

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

accept gifts and donations from any source for the purpose of offsetting the costs of funding the local mandate created by this Act.

Sec. 24. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

State Mandate - Probate Form Replacement

Initiative: Allocates funds on a one-time basis to be distributed to registers of probate for the purpose of complying with the state mandate regarding the replacement of probate forms.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$8,550
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Other Special Revenue Funds Total	\$0	\$8,550

See title page for effective date.

CHAPTER 673

H.P. 1420 - L.D. 1919

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

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

PART A

Sec. A-1. Supplemental appropriations and allocations. There are appropriated from various funds for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accounts and Control - Bureau of 0056

Initiative: Provides funding to reorganize a vacant Data Entry Operator position, currently 64 hours biweekly, to a full-time Internal Control Specialist, Public Service Coordinator I position in the Accounts and Control operations account. This reorganization will be self-funded through a permanent reduction to All Other in both the Accounts and Control operations account and the Accounts and Control systems account.

General Fund	2003-04	2004-05
Personal Services	\$0	\$39,311
All Other	0	(16,905)
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General Fund Total	0	22,406

Accounts and Control - Bureau of - Systems Project 0058

Initiative: Provides funding to reorganize a vacant Data Entry Operator position, currently 64 hours biweekly, to a full-time Internal Control Specialist, Public Service Coordinator I position in the Accounts and Control operations account. This reorganization will be self-funded through a permanent reduction to All Other in both the Accounts and Control operations account and the Accounts and Control systems account.

General Fund	2003-04	2004-05
All Other	0	(22,406)
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General Fund Total	0	(22,406)

Central Services - Purchases 0004

Initiative: Provides for the elimination of one vacant Central Services Supervisor position from the Bureau of General Services - Central Services Internal Services Fund for the purpose of providing a headcount in the Workers' Compensation Management Fund for the continuation of one Employment Benefits Technician position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. This position will help staff an in-house claims management system resulting in a reduction in contracted services.

Postal, Printing and Supply Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(52,063)
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Postal, Printing and Supply Fund Total	0	(52,063)

Central Motor Pool 0703

Initiative: Provides for the allocation of funds to reorganize one Central Fleet Manager position to a Public Service Manager II position and one Statistician II position to a Statistician III position, the result of a reorganization of duties within the Bureau of General Services.

Central Motor Pool	2003-04	2004-05
Personal Services	0	19,362
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Central Motor Pool Total	0	19,362

Accident-Sickness-Health Insurance 0455

Initiative: Provides for the deallocation of funds from the Trade Adjustment Assistance Health Insurance Federal Fund program to allow for the reallocation of these funds to the new program of trade adjustment insurance, as established in Public Law 2003, chapter 348, for the purpose of maintaining separate accounting and reporting for these funds. It corrects the FTE hours to Legislative Count and it also provides for the allocation of funds to the Trade Adjustment Insurance Other Special Revenue Funds account for the pass through of trade adjustment dollars.

Federal Expenditures Fund	2003-04	2004-05
Positions - FTE Count	(0.000)	(-2.000)
Personal Services	0	(76,378)

All Other	0	(20,000)
Federal Expenditures Fund Total	0	(96,378)

Accident-Sickness-Health Insurance 0455

Initiative: Allocates funds to establish one Employment Benefits Technician position within the Accident, Sickness and Health Insurance Internal Service Fund. This position is required to help with the increased workload in this program.

Accident, Sickness and Health Insurance

Internal Service Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	49,632

Accident, Sickness and Health Insurance Internal Service Fund Total	0	49,632
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Workers' Compensation Management Fund Program 0802

Initiative: Provides for the allocation of funds and establishes headcount to continue one Employment Benefits Technician position and one Clerk Typist II position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. These positions currently staff an in-house claims management system, resulting in a reduction in contracted services. The headcount is provided by the elimination of one vacant Central Services Supervisor position from the Bureau of General Services - Central Services Internal Service Fund and by the elimination of one vacant Store Operations Officer position from the Bureau of Alcoholic Beverages Internal Service Fund.

Workers' Compensation Management Fund

Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	104,562

Workers' Compensation Management Fund Total	0	104,562
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Workers' Compensation Management Fund Program 0802

Initiative: Allocates funds to the Personal Services line category to reorganize one vacant Public Health Nurse I position to a Public Health Nurse II position.

Workers' Compensation Management Fund

Fund	2003-04	2004-05
Personal Services	0	4,676

Workers' Compensation Management Fund Total	0	4,676
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Trade Adjustment Assistance Health Insurance 9999

Initiative: Provides for the deallocation of funds from the Trade Adjustment Assistance Health Insurance Federal Fund program to allow for the reallocation of these funds to the new program of trade adjustment insurance, as established in Public Law 2003, chapter 348, for the purpose of maintaining separate accounting and reporting for these funds. It corrects the FTE hours to Legislative Count and it also provides for the allocation of funds to the Trade

Adjustment Insurance Other Special Revenue account for the pass through of trade adjustment dollars.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	76,378
All Other	0	20,000
Federal Expenditures Fund Total	0	96,378

Other Special Revenue Funds	2003-04	2004-05
All Other	0	1,200,000
Other Special Revenue Funds Total	0	1,200,000

Capital Construction/Repairs/Improvements - Admin 0059

Initiative: Appropriates funds for hazardous material remediation for the state parks.

General Fund	2003-04	2004-05
All Other	0	102,200
General Fund Total	0	102,200

Buildings and Grounds Operations 0080

Initiative: Appropriates funds to the Bureau of General Services for the costs of custodial and grounds maintenance at the east-side campus as the result of buildings being transferred to the responsibility of the Bureau of General Services.

General Fund	2003-04	2004-05
All Other	0	379,728
General Fund Total	0	379,728

Departments and Agencies - Statewide 0016

Initiative: Appropriates funds to offset a deappropriation of \$1,000,000 in Public Law 2003, chapter 451, Part C.

General Fund	2003-04	2004-05
Unallocated	0	1,000,000
General Fund Total	0	1,000,000

Salary Plan 0305

Initiative: Deappropriates projected additional savings from the voluntary employee incentive program.

General Fund	2003-04	2004-05
Personal Services	0	(101,698)
General Fund Total	0	(101,698)

Debt Service - Government Facilities Authority 0893

Initiative: Deappropriates funds from one-time savings in debt service as the result of strategic budgeting and planning of debt requirements for the psychiatric treatment center.

General Fund	2003-04	2004-05
All Other	0	(481,928)
General Fund Total	0	(481,928)

Debt Service - Government Facilities Authority 0893

Initiative: Deappropriates additional one-time savings in debt service through the refinancing of Maine Government Facilities Authority bonds.

General Fund	2003-04	2004-05
All Other	0	(581,000)
General Fund Total	0	(581,000)

Health Reform Reserve Fund 0989

Initiative: Provides for the deappropriation of funds from the Health Reform Reserve Fund account, established in Public Law 2003, chapter 451, Part C, to allow for the appropriation of these funds to the Office of Health Policy and Finance, Governor's Office account to be used for the same purpose of creating access to affordable health care.

General Fund	2003-04	2004-05
All Other	0	(748,998)
General Fund Total	0	(748,998)

Alcoholic Beverages - General Operation 0015

Initiative: Provides for the elimination of one Store Operations Officer position from the Bureau of Alcoholic Beverages Internal Service Fund for the purpose of providing a headcount in the Workers' Compensation Management Fund and for the continuation of one Clerk Typist II position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. This position will help staff an in-house claims management system resulting in a reduction in contracted services.

Alcoholic Beverage Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(74,731)
Alcoholic Beverage Fund Total	0	(74,731)

Revenue Services - Bureau of 0002

Initiative: Deappropriates Personal Services funds in anticipation of salary savings, the result of managing and delaying the filling of vacant positions.

General Fund	2003-04	2004-05
Personal Services	0	(417,568)
General Fund Total	0	(417,568)

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the All Other line category for the purchase of software necessary to upgrade the property tax assessment and billing system for the unorganized territory within Maine Revenue Services. This appropriation request will be offset by additional undedicated revenue to the General Fund of \$173,000 through the transfer of property taxes from the unorganized territory.

General Fund	2003-04	2004-05
All Other	0	173,000
General Fund Total	0	173,000

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

	2003-04	2004-05
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GENERAL FUND	0	(676,264)
FEDERAL EXPENDITURES FUND	0	0
OTHER SPECIAL REVENUE FUNDS	0	1,200,000
POSTAL, PRINTING AND SUPPLY FUND	0	(52,063)
WORKERS' COMPENSATION MANAGEMENT FUND	0	109,238
CENTRAL MOTOR POOL ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	0	49,632
ALCOHOLIC BEVERAGE FUND	0	(74,731)
DEPARTMENT TOTAL - ALL FUNDS	0	575,174

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Quality Assurance and Regulation 0393

Initiative: Provides for the transfer of one 1/2-time Clerk Typist III position from the Beverage Container Enforcement Fund to the Marketing Services account. Allocates funds for a management-initiated reorganization of one 1/2-time Clerk Typist II position and one 1/2-time Clerk Typist III position into one full-time Clerk Typist III position within the Marketing Services account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(0.500)
Personal Services	0	779
All Other	0	(779)
Other Special Revenue Funds Total	0	0

Division of Quality Assurance and Regulation 0393

Initiative: Provides for the transfer of one Egg/Poultry Inspector position in the Division of Quality Assurance and Regulation from federal funding to Other Special Revenue funding and for the transfer of rental income from the Office of the Commissioner to the Division of Quality Assurance and Regulation.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(50,907)
Federal Expenditures Fund Total	0	(50,907)

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	56,990
All Other	0	2,587
Other Special Revenue Funds Total	0	59,577

Division of Plant Industry 0831

Initiative: Provides funds for the establishment of one intermittent Conservation Aide position and for contractual services through a cooperative agreement with the United States Department of Agriculture to expand agricultural pest surveys in the State.

Federal Expenditures Fund	2003-04	2004-05
Positions - FTE Count	(0.000)	(0.308)
Personal Services	0	13,724
All Other	0	14,213
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	27,937

Office of the Commissioner 0401

Initiative: Provides for the transfer of one Egg/Poultry Inspector position in the Division of Quality Assurance and Regulation from federal funding to Other Special Revenue funding and for the transfer of rental income from the Office of the Commissioner to the Division of Quality Assurance and Regulation.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(13,580)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	(13,580)

Office of the Commissioner 0401

Initiative: Provides for the reallocation of a 1/2 Clerk Typist II position to a 1/2 Information System Support Technician position to provide desktop support services departmentwide.

General Fund	2003-04	2004-05
Personal Services	0	2,855
All Other	0	(2,855)
	<hr/>	<hr/>
General Fund Total	0	0

Beverage Container Enforcement Fund 0971

Initiative: Provides for the transfer of one 1/2-time Clerk Typist III position from the Beverage Container Enforcement Fund to the Marketing Services account. Allocates funds for a management-initiated reorganization of one 1/2-time Clerk Typist II position and one 1/2-time Clerk Typist III position into one full-time Clerk Typist III position within the Marketing Services account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-0.500)
Personal Services	0	(757)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	(757)

Beverage Container Enforcement Fund 0971

Initiative: Provides funds for the reorganization of a Computer Programmer position to a Programmer Analyst position as approved by the Bureau of Human Resources.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,852
All Other	0	(4,852)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	0

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	0	(22,970)

OTHER SPECIAL REVENUE FUNDS	0	45,240
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	22,270

ARTS COMMISSION, MAINE

Arts - Administration 0178

Initiative: Provides funds for the approved reorganization of one Administrative Secretary position to one Arts and Humanities Associate position.

General Fund	2003-04	2004-05
Personal Services	0	8,147
All Other	0	(8,147)
	<hr/>	<hr/>
General Fund Total	0	0

ARTS COMMISSION, MAINE DEPARTMENT TOTALS

GENERAL FUND	0	0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	0

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: Reorganizes one Baxter State Park Ranger I position to one Baxter State Park Ranger III position.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	9,125
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	9,125

BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	0	9,125
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	9,125

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF

Office of Management and Budget 0164

Initiative: Transfers the following funds and positions from the Augusta Mental Health Institute to the appropriate programs: one Clerk Steno II position to the Regional Operations program; one Clerk Typist III position, one Director, Staff Training and Development position, one Systems Team Leader position and one Payroll Supervisor position to the Office of Management and Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(4.000)
Personal Services	0	267,088

General Fund Total	0	267,088
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Office of Management and Budget 0164

Initiative: Transfers 7 Social Services Program Specialist II positions, one Management Analyst I position, 3 Management Analyst II positions, 5 Account Clerk II positions, 4 Social Services Manager I positions and one Accounting Technician position from the Regional Operations program to the Office of Management and Budget program as a result of centralizing contracting and rate-setting functions.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(21.000)
Personal Services	0	1,448,677
All Other	0	63,168
General Fund Total	0	1,511,845

Office of Management and Budget 0164

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(4.000)
Personal Services	0	376,888
General Fund Total	0	376,888

Regional Operations 0863

Initiative: Transfers the following funds and positions from the Augusta Mental Health Institute to the appropriate programs: one Clerk Steno II position to the Regional Operations program; one Clerk Typist III position, one Director, Staff Training and Development position, one Systems Team Leader position and one Payroll Supervisor position to the Office of Management and Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	45,662
General Fund Total	0	45,662

Regional Operations 0863

Initiative: Transfers one Clerk Typist II position from the Elizabeth Levinson Center to the Regional Operations program in order for the position to be reflected in the appropriate program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	32,937
General Fund Total	0	32,937

Regional Operations 0863

Initiative: Transfers 7 Social Services Program Specialist II positions, one Management Analyst I position, 3 Management Analyst II positions, 5 Account Clerk II positions, 4 Social Services Manager I positions and one Accounting Technician position from the Regional Operations program to the Office of Management and Budget program as a result of centralizing contracting and rate-setting functions.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-21.000)
Personal Services	0	(1,448,677)
All Other	0	(63,168)
General Fund Total	0	(1,511,845)

Regional Operations 0863

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(3.000)
Personal Services	0	159,174
General Fund Total	0	159,174

Elizabeth Levinson Center 0119

Initiative: Transfers one Clerk Typist II position from the Elizabeth Levinson Center to the Regional Operations program in order for the position to be reflected in the appropriate program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(32,937)
General Fund Total	0	(32,937)

Elizabeth Levinson Center 0119

Initiative: Appropriates funds for reconciliation of fiscal year 2002-03 tax imposed on residential treatment facilities for

individuals with developmental disabilities. This request will generate \$17,254 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
All Other	0	24,100
General Fund Total	0	24,100

Mental Health Services - Children 0136

Initiative: Transfers one Public Service Manager II position and one Building Custodian position from the Aroostook Residential Center program to the Mental Retardation Services - Community program and the Mental Health Services - Children program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	43,397
General Fund Total	0	43,397

Mental Health Services - Children 0136

Initiative: Transfers 2 Crisis Stabilization Worker positions from the Mental Health Services - Community program and one Public Service Manager III position from the Mental Health Services - Children program to the Mental Retardation Services - Community program for the purpose of establishing 3 Mental Health and Mental Retardation Caseworker positions due to consent decree requirements. This request will generate \$238,595 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(114,483)
General Fund Total	0	(114,483)

Mental Health Services - Children 0136

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	72,014
General Fund Total	0	72,014

Mental Health Services - Children 0136

Initiative: Deappropriates one-time funds for expenditures that will be paid from the Temporary Assistance for Needy Families, TANF, Prevention Services within the TANF Block Grant by establishing 120-day prevention programs for respite care for parents.

General Fund	2003-04	2004-05
All Other	0	(1,000,000)
General Fund Total	0	(1,000,000)

Mental Health Services - Children 0136

Initiative: Appropriates funds to provide prior authorization and utilization review of services.

General Fund	2003-04	2004-05
All Other	0	125,000
General Fund Total	0	125,000

Mental Health Services - Children 0136

Initiative: Allocates funds to provide prior authorization and utilization review of services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	125,000
Federal Expenditures Fund Total	0	125,000

Mental Health Services - Children 0136

Initiative: Appropriates funds in fiscal year 2004-05 to partially offset reductions made in Public Law 2003, chapter 20.

General Fund	2003-04	2004-05
All Other	0	2,000,000
General Fund Total	0	2,000,000

Mental Health Services - Child Medicaid 0731

Initiative: Appropriates funds to cover an anticipated shortfall. Expenditures for children's behavioral health services, including case management, in-home supports, outpatient and crisis services have increased and are exceeding budgeted levels.

General Fund	2003-04	2004-05
All Other	0	5,572,361
General Fund Total	0	5,572,361

Mental Health Services - Child Medicaid 0731

Initiative: Deappropriates funds as a result of savings to be achieved by implementing centralized enrollment, standardized assessment of medical necessity, standardized levels of care and prior authorization and utilization review of services in the plans of care.

General Fund	2003-04	2004-05
All Other	0	(1,125,000)
General Fund Total	0	(1,125,000)

Mental Health Services - Child Medicaid 0731

Initiative: Deappropriates funds as a result of savings to be achieved by setting rate caps for certain services to achieve payment equity among service providers.

General Fund	2003-04	2004-05
All Other	0	(250,000)
General Fund Total	0	(250,000)

Mental Health Services - Child Medicaid 0731

Initiative: Deappropriates funds as a result of savings to be achieved by setting a rate cap at the median of current rates paid to providers for outpatient services to achieve payment equity among service providers.

General Fund	2003-04	2004-05
All Other	0	(215,000)
General Fund Total	0	(215,000)

Mental Health Services - Child Medicaid 0731

Initiative: Deappropriates funds as a result of savings to be achieved by replacing child and family community support and in-home support services with a redesigned benefit based on clinical criteria.

General Fund	2003-04	2004-05
All Other	0	(1,000,000)
General Fund Total	0	(1,000,000)

Augusta Mental Health Institute 0105

Initiative: Transfers funds resulting from a reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
All Other	0	416,668
General Fund Total	0	416,668

Augusta Mental Health Institute 0105

Initiative: Transfers the following funds and positions from the Augusta Mental Health Institute to the appropriate programs: one Clerk Steno II position to the Regional Operations program; one Clerk Typist III position, one Director, Staff Training and Development position, one Systems Team Leader position and one Payroll Supervisor position to the Office of Management and Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-11,000)
Personal Services	0	(711,013)
Other Special Revenue Funds Total	0	(711,013)

Augusta Mental Health Institute 0105

Initiative: Establishes one Medical Care Coordinator position by transferring funds from All Other to Personal Services to assist the Regional Medical Director and the Utilization Review Nurse in assessing needs and appropriate community-based services.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1,000)
Personal Services	0	33,770
All Other	0	(33,770)
Other Special Revenue Funds Total	0	0

Augusta Mental Health Institute 0105

Initiative: Appropriates and deallocates funds resulting from a reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
All Other	0	706,239
General Fund Total	0	706,239

Other Special Revenue Funds

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(706,239)
Other Special Revenue Funds Total	0	(706,239)

Augusta Mental Health Institute 0105

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	(166,918)
Other Special Revenue Funds Total	0	(166,918)

Augusta Mental Health Institute 0105

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(79,091)
Other Special Revenue Funds Total	0	(79,091)

Augusta Mental Health Institute 0105

Initiative: Deappropriates funds due to a reduction in costs for drug purchases to be achieved by consolidating drug purchases for the Augusta Mental Health Institute and the Bangor Mental Health Institute into a single contract.

General Fund

General Fund	2003-04	2004-05
All Other	0	(180,000)
General Fund Total	0	(180,000)

Bangor Mental Health Institute 0120

Initiative: Transfers funds resulting from a reduction in Federal Disproportionate Share funding.

General Fund

General Fund	2003-04	2004-05
All Other	0	1,301,854
General Fund Total	0	1,301,854

Bangor Mental Health Institute 0120

Initiative: Appropriates and deallocates funds resulting from a reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
All Other	0	1,963,435
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General Fund Total	0	1,963,435
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Other Special Revenue Funds	2003-04	2004-05
All Other	0	(1,963,435)
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Other Special Revenue Funds Total	0	(1,963,435)

Bangor Mental Health Institute 0120

Initiative: Deallocates funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	(176,647)
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Other Special Revenue Funds Total	0	(176,647)

Bangor Mental Health Institute 0120

Initiative: Deallocates funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(33,422)
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Other Special Revenue Funds Total	0	(33,422)

Bangor Mental Health Institute 0120

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-15.000)
Personal Services	0	(842,838)

Other Special Revenue Funds Total	0	(842,838)
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Bangor Mental Health Institute 0120

Initiative: Deappropriates funds due to a reduction in costs for drug purchases to be achieved by consolidating drug purchases for the Augusta Mental Health Institute and the Bangor Mental Health Institute into a single contract.

General Fund	2003-04	2004-05
All Other	0	(180,000)
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General Fund Total	0	(180,000)

Bangor Mental Health Institute 0120

Initiative: Deallocates funds by eliminating one Custodial Worker III position and 2 Laundry Washer positions as a result of contracting laundry services at the Bangor Mental Health Institute.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-3.000)
Personal Services	0	(98,185)
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Other Special Revenue Funds Total	0	(98,185)

Bangor Mental Health Institute 0120

Initiative: Appropriates funds to All Other for the purpose of contracting for laundry services at the Bangor Mental Health Institute.

General Fund	2003-04	2004-05
All Other	0	48,746
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General Fund Total	0	48,746

Mental Health Services - Community 0121

Initiative: Transfers the following funds and positions from the Augusta Mental Health Institute to the appropriate programs: one Clerk Steno II position to the Regional Operations program; one Clerk Typist III position, one Director, Staff Training and Development position, one Systems Team Leader position and one Payroll Supervisor position to the Office of Management and Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(6.000)
Personal Services	0	764,382
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General Fund Total	0	764,382

Mental Health Services - Community 0121

Initiative: Transfers funds from the Department of Human Services to the Department of Behavioral and Developmental Services, Mental Health Services - Community program for the provision of room and board services.

General Fund	2003-04	2004-05
All Other	0	103,405

General Fund Total	0	103,405
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Mental Health Services - Community 0121

Initiative: Transfers 2 Crisis Stabilization Worker positions from the Mental Health Services - Community program and one Public Service Manager III position from the Mental Health Services - Children program to the Mental Retardation Services - Community program for the purpose of establishing 3 Mental Health and Mental Retardation Caseworker positions due to consent decree requirements. This request will generate \$238,595 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	0	(141,881)
General Fund Total	0	(141,881)

Mental Health Services - Community 0121

Initiative: Allocates funds as a result of a federal grant entitled "Strengthening Maine's Emergency Mental Health and Substance Abuse Response Capacity" and a federal grant from the United States Department of Housing and Urban Development.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	326,146
Federal Expenditures Fund Total	0	326,146

Mental Health Services - Community 0121

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(6.000)
Personal Services	0	605,483
General Fund Total	0	605,483

Mental Health Services - Community 0121

Initiative: Provides funds to provide prior authorization and utilization review of services.

General Fund	2003-04	2004-05
All Other	0	125,000
General Fund Total	0	125,000

Mental Health Services - Community 0121

Initiative: Provides funds to provide prior authorization and utilization review of services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	125,000
Federal Expenditures Fund Total	0	125,000

Mental Health Services - Community 0121

Initiative: Deappropriates funds as a result of savings to be achieved by redesigning the adult mental health crisis system to improve efficiency and service coordination and by reducing grant funding.

General Fund	2003-04	2004-05
All Other	0	(600,000)
General Fund Total	0	(600,000)

Mental Health Services - Community Medicaid 0732

Initiative: Provides funds to cover an anticipated shortfall. Expenditures for adult mental health services, including private nonmedical institution treatment, outpatient services, crisis services and community support services, have increased and are exceeding budgeted levels.

General Fund	2003-04	2004-05
All Other	0	4,095,312
General Fund Total	0	4,095,312

Mental Health Services - Community Medicaid 0732

Initiative: Deappropriates funds as a result of savings to be achieved by setting a rate cap at the median of current rates paid to providers of outpatient services to achieve payment equity among service providers.

General Fund	2003-04	2004-05
All Other	0	(321,560)
General Fund Total	0	(321,560)

Mental Health Services - Community Medicaid 0732

Initiative: Deappropriates funds as a result of savings to be achieved by implementing centralized enrollment, standardized assessment of medical necessity, standardized levels of care and prior authorization and utilization review of services in the plans of care.

General Fund	2003-04	2004-05
All Other	0	(1,125,000)
General Fund Total	0	(1,125,000)

Disproportionate Share - Augusta Mental Health Institute 0733

Initiative: Transfers funds resulting from a reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
All Other	0	(416,668)
General Fund Total	0	(416,668)

Disproportionate Share - Augusta Mental Health Institute 0733

Initiative: Transfers the following funds and positions from the Augusta Mental Health Institute to the appropriate programs: one Clerk Steno II position to the Regional Operations program; one Clerk Typist III position, one Director, Staff Training and Development position, one Systems Team Leader position and one Payroll Supervisor position to the Office of Management and Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Personal Services	0	(366,119)
General Fund Total	0	(366,119)

Disproportionate Share - Augusta Mental Health Institute 0733

Initiative: Establishes one Medical Care Coordinator position by transferring funds from All Other to Personal Services to assist the Regional Medical Director and Utilization Review Nurse assessing needs and appropriate community-based services.

General Fund	2003-04	2004-05
Personal Services	0	18,047
All Other	0	(18,047)
General Fund Total	0	0

Disproportionate Share - Augusta Mental Health Institute 0733

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

General Fund	2003-04	2004-05
Personal Services	0	166,918
General Fund Total	0	166,918

Disproportionate Share - Augusta Mental Health Institute 0733

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

General Fund	2003-04	2004-05
All Other	0	79,091
General Fund Total	0	79,091

Disproportionate Share - Bangor Mental Health Institute 0734

Initiative: Transfers funds as a result of a reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
All Other	0	(1,301,854)
General Fund Total	0	(1,301,854)

Disproportionate Share - Bangor Mental Health Institute 0734

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

General Fund	2003-04	2004-05
Personal Services	0	176,647
General Fund Total	0	176,647

Disproportionate Share - Bangor Mental Health Institute 0734

Initiative: Provides funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

General Fund	2003-04	2004-05
All Other	0	33,422
General Fund Total	0	33,422

Disproportionate Share - Bangor Mental Health Institute 0734

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Personal Services	0	(433,990)
General Fund Total	0	(433,990)

Disproportionate Share - Bangor Mental Health Institute 0734

Initiative: Deappropriates and deallocates funds by eliminating one Custodial Worker III position and 2 Laundry Washer positions as a

result of contracting laundry services at the Bangor Mental Health Institute.

General Fund	2003-04	2004-05
Personal Services	0	(50,561)
General Fund Total	0	(50,561)

Aroostook Residential Center 0118

Initiative: Transfers one Public Service Manager II position and one Building Custodian position from the Aroostook Residential Center program to the Mental Retardation Services - Community program and the Mental Health Services - Children program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2,000)
Personal Services	0	(146,211)
General Fund Total	0	(146,211)

Aroostook Residential Center 0118

Initiative: Appropriates funds for reconciliation of the fiscal year 2002-03 tax imposed on residential treatment facilities for individuals with developmental disabilities. This request will generate \$6,233 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
All Other	0	6,580
General Fund Total	0	6,580

Mental Retardation Services - Community 0122

Initiative: Transfers one Public Service Manager II position and one Building Custodian position from the Aroostook Residential Center program to the Mental Retardation Services - Community program and the Mental Health Services - Children program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1,000)
Personal Services	0	102,814
General Fund Total	0	102,814

Mental Retardation Services - Community 0122

Initiative: Allocates funds as a result of 2 grant awards from the United States Department of Health and Human Services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	417,675
Federal Expenditures Fund Total	0	417,675

Mental Retardation Services - Community 0122

Initiative: Transfers 2 Crisis Stabilization Worker positions from the Mental Health Services - Community program and one Public Service Manager III position from the Mental Health Services - Children program to the Mental Retardation Services - Community program for the purpose of establishing 3 Mental Health and Mental Retardation Caseworker positions due to consent decree requirements. This request will generate \$238,595 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(3,000)

Personal Services	0	256,364
General Fund Total	0	256,364

Mental Retardation Services - Community 0122

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1,000)
Personal Services	0	63,269
General Fund Total	0	63,269

Mental Retardation Services - Community 0122

Initiative: Appropriates funds for room and board costs in mental retardation waiver facilities.

General Fund	2003-04	2004-05
All Other	0	700,000
General Fund Total	0	700,000

Medicaid Services - Mental Retardation 0705

Initiative: Deappropriates funds due to a reprojection of expenditures.

General Fund	2003-04	2004-05
All Other	0	(166,477)
General Fund Total	0	(166,477)

Medicaid Services - Mental Retardation 0705

Initiative: Deappropriates funds as a result of savings to be achieved by redesigning day habilitation benefits for adults and standardizing rates.

General Fund	2003-04	2004-05
All Other	0	(335,000)
General Fund Total	0	(335,000)

Freeport Towne Square 0814

Initiative: Appropriates funds for reconciliation of the fiscal year 2002-03 tax imposed on residential treatment facilities for individuals with developmental disabilities. This request will generate \$1,491 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
All Other	0	2,930

General Fund Total	0	2,930
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Mental Retardation Waiver - MaineCare 0987

Initiative: Appropriates funds to cover an anticipated shortfall. Expenditures for mental retardation waiver services have increased and are exceeding budgeted levels due to an increase in the number of consumers being served and increased costs per consumer.

General Fund	2003-04	2004-05
All Other	0	5,934,864
General Fund Total	0	5,934,864

Mental Retardation Waiver - MaineCare 0987

Initiative: Deappropriates funds as a result of savings to be achieved by implementing more cost-effective service delivery models based on standardized functional assessments and standardized rates. Additional diagnostic assessments and care plan reviews will be completed for all high-cost consumers.

General Fund	2003-04	2004-05
All Other	0	(1,000,000)
General Fund Total	0	(1,000,000)

Office of Substance Abuse 0679

Initiative: Allocates funds as a result of 2 grant awards from the United States Department of Justice, Office of Justice programs.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	455,000
Federal Expenditures Fund Total	0	455,000

Office of Substance Abuse 0679

Initiative: Transfers one Education Specialist II position from the federal "Safe and Drug-free Schools" grant to the substance abuse prevention grant.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(77,076)
Federal Expenditures Fund Total	0	(77,076)

Federal Block Grant Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	77,076
Federal Block Grant Fund Total	0	77,076

Office of Substance Abuse 0679

Initiative: Deappropriates funds as a result of savings to be achieved by reducing grants to community agencies for treatment services.

General Fund	2003-04	2004-05
All Other	0	(88,917)
General Fund Total	0	(88,917)

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Deappropriates funds due to an unanticipated surplus.

General Fund	2003-04	2004-05
All Other	0	(1,037,584)
General Fund Total	0	(1,037,584)

Office of Substance Abuse 0679

Initiative: Deappropriates funds by reducing grants to community agencies for treatment services.

General Fund	2003-04	2004-05
All Other	0	(250,000)
General Fund Total	0	(250,000)

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	0	14,492,802
FEDERAL EXPENDITURES FUND	0	1,371,745
OTHER SPECIAL REVENUE FUNDS	0	(4,777,788)
FEDERAL BLOCK GRANT FUND	0	77,076
DEPARTMENT TOTAL - ALL FUNDS	0	11,163,835

CONSERVATION, DEPARTMENT OF

Forest Policy and Management - Division of 0240

Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.

General Fund	2003-04	2004-05
All Other	0	(5,403)
General Fund Total	0	(5,403)

Forest Practices 0861

Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.

General Fund	2003-04	2004-05
All Other	0	5,403
General Fund Total	0	5,403

Natural Areas Program 0821

Initiative: Provides for the allocation of funds to increase a part-time Planning and Research Associate II position to a full-time position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(0.500)
Personal Services	0	30,753
Other Special Revenue Funds Total	0	30,753

CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	0	0
OTHER SPECIAL REVENUE FUNDS	0	30,753

General Fund Total	0	(22,560)
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Downeast Correctional Facility 0542

Initiative: Transfers All Other funds from institutional accounts to the Central Office for the purpose of centralizing funding for mental health initiatives.

General Fund	2003-04	2004-05
All Other	0	(40,000)
General Fund Total	0	(40,000)

Correctional Medical Services Fund 0286

Initiative: Allocates funds to increase the All Other and Capital Expenditures line categories for the purpose of expending funds received from offender medical copayments.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	12,300
Capital Expenditures	0	11,700
Other Special Revenue Funds Total	0	24,000

Correctional Medical Services Fund 0286

Initiative: Transfers All Other funds from institutional accounts to the Central Office for the purpose of centralizing funding for mental health initiatives.

General Fund	2003-04	2004-05
All Other	0	238,049
General Fund Total	0	238,049

Correctional Medical Services Fund 0286

Initiative: Deappropriates funds in the All Other line in Corrections Medical Services as a result of savings due to efficiencies in contracted medical services, using the MaineCare rates for qualified outpatient services, increased compliance with the current formulary in the pharmacy contract, pharmaceutical rebates and rebates in the Hepatitis C program.

General Fund	2003-04	2004-05
All Other	0	(1,038,609)
General Fund Total	0	(1,038,609)

Administration - Corrections 0141

Initiative: Allocates fund for one limited-period Social Service Program Specialist position that ends June 11, 2005 and related All Other expenses and associated All Other grant expenses.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	69,237
All Other	0	90,369
Federal Expenditures Fund Total	0	159,606

Administration - Corrections 0141

Initiative: Transfers one Clerk Typist III position from Juvenile Community Corrections to Administration for the purpose of implementing stronger internal controls for cash management.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	48,667
General Fund Total	0	48,667

CORRECTIONS, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	359,734
FEDERAL EXPENDITURES FUND	0	206,243
OTHER SPECIAL REVENUE FUNDS	0	29,076
DEPARTMENT TOTAL - ALL FUNDS	0	595,053

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Loring Rebuild Facility 0843

Initiative: Provides funding for the ongoing Loring Center of Excellence program.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	15,000,000
Federal Expenditures Fund Total	0	15,000,000

Veterans Services 0110

Initiative: Provides for the conversion of one Bureau of Veterans Services vacant full-time year-round Groundskeeper I position to 2 seasonal Groundskeeper I positions to work 6 months including summer.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Positions - FTE Count	(0.000)	(1.000)
General Fund Total	0	0

Veterans Services 0110

Initiative: Provides funds for the extension of one part-time, 35-hour per week Clerk Typist II position to full time.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	4,356
Federal Expenditures Fund Total	0	4,356

Military Training and Operations 0108

Initiative: Provides funds for the ongoing STARBASE federal program. The program has been operational for the last 3 years and appears to be continuing for the foreseeable future.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	220,000
Federal Expenditures Fund Total	0	220,000

Military Training and Operations 0108

Initiative: Provides for changing salary distribution percentages for 2 Environmental Specialist II positions. One changes from 75% Federal Expenditures Fund and 25% General Fund to 100% Federal Expenditures Fund, and the other changes from 100% Federal

Expenditures Fund to 75% Federal Expenditures Fund and 25% General Fund.

General Fund	2003-04	2004-05
Personal Services	0	998
All Other	0	(998)
General Fund Total	0	0
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	(998)
Federal Expenditures Fund Total	0	(998)

Military Training and Operations 0108

Initiative: Allocates funds to Military Training and Operations to continue one project Chief Volunteer Services position through June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	64,847
Federal Expenditures Fund Total	0	64,847

Military Training and Operations 0108

Initiative: Provides funds to continue one Cartographer position originally established on Financial Order F890.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	63,285
Federal Expenditures Fund Total	0	63,285

Administration - Maine Emergency Management Agency 0214

Initiative: Allocates funds to the Maine Emergency Management Agency to continue one project Planning and Research Associate I position through June 18, 2005 utilizing 75% federal and 25% dedicated revenue.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	42,756
Federal Expenditures Fund Total	0	42,756
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	14,251
Other Special Revenue Funds Total	0	14,251

Administration - Maine Emergency Management Agency 0214

Initiative: Allocates funds to the Maine Emergency Management Agency to continue one limited-period Public Service Coordinator II position, one project Planner II position and one Public Service Coordinator I position through June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	250,139
Federal Expenditures Fund Total	0	250,139

Administration - Maine Emergency Management Agency 0214

Initiative: Provides funds for the ongoing Federal Disaster Assistance program.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	4,000,000
Federal Expenditures Fund Total	0	4,000,000

Administration - Maine Emergency Management Agency 0214

Initiative: Provides for changing the distribution of costs associated with one Planning and Research Associate II position and one Planning and Research Assistant position to 100% Other Special Revenue funds from 50% Federal Expenditures Funds and 50% Other Special Revenue funds.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	(60,124)
Federal Expenditures Fund Total	0	(60,124)
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	60,124
Other Special Revenue Funds Total	0	60,124

Administration - Maine Emergency Management Agency 0214

Initiative: Provides allocation for continuing a federal grant for the Supplemental State Homeland Security Grant from the United States Department of Homeland Security, Office for Domestic Preparedness.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	4,500,000
Federal Expenditures Fund Total	0	4,500,000

Administration - Maine Emergency Management Agency 0214

Initiative: Provides funds to create one Public Service Coordinator I position, one Project Manager I position, one Senior Planner position, one Contract/Grant Specialist position, one Planning and Research Associate II position, 2 Planning and Research Associate I positions and one Storekeeper II position.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(8.000)
Personal Services	0	492,231
Federal Expenditures Fund Total	0	492,231

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	0	24,576,492
OTHER SPECIAL REVENUE FUNDS	0	74,375
DEPARTMENT TOTAL - ALL FUNDS	0	24,650,867

DIRIGO HEALTH

Dirigo Health Fund 0988

Initiative: Allocates funds for limited-period positions and associated All Other costs.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,019,302
All Other	0	1,511,741
Unallocated	0	(3,531,043)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	0

DIRIGO HEALTH DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	0	0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	0

EDUCATION, DEPARTMENT OF

Preschool Handicapped 0449

Initiative: Provides funding for the transfer of an Education Specialist II position to the Preschool Handicapped program from the Learning Systems program.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	73,243
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	73,243

Support Systems 0837

Initiative: Provides funding for the transfer of 70% of an Education Specialist II position from the Support Systems program to Learning Systems.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	(45,257)
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	(45,257)

Learning Systems 0839

Initiative: Provides funding for the establishment of one Clerk Typist III position for support of the federal No Child Left Behind Act Reading First program.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	45,133
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	45,133

Learning Systems 0839

Initiative: Allocates funds for the reallocation of the cost of an Education Specialist III position. Seventy percent of the cost of the position will be allocated to the Learning Systems program and 30% of the cost will be allocated to the Regional Services program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	48,326
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	48,326

Learning Systems 0839

Initiative: Provides funding for the transfer of 70% of an Education Specialist II position from the Support Systems program to Learning Systems.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	45,257
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	45,257

Learning Systems 0839

Initiative: Provides funding for the transfer of 5% of an Education Specialist II position from the Truancy, Dropout and Alternative Education program, Other Special Revenue Funds account 014 05A 0839 01, to the federal McKinney Homeless Assistance account 013 05A 0839 01.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	3,812
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	3,812

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	(3,812)
	<hr/>	<hr/>

Other Special Revenue Funds Total	0	(3,812)
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Learning Systems 0839

Initiative: Provides funding to establish an Education Specialist III position and an Education Specialist I position to work with the 21st Century federal grant program and the Children's Cabinet. Two vacant positions in the Department of Labor are proposed to be eliminated in order to provide the headcount necessary for these positions. The headcount and cost of the Education Specialist III position and 50% of the cost of the Education Specialist I position will be funded in the Individuals with Disabilities Education Act (IDEA)/School Age account. The entire headcount and the remaining 50% of the cost of the Education Specialist I position will be funded in the Elementary and Secondary Education Act (ESEA) Chapter 1 Compensatory Education account.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	131,280
All Other	0	4,270
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	135,550

Learning Systems 0839

Initiative: Provides funding for the transfer of an Educational Specialist II position to the Preschool Handicapped program from the Learning Systems program.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(73,243)
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	(73,243)

Regional Services 0840

Initiative: Provides funding for the establishment of one Administrative Secretary position and one Clerk Typist III position for support of the Standards, Assessment and Regional Services Team.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	93,972
Federal Expenditures Fund Total	0	93,972

Regional Services 0840

Initiative: Allocates funds for the reallocation of the cost of an Education Specialist III position. Seventy percent of the cost of the position will be allocated to the Learning Systems program and 30% of the cost will be allocated to the Regional Services program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	20,709
Federal Expenditures Fund Total	0	20,709

Fund for a Healthy Maine - School Nurse Consultant 0949

Initiative: Allocates funds through a transfer from the Fund for a Healthy Maine to cover a Personal Services shortfall. The Fund for a Healthy Maine Tobacco Prevention Control and Treatment and Fund for a Healthy Maine - Service Center accounts have salary savings that will be deallocated to provide the resources for the allocations made to the other Fund for a Healthy Maine programs.

Fund for a Healthy Maine	2003-04	2004-05
Personal Services	0	0
Fund for a Healthy Maine Total	0	0

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	0	347,502
OTHER SPECIAL REVENUE FUNDS	0	(3,812)
DEPARTMENT TOTAL - ALL FUNDS	0	343,690

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Provides for an increase in allocation to allow necessary expenditures from the Stormwater Compensation Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	75,000
Other Special Revenue Funds Total	0	75,000

Land and Water Quality 0248

Initiative: Provides for the allocation of funds and related All Other costs to merge the Borrow Pit account into the Maine Environmental Protection Fund as a subaccount to ensure adequate allocations for the program. An Environmental Specialist IV position and related All Other will be transferred into the account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(82,332)
All Other	0	(19,128)

Other Special Revenue		
Funds Total	0	(101,460)

Remediation and Waste Management 0247

Initiative: Provides for the transfer of one Clerk Typist III position from the MultiSite II Grant account to the Maine Coastal and Inland Surface Oil Clean-up Fund to align functions with funding.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(45,465)
Federal Expenditures Fund Total	0	(45,465)

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	45,465
Other Special Revenue Funds Total	0	45,465

Remediation and Waste Management 0247

Initiative: Provides funds for the reorganization of a Clerk Typist III position to an Accounting Technician position to support financial management.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,451
All Other	0	88

Other Special Revenue		
Funds Total	0	4,539

Remediation and Waste Management 0247

Initiative: Provides for the transfer of one Environmental Technician position from Maine Coastal and Inland Surface Oil Clean-up Fund to the MultiSite II Grant account to align functions with funding.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	58,497
Federal Expenditures Fund Total	0	58,497

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(58,497)
Other Special Revenue Funds Total	0	(58,497)

Performance Partnership Grant 0851

Initiative: Provides funds to extend a limited-period Environmental Specialist III position through June 17, 2005 under a one-time grant to assist in corrective actions in the backlog of hazardous waste sites.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	63,715
All Other	0	1,255
Federal Expenditures Fund Total	0	64,970

Performance Partnership Grant 0851

Initiative: Provides funds to extend a limited-period Environmental Specialist III position through June 17, 2005 to support the development of the department's integrated environmental information system.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	63,715
All Other	0	1,255
Federal Expenditures Fund Total	0	64,970

Performance Partnership Grant 0851

Initiative: Provides funds to extend a limited-period Environmental Specialist II position through June 17, 2005 to support licensing and compliance of finfish aquaculture facilities.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	59,636
All Other	0	1,175
Federal Expenditures Fund Total	0	60,811

Performance Partnership Grant 0851

Initiative: Provides for an increase in the All Other allocation for the Performance Partnership Grant account to reflect increased grant awards.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	917,730
Federal Expenditures Fund Total	0	917,730

Maine Environmental Protection Fund 0421

Initiative: Provides for the allocation of funds and related All Other costs to merge the Borrow Pit Regulation, Other Special Revenue Funds account into the Maine Environmental Protection Fund as a subaccount to ensure adequate allocations for the program. An Environmental Specialist IV position and related All Other will be transferred into the account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	82,332
All Other	0	19,128
Other Special Revenue Funds Total	0	101,460

ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	1,121,513
OTHER SPECIAL REVENUE FUNDS	0	66,507
DEPARTMENT TOTAL - ALL FUNDS	0	1,188,020

ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 0414

Initiative: Makes corrections within the All Other line to reflect the change in funding from the grant line to per diem payments, temporary workers and database system.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	1,500
All Other	0	(1,500)
Other Special Revenue Funds Total	0	0

ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	0

EXECUTIVE DEPARTMENT

Administration - Executive - Governor's Office 0165

Initiative: Provides for the appropriation of Personal Services funds to make permanent 9 Governor Special Assistant positions for the Governor's Office of Health Policy and Finance and associated All Other. Funding for this initiative is primarily from the deappropriation of funds in the Health Reform Reserve Fund account, established in Public Law 2003, chapter 451, Part C. Also provides for the allocation and receipt of funds associated with the federal MaineCare Match reimbursement for one Director position and one Deputy Director position within the Office of Health Policy and Finance.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(9.000)
Personal Services	0	828,580
All Other	0	98,500
General Fund Total	0	927,080

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	70,962
All Other	0	8,051
Federal Expenditures Fund Total	0	79,013

EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	927,080
FEDERAL EXPENDITURES FUND	0	79,013
DEPARTMENT TOTAL - ALL FUNDS	0	1,006,093

HUMAN SERVICES, DEPARTMENT OF

Office of Management and Budget 0142

Initiative: Provides for the allocation of funds to support the upgrade of a Programmer Analyst position to a Senior Programmer Analyst position as part of a reorganization of the Health and Environmental Testing Laboratory/Department of Training.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,560
Other Special Revenue Funds Total	0	4,560

Office of Management and Budget 0142

Initiative: Provides for the allocation of funds for a limited-period Public Service Coordinator I position to assist in documenting processes and procedures for the department's Financial Services Division until June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	88,983
Federal Expenditures Fund Total	0	88,983

Office of Management and Budget 0142

Initiative: Provides for the appropriation and deappropriation, allocation and deallocation of funds and transfer of positions to continue 3 Managing Staff Accountant positions that were previously established through Financial Order 489 F4, one Assistant Director of Fiscal Operations position and one Director of Budget and Fiscal Operations position in the Federal Expenditures Fund. These positions were previously created by upgrading existing positions within the Office of Management and Budget.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	145,725
All Other	0	(21,222)
General Fund Total	0	124,503

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	119,108
Federal Expenditures Fund Total	0	119,108

Office of Management and Budget 0142

Initiative: Adjusts allocations through the transfer of one Programmer Analyst position to the Federal Project Grants account in the Bureau of Health.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(76,085)
Other Special Revenue Funds Total	0	(76,085)

Fund for a Healthy Maine - Service Center 0957

Initiative: Provides for the deallocation of funds through a transfer of salary savings to the Fund for a Healthy Maine to cover a Personal Services shortfall. Several of the FHM programs are fully staffed and are unable to achieve the anticipated savings through attrition, resulting in insufficient Personal Services allocation for fiscal year 2003-04.

Fund for a Healthy Maine	2003-04	2004-05
Personal Services	0	0
Fund for a Healthy Maine Total	0	0

Community Services Center 0845

Initiative: Provides for the allocation of funds to reflect the amount of revenue collected in child care licensing fees for the administration of the program.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	200,000
Other Special Revenue Funds Total	0	200,000

Purchased Social Services 0228

Initiative: Allocates funds from federal grants to provide language training, employment and support services to newly arrived refugees.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	62,500
Federal Expenditures Fund Total	0	62,500

Bureau of Child and Family Services - Central 0307

Initiative: Provides for the transfer of All Other funds to Personal Services to establish 2 Systems Analyst positions, one Information System Support Manager position, one Management Analyst II position and one Planning and Research Assistant position in the Federal Expenditures Fund; and 2 Senior Program Analyst positions, 2 Programmer Analyst positions, one Information Support Specialist position and one Information System Support Technician position in the Other Special Revenue Funds account. These positions will help support the Maine Automated Child Welfare Information System for the Bureau of Child and Family Services. This function is currently supported through a contract.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(5.000)
Personal Services	0	359,715
All Other	0	(305,566)
Federal Expenditures Fund Total	0	54,149

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(6.000)
Personal Services	0	474,835
All Other	0	(305,566)
Other Special Revenue Funds Total	0	169,269

Bureau of Child and Family Services - Central 0307

Initiative: Allocates funds from a federal grant for adoption opportunities to increase placements of children in foster care through building relationships.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	87,500
Federal Expenditures Fund Total	0	87,500

Bureau of Child and Family Services - Central 0307

Initiative: Provides for the appropriation of funds required to evaluate the placement setting of children in state custody to determine if a less restrictive placement is appropriate.

General Fund	2003-04	2004-05
All Other	0	200,000
General Fund Total	0	200,000

Foster Care 0137

Initiative: Deappropriates and deallocates funds as a result of savings generated from the transfer of children in institutional care or in high-cost settings to less restrictive settings after evaluation.

General Fund	2003-04	2004-05
All Other	0	(330,960)
General Fund Total	0	(330,960)
Federal Expenditures Fund	2003-04	2004-05
All Other	0	(640,873)
Federal Expenditures Fund Total	0	(640,873)

Child Welfare Services 0139

Initiative: Deappropriates funds for expenditures that will be paid from the Temporary Assistance for Needy Families, TANF, prevention services within the TANF Block Grant by establishing 120-day prevention programs for community intervention.

General Fund	2003-04	2004-05
All Other	0	(1,500,000)
General Fund Total	0	(1,500,000)

Child Welfare Services 0139

Initiative: Deappropriates and deallocates funds as a result of savings generated from the transfer of children in institutional care or in high-cost settings to less restrictive settings after evaluation.

General Fund	2003-04	2004-05
All Other	0	(194,040)
General Fund Total	0	(194,040)

Elder and Adult Services - Bureau of 0140

Initiative: Provides for the allocation of funds to establish one Social Services Program Specialist II position to administer the Maine Resources Network Project. This position will end on September 29, 2006.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	81,412
All Other	0	174,719
Federal Expenditures Fund Total	0	256,131

Elder and Adult Services - Bureau of 0140

Initiative: Appropriates funds to pay the Office of the State Fire Marshal for the cost of inspections of medical and remedial facilities.

General Fund	2003-04	2004-05
All Other	0	177,232
General Fund Total	0	177,232

Long-term Care - Human Services 0420

Initiative: Deappropriates funds as a result of an anticipated fiscal year surplus in this state-funded program and as a result of implementing an asset cap at \$75,000.

General Fund	2003-04	2004-05
All Other	0	(2,053,000)

General Fund Total	0	(2,053,000)
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Congregate Housing 0211

Initiative: Deappropriates funds by requiring providers to bill MaineCare for eligible individuals living in licensed assisted housing programs whose services now are paid with state funds.

General Fund	2003-04	2004-05
All Other	0	(800,000)
General Fund Total	0	(800,000)

Health - Bureau of 0143

Initiative: Provides for the allocation of funds for one project Senior Database Analyst position from April 19, 2004 to June 18, 2005. This is a continuation of a position authorized in Financial Order 433 F4. This position will be transferred to the Federal Project Grants account in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	99,901
Federal Expenditures Fund Total	0	99,901

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade one Comprehensive Health Planner I position to a Public Health Nurse II position.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,669
All Other	0	(2,669)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds for nutrition and physical activities and the establishment of 3 positions to implement the programs: 2 Comprehensive Health Planner II positions and one Health Program Manager position.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(3.000)
Personal Services	0	204,035
All Other	0	(204,035)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Public Health Educator III position to fulfill expanded Maine-specific needs and newly mandated United States Centers for Disease Control and Prevention grant objectives related to the resurgence of sexually transmitted diseases, especially syphilis and gonorrhea.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,648
All Other	0	(2,648)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade a Store-keeper I position to a Data Control Specialist position to fulfill expanded Maine-specific needs and newly mandated United States Centers for Disease Control and Prevention grant objectives related to improving the quality assurance functions of the program's vaccine distribution system.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,407
All Other	0	(2,407)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the allocation of funds to extend an existing project Programmer Analyst position from July 1, 2004 to June 18, 2005 in the Health and Environmental Testing Laboratory.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	74,192
All Other	0	(74,192)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for an allocation of funds to upgrade a Data Entry Specialist position to an Account Clerk II position associated with a reorganization of the Health and Environmental Testing Laboratory administration office.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,400
All Other	0	(2,400)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the allocation of funds for one project Information System Support Specialist position from April 19, 2004 to June 18, 2005. This is a continuation of a position authorized in Financial Order 696 F4. This position will be transferred to the Federal Project Grants account in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	70,816
Federal Expenditures Fund Total	0	70,816

Health - Bureau of 0143

Initiative: Provides for the transfer of funds for 17 positions from the Public Drinking Water Fund, Other Special Revenue Funds account to the Federal Project Grants, Federal Expenditures Fund. These positions are being funded by a federal Environmental Protection Agency grant for public water supply supervision.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(17,000)
Personal Services	0	1,096,112
All Other	0	171,529
Federal Expenditures Fund Total	0	1,267,641

Health - Bureau of 0143

Initiative: Provides for the allocation of funds to support the Bureau of Health's cost allocation plan as referenced in Public Law 2003, chapter 20, Part B.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	423,500
Federal Expenditures Fund Total	0	423,500

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to support an upgrade of a Comprehensive Health Planner I position to a Public Health Nurse II position.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	3,111
All Other	0	(3,111)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the allocation of funds to provide for an upgrade of a Sanitary Engineer III position, Director, Radiation Control Program, to a Public Service Manager II position.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,747
All Other	0	(2,747)
Other Special Revenue Funds Total	0	0

Health - Bureau of 0143

Initiative: Provides for the allocation of funds necessary for the Health and Environmental Testing Laboratory to purchase supplies and contracts associated with fee-for-service support of analytical testing.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	100,000
Other Special Revenue Funds Total	0	100,000

Health - Bureau of 0143

Initiative: To provide for the transfer of one Public Health Nurse I position from the General Fund to the Maternal and Child Health Block Grant account and provides for the transfer of funds of one Senior Staff Accountant position from the Block Grant account to the General Fund.

General Fund	2003-04	2004-05
Personal Services	0	4,437
All Other	0	(4,437)
General Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to establish one Health Program Manager position in the Comprehensive Cancer Control Program.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1,000)
Personal Services	0	70,137

All Other	0	(70,137)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Procurement and Contracting Specialist position in the Partnership For A Tobacco-Free Maine program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,731
All Other	0	(2,731)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the transfer of funds for a position upgrade of a Chief, Community Health position to a Public Service Manager II position as Director, Community Health Program, who directs all the activities in the Community Health Program and licenses eating and lodging places, campgrounds, youth camps, tattooists, body piercers, electrologists and others.

General Fund	2003-04	2004-05
Personal Services	0	4,391
All Other	0	(4,391)
General Fund Total	0	0

Health - Bureau of 0143

Initiative: Provides for the appropriation of funds to transfer one Procurement and Contracting Specialist position and one Clerk IV position to the Bureau of Health General Fund account from the Maternal and Child Health Block Grant account, funded by indirect cost from the department's Cost Allocation Plan. Transfers 2 Public Health Nurse I positions from the Bureau of Health General Fund account to the Maternal and Child Health Block Grant account.

General Fund	2003-04	2004-05
Personal Services	0	(713)
General Fund Total	0	(713)

Health - Bureau of 0143

Initiative: Adjusts allocations through the transfer of one Programmer Analyst position from the Office of Management and Budget account.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	76,085
Federal Expenditures Fund Total	0	76,085

Maternal and Child Health 0191

Initiative: Provides for the transfer of one Public Health Nurse I position from the General Fund to the Maternal and Child Health Block Grant account and provides for the transfer of one Senior Staff Accountant position from the Maternal and Child Health Block Grant account to the General Fund.

Federal Block Grant Fund	2003-04	2004-05
Personal Services	0	(4,437)

Federal Block Grant Fund Total	0	(4,437)
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Maternal and Child Health 0191

Initiative: Provides for the appropriation of funds to transfer one Procurement and Contracting Specialist position and one Clerk IV position to the Bureau of Health General Fund account from the Maternal and Child Health Block Grant account, funded by indirect cost from the department's Cost Allocation Plan. Transfers 2 Public Health Nurse I positions from the Bureau of Health General Fund account to the Maternal and Child Health Block Grant account.

Federal Block Grant Fund	2003-04	2004-05
Personal Services	0	713
Federal Block Grant Fund Total	0	713

Maternal and Child Health 0191

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Procurement and Contracting Specialist position in the Division of Family Health.

Federal Block Grant Fund	2003-04	2004-05
Personal Services	0	1,178
All Other	0	(1,178)
Federal Block Grant Fund Total	0	0

Special Children's Services 0204

Initiative: Provides for the transfer of funds for an upgrade of a nurse coordinator from a Comprehensive Health Planner I position to a Public Health Nurse II position.

Federal Block Grant Fund	2003-04	2004-05
Personal Services	0	2,404
All Other	0	(2,404)
Federal Block Grant Fund Total	0	0

Special Children's Services 0204

Initiative: Provides for the transfer of funds to increase a Medical Claims Adjuster position from 35 hours to 40 hours per week.

Federal Block Grant Fund	2003-04	2004-05
Personal Services	0	5,834
All Other	0	(5,834)
Federal Block Grant Fund Total	0	0

Plumbing - Control Over 0205

Initiative: Provides for the allocation of funds to provide for an upgrade of the Director, Wastewater and Plumbing Control Supervisor position to a Public Service Manager II position.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,720
All Other	0	(2,720)
Other Special Revenue Funds Total	0	0

Fund for a Healthy Maine - Bureau of Health 0953

Initiative: Provides for the transfer of funds to upgrade an Accountant I position to a Staff Accountant position in the Partnership For A Tobacco-Free Maine program.

Fund for a Healthy Maine	2003-04	2004-05
Personal Services	0	2,596
All Other	0	(2,596)
Fund for a Healthy Maine Total	0	0

Drinking Water Enforcement 0728

Initiative: Provides for the transfer of funds for 17 positions from the Public Drinking Water Fund, Other Special Revenue Funds account to the Federal Project Grants, Federal Expenditures Fund account. These positions are being funded by a federal Environmental Protection Agency grant for public water supply supervision.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-17,000)
Personal Services	0	(1,096,112)
All Other	0	(171,529)
Other Special Revenue Funds Total	0	(1,267,641)

Bureau of Family Independence - Central 0100

Initiative: Provides for the allocation of funds from the Temporary Assistance for Needy Families program's High Performance Bonus system for federal fiscal years 2001 and 2002.

Federal Block Grant Fund	2003-04	2004-05
All Other	0	1,000,000
Federal Block Grant Fund Total	0	1,000,000

Temporary Assistance for Needy Families 0138

Initiative: Provides for the allocation of funds from the Temporary Assistance for Needy Families program's High Performance Bonus system for federal fiscal years 2001 and 2002.

Federal Block Grant Fund	2003-04	2004-05
All Other	0	1,000,000
Federal Block Grant Fund Total	0	1,000,000

Temporary Assistance for Needy Families 0138

Initiative: Deappropriates state funding for the Temporary Assistance for Needy Families program's maintenance of effort requirement.

General Fund	2003-04	2004-05
All Other	0	(2,245,000)
General Fund Total	0	(2,245,000)

General Assistance - Reimbursement to Cities and Towns 0130

Initiative: Provides for the allocation of funds for emergency assistance in the Temporary Assistance for Needy Families program.

Federal Block Grant Fund	2003-04	2004-05
All Other	0	1,000,000
Federal Block Grant Fund Total	0	1,000,000

Bureau of Medical Services 0129

Initiative: Provides for the appropriation and deappropriation, allocation and deallocation of funds and transfer of positions to continue 3 Managing Staff Accountant positions that were previously established through Financial Order 489 F4, and one Assistant Director of Fiscal Operations position and one Director of Budget and Fiscal Operations position in the Federal Expenditures Fund. These positions were previously created by upgrading existing positions within the Office of Management and Budget.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	0	(124,503)
General Fund Total	0	(124,503)

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(37,177)
Federal Expenditures Fund Total	0	(37,177)

Bureau of Medical Services 0129

Initiative: Provides for the allocation of funds to cover the increase in the federal share of MaineCare administrative costs incurred by the Department of Behavioral and Developmental Services reimbursed through the Department of Human Services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	1,558,937
Federal Expenditures Fund Total	0	1,558,937

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for 2 Medical Care Coordinator positions in the General Fund and one Medical Care Coordinator position and one Reimbursement Specialist position in the Federal Expenditures Fund for the Maine Care 3rd-party recovery program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	101,076
All Other	0	11,924
General Fund Total	0	113,000

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	107,052
All Other	0	14,000
Federal Expenditures Fund Total	0	121,052

Medical Care - Payments to Providers 0147

Initiative: Provides for the deallocation of funds for the federal seed of a General Fund deappropriation in the Department of Behavioral and Developmental Services, Office of Substance Abuse to cover a share of the MaineCare shortfall in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(1,941,411)
Federal Expenditures Fund Total	0	(1,941,411)

Medical Care - Payments to Providers 0147

Initiative: Provides for the allocation of funds for the federal seed of a General Fund appropriation in the Department of Behavioral and Developmental Services for its share of the MaineCare shortfall in fiscal year 2004-05 for the mental retardation waiver.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	11,104,653
Federal Expenditures Fund Total	0	11,104,653

Medical Care - Payments to Providers 0147

Initiative: Provides for the allocation of funds for the federal seed of a General Fund appropriation in the Department of Behavioral and Developmental Services for its share of the MaineCare shortfall in mental health children's services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	10,426,378
Federal Expenditures Fund Total	0	10,426,378

Medical Care - Payments to Providers 0147

Initiative: Provides for the allocation of funds for the federal seed of a General Fund appropriation in the Department of Behavioral and Developmental Services for its share of the MaineCare shortfall in mental health community services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	7,662,689
Federal Expenditures Fund Total	0	7,662,689

Medical Care - Payments to Providers 0147

Initiative: Provides for the deappropriation of funds to be transferred to the Department of Behavioral and Developmental Services for the Mental Health Services - Community program for the provision of room and board services.

General Fund	2003-04	2004-05
All Other	0	(103,405)
General Fund Total	0	(103,405)

Medical Care - Payments to Providers 0147

Initiative: Provides for the allocation of funds in accordance with the Maine Revised Statutes, Title 36, section 2873, subsection 4, paragraph A from the tax on residential treatment facilities and nursing homes to increase payments to medical care providers, nursing facilities and for direct services in the Home-based Care program.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	3,019,936
Federal Expenditures Fund Total	0	3,019,936

Medical Care - Payments to Providers 0147

Initiative: Appropriates and allocates funds to meet a projected shortfall.

General Fund	2003-04	2004-05
All Other	0	96,902,596

General Fund Total	0	96,902,596
Federal Expenditures Fund	2003-04	2004-05
All Other	0	181,313,265
Federal Expenditures Fund Total	0	181,313,265

Medical Care - Payments to Providers 0147

Initiative: Allocates funds for drug rebates in the MaineCare program in order to properly reflect nonmatched MaineCare expenditures.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	42,934,004
Other Special Revenue Funds Total	0	42,934,004

Medical Care - Payments to Providers 0147

Initiative: Provides for the deallocation of funds for the federal seed of a General Fund deappropriation in the Department of Behavioral and Developmental Services as a result of savings to be achieved in the Medicaid Services - Mental Retardation account.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(939,056)
Federal Expenditures Fund Total	0	(939,056)

Medical Care - Payments to Providers 0147

Initiative: Provides for the deallocation of funds for the federal seed of a General Fund deappropriation in the Department of Behavioral and Developmental Services as a result of savings to be achieved in the Mental Retardation Waiver MaineCare account.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(1,871,088)
Federal Expenditures Fund Total	0	(1,871,088)

Medical Care - Payments to Providers 0147

Initiative: Provides for the deallocation of funds for the federal seed of a General Fund deappropriation in the Department of Behavioral and Developmental Services as a result of savings to be achieved in the Mental Health Services - Community Medicaid account.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(2,706,641)
Federal Expenditures Fund Total	0	(2,706,641)

Medical Care - Payments to Providers 0147

Initiative: Provides for the deallocation of funds for the federal seed of a General Fund deappropriation in the Department of Behavioral and Developmental Services as a result of savings to be achieved in the Mental Health Services - Child Medicaid account.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(4,846,118)
Federal Expenditures Fund Total	0	(4,846,118)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds as a result of savings generated from the placement of children in institutional care or in high-cost settings in a less restrictive setting after an evaluation.

General Fund	2003-04	2004-05
All Other	0	(875,000)
General Fund Total	0	(875,000)

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(1,637,202)
Federal Expenditures Fund Total	0	(1,637,202)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and appropriates funds by requiring providers to bill MaineCare for eligible individuals living in licensed assisted housing programs whose services now are paid with all state funds.

General Fund	2003-04	2004-05
All Other	0	278,640
General Fund Total	0	278,640

Federal Expenditures Fund	2003-04	2004-05
All Other	0	521,360
Federal Expenditures Fund Total	0	521,360

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds due to the savings achieved by setting premiums for families of children under the Katie Beckett eligibility option at 5% of family income.

General Fund	2003-04	2004-05
All Other	0	(300,000)
General Fund Total	0	(300,000)

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(561,326)
Federal Expenditures Fund Total	0	(561,326)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds due to increased 3rd-party recoveries.

General Fund	2003-04	2004-05
All Other	0	(2,363,000)
General Fund Total	0	(2,363,000)

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(4,421,381)
Federal Expenditures Fund Total	0	(4,421,381)

Nursing Facilities 0148

Initiative: Provides for the allocation of funds in accordance with the Maine Revised Statutes, Title 36, section 2873, subsection 4, paragraph A from the tax on residential treatment facilities and nursing homes to increase payments to medical care providers,

nursing facilities and for direct services in the Home-based Care program.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	18,307,537
Federal Expenditures Fund Total	0	18,307,537

Nursing Facilities 0148

Initiative: Appropriates and allocates funds to meet a projected shortfall.

General Fund	2003-04	2004-05
All Other	0	6,926,129
General Fund Total	0	6,926,129

Federal Expenditures Fund	2003-04	2004-05
All Other	0	16,701,574
Federal Expenditures Fund Total	0	16,701,574

Nursing Facilities 0148

Initiative: Deappropriates and deallocates funds by reducing supplemental reimbursement to nursing homes funded by the nursing home tax initiative.

General Fund	2003-04	2004-05
All Other	0	(1,100,000)
General Fund Total	0	(1,100,000)

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(2,058,197)
Federal Expenditures Fund Total	0	(2,058,197)

Nursing Facilities 0148

Initiative: Allocates additional funds from the nursing facilities tax to reflect updated estimates of the availability of tax revenue and to allow the department to reflect the allocations in the proper appropriation unit.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	16,534,769
Other Special Revenue Funds Total	0	16,534,769

HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	0	92,732,479
FEDERAL EXPENDITURES FUND	0	231,683,225
OTHER SPECIAL REVENUE FUNDS	0	58,598,876
FEDERAL BