2,000,000 of unencumbered balance forward in fiscal year 2002-03 in the Education Unorganized Territory General Fund account in the Department of Education lapses to the General Fund in fiscal year 2002-03.

10

Sec. J-2. School Breakfast Program account: lapsed balances. Notwithstanding any other provision of law, \$113,430 of unencumbered balance forward in fiscal year 2002-03 in the School Breakfast Program General Fund account in the Department of Education lapses to the General Fund in fiscal year 2002-03.

16

PART K

18

Sec. K-1. Land and Water Quality account: lapsed balances. Notwithstanding any other provision of law, \$6,244 of unencumbered balance forward in fiscal year 2002-03 in the Land and Water Quality General Fund account in the Department of Environmental Protection lapses to the General Fund in fiscal year 2002-03.

26

Sec. K-2. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$120,000 from the Administrative Services Unit - ACE Cluster Other Special Revenue funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.

32

Sec. K-3. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$125,000 from the Maine Environmental Protection Fund Other Special Revenue funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003. This transfer constitutes full repayment of the Working Capital Advance provided to the Maine Environmental Protection Fund by the General Fund in Public Law 1987, chapter 884, Part A, section 3.

42

PART L

44

Sec. L-1. Land for Maine's Future Fund account: lapsed balances. Notwithstanding any other provision of law, \$59,261 of unencumbered balance forward in fiscal year 2002-03 in the Land for Maine's Future General Fund account in the Executive Department lapses to the General Fund in fiscal year 2002-03.

50

2 **Sec. L-2. Transfer of funds.** Notwithstanding any other
3 provision of law, the State Controller shall transfer \$42,093
4 from the Weatherization and Repair Other Special Revenue funds
5 program in the Executive Department to the unappropriated surplus
6 of the General Fund no later than June 30, 2003.

8 **Sec. L-3. Transfer of funds.** Notwithstanding any other
9 provision of law, the State Controller shall transfer \$91,018
10 from the Low Income Home Energy Assistance Other Special Revenue
11 funds program in the Executive Department to the unappropriated
12 surplus of the General Fund no later than June 30, 2003.

14 **PART M**

16 **Sec. M-1. Transfer of funds.** Notwithstanding any other
17 provision of law, \$235,333 must be transferred from the Northern
18 Maine Transmission Corporation Fund in the Finance Authority of
19 Maine to the General Fund as undedicated revenue no later than
20 June 30, 2003.

22 **PART N**

24 **Sec. N-1. Transfer of funds.** Notwithstanding any other
25 provision of law, on June 30, 2003, the State Controller shall
26 transfer \$2,500,000 from the Maine Clean Election Fund Other
27 Special Revenue funds account in the Commission on Governmental
28 Ethics and Elections Practices to the unappropriated surplus of
29 the General Fund.

30 **PART O**

32 **Sec. O-1. Affordable Healthcare account: lapsed balances.**
33 Notwithstanding any other provision of law, \$49,000 of
34 unencumbered balance forward in fiscal year 2002-03 in the
35 Affordable Healthcare General Fund account in the Department of
36 Human Services lapses to the General Fund in fiscal year 2002-03.

38 **Sec. O-2. Medical Care Services account: lapsed balances.**
39 Notwithstanding any other provision of law, \$477,746 of
40 unencumbered balance forward in fiscal year 2002-03 in the
41 Medical Care Services General Fund account in the Department of
42 Human Services lapses to the General Fund in fiscal year 2002-03.

44 **Sec. O-3. Nursing Facilities account: lapsed balances.**
45 Notwithstanding any other provision of law, \$3,191,659 of
46 unencumbered balance forward in fiscal year 2002-03 in the
47 Nursing Facilities General Fund account in the Department of
48 Human Services lapses to the General Fund in fiscal year 2002-03.

2 **Sec. O-4. Transfer of funds.** Notwithstanding any other
3 provision of law, the State Controller shall transfer \$73,586
4 from the Nursing Facilities Other Special Revenue funds account
5 in the Department of Human Services to the unappropriated surplus
6 of the General Fund no later than June 30, 2003.

8 **Sec. O-5. Transfer of funds.** Notwithstanding any other
9 provision of law, the State Controller shall transfer \$88,000
10 from the Control Over Plumbing Other Special Revenue funds
11 account in the Department of Human Services to the unappropriated
12 surplus of the General Fund no later than June 30, 2003.

14 **Sec. O-6. Transfer of funds.** Notwithstanding any other
15 provision of law, the State Controller shall transfer \$38,276
16 from the Child and Family Services - Regional Other Special
17 Revenue funds account in the Department of Human Services to the
18 unappropriated surplus of the General Fund no later than June 30,
19 2003.

20 **Sec. O-7. ASPIRE account: lapsed balances.** Notwithstanding any
21 other provision of law, \$179,914 of unencumbered balance forward
22 in fiscal year 2002-03 in the ASPIRE General Fund account in the
23 Department of Human Services lapses to the General Fund in fiscal
24 year 2002-03.

26 **Sec. O-8. Drugs for Maine's Elderly account: lapsed balances.**
27 Notwithstanding any other provision of law, \$99,395 of
28 unencumbered balance forward in fiscal year 2002-03 in the Drugs
29 for Maine's Elderly General Fund account in the Department of
30 Human Services lapses to the General Fund in fiscal year 2002-03.

32 **PART P**

34 **Sec. P-1. Transfer of funds.** Notwithstanding any other
35 provision of law, the State Controller shall transfer \$78,718
36 from the Courts - Supreme, Superior and District Federal
37 Expenditures Fund account in the Judicial Department to the
38 unappropriated surplus of the General Fund no later than June 30,
39 2003.

40 **PART Q**

42 **Sec. Q-1. Governor's Training Initiative account: lapsed balances.**
43 Notwithstanding any other provision of law, \$864,898 of
44 unencumbered balance forward in fiscal year 2002-03 in the
45 Governor's Training Initiative Program General Fund account in
46 the Department of Labor lapses to the General Fund in fiscal year
47 2002-03.

48 **PART R**
49
50

2 Regulation to the unappropriated surplus of the General Fund no
later than June 30, 2003.

4 **PART V**

6 **Sec. V-1. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$3,710 from
8 the State Bureau of Investigation Other Special Revenue funds
account in the Department of Public Safety to the unappropriated
10 surplus of the General Fund no later than June 30, 2003.

12 **Sec. V-2. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$1,107 from
14 the Traffic Safety Division Other Special Revenue funds account
in the Department of Public Safety to the unappropriated surplus
16 of the General Fund no later than June 30, 2003.

18 **Sec. V-3. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$1,022 from
20 the Traffic Safety Commission Vehicle Enforcement Other Special
Revenue funds account in the Department of Public Safety to the
22 unappropriated surplus of the General Fund no later than June 30,
2003.

24 **PART W**

26 **Sec. W-1. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$20,000
28 from the Public Utilities Commission Reimbursement Fund Other
Special Revenue funds account in the Public Utilities Commission
30 to the unappropriated surplus of the General Fund no later than
32 June 30, 2003.

34 **Sec. W-2. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$4,279 from
36 the Public Utilities Commission Miscellaneous Other Special
Revenue funds account in the Public Utilities Commission to the
38 unappropriated surplus of the General Fund no later than June 30,
2003.

40 **PART X**

42 **Sec. X-1. 33 MRSA §1963, sub-§§1 and 2,** as enacted by PL 1997,
44 c. 508, Pt. A, §2 and affected by §3, are amended to read:

46 **1. Highest bidder.** Except as otherwise provided in this
48 section, the administrator, ~~within 3 years after the receipt of~~
~~abandoned property, shall~~ may sell it unclaimed property anytime
50 90 days or more after it has been advertised pursuant to section

1960. The sale must be to the highest bidder at public sale at a location in the State, or via electronic medium available to citizens of the State that, in the judgment of the administrator, affords the most favorable market for the property. The administrator may decline the highest bid and reoffer the property for sale if the administrator considers the bid to be insufficient. The administrator need not offer the property for sale if the administrator considers that the probable cost of sale will exceed the proceeds of the sale. A sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold the State.

2. **Securities.** Securities listed on an established stock exchange must be sold at prices prevailing on the exchange at the time of sale. Other securities may be sold over the counter at prices prevailing at the time of sale or by any reasonable method selected by the administrator. If securities are sold by the administrator before the expiration of ~~-3-years~~ one year after their delivery to the administrator, a person making a claim under this Act before the end of the ~~-3-year~~ one-year period is entitled to the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever is greater, plus dividends, interest and other increments thereon up to the time the claim is made, less any deduction for expenses of sale. A person making a claim under this Act after the expiration of the ~~-3-year~~ one-year period is entitled to receive the securities delivered to the administrator by the holder, if they still remain in the custody of the administrator, or the net proceeds received from sale and is not entitled to receive any appreciation in the value of the property occurring after delivery to the administrator, except in a case of intentional misconduct or malfeasance by the administrator.

Notwithstanding this subsection, the administrator may sell the securities of any single issue whose custodial costs are likely to exceed its value anytime 90 days or more after they have been advertised pursuant to section 1960. A person making a claim under this Act after these securities have been sold is only entitled to the net proceeds received from the sale.

PART Y

Sec. Y-1. 30-A MRSA §5681, sub-§5, ¶¶A and B, as amended by PL 2001, c. 559, Pt. G, §1, are further amended to read:

A. For months beginning before May July 1, 2003, 5.1%; and

2 B. For months beginning on or after May July 1, 2003, 5.2%.

4 **PART Z**

6 **Sec. Z-1. 36 MRSA §1760, sub-§31, ¶A**, as amended by PL 2001,
c. 709, §1, is further amended to read:

8
10 A. For use by the purchaser directly and primarily in the
12 production of tangible personal property intended to be sold
14 or leased ultimately for final use or consumption or in the
16 production of tangible personal property pursuant to a
18 contract with the United States Government or any agency
20 thereof, or, ~~in the case of sales occurring on or after
22 March 1, 2003 but prior to July 1, 2003, in the generation
24 of digital television broadcast signals or, in the case of
26 sales occurring after June 30, 2003, in the generation of
28 radio and television broadcast signals by broadcast stations
30 licensed under 47 Code of Federal Regulations, Part 73.~~
This exemption applies even if the purchaser sells the
machinery or equipment and leases it back in a sale and
leaseback transaction. This exemption also applies whether
the purchaser agrees before or after the purchase of the
machinery or equipment to enter into the sale and leaseback
transaction and whether the purchaser's use of the machinery
or equipment in production commences before or after the
sale and leaseback transaction occurs, ~~As used in this
paragraph, "digital television broadcast signal" means an
over-the-air signal transmitted by a television station
licensed under 47 Code of Federal Regulations, Part 73; and~~

32 **PART AA**

34 **Sec. AA-1. 36 MRSA §112, sub-§12**, as enacted by PL 2001, c.
36 559, Pt. GG, §2 and affected by §26, is repealed.

