

MAINE STATE LEGISLATURE

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DATE: 3.30.05 (Filing No. S- 56)

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "V" to COMMITTEE AMENDMENT "A" to H.P. 343, L.D. 468, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007"

Amend the amendment by striking out all of the emergency preamble.

Further amend the amendment in Part U in section 1 in the indented paragraph in the 2nd line (page 229, line 3 in amendment) by striking out the following: "1991-92" and inserting in its place the following: '~~1991-92~~ 2005-06'

Further amend the amendment in Part PP in section 1 by striking out all of the first 2 lines (page 277, lines 27 to 29 in amendment) and inserting in their place the following:

'Sec. PP-1. 5 MRSA c. 165 is enacted to read:

CHAPTER 165'

Further amend the amendment in Part PP in section 1 in that part designated "~~§2001.~~" by striking out all of the first line (page 277, line 33 in amendment) and inserting in its place the following:

'§2031. Pharmaceutical Cost Management Council'

Further amend the amendment in Part PP in section 2 in subsection 14-E in the 2nd line (page 279, line 44 in amendment)

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2 by striking out the following: "§2001" and inserting in its place
the following: '§2031'

4 Further amend the amendment in Part SS by inserting after
section 1 the following:

6 '**Sec. SS-2. 2 MRSA §6, sub-§3**, as repealed and replaced by PL
8 1999, c. 259, §2, is amended to read:

10 **3. Range 89.** The salaries of the following state
officials and employees are within salary range 89:

- 12 Director, Bureau of General Services;
- 14 Director, Bureau of Alcoholic Beverages and Lottery
16 Operations;
- 18 State Budget Officer;
- 20 State Controller;
- 22 Director of the Bureau of Forestry;
- 24 Chief of the State Police;
- 26 Director, State Planning Office;
- 28 Director, Energy Resources Office;
- 30 Director of Human Resources;
- 32 Director, Bureau of Children with Special Needs;
- 34 Commissioner of Defense, Veterans and Emergency Management;
- 36 Director, Bureau of Parks and Lands; and
- 38 ~~Director, Bureau of Information Services; and~~
- 40 Director of Econometric Research.'

42 Further amend the amendment in Part AAA by striking out all
of sections 1, 2 and 3 and inserting in their place the following:

44 '**Sec. AAA-1. 29-A MRSA §2081, sub-§2**, as amended by PL 2001,
46 c. 585, §2 and affected by §6, is further amended to read:

48 **2. Children under 40 pounds.** When a child who weighs less
than 40 pounds is being transported in a motor vehicle that is
50 required by the United States Department of Transportation to be

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SENATE AMENDMENT "✓" to COMMITTEE AMENDMENT "A" to H.P. 343,
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2 equipped with safety seat belts, the operator must have the child
3 properly secured in accordance with the manufacturer's
4 instructions in a child safety seat. Violation of this
5 subsection is a traffic infraction for which a fine of \$50 for
6 the first offense, \$125 for the 2nd offense and \$250 for the 3rd
7 and subsequent offenses must be imposed. A fine imposed under
8 this subsection may not be suspended by the court.

10 **Sec. AAA-2. 29-A MRSA §2081, sub-§3**, as amended by PL 2003,
11 c. 380, §§2 and 3 and affected by §5, is further amended to read:

12 **3. Passengers less than 18 years of age.** Except as
13 provided in subsection 2, the following provisions apply to
14 passengers less than 18 years of age riding in a vehicle that is
15 required by the United States Department of Transportation to be
16 equipped with seat belts. Violation of this subsection is a
17 traffic infraction for which a fine of \$50 for the first offense,
18 \$125 for the 2nd offense and \$250 for the 3rd and subsequent
19 offenses must be imposed. A fine imposed under this subsection
20 may not be suspended by the court.

22 A. The operator shall ensure that a child who weighs at
23 least 40 pounds but less than 80 pounds and who is less than
24 8 years of age is properly secured in a federally approved
25 child restraint system. Nonprofit, municipal or contracted
26 transportation service providers are exempt from this
27 paragraph until February 1, 2005, except that the operator
28 shall ensure that the child is properly secured in a seat
29 belt.

30 B. The operator shall ensure that a child who is less than
31 18 years of age and at least 8 years of age or who is less
32 than 18 years of age and more than 4 feet, 7 inches in
33 height is properly secured in a seat belt.

34 C. The operator shall ensure that a child who is less than
35 12 years of age and who weighs less than 100 pounds is
36 properly secured in the rear seat of a vehicle, if possible.

38 **Sec. AAA-3. 29-A MRSA §2081, sub-§3-A**, as amended by PL 1997,
39 c. 450, §2, is further amended to read:

40 **3-A. Other passengers 18 years of age and older;**
41 **operators.** When a person 18 years of age or older is a passenger
42 in a vehicle that is required by the United States Department of
43 Transportation to be equipped with seat belts, the passenger must
44 be properly secured in a seat belt. Each such passenger is
45 responsible for wearing a seat belt as required by this
46 subsection, and a passenger that fails to wear a seat belt as
47 required by this subsection is subject to the enforcement
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provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

Further amend the amendment in Part AAA by striking out all of section 7 and inserting in its place the following:

'Sec. AAA-7. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payment to Providers

Initiative: Restores funding that was deappropriated in Part B due to the primary enforcement of seat belt statutes.

GENERAL FUND	2005-06	2006-07
All Other	\$133,000	\$181,000
GENERAL FUND TOTAL	<u>\$133,000</u>	<u>\$181,000</u>
FEDERAL EXPENDITURES FUND	2005-06	2006-07
All Other	\$248,855	\$338,667
FEDERAL EXPENDITURES FUND TOTAL	<u>\$248,855</u>	<u>\$338,667</u>
HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$133,000	\$181,000
FEDERAL EXPENDITURES FUND	\$248,855	\$338,667
DEPARTMENT TOTAL - ALL FUNDS	<u>\$381,855</u>	<u>\$519,667</u>
SECTION TOTALS	2005-06	2006-07
GENERAL FUND	\$133,000	\$181,000
FEDERAL EXPENDITURES FUND	\$248,855	\$338,667
SECTION TOTAL - ALL FUNDS	<u>\$381,855</u>	<u>\$519,667</u>

Further amend the amendment in Part DDD in section 17 in the last line (page 340, line 47 in amendment) by striking out the following: "transactions occurring" and inserting in its place

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2 the following: 'assets received by the MaineCare recipient's spouse or child'

4 Further amend the amendment in Part III by striking out all of section 40.

6 Further amend the amendment in Part III by striking out all of section 47.

10 Further amend the amendment in Part 000 by striking out all of section 1.

12 Further amend the amendment in Part 000 in section 2 in the 14 4th line (page 367, line 4 in amendment) by striking out the following: "shall" and inserting in its place the following: 'may'

16 Further amend the amendment in Part 000 in section 2 in 18 subsection 1 in the first line (page 367, line 8 in amendment) by striking out the following: "shall evaluate" and inserting in its 20 place the following: 'may evaluate any one or more of'

22 Further amend the amendment in Part 000 in section 2 in 24 subsection 2 by striking out all of paragraphs D to F (page 368, lines 22 to 33 in amendment) and inserting in their place the following:

26 'D. What additional data should be collected regarding the 28 various programs and to whom the data should be reported; and

30 E. Whether additional methods of accountability are needed 32 in the program.'

34 Further amend the amendment in Part 000 in section 2 in 36 subsection 3 in the 2nd and 3rd lines (page 368, lines 40 and 41 in amendment) by striking out the following: "no later than January 15, 2006"

38 Further amend the amendment in Part JJJJ by striking out all 40 of section 1.

42 Further amend the amendment by inserting after Part PPPP the following:

44 'PART QQQQ

46 Sec. QQQQ-1. 20-A MRSA §3252, sub-§4-A is enacted to read:

48 4-A. Targeted funds. In addition to tuition rates
49 calculated pursuant to chapter 219, targeted funds for each
50 student in the unorganized territory must be paid to the school

SENATE AMENDMENT

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2 administrative unit or private school approved for tuition
3 purposes that a student attends. For purposes of this
4 subsection, "targeted funds" means those funds identified under
5 essential programs and services for technology, assessment and
6 kindergarten to grade 2 pursuant to section 15671, subsection 6
7 and section 15681.

8 **Sec. QQQQ-2. 20-A MRSA §3253-A, sub-§3-A is enacted to read:**

10 **3-A. Targeted funds.** In addition to tuition rates
11 calculated pursuant to chapter 219, targeted funds for each
12 student in the unorganized territory must be paid to the school
13 administrative unit or private school approved for tuition
14 purposes that a student attends. For purposes of this
15 subsection, "targeted funds" means those funds identified under
16 essential programs and services for technology, assessment and
17 kindergarten to grade 2 pursuant to section 15671, subsection 6
18 and section 15681.

20 **Sec. QQQQ-3. Appropriations and allocations.** The following
21 appropriations and allocations are made.

22 **EDUCATION, DEPARTMENT OF**

24 **Education in the Unorganized Territory 0220**

26 Initiative: Appropriates funds for the additional cost of
27 providing targeted funds, identified under essential programs and
28 services for technology, assessment and kindergarten to grade 2,
29 to the school administrative unit or private school that each
30 student from the unorganized territory attends.

32	GENERAL FUND	2005-06	2006-07
34	All Other	\$412,600	\$437,356
36	GENERAL FUND TOTAL	<u>\$412,600</u>	<u>\$437,356'</u>

38 Further amend the amendment by striking out all of the
39 emergency clause.

40 Further amend the amendment by relettering or renumbering
41 any nonconsecutive Part letter or section number to read
42 consecutively.

46 **SUMMARY**

48 This amendment incorporates the substance of House Amendment
49 "CC" to Committee Amendment "A" (H-93) and it also removes the
50 section of Committee Amendment "A" that made failure to wear a

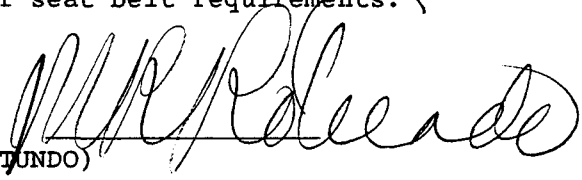
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2 seat belt a primary offense and thereby retains the current law
that allows enforcement of the seat belt requirement only if the
operator is detained for a suspected violation of another law.
4 This amendment also adds an appropriation to offset the savings
that had been anticipated through implementing the primary
6 enforcement of seat belt requirements.

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SPONSORED BY: 
(Senator ROTUNDO)

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COUNTY: Androscoggin

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SENATE AMENDMENT



122nd MAINE LEGISLATURE

LD 468

LR 2149(26)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

Fiscal Note for Senate Amendment "V" to Committee Amendment "A"

Sponsor: Sen. Rotundo

Fiscal Note Required: Yes

Fiscal Note

Contingent on effective date

	2005-06	2006-07
Net Cost (Savings)		
General Fund	\$1,500,999	\$2,243,999
Appropriations/Allocations		
General Fund	\$545,600	\$618,356
Revenue		
General Fund	(\$955,399)	(\$1,625,643)

Fiscal Detail and Notes

This amendment will increase the General Fund cost of the bill by \$1,500,999 in fiscal year 2005-06 and \$2,243,999 in fiscal year 2006-07. Based on the estimated year-end balances, this amendment maintains a balanced budget for the 2006-2007 biennium.

This amendment also removes the emergency preamble and the emergency clause of the bill, making it effective 90 days after adjournment of the 122nd Legislature's First Regular Session. If this legislation becomes effective on or before June 30, 2005 the fiscal impact is minor. If this legislation takes effect on July 1, 2005, the loss to the General Fund is estimated to be \$2,291,663. If this legislation becomes effective after July 1, 2005, no spending authority will be in force from July 1, 2005 until the effective date. The fiscal impact will depend on the extent of the delay to the effective date and that fiscal impact cannot be determined at this time.