38 **Sec. AA-2. 36 MRSA §5122, sub-§1, ¶N**, as amended by PL 2001,
c. 700, §3, is further amended to read:

40
42 N. For any taxable year beginning in 2002, 2003 or 2004, an
44 amount equal to the net increase in depreciation
46 attributable to a 30% bonus depreciation deduction claimed
48 by the taxpayer pursuant to Section 101 of the federal Job
50 Creation and Worker Assistance Act of 2002, Public Law
107-147 with respect to property placed in service during
the taxable year, ~~multiplied by the factor obtained by
subtracting from the number 1.0 the conformity factor
calculated by the State Tax Assessor under section 112,
subsection 12;~~

2 **Sec. AA-3. 36 MRSA §5122, sub-§2, ¶Q**, as enacted by PL 2001,
c. 559, Pt. GG, §12 and affected by §26, is amended to read:

4
6 Q. For tax years beginning in ~~2003, 2004 or~~, 2005 or 2006,
an amount equal to 1/3 of any amount added back to federal
8 adjusted gross income by the taxpayer for the 2002 tax year
pursuant to subsection 1, paragraph N, except with respect
10 to 3-year property, in which case this paragraph does not
apply to 2005 or 2006 tax years and the amount to be
12 subtracted pursuant to this paragraph in the 2004 tax year
is an amount equal to ~~2/3-of~~ the amount added back pursuant
14 to subsection 1, paragraph N, for tax years beginning in
2002;

16 **Sec. AA-4. 36 MRSA §5122, sub-§2, ¶¶R and S** are enacted to
read:

18
20 R. For tax years beginning in 2005, 2006 or 2007, an amount
equal to 1/3 of any amount added back to federal adjusted
22 gross income by the taxpayer for the 2003 tax year pursuant
to subsection 1, paragraph N, except with respect to 3-year
24 property, in which case this paragraph does not apply to
2006 or 2007 tax years and the amount to be subtracted
26 pursuant to this paragraph in the 2005 tax year is an amount
equal to the amount added back pursuant to subsection 1,
paragraph N for tax years beginning in 2003; and

28
30 S. For tax years beginning in 2006, 2007 or 2008, an amount
equal to 1/3 of any amount added back to federal adjusted
32 gross income by the taxpayer for the 2004 tax year pursuant
to subsection 1, paragraph N, except with respect to 3-year
34 property, in which case this paragraph does not apply to
2007 or 2008 tax years and the amount to be subtracted
36 pursuant to this paragraph in the 2006 tax year is in an
amount equal to the amount added back pursuant to subsection
1, paragraph N for tax years beginning in 2004.

38 **Sec. AA-5. 36 MRSA §5200-A, sub-§1, ¶N**, as amended by PL 2001,
40 c. 700, §5, is further amended to read:

42 N. For any taxable year beginning in 2002, 2003 or 2004, an
amount equal to the net increase in depreciation
44 attributable to a 30% bonus depreciation deduction claimed
by the taxpayer pursuant to Section 101 of the federal Job
46 Creation and Worker Assistance Act of 2002, Public Law
107-147 with respect to property placed in service during
48 the taxable year, ~~--multiplied by the factor--obtained by~~
~~subtracting--from--the--number--1.0--the--conformity--factor~~

2 ~~calculated by the State Tax Assessor under section 112,~~
 ~~subsection 12;~~

4 **Sec. AA-6. 36 MRSA §5200-A, sub-§2, ¶¶L and M,** as enacted by
PL 2001, c. 559, Pt. GG, §18 and affected by §26, are amended to
6 read:

8 L. An amount equal to the absolute value of any net
operating loss arising from a tax year beginning or ending
10 in 2001 for which federal taxable income was increased under
subsection 1, paragraph M and that, pursuant to Section 102
12 of the federal Job Creation and ~~Work~~ Worker Assistance Act
of 2002, Public Law 107-147, was carried back more than 2
14 years to the taxable year for federal income tax purposes,
but only to the extent that:

16 (1) Maine taxable income is not reduced below zero;

18 (2) The taxable year is either within 2 years prior to
20 the year in which the loss arose or within the
allowable federal period for carry-over of net
22 operating losses; and

24 (3) The amount has not been previously used as a
modification pursuant to this subsection; and

26 M. For tax years beginning in ~~2003,~~ 2004 ~~or,~~ 2005 or 2006,
28 any amount equal to 1/3 of any amount added back to federal
taxable income by the taxpayer for the 2002 tax year
30 pursuant to subsection 1, paragraph N, except with respect
to 3-year property, in which case this paragraph does not
32 apply to 2005 or 2006 tax years and the amount to be
subtracted pursuant to this paragraph in the 2004 tax year
34 is an amount equal to ~~2/3-of~~ the amount added back pursuant
to subsection 1, paragraph N;

36 **Sec. AA-7. 36 MRSA §5200-A, sub-§2, ¶¶N and O** are enacted to
38 read:

40 N. For tax years beginning in 2005, 2006 or 2007, an amount
42 equal to 1/3 of any amount added back to federal taxable
44 income by the taxpayer for the 2003 tax year pursuant to
46 subsection 1, paragraph N, except with respect to 3-year
48 property, in which case this paragraph does not apply to
2006 or 2007 tax years and the amount to be subtracted
pursuant to this paragraph in the 2005 tax year is an amount
equal to the amount added back pursuant to subsection 1,
paragraph N; and

2 O. For tax years beginning in 2006, 2007 or 2008, an amount
4 equal to 1/3 of any amount added back to federal taxable
6 income by the taxpayer for the 2004 tax year pursuant to
8 subsection 1, paragraph N, except with respect to 3-year
10 property, in which case this paragraph does not apply to
12 2007 or 2008 tax years and the amount to be subtracted
14 pursuant to this paragraph in the 2006 tax year is an amount
16 equal to the amount added back pursuant to subsection 1,
18 paragraph N.

12 **PART BB**

14 **Sec. BB-1. 36 MRSA §6654**, as amended by PL 2001, c. 358, Pt.
16 H, §1 and affected by §3, is further amended to read:

18 **§6654. Claim for reimbursement**

20 A person entitled to reimbursement of property taxes paid
22 with respect to eligible property pursuant to section 6652 may
24 file a single claim annually for reimbursement with the State Tax
26 Assessor. The reimbursement claim must be filed with the State
28 Tax Assessor ~~beginning any time after the last property tax~~
30 ~~payment in a calendar year has been made but no later than April~~
32 ~~1st of the following calendar year~~ on or after August 1st and on
34 or before the following December 31st for property taxes paid
36 during the preceding calendar year for which no previous
38 reimbursement pursuant to this chapter has been made. ~~The For~~
40 ~~good cause, the State Tax Assessor may at any time extend for~~
42 ~~good cause the date on which the time for filing a claim for~~
44 ~~reimbursement is due, but in no event may a claim be allowed if~~
46 ~~it is submitted later than~~ for a period not exceeding 60 days
48 after from the original due date. Except as otherwise provided,
50 the claim must be accompanied by the statement obtained by the
claimant pursuant to section 6653. If the claimant requests
reimbursement of an amount of tax that differs from the amount of
tax specified for the eligible property in the statement provided
by the assessor or assessors of the taxing jurisdiction, the
claimant must attach to the claim form an explanation of the
reasons for that difference and the State Tax Assessor shall
determine the correct amount of reimbursement to which the
claimant is entitled, taking into consideration both the
statement from the assessor or assessors and the taxpayer's
explanation. If, for any reason, the claimant is unable to
obtain the statement specified in section 6653 from the assessor
or assessors within the time specified in section 6653, the
claimant must attach to the claim form an explanation of the
amount of reimbursement requested and the State Tax Assessor
shall process the claim without that statement.

2 **Sec. BB-2. 36 MRSA §6656**, as amended by PL 2001, c. 358, Pt.
H, §2 and affected by §3, is further amended to read:

4 **§6656. Payment of claims**

6 Except as provided in section 6652, subsection 3, upon
7 receipt of a timely and properly completed claim for
8 reimbursement, the State Tax Assessor shall certify that the
9 claimant is eligible for reimbursement and shall pay the amount
10 claimed from the General Fund ~~at any time after receipt of the~~
~~claim but in any event by November 1st or~~ within 180 90 days
12 after the due date receipt of the claim, whichever is later. For
13 those claims for which payments are withheld pursuant to section
14 6652, subsection 3, reimbursement must be paid within 180 90 days
15 after the assessor receives notification under that subsection
16 that the report has been received.

18 **Sec. BB-3. Appropriations and allocations.** The following
19 appropriations and allocations are made.

20 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
21 **DEPARTMENT OF 18**

22 **Business Equipment Tax Reimbursement**
23 **(BETR) 0806**

24 Initiative: Provides for the deappropriation of funds from
25 savings achieved through a change in the filing date to August
26 1st for reimbursement purposes.

27

General Fund	2002-03
All Other	(\$47,970,000)

30 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
31 **DEPARTMENT OF 18**
32 **DEPARTMENT TOTALS**

33

	2002-03
GENERAL FUND	(47,970,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$47,970,000)

34 **Sec. BB-4. Application.** Those sections of this Part that
35 amend the Maine Revised Statutes, Title 36, sections 6654 and
36 6656 apply to unreimbursed property taxes paid on or after
37 January 1, 2002.

38 **PART CC**

Sec. CC-1. 22 MRSA §§3175-A and 3175-B are enacted to read:

2
4 **§3175-A. Delinquent nursing home taxes to be withheld
from Medicaid payments**

6 Whenever the commissioner receives written notice from the
8 State Tax Assessor that a nursing home is delinquent by more than
10 30 days in making a health care provider tax payment required by
12 Title 36, section 2873, the commissioner shall, upon 10 days'
14 written notice, withhold the outstanding amount of tax, together
16 with any applicable interest and penalties, from the nursing
home's Medicaid payments. All amounts withheld by the
commissioner pursuant to this section are deemed to be health
care provider tax payments by the nursing home and must be
transferred within 30 days to the State Tax Assessor, who shall
apply the amount in question to the nursing home's tax account.

18 **§3175-B. Delinquent residential treatment facility taxes to be
withheld from Medicaid payments**

20 Whenever the commissioner receives written notice from the
22 State Tax Assessor that a residential treatment facility is
24 delinquent by more than 30 days in making a health care provider
26 tax payment required by Title 36, section 2873, the commissioner
28 shall, upon 10 days' written notice, withhold the outstanding
30 amount of tax, together with any applicable interest and
32 penalties, from the residential treatment facility's Medicaid
34 payments. All amounts withheld by the commissioner pursuant to
this section are deemed to be health care provider tax payments
by the residential treatment facility and must be transferred
within 30 days to the State Tax Assessor, who shall apply the
amount in question to the residential treatment facility's tax
account.

36 **Sec. CC-2. 36 MRSA §191, sub-§2, ¶R,** as repealed and replaced
by PL 1995, c. 625, Pt. A, §47, is amended to read:

38 R. The disclosure to the Department of Human Services,
40 Bureau-of-Medical-Serviees or the Department of Behavioral
42 and Developmental Services of information relating to the
administration and collection of the tax imposed by chapter
369 373;

44 **Sec. CC-3. 36 MRSA c. 373** is enacted to read:

46 **CHAPTER 373**

48 **HEALTH CARE PROVIDER TAX**

50 **§2871. Definitions**

2 As used in this chapter, unless the context otherwise
4 indicates, the following terms have the following meanings.

6 1. Annual gross patient services revenue. "Annual gross
8 patient services revenue" means gross charges, excluding any
10 grants, donations or research funding.

12 2. Annual net operating revenue. "Annual net operating
14 revenue" means gross charges less any amounts allowable as bad
16 debts, charity care or payer discounts.

18 3. Fiscal year. "Fiscal year" means the state fiscal year.

20 4. Nursing home. "Nursing home" means a facility providing
22 nursing facility services and licensed under Title 22, chapter
24 405 to provide nursing facility services.

26 5. Nursing facility services. "Nursing facility services"
28 means nursing care or rehabilitative services provided in a
30 nursing home, by or under the direction of a physician, for the
32 accommodation of convalescents or other persons who are not
34 accutely ill and not in need of inpatient hospital care, but who
36 do require skilled nursing care and related medical services.

38 6. Residential treatment facility. "Residential treatment
40 facility" means an intermediate care facility for the mentally
42 retarded, or a level I assisted living facility for the mentally
44 retarded, that falls within the definitions provided by the
46 United States Social Security Act, 42 United States Code, Section
48 1396(d) and that provides services to individuals with
50 developmental disabilities and that is not state-operated.
"Residential treatment facility" also means a community-based
facility that provides similar services to the developmentally
disabled under a waiver granted pursuant to the United States
Social Security Act, 42 United States Code, Section 1396n(c) to
the extent permitted by federal law and regulations.

7. Taxable revenues. "Taxable revenues" means annual gross
patient services revenue in the case of a residential treatment
facility and annual net operating revenue in the case of a
nursing home.

§2872. Tax imposed; fiscal years beginning 2002

For fiscal years beginning on or after July 1, 2002, in
addition to all other fees and taxes assessed or imposed by the
Maine Revised Statutes, a tax is imposed annually against each
residential treatment facility and nursing home located in the
State calculated as follows.

1 1. Residential treatment facilities. The tax imposed
2 against each residential treatment facility is equal to 6% of its
3 annual gross patient services revenue for the fiscal year.

4
5 2. Nursing homes. The tax imposed against each nursing
6 home is equal to 6% of its annual net operating revenue for the
7 fiscal year attributable to the provision of nursing facility
8 services.

9
10 The tax imposed by this section is an obligation of the
11 provider pursuant to section 2873 and may not be billed to a
12 patient as a separately stated charge.

13 **§2873. Return and payment of tax; application of revenues**

14
15 1. Monthly returns required; payment of estimated tax
16 liability. On or before the 15th day of each month, each person
17 subject to the tax imposed by this chapter shall submit to the
18 assessor a return on a form prescribed and furnished by the
19 assessor. Each return must be accompanied by a payment of an
20 amount equal to 1/12 of the person's estimated tax liability for
21 the entire current fiscal year. A person may estimate its tax
22 liability for the current fiscal year by applying the tax rates
23 provided by section 2872 to the most recent fiscal year for which
24 relevant taxable revenues have been finally determined and are no
25 longer open to audit adjustment or correction, provided that the
26 fiscal year in question began no earlier than 3 years prior to
27 the beginning of the current fiscal year. Once a taxpayer has
28 made its first monthly payment for a fiscal year pursuant to this
29 subsection, the monthly amount must remain fixed throughout the
30 fiscal year unless the assessor authorizes a change. If the
31 person's estimated annual tax liability as reported and paid
32 pursuant to this subsection does not equal the tax imposed on
33 that person by section 2872, any adjustments necessary to
34 reconcile the estimated tax with the correct tax amount must be
35 made pursuant to subsection 2.

36
37 2. Reconciliation return required. On or before October
38 15, 2003 and each October 15th thereafter, each person subject in
39 a prior fiscal year or fiscal years to the tax imposed by the
40 chapter shall submit a reconciliation return on a form prescribed
41 and furnished by the assessor. The reconciliation return must
42 account for any adjustments necessary to reconcile the annual tax
43 for a prior fiscal year estimated pursuant to subsection 1 with
44 the person's correct tax liability, and the person must submit
45 with the reconciliation return payment of any amount due for the
46 prior fiscal year or fiscal years. The taxpayer may also claim
47 on the reconciliation return a refund or credit for any
48 overpayment of tax. The determination of amounts due or overpaid
49 is calculated by comparing the tax originally estimated and paid
50

2 in the prior fiscal year or fiscal years with the tax imposed by
3 section 2872 on taxable revenues actually received, together with
4 any audit adjustments or corrections of which the person has
5 knowledge on or before September 15th immediately preceding the
6 due date of the return. The obligation to file a reconciliation
7 return with respect to a particular fiscal year continues until
8 the relevant taxable revenues for that fiscal year have been
9 finally determined and are no longer open to audit adjustment or
10 correction and the person has reported those revenues on a
11 reconciliation return.

12 **3. Audit period to remain open; accrual of penalties and**
13 **interest.** Notwithstanding any other provision of law, the tax
14 imposed against a person by section 2872 for any fiscal year
15 remains open to audit and further assessment by the assessor
16 until the person's taxable revenues for that fiscal year have
17 been finally determined. Any underestimates of tax liability
18 reported and paid pursuant to subsection 1 are subject to an
19 assessment of interest at the rate provided in section 186 from
20 the date or dates of underpayment until payment is made, unless
21 the estimated tax liability was calculated by applying the tax
22 rates provided by section 2872 to the most recent fiscal year for
23 which relevant taxable revenues have been finally determined, in
24 which case no interest may accrue prior to the date on which the
25 reconciliation return for the year is due. Any amount of tax
26 that is reported on a reconciliation return required by
27 subsection 2 but not paid at the time the reconciliation return
28 is filed is subject to the accrual of interest as provided by
29 section 186, as well as to any applicable provisions of section
30 187-B, including, without limitation, the penalty provided by
31 section 187-B, subsection 2 for failure to pay a tax.

32 **4. Application of revenues.** Revenues derived by the tax
33 imposed by this chapter must be credited to a General Fund
34 suspense account. On the last day of each month, the State
35 Controller shall make the following transfers:

36 **A.** All revenues received by the assessor during the month
37 pursuant to this chapter from nursing homes net of refunds
38 must be credited to the Nursing Facilities Other Special
39 Revenue funds account in the Department of Human Services.
40 The Commissioner of Human Services is authorized to make
41 revenue transfers from the Nursing Facilities Other Special
42 Revenue funds account to the Medical Care - Payments to
43 Providers Other Special Revenue funds account and the Long
44 Term Care - Human Services Other Special Revenue funds
45 account in amounts not to exceed legislative allocations in
46 any fiscal year; and
47
48

2 B. All revenues received by the assessor during the month
3 pursuant to this chapter from residential treatment
4 facilities net of refunds must be credited to the
5 Residential Treatment Facilities Assessment Other Special
6 Revenue funds account in the Department of Behavioral and
7 Developmental Services.

8 **Sec. CC-4. Residential Treatment Facilities Assessment Other**
9 **Special Revenue funds program.** There is created in the Department
10 of Behavioral and Developmental Services an Other Special Revenue
11 funds program to be known as the "Residential Treatment
12 Facilities Assessment," which is composed of a portion of the
13 assessment set forth in the Maine Revised Statutes, Title 36,
14 chapter 373. Funds in the Residential Treatment Facilities
15 Assessment may be expended only for behavioral and developmental
16 services and may be expended only upon allocation by the
17 Legislature. Any unexpended funds remaining at the end of each
18 fiscal year may not lapse but must be carried forward to be used
19 for the same purposes.

20 **Sec. CC-5. Appropriations and allocations.** The following
21 appropriations and allocations are made.

22 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
23 **DEPARTMENT OF 14**

24 **Residential Treatment Facilities**
25 **Assessment (New)**

26 Initiative: Provides for the allocation of funds from revenue
27 generated by the imposition of an assessment on residential
28 treatment facilities for individuals with developmental
29 disabilities.

30 **Other Special Revenue Funds** 2002-03
31 All Other \$1,358,000

32 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
33 **DEPARTMENT OF 14**

34 **DEPARTMENT TOTALS** 2002-03

35 **OTHER SPECIAL REVENUE FUNDS** 1,358,000

36 **DEPARTMENT TOTAL - ALL FUNDS** 1,358,000

37 **SECTION TOTALS** 2002-03

38 **OTHER SPECIAL REVENUE FUNDS** 1,358,000

39 **SECTION TOTALS - ALL FUNDS** \$1,358,000

2 **Sec. CC-6. Appropriations and allocations.** The following
 4 appropriations and allocations are made.

6 **HUMAN SERVICES, DEPARTMENT OF 10A**

8 **Medical Care - Payments to Providers 0147**

10 Initiative: Provides for the allocation of funds to increase
 12 payments for private duty nursing/personal care; elderly and
 14 adults with disabilities waiver; adult day health care; adult
 16 family home care; and medical and remedial private, nonmedical
 18 institution services.

14	Other Special Revenue Funds	2002-03
16	All Other	\$1,614,000
18	Total	<hr/> 1,614,000

20	Federal Expenditures Fund	2002-03
22	All Other	1,900,000
24	Total	<hr/> 1,900,000

26 **Nursing Facilities 0148**

28 Initiative: Allocates dedicated revenue from the nursing
 30 facility tax in the MaineCare Program for program expenses.

30	Other Special Revenue Funds	2002-03
32	All Other	9,500,000

34 **Nursing Facilities 0148**

36 Initiative: Provides for the allocation of funds required to
 38 make the payment of a nursing facility net operating revenue
 40 assessment an allowable cost under the MaineCare Program.

40	Other Special Revenue Funds	2002-03
42	All Other	5,111,000
44	Total	<hr/> 5,111,000

44	Federal Expenditures Fund	2002-03
46	All Other	10,724,459
48	Total	<hr/> 10,724,459

50 **Nursing Facilities 0148**

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Initiative: Provides for the allocation of funds to increase
recruitment and retention of direct care staff for nursing
facilities.

4
6 **Other Special Revenue Funds** **2002-03**
All Other 5,447,000
8 Total 5,447,000

10 **Federal Expenditures Fund** **2002-03**
All Other 9,821,558
12 Total 9,821,558

14 **Long Term Care - Human Services 0420**

16 Initiative: Provides for the allocation of funds to increase
18 payments to improve recruitment and retention of direct care
staff in the Home Based Care Program for elders and adults with
20 disabilities.

22 **Other Special Revenue Funds** **2002-03**
All Other 486,000

24 **HUMAN SERVICES, DEPARTMENT OF 10A**
26 **DEPARTMENT TOTALS** **2002-03**

28 **OTHER SPECIAL REVENUE FUNDS** **22,158,000**
FEDERAL EXPENDITURES FUND **22,446,017**
30 **DEPARTMENT TOTALS - ALL FUNDS** **44,604,017**

32 **SECTION TOTALS** **2002-03**

34 **OTHER SPECIAL REVENUE FUNDS** **22,158,000**
36 **FEDERAL EXPENDITURES FUND** **22,446,017**

38 **SECTION TOTALS - ALL FUNDS** **\$44,604,017**

40 **Sec. CC-7. Rulemaking.** The Commissioner of Human Services
shall adopt rules necessary for the proper implementation of this
42 Part. Rules adopted pursuant to this section are routine
technical rules as defined in the Maine Revised Statutes, Title
44 5, chapter 375, subchapter 2-A.

46 **Sec. CC-8. Application date; retroactivity.** The sections of this
Part that enact taxes on residential treatment facilities and
48 nursing homes take effect with regard to each of those classes of
facilities when the Commissioner of Human Services notifies the
50 State Tax Assessor that, based on representations

2 from the United States Department of Health and Human Services,
the tax imposed by the Maine Revised Statutes, Title 36, section
4 2872 on that class of facilities is a permissible health care
related tax as defined in Title 42, Part 433, Section 68 of the
6 Code of Federal Regulations. Once effective, this Part applies
retroactively to July 1, 2002. The first tax returns and
8 payments required by this Part must be made on the first filing
date that falls more than 45 days after the certification by the
10 Commissioner of Human Services to the State Tax Assessor or on
the first filing date that falls more than 45 days after the
12 effective date of this Part, whichever occurs later. On the same
filing date, persons subject to the health care provider tax
14 required by Title 36, chapter 373 must file a return and make
payment of all tax amounts for fiscal year 2002-03 that would
16 otherwise have become due since July 1, 2002 had this Part been
in effect at that time. If certification by the Commissioner of
18 Human Services to the State Tax Assessor does not occur prior to
June 30, 2003, this Part does not take effect.

20 **Sec. CC-9. Effective dates.** Section 5 of this Part takes
effect when the Commissioner of Human Services notifies the State
22 Tax Assessor that the tax on residential treatment facilities is
a permissible health care related tax as specified in section 8
24 of this Part; and section 6 of this Part takes effect when the
Commissioner of Human Services notifies the State Tax Assessor
26 that the tax on nursing homes is a permissible health care
related tax as specified in section 8 of this Part.

30 **PART DD**

32 **Sec. DD-1. Appropriations and allocations.** The following
appropriations and allocations are made.

34 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
36 **DEPARTMENT OF 18**

38 **Bureau of Revenue Services 0002**

40 Initiative: Provides for the appropriation of funds for
required programming services to the Maine Automated Taxpayer
42 System, MATS, to properly manage, account and report for the
addition of the proposed assessment on service providers.

44 **General Fund** **2002-03**
46 All Other **\$72,500**

48 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
DEPARTMENT OF 18

50 **DEPARTMENT TOTALS** **2002-03**

2	GENERAL FUND	72,500
4	DEPARTMENT TOTAL - ALL FUNDS	72,500
6	BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF 14	
8	Medicaid Services - Mental Retardation 0705	
10	Initiative: Provides for the deappropriation of funds related	
12	to the tax on residential treatment facilities for individuals	
14	with developmental disabilities.	
16	General Fund	2002-03
16	All Other	(900,000)
18	BEHAVIORAL AND DEVELOPMENTAL SERVICES DEPARTMENT OF 14	
20	DEPARTMENT TOTALS	2002-03
22	GENERAL FUND	(900,000)
24	DEPARTMENT TOTAL - ALL FUNDS	(900,000)
26	HUMAN SERVICES, DEPARTMENT OF 10A	
28	Medical Care - Payments to Providers 0147	
30	Initiative: Provides for the deappropriation and allocation of	
32	funds associated with a Medicaid waiver that would allow for a	
34	portion of the Healthy Maine Prescription Program to be paid	
34	for with federal funds.	
36	General Fund	2002-03
36	All Other	(6,500,000)
38	Total	(6,500,000)
40	Federal Expenditures Fund	2002-03
42	All Other	24,000,000
44	Total	24,000,000
46	Nursing Facilities 0148	
48	Initiative: Provides for the deappropriation of funds related	
50	to the nursing facility tax in the MaineCare Program.	
50	General Fund	2002-03

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	All Other	(9,500,000)
4	HUMAN SERVICES, DEPARTMENT OF 10A	
4	DEPARTMENT TOTALS	2002-03
6	GENERAL FUND	(16,000,000)
6	FEDERAL EXPENDITURES FUND	24,000,000
8		<hr/>
10	DEPARTMENT TOTAL - ALL FUNDS	8,000,000
12	SECTION TOTALS	2002-03
12	GENERAL FUND	(16,827,500)
14	FEDERAL EXPENDITURES FUND	24,000,000
16		<hr/>
16	SECTION TOTALS - ALL FUNDS	\$7,172,500

18

20

PART EE

22

Sec. EE-1. 20-A MRSA §13451, sub-§3, ¶¶B and C, as enacted by PL 2001, c. 559, Pt. N, §1, are amended to read:

24

B. Thirty-five percent from July 1, 2002 to ~~March-31~~, June 30, 2003; and

26

28

C. Forty percent after ~~March-31~~, June 30, 2003.

30

PART FF

32

Sec. FF-1. 20-A MRSA §15602, sub-§17 is enacted to read:

34

17. Curtailment. The following curtailment is established for fiscal year 2002-03.

36

38

A. An amount equal to \$10,000,000 must be reduced from the following components of general purpose aid to local schools:

40

42

(1) The state share of the adjusted debt service allocation component must be reduced by \$2,000,000;

44

46

(2) The state share of the adjustments and miscellaneous costs component must be reduced by \$680,096, resulting in a 1.37% reduction for each of the categories in this component; and

48

50

(3) The state share of the foundation component including minimum subsidy must be reduced by \$7,319,904

2 by a method that preserves the equalizing intent of the
3 original distribution.

4 B. The method of curtailment for the foundation component
5 including minimum subsidy must be calculated as follows.

6 (1) The state share of each school administrative
7 unit's curtailment amount must equal each school
8 administrative unit's state share of the foundation
9 plus minimum subsidy multiplied by the unit's local
10 share percentage, as determined by the School Finance
11 Act of 1995, and this amount must be prorated so that
12 the statewide sum of all the foundation and minimum
13 subsidy curtailment does not exceed \$7,319,904.

14 (2) The foundation plus minimum subsidy curtailment
15 amount for each school administrative unit may not
16 exceed the total state share of foundation plus minimum
17 subsidy for that unit.

20
21
22 **PART GG**

23 **Sec. GG-1. Suspended application.** Notwithstanding Public Law
24 2001, chapter 439, Part CCC, section 1, the sections of the
25 Medicaid principles of reimbursement for nursing facilities
26 adopted pursuant to Public Law 2001, chapter 439, Part CCC,
27 section 1 may not be applied for state fiscal year 2002-03.

28
29
30 **PART HH**

31 **Sec. HH-1. PL 2001, c. 666, Pt. B** is amended to read:

32
33 **Sec. B-1. Rules regarding penalties for occupancy declines for**
34 **nursing facilities.** The Department of Human Services shall amend the
35 rules regarding the principles of reimbursement for nursing
36 facilities regarding fixed costs to apply the existing occupancy
37 adjustment when the occupancy for nursing facilities greater than
38 60 beds falls below 85% and when the occupancy for facilities of
39 60 beds or fewer falls below 80%. The rules amended pursuant to
40 this section must apply to reimbursement rates for services
41 provided beginning January July 1, 2003. Rules adopted pursuant
42 to this section are routine technical rules as defined in the
43 Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.
44
45

46
47
48 **PART II**

2 **Sec. II-1. 22 MRSA §3162, sub-§3, ¶I,** as enacted by PL 2001, c.
677, §1, is repealed.

4 **Sec. II-2. 24-A MRSA §4346, sub-§5, ¶H,** as enacted by PL 2001,
c. 708, §3, is repealed.

6
8

PART JJ

10 **Sec. JJ-1. 10 MRSA c. 14,** as amended, is repealed.

12 **Sec. JJ-2. 10 MRSA §1023-K, sub-§3,** as amended by PL 1999, c.
14 684, §2, is further amended to read:

16 **3. Application of fund.** The fund may be applied to carry
18 out any power of the authority under or in connection with
20 section 1026-P, including, but not limited to, the pledge or
22 transfer and deposit of money in the fund as security for and the
~~Pursuant to subsection 3-A, the fund may be used by the authority to fund the High-pollution~~
24 ~~Vehicle Retirement Pilot Program established under chapter 14.~~
The fund may be used for direct loans to finance all or part of
any clean fuel vehicle project when the authority determines that:

26 A. The applicant demonstrates a reasonable likelihood that
the applicant will be able to repay the loan;

28 B. The applicant demonstrates a reasonable likelihood that
30 the applicant will not be able to obtain the funds necessary
32 to undertake all or any part of the project from any other
source, including a loan insured under section 1026-P;

34 C. The project is technologically feasible; and

36 D. The project will contribute to a reduction of or more
38 efficient use of fossil fuels.

The authority shall adopt rules for determining eligibility,
40 project feasibility, terms, conditions and security for loans
42 under this section. Rules adopted pursuant to this section are
44 routine technical rules under Title 5, chapter 375, subchapter
II-A. Money in the fund not currently needed to meet the
obligations of the authority as provided in this section may be
invested in such a manner as permitted by law.

46 **Sec. JJ-3. 10 MRSA §1023-K, sub-§3-A,** as enacted by PL 1999,
48 c. 684, §3, is repealed.

COMMITTEE AMENDMENT

2 **Sec. JJ-4. 10 MRSA §1023-K, sub-§4**, as amended by PL 2001, c.
367, §3, is further amended to read:

4 **4. Accounts within fund.** The authority may divide the fund
5 into separate accounts as it determines necessary or convenient
6 for carrying out this section, including, but not limited to,
7 accounts reserved for direct loan funds ~~and accounts reserved for~~
8 ~~funds for the redemption of vouchers and payments to automobile~~
9 ~~scrappers in accordance with section 394, subsections 4 and 4-A.~~

10 **Sec. JJ-5. Clean Fuel Vehicle Fund; lapsed balances.** The
11 following funds in the Clean Fuel Vehicle Fund within the Finance
12 Authority of Maine lapse to the General Fund in fiscal year
13 2002-03:

14 1. Notwithstanding any other provision of law, \$69,468 of
15 the funds in the account created within the Clean Fuel Vehicle
16 Fund for the purpose of paying incentive vouchers and making
17 payments to automobile scrappers under the High-pollution Vehicle
18 Retirement Pilot Program established under the Maine Revised
19 Statutes, Title 10, chapter 14 lapses to the General Fund in
20 fiscal year 2002-03. Notwithstanding any other provisions of
21 this Part, the Finance Authority of Maine shall use remaining
22 funds in that account to pay up to \$51,000 in incentive vouchers
23 authorized by the Department of Environmental Protection prior to
24 October 8, 2002 and to pay up to \$10,150 in payments to
25 automobile scrappers authorized by the Department of
26 Environmental Protection prior to October 8, 2002. The Finance
27 Authority of Maine shall make those remaining payments in
28 accordance with the provisions of Title 10, former sections 393
29 and 394 in effect on October 8, 2002; and

30 2. Notwithstanding any other provision of law, \$107,404 in
31 funds in the account created within the Clean Fuel Vehicle Fund
32 for the purpose of providing loans to finance all or part of any
33 clean fuel vehicle project under Title 10, section 1023-K lapses
34 to the General Fund in fiscal year 2002-03.

35
36
37
38
39
40 **PART KK**

41 **Sec. KK-1. Transfer of former Caribou Armory building to Town of**
42 **Caribou.** Notwithstanding any other provision of law, the
43 Adjutant General may transfer the former Caribou Armory building,
44 located at 55 Bennett Drive, Caribou, to the City of Caribou in
45 lieu of payment due for any unpaid real estate taxes for the new
46 Caribou Armory building located at York and Sincock streets, Tax
47 Map 29, lots 13 and 13b. The Adjutant General is not authorized
48 to transfer the organizational maintenance shop or the metal
49 storage building located at 55 Bennett Drive.
50

2

PART LL

4

Sec. LL-1. 20-A MRSA §10402, sub-§§4 and 6, as enacted by PL 2001, c. 658, §2, are amended to read:

6

8 **4. Fiscal matters.** The responsibility for funding the council ~~must~~ may be shared equally between government and the private sector. The Maine Development Foundation shall serve as the council's fiscal agent, providing regular financial reports to the council on funds received and expended and an annual audit. The Maine Development Foundation shall seek funds and accept gifts to support the council's objectives.

16

6. **Report.** ~~Beginning in January 2003, the~~ The council shall report annually by January 31st to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters. The council shall report on implementation of its long-term plan and recommended changes to the long-term plan.

22

Sec. LL-2. PL 2001, c. 658, §3 is amended to read:

24

Sec. 3. **Initial members.** The initial members of the Maine Higher Educational Attainment Council established in the Maine Revised Statutes, Title 20-A, section 10401 ~~must be appointed by September 1, 2002~~ within 60 days of the President of the Maine Development Foundation's certifying to the Executive Director of the Legislative Council that private sector funding has been secured for the Higher Educational Attainment Council or within 60 days of the effective date of a General Fund appropriation for the Higher Educational Attainment Council, whichever is earlier.

34

Sec. LL-3. PL 2001, c. 658, §5 is enacted to read:

36

Sec. 5. **Contingent effective date.** Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 12004-G, subsection 10-B and Title 20-A, chapter 406 take effect only if the President of the Maine Development Foundation certifies to the Executive Director of the Legislative Council that private sector funding has been secured for the Higher Educational Attainment Council or a General Fund appropriation is made for the Higher Educational Attainment Council.

46

Sec. LL-4. **Retroactivity.** This Part applies retroactively to April 10, 2002.

48

50

PART MM

2 Maine," as amended; and that is licensed under Title 22, chapter
3 405 as a general hospital, specialty hospital or critical access
4 hospital. For purposes of this chapter, "hospital" does not
5 include a nursing home or a publicly owned specialty hospital.

6 3. Inpatient hospital services. "Inpatient hospital
7 services" means services that are furnished in a hospital by or
8 under the direction of a physician or a dentist for the care and
9 treatment of an inpatient.

10 4. Outpatient hospital services. "Outpatient hospital
11 services" means preventive, diagnostic, therapeutic,
12 rehabilitative or palliative services provided in a hospital to
13 an outpatient.

14 5. Publicly owned specialty hospital. "Publicly owned
15 specialty hospital" means a publicly owned hospital that is
16 primarily engaged in providing psychiatric services for the
17 diagnosis, treatment and care of persons with mental illness and
18 that is licensed as a specialty hospital by the Department of
19 Human Services.

20 6. Taxable revenues. "Taxable revenues" means gross
21 patient services revenue.

22 7. Tax year. "Tax year" means the hospital payment year,
23 as defined by the Department of Human Services, ending in state
24 fiscal year 1999-00.

25 **§2882. Tax imposed**

26 For state fiscal year 2002-03, a tax is imposed against each
27 hospital in the State. The tax is equal to .135% of gross
28 patient services revenue for the tax year as identified on the
29 hospital's annual financial statement for that year on file with
30 the Department of Human Services as of October 18, 2002, for
31 inpatient and outpatient services attributable to all private and
32 public payors.

33 **§2883. Return and payment of tax; application of revenues**

34 1. Return required. A person subject to the tax imposed by
35 this chapter shall submit to the assessor a return on a form
36 prescribed and furnished by the assessor and pay the tax by the
37 30th day following the effective date of this section.

38 2. Application of revenues. All revenues received by the
39 assessor under this chapter must be credited to the General Fund.

40

PART OO

2 **Sec. OO-1. 22 MRSA §1511, sub-§9** is enacted to read:

4 9. Working capital advance. Beginning July 1, 2003, the
6 State Controller is authorized to provide an annual advance up to
8 \$37,500,000 from the General Fund to the fund to provide money
10 for allocations from the fund. This money must be returned to
12 the General Fund as the first priority from the amounts credited
14 to the fund pursuant to subsection 2, paragraph A.

16 **Sec. OO-2. PL 2001, c. 358, Pt. Y, §1** is repealed.

PART PP

18 **Sec. PP-1. 21-A MRSA §1020-A, sub-§§4-A and 5-A** are enacted to
20 read:

22 4-A. Basis for penalties. The penalty for late filing of a
24 report required under this subchapter, except for accelerated
26 campaign finance reports required pursuant to section 1017,
28 subsection 3-B, is a percentage of the total contributions or
30 expenditures for the filing period, whichever is greater,
32 multiplied by the number of calendar days late, as follows:

34 A. For the first violation, 1%;

36 B. For the 2nd violation, 3%; and

38 C. For the 3rd and subsequent violations, 5%.

40 Any penalty of less than \$5 is waived.

42 Violations accumulate on reports with filing deadlines in a
44 2-year period that begins on January 1st of each even-numbered
46 year. Waiver of a penalty does not nullify the finding of a
48 violation.

50 A report required to be filed under this subchapter that is sent
by certified or registered United States mail and postmarked at
least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by
transmission of a facsimile copy of the duly executed report to
the commission, as long as an original of the same report is
received by the commission within 5 calendar days thereafter.

The penalty for late filing of an accelerated campaign finance
report as required in section 1017, subsection 3-B may be up to

2 but no more than 3 times the amount by which the contributions
3 received or expenditures obligated or made by the candidate
4 exceed the applicable Maine Clean Election Fund disbursement
5 amount, per day of violation. The commission shall make a
6 finding of fact establishing when the report was due prior to
7 imposing a penalty under this subsection. A penalty for failure
8 to file an accelerated campaign finance report must be made
9 payable to the Maine Clean Election Fund. In assessing a penalty
10 for failure to file an accelerated campaign finance report, the
11 commission shall consider the existence of mitigating
12 circumstances. For the purposes of this subsection, "mitigating
13 circumstances" has the same meaning as in subsection 2.

14 5-A. Maximum penalties. Penalties assessed under this
15 subchapter may not exceed:

16 A. Five thousand dollars for reports required under section
17 1017, subsection 2, paragraphs B, C, D, E or H; section
18 1017, subsection 3-A, paragraphs B, C, D or F; section 1017,
19 subsection 4; and section 1019;

22 B. Five thousand dollars for state party committee reports
23 required under section 1017-A, subsection 4, paragraphs A
24 and C and section 1018, subsection 2;

26 C. One thousand dollars for reports required under section
27 1017, subsection 2, paragraphs A and F; section 1017,
28 subsection 3-A, paragraphs A and E; and state party
29 committee reports required to be filed under section 1017-A,
30 subsection 4, paragraph B;

32 D. Five hundred dollars for municipal, district and county
33 committees for reports required under section 1017-A,
34 subsection 4, paragraphs A, B and C and section 1018,
35 subsection 2; or

36 E. Three times the unreported amount for reports required
37 under section 1017, subsection 3-B, if the unreported amount
38 is less than \$5,000 and the commission finds that the
39 candidate in violation has established, by a preponderance
40 of the evidence, that a bona fide effort was made to file an
41 accurate and timely report.

44 **Sec. PP-2. Retroactivity.** This Part applies retroactively to
45 August 1, 2002.

48 **PART QQ**

2 **Sec. QQ-1. BETR Reimbursement Loan Fund.** The BETR
Reimbursement Loan Fund, referred to in this section as the
"fund," is created under the jurisdiction and control of the
4 Finance Authority of Maine, referred to in this Part as the
"authority."

6 **1. Sources of money.** The fund consists of:

8 A. All money appropriated or allocated for inclusion in the
10 fund, from whatever source;

12 B. Subject to any pledge, contract or other obligation, all
interest, dividends or other pecuniary gains from investment
14 of money from the fund;

16 C. Subject to any pledge, contract, fee or other
obligation, any money that the authority receives in
18 repayment of advances from the fund; and

20 D. Any other money available to the authority and directed
by the authority to be paid into the fund.

22 **2. Application of fund.** Money in the fund may be applied
24 to carry out any power of the authority under or in connection
with the BETR Reimbursement Loan Program under this Part or to
26 pay obligations incurred in connection with the fund. Money in
the fund not needed currently to meet the obligations of the
28 authority as provided in this section may be invested in a manner
permitted by law. Up to 1% of the fund may be used to pay the
30 costs of administration of the BETR Reimbursement Loan Program
established in section 2 of this Part.

32 **3. Accounts within fund.** The authority may divide the fund
34 into separate accounts it determines necessary or convenient for
carrying out this section.

36 **4. Revolving fund.** The fund is a nonlapsing, revolving
38 fund. All money in the fund must be continuously applied by the
authority to carry out this Part.

40 **Sec. QQ-2. BETR Reimbursement Loan Program.** The BETR
42 Reimbursement Loan Program, referred to in this section as the
"program," is established to provide loans to businesses that
44 exhibit a substantial hardship resulting from the change in
timing of the application for and receipt of BETR Reimbursement
46 in 2003 as set out in Part BB of this Act.

48 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
50 following meanings.

2 A. "BETR" means the business equipment tax reimbursement
4 program established under the Maine Revised Statutes, Title
 36, chapter 915.

6 B. "Bureau" means the Department of Administrative and
 Financial Services, Bureau of Revenue Services.

8 C. "Eligible borrower" means a business that demonstrates
10 to the authority that:

12 (1) It has been certified by the bureau as
14 predetermined to be eligible for BETR reimbursement in
 2003;

16 (2) It will suffer a substantial hardship as
18 determined by the authority as a result of the change
 in timing of the application for and receipt of
20 reimbursement under BETR as set out in Part BB of this
 Act; and

22 (3) It is likely to be able to repay the loan
24 authorized by this section.

26 D. "Predetermined to be eligible" means that the business
28 has filed a complete application for reimbursement with the
 bureau under BETR, and the bureau has determined that the
30 business meets the criteria for eligibility and the amount
 of reimbursement to which the business will be entitled.

32 **2. Loan authority.** The authority may provide a loan to an
34 eligible borrower who files an application with the authority by
 April 1, 2003 pursuant to rules adopted under this section.

36 **3. Loan terms and conditions.** Loans provided under this
38 section may not exceed 90% of the amount of potential BETR
 reimbursement certified by the bureau.

40 The authority may establish prudent terms and conditions for
42 loans, including a pledge of the BETR reimbursement and any other
 collateral the authority determines to be prudent. Loan terms
44 may not extend beyond November 18, 2003. The interest rate
 charged on each loan may not exceed the prime rate of interest
46 plus 2%, as determined by the authority. The authority may
 further assist the borrower by allowing for the accrual of
48 interest until BETR reimbursement is received. The authority may
 charge a loan origination fee of 1%, payment of which may be
 deferred until receipt of BETR reimbursement.

2 administrative divisions of the legislative branch and
executive branch agencies. This section may not affect the
4 funds distributed to the Local Government Fund under Title
30-A, section 5681.

6 If the commission determines that the fund will not have
7 sufficient revenues to cover the likely demand for funds
8 from the Maine Clean Election Fund in calendar year 2006, by
9 January 1, 2006, the commission shall provide a report of
10 its projections of the balances in the Maine Clean Election
11 Fund to the Legislature and the Governor and may request
12 that the State Controller make the following transfers to
13 the Maine Clean Election Fund from the General Fund:

14 (1) Up to \$2,000,000 no later than February 28, 2006,
15 reflecting an advance of the transfer of the amounts
16 that would be received on or before January 1, 2007
17 pursuant to this paragraph; and

18 (2) Up to \$2,000,000 no later than July 31, 2006,
19 reflecting an advance of the transfer of the amounts
20 that would be received on or before January 1, 2008
21 pursuant to this paragraph;

22 **Emergency clause.** In view of the emergency cited in the
23 preamble, this Act takes effect when approved.'

24
25
26
27
28
29
30 **FISCAL NOTE**

31
32 **APPROPRIATIONS AND ALLOCATIONS**

	2002-03
33 General Fund	
34 PART A, Section A-1	(\$76,413,232)
35 PART A, Section A-2	\$350,000
36 PART BB, Section BB-3	(\$47,970,000)
37 PART DD, Section DD-1	(\$16,827,500)
38 GENERAL FUND, TOTAL	<u>(\$140,860,732)</u>
39 Highway Fund	
40 PART A, Section A-1	(\$622,356)
41 HIGHWAY FUND, TOTAL	<u>(\$622,356)</u>
42 Federal Expenditures Fund	

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	PART A, Section A-1	\$11,909,756
	PART CC, Section CC-6	\$22,446,017
4	PART DD, Section DD-1	\$24,000,000
6	FEDERAL EXPENDITURES FUND, TOTAL	\$58,355,773
8	Other Special Revenue funds	
	(excluding Fund for a Healthy Maine)	
10	PART A, Section A-1	(\$1,105,497)
12	PART CC, Section CC-5	\$1,358,000
	PART CC, Section CC-6	\$22,158,000
14	OTHER SPECIAL REVENUE FUNDS, TOTAL	\$22,410,503
16	(excluding Fund for a Healthy Maine)	
18	Fund for a Healthy Maine	
20	PART A, Section A-1	(\$2,209,318)
22	FUND FOR A HEALTHY MAINE, TOTAL	(\$2,209,318)
24	Federal Block Grant Fund	
26	PART A, Section A-1	\$6,100,000
28	FEDERAL BLOCK GRANT FUND, TOTAL	\$6,100,000
30	GENERAL FUND UNDEDICATED REVENUE	
32		2002-03
34	PART M	235,333
36	PART X	3,000,000
38	PART Y	441,744
40	PART Z	74,953
42	PART AA	16,570,264
44	PART NN	3,578,196
46	GENERAL FUND UNDEDICATED REVENUE, TOTAL	\$23,900,490
48		
50	ADJUSTMENTS TO GENERAL FUND BALANCE	

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

		2002-03
2		
4	PART B, Section B-2	1,285,000
	PART B, Section B-3	1,720,608
6	PART B, Section B-4	6,708,171
	PART B, Section B-5	2,431
8	PART B, Section B-6	38,626
	PART B, Section B-7	200
10	PART B, Section B-8	200,000
	PART B, Section B-9	10,362,638
12	PART B, Section B-10	9,600,000
	PART B, Section B-11	10,000,000
14	PART B, Section B-12	9,300,000
	PART B, Section B-13	919,815
16	PART B, Section B-14	622,356
18	PART C, Section C-1	6,071
	PART C, Section C-2	154,000
20		
22	PART D, Section D-1	17,657
24	PART E, Section E-1	163
	PART E, Section E-2	35,989
	PART E, Section E-3	40,459
26	PART E, Section E-4	2,113,059
28	PART F, Section F-1	1,000
	PART F, Section F-2	4,138
30	PART F, Section F-3	1,797
	PART F, Section F-4	1,494
32	PART F, Section F-5	64,796
	PART F, Section F-6	5,445
34		
36	PART G, Section G-1	10,721
38	PART H, Section H-1	976
	PART H, Section H-2	62,200
	PART H, Section H-3	570
40		
42	PART I, Section I-1	75,250
	PART I, Section I-2	51,000
	PART I, Section I-3	25,774
44	PART I, Section I-4	17,600
46	PART J, Section J-1	2,000,000
	PART J, Section J-2	113,430
48		
50	PART K, Section K-1	6,244
	PART K, Section K-2	120,000

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2	PART K, Section K-3	125,000
4	PART L, Section L-1	59,261
	PART L, Section L-2	42,093
6	PART L, Section L-3	91,018
8	PART N, Section N-1	2,500,000
10	PART O, Section O-1	49,000
	PART O, Section O-2	477,746
12	PART O, Section O-3	3,191,659
	PART O, Section O-4	73,586
14	PART O, Section O-5	88,000
	PART O, Section O-6	38,276
16	PART O, Section O-7	179,914
	PART O, Section O-8	99,395
18	PART P, Section P-1	78,718
20	PART Q, Section Q-1	864,898
22	PART R, Section R-1	200,000
24	PART S, Section S-1	18,071
26	PART T, Section T-1	239
28	PART U, Section U-1	6,106
30	PART V, Section V-1	3,710
	PART V, Section V-2	1,107
32	PART V, Section V-3	1,022
	PART W, Section W-1	20,000
34	PART W, Section W-2	4,279
36	PART JJ, Section JJ-5	176,872
38	PART MM, Section MM-1	20,000
40	ADJUSTMENTS TO GENERAL FUND BALANCE, TOTAL	<u>\$64,099,648</u>
42	ADJUSTMENTS TO HIGHWAY FUND BALANCE	
44		2002-03
	PART B, Section B-12	(\$9,300,000)
46	PART B, Section B-14	(\$622,356)
48	ADJUSTMENTS TO HIGHWAY FUND BALANCE, TOTAL	<u>(\$9,922,356)</u>
50	ADJUSTMENTS TO BALANCE, FUND FOR A HEALTHY MAINE	

2		2002-03
4	PART B, Sections B-1, B-9, B-18 & PART II	(\$10,362,638)
	PART B, Section B-13	(\$9,318)
6	PART B, Section B-1, B-18 & Part II	\$1,700,000
8	ADJUSTMENTS TO FUND FOR A HEALTHY MAINE BALANCE, TOTAL	<hr/> (\$8,671,956)

10 The Federal Expenditures Fund and Other Special Revenue
12 funds allocations in Part CC, Section CC-5 are contingent on the
14 implementation of the proposed assessment on nursing homes and
residential treatment facilities.

16 Part DD, Section DD-1 contains General Fund deappropriations
18 that are related to the proposed assessment on nursing homes and
residential treatment facilities or the approval of a federal
20 waiver. If either the assessment or the waiver is not
22 implemented, the Department of Behavioral and Developmental
Services and the Department of Human Services may require
supplemental appropriations in FY 2002-03.

24

SUMMARY

26

28 This amendment strikes the bill and substitutes the
following.

30

PART A

32 Part A does the following:

34 1. Adjusts the appropriations and allocations to achieve
36 General Fund savings; and

38 2. Provides appropriations to offset a portion of the
40 curtailment financial order and to provide funds for the backlog
of autopsies.

42

PART B

44 Part B does the following:

46 1. Repeals Public Law 2001, chapter 358, Part JJ, section
48 1, which authorized a working capital advance from the Fund for a
Healthy Maine to the Maine Rx Dedicated Fund in the Department of
Human Services;

50

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 2. Lapses \$1,285,000 from the Bureau of General Services
3 Planning and Construction General Fund account in the Department
4 of Administrative and Financial Services to the General Fund in
5 fiscal year 2002-03;

6 3. Lapses \$1,720,608 from the Capital Construction and
7 Improvement Reserve Fund General Fund account in the Department
8 of Administrative and Financial Services to the General Fund in
9 fiscal year 2002-03;

10 4. Lapses \$6,708,171 from the General Fund Salary Plan
11 account in the Department of Administrative and Financial
12 Services to the General Fund in fiscal year 2002-03;

13 5. Transfers \$2,431 from the Bureau of Revenue Services
14 Other Special Revenue funds account in the Department of
15 Administrative and Financial Services to the unappropriated
16 surplus of the General Fund no later than June 30, 2003;

17 6. Transfers \$38,626 from the Bureau of General Services
18 Energy Conservation Other Special Revenue funds account in the
19 Department of Administrative and Financial Services to the
20 unappropriated surplus of the General Fund no later than June 30,
21 2003;

22 7. Transfers \$200 from the Energy Costs - Stripper Well
23 Other Special Revenue funds account in the Department of
24 Administrative and Financial Services to the unappropriated
25 surplus of the General Fund no later than June 30, 2003;

26 8. Transfers \$200,000 from the Public Improvements -
27 Planning/Construction - Admin Other Special Revenue funds account
28 in the Department of Administrative and Financial Services to the
29 unappropriated surplus of the General Fund no later than June 30,
30 2003;

31 9. Transfers \$10,362,638 from the Fund for a Healthy Maine
32 Other Special Revenue funds account in the Department of
33 Administrative and Financial Services to the unappropriated
34 surplus of the General Fund no later than June 30, 2003. This
35 amount reflects the repeal of a working capital advance to the
36 Maine Rx Dedicated Fund in the Department of Human Services
37 authorized in Public Law 2001, chapter 358, Part JJ, section 1;

38 10. Transfers \$9,600,000 from the Maine Learning Technology
39 Endowment to the unappropriated surplus of the General Fund no
40 later than June 30, 2003;

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

11. Transfers \$10,000,000 from the Operating Capital of the General Fund to the unappropriated surplus of the General Fund no later than June 30, 2003;

12. Transfers \$9,300,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund as reimbursement for funds provided for highway improvement projects;

13. Authorizes the State Budget Officer to calculate the amount of savings in Part A, section 1 that applies against each Other Special Revenue funds and Fund for a Healthy Maine account for all departments and agencies from the requirement that state employees take 3 days off without pay in fiscal year 2002-03 pursuant to Executive Order 07 FY 01/02 and authorizes the transfer of the calculated amount to the General Fund by financial order upon approval of the Governor. It also requires the State Budget Officer to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the transferred amount by January 15, 2003. It also specifies which Other Special Revenue funds accounts are exempt from these calculations;

14. Authorizes the State Budget Officer to calculate the amount of savings in Part A, section 1 that applies against each Highway Fund account for all departments and agencies from the requirement that state employees take 3 days off without pay in fiscal year 2002-03 pursuant to Executive Order 07 FY 01/02 and authorizes the transfer of the calculated amount to the General Fund by financial order upon approval of the Governor. It also requires the State Budget Officer to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the transferred amount by January 15, 2003;

15. Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the curtailment amounts identified in the fiscal year 2002-03 Personal Services, All Other and Capital Expenditures appropriations and allocations of the accounts in Financial Order #05723 F3, as adjusted by Financial Order #05871 F3 and Financial Order #06004 F3 and any subsequent financial orders, for all departments and agencies up to the amount of the deappropriations and deallocations in Part A, section 1;

16. Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the amounts identified in the fiscal year 2002-03 Personal Services appropriations of the General Fund accounts in Financial Order

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 #05838 F3 that represent savings in Maine State Retirement System
administration;

4 17. Authorizes the State Budget Officer to transfer by
financial order upon approval of the Governor the amounts
6 identified in the fiscal year 2002-03 Personal Services
appropriations of the General Fund accounts in Financial Order
8 #05844 F3 that represent savings from the requirement that state
employees take 3 days off without pay in fiscal year 2002-03
10 pursuant to Executive Order 07 FY 01/02; and

12 18. Provides a retroactive date of June 4, 2001 for the
repeal of Public Law 2001, chapter 358, Part JJ, section 1, the
14 repeal of the working capital advance from the Fund for a Healthy
Maine to the Maine Rx Dedicated Fund.

16 **PART C**

18 Part C does the following:

20 1. Lapses \$6,071 in the Division of Quality Assurance and
22 Regulation General Fund account in the Department of Agriculture,
Food and Rural Resources to the General Fund in fiscal year
24 2002-03; and

26 2. Lapses \$154,000 in the Pollution Control Structures
General Fund account in the Department of Agriculture, Food and
28 Rural Resources to the General Fund in fiscal year 2002-03.

30 **PART D**

32 Part D lapses \$17,657 in the Contingent Account - Attorney
General General Fund account in the Department of the Attorney
34 General to the General Fund in fiscal year 2002-03.

36 **PART E**

38 Part E does the following:

40 1. Lapses \$163 in the Disproportionate Share - Bangor Mental
Health Institute General Fund account in the Department of
42 Behavioral and Developmental Services to the General Fund in
fiscal year 2002-03;

44 2. Lapses \$35,989 in the Medicaid Match - MR General Fund
46 account in the Department of Behavioral and Developmental
Services to the General Fund in fiscal year 2002-03;

48 3. Lapses \$40,459 in the MH Services - Child Medicaid
50 General Fund account in the Department of Behavioral and

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Developmental Services to the General Fund in fiscal year
2002-03; and

4 4. Lapses \$2,113,059 in the MH Services - Community
6 Medicaid General Fund account in the Department of Behavioral and
Developmental Services to the General Fund in fiscal year 2002-03.

8 **PART F**

10 Part F does to the following:

12 1. Lapses \$1,000 in the Division of Forest Fire Control
14 General Fund account in the Department of Conservation to the
General Fund in fiscal year 2002-03;

16 2. Transfers \$4,138 from the Municipal Recreation Fund
18 Other Special Revenue funds account in the Department of
Conservation to the unappropriated surplus of the General Fund no
later than June 30, 2003;

20 3. Transfers \$1,797 from the Conservation Central Admin
22 Other Special Revenue funds account in the Department of
Conservation to the unappropriated surplus of the General Fund no
24 later than June 30, 2003 pursuant to Financial Order #05870 F3;

26 4. Transfers \$1,494 from the Maine Rivers Coordination
28 Other Special Revenue funds account in the Department of
Conservation to the unappropriated surplus of the General Fund no
later than June 30, 2003;

30 5. Transfers \$64,796 from the Keep Maine Scenic Other
32 Special Revenue funds account in the Department of Conservation
to the unappropriated surplus of the General Fund no later than
34 June 30, 2003 pursuant to Financial Order #05870 F3 and Financial
Order #06037 F3; and

36 6. Transfers \$5,445 from the Treat ME Right Other Special
38 Revenue funds account in the Department of Conservation to the
unappropriated surplus of the General Fund no later than June 30,
40 2003 pursuant to Financial Order #05870 F3.

42 **PART G**

44 Part G lapses \$10,721 in the Correctional Medical Services
46 Fund General Fund account in the Department of Corrections to the
General Fund in fiscal year 2002-03.

48 **PART H**

50 Part H does the following:

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 1. Transfers \$976 from the Veterans Services Other Special
4 Revenue funds account in the Department of Defense, Veterans and
Emergency Management to the unappropriated surplus of the General
Fund no later than June 30, 2003;

6
8 2. Transfers \$62,200 from the Dam Repair and Reconstruction
Fund Other Special Revenue funds account in the Department of
Defense, Veterans and Emergency Management to the unappropriated
10 surplus of the General Fund no later than June 30, 2003; and

12 3. Transfers \$570 from the MEMA - Hazardous Material Other
14 Special Revenue funds account in the Department of Defense,
Veterans and Emergency Management to the unappropriated surplus
of the General Fund no later than June 30, 2003.

16
18 **PART I**

Part I does the following:

20 1. Transfers \$75,250 from the Administration - Economic and
22 Community Development Other Special Revenue funds account in the
Department of Economic and Community Development to the
24 unappropriated surplus of the General Fund no later than June 30,
2003;

26 2. Transfers \$51,000 from the Maine Biomedical Research
28 Fund Other Special Revenue funds account in the Department of
Economic and Community Development to the unappropriated surplus
30 of the General Fund no later than June 30, 2003;

32 3. Transfers from the Economic Opportunity Fund Other
34 Special Revenue funds account in the Department of Economic and
Community Development the available cash balance, including any
interest accrued, to the unappropriated surplus of the General
36 Fund no later than June 30, 2003. The cash balance is estimated
to be \$25,774; and

38 4. Transfers \$17,600 from the Job Retention Program Other
40 Special Revenue funds account in the Department of Economic and
Community Development to the unappropriated surplus of the
42 General Fund no later than June 30, 2003.

44 **PART J**

46 Part J does the following:

48 1. Lapses \$2,000,000 in the Education Unorganized Territory
General Fund account in the Department of Education to the
50 General Fund in fiscal year 2002-03; and

2 Part N transfers \$2,500,000 from the Maine Clean Election
Fund Other Special Revenue funds account in the Commission on
4 Governmental Ethics and Elections Practices to the unappropriated
surplus of the General Fund on June 30, 2003.

6
8 **PART O**

Part O does the following:

10 1. Lapses \$49,000 in the Affordable Healthcare General Fund
12 account in the Department of Human Services to the General Fund
in fiscal year 2002-03;

14 2. Lapses \$477,746 in the Medical Care Services General
16 Fund account in the Department of Human Services to the General
Fund in fiscal year 2002-03;

18 3. Lapses \$3,191,659 in the Nursing Facilities General Fund
20 account in the Department of Human Services to the General Fund
in fiscal year 2002-03;

22 4. Transfers \$73,586 from the Nursing Facilities Other
24 Special Revenue funds account in the Department of Human Services
to the unappropriated surplus of the General Fund no later than
26 June 30, 2003;

28 5. Transfers \$88,000 from the Control Over Plumbing Other
30 Special Revenue funds account in the Department of Human Services
to the unappropriated surplus of the General Fund no later than
32 June 30, 2003;

34 6. Transfers \$38,276 from the Child and Family Services -
Regional Other Special Revenue funds account in the Department of
Human Services to the unappropriated surplus of the General Fund
36 no later than June 30, 2003;

38 7. Lapses \$179,914 in the ASPIRE General Fund account in
40 the Department of Human Services to the General Fund in fiscal
year 2002-03; and

42 8. Lapses \$99,395 in the Drugs for Maine's Elderly General
44 Fund account in the Department of Human Services to the General
Fund in fiscal year 2002-03.

46 **PART P**

48 Part P transfers \$78,718 from the Courts - Supreme, Superior
and District Federal Expenditures Fund account in the Judicial

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Department to the unappropriated surplus of the General Fund no
later than June 30, 2003.

4

PART Q

6

Part Q lapses \$864,898 in the Governor's Training Initiative
Program General Fund account in the Department of Labor to the
8 General Fund in fiscal year 2002-03.

10

PART R

12

Part R lapses \$200,000 in the Legislative General Fund
account in the Legislature to the General Fund in fiscal year
14 2002-03.

16

PART S

18

Part S transfers an estimated \$18,071 from various Other
Special Revenue funds accounts in various departments and
20 agencies to the unappropriated surplus of the General Fund no
later than June 30, 2003.

22

PART T

24

Part T transfers \$239 from the Groundfish Hatchery Fund
Other Special Revenue funds account in the Department of Marine
26 Resources to the unappropriated surplus of the General Fund no
later than June 30, 2003.

28

30

PART U

32

Part U transfers \$6,106 from the Conference Seminar and
Workshop Other Special Revenue funds account in the Department of
34 Professional and Financial Regulation to the unappropriated
surplus of the General Fund no later than June 30, 2003.

36

PART V

38

Part V does the following:

40

1. Transfers \$3,710 from the State Bureau of Investigation
Other Special Revenue funds account in the Department of Public
42 Safety to the unappropriated surplus of the General Fund no later
than June 30, 2003;

44

46

2. Transfers \$1,107 from the Traffic Safety Division Other
Special Revenue funds account in the Department of Public Safety
48 to the unappropriated surplus of the General Fund no later than
June 30, 2003; and

50

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

3. Transfers \$1,022 from the Traffic Safety Commission Vehicle Enforcement Other Special Revenue funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.

PART W

Part W does the following:

1. Transfers \$20,000 from the Public Utilities Commission Reimbursement Fund Other Special Revenue funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003; and

2. Transfers \$4,279 from the Public Utilities Commission Miscellaneous Other Special Revenue funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.

PART X

Part X amends the Uniform Unclaimed Property Act to allow the Treasurer of State to sell tangible property via electronic auction and encourages sales at more frequent intervals. It limits the liability of the State from market increases in the value of unclaimed securities if the securities are sold after a one-year holding period. The current holding period is 3 years. It permits the disposal of securities whose custodial costs exceed their value 90 days after being advertised, with the rightful owner receiving the net proceeds of the sale when that owner makes a claim.

PART Y

Part Y delays the scheduled 0.1% increase in revenue sharing from May 1, 2003 to July 1, 2003.

PART Z

Part Z repeals the March 1, 2003 to July 1, 2003 portion of the sales tax exemption for digital broadcasting equipment that was enacted by Public Law 2001, chapter 709.

PART AA

Part AA disallows the net increase in depreciation attributable to the 30% bonus depreciation claimed by a taxpayer for federal income tax purposes in accordance with the federal Job Creation and Worker Assistance Act of 2002 for property placed in service during tax years beginning in 2002, 2003 and

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2004. Except for 3-year property, the taxpayer is allowed to
2 recapture the disallowance in equal amounts over a 3-year period
4 that begins 2 years after the beginning of the taxable year of
the disallowance. For 3-year property, the taxpayer is allowed
6 to recapture the entire disallowance in the first year of the
3-year recovery period. Full recapture of disallowed
8 depreciation is complete by 2009, at which time Maine would again
be in full conformity with federal depreciation schedules on
affected property.

10
12 **PART BB**

14 Part BB amends the business equipment tax reimbursement,
BETR, statute to provide that applications for reimbursement must
16 be filed between August 1st and December 31st, applies this
change to unreimbursed property taxes paid on or after January 1,
2002 and deappropriates \$47,970,000, the estimated General Fund
18 savings from the delay in reimbursements.

20 **PART CC**

22 Part CC establishes an assessment on nursing homes and
residential treatment facilities for individuals with
24 developmental disabilities and allocates the expected dedicated
revenue to support certain costs in the Department of Behavioral
26 and Developmental Services and the Department of Human Services.
The assessments and the allocations in this Part are contingent
28 on the approval of a Medicaid plan amendment.

30 **PART DD**

32 Part DD makes adjustments to appropriations and allocations
related to the proposed assessment on service providers and a
34 pending prescription drug Medicaid waiver.

36 **PART EE**

38 Part EE postpones to after June 30, 2003 an increase in the
State's contribution for health insurance for retired teachers
40 from 35% to 40%.

42 **PART FF**

44 Part FF establishes the method used to determine how the
\$10,000,000 curtailment in funds to General Purpose Aid for Local
46 Schools in fiscal year 2002-03 will be applied to the components
and the amount of curtailment each school system will receive.
48

50 **PART GG**

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Part GG suspends for state fiscal year 2002-03 Public Law
2001, chapter 439, Part CCC, which allowed nonprofit nursing
4 facilities to be reimbursed for a return on net assets.

6 **PART HH**

8 Part HH delays from January 1, 2003 to July 1, 2003 the
effective date of the provisions of Public Law 2001, chapter 666,
10 Part B, which lowered the minimum occupancy percentages for
nursing facilities.

12 **PART II**

14 Part II does the following:

16 1. Repeals the law that authorized up to a \$1,000,000
working capital advance from the Maine Rx Dedicated Fund account;
18 and

20 2. Repeals the law that authorized up to a \$700,000 working
capital advance from the Maine Rx Dedicated Fund account.

22 **PART JJ**

24 Part JJ repeals the High-pollution Vehicle Retirement Pilot
26 Program and transfers \$176,872 from the Clean Fuel Vehicle Fund
to the General Fund in fiscal year 2002-03.

28 **PART KK**

30 Part KK authorizes the Adjutant General to transfer the
32 former Caribou armory building to the City of Caribou.

34 **PART LL**

36 Part LL establishes a contingent effective date for the
establishment of the Maine Higher Education Attainment Council
38 subject to the Maine Development Foundation, securing private
sector funding or a legislative appropriation.

40 **PART MM**

42 Part MM transfers \$20,000 from the Statewide Single Audit
44 Other Special Revenue funds account in the Department of Audit to
the unappropriated surplus of the General Fund no later than June
46 30, 2003.

48 **PART NN**

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Part NN establishes a one-time assessment on hospitals in
fiscal year 2002-03.

4 **PART OO**

6 Part OO increases the amount of the General Fund working
capital advance from \$25,500,000 to \$37,500,000, which will
8 support allocations from the Fund for a Healthy Maine since,
beginning in fiscal year 2003-04, the tobacco settlement payments
10 will occur just once a year in April.

12 **PART PP**

14 Part PP reinstates the penalty provisions that were in
effect prior to enactment of Public Law 2001, chapter 470, but
16 gives the Commission on Governmental Ethics and Election
Practices discretion to set penalties up to a maximum amount.

18 **PART QQ**

20 Part QQ authorizes the Finance Authority of Maine to provide
22 loans in 2003 to businesses that demonstrate a substantial
hardship as a result of the change in timing of the application
24 for and receipt of reimbursement under the personal property tax
reform program, the Business Equipment Tax Reimbursement, or
26 BETR, program.

28 **PART RR**

30 Part RR allows the Commission on Governmental Ethics and
Election Practices to request an advance of revenues to the Maine
32 Clean Election Fund in the event of a projected shortfall of
funds needed for the election in 2006.

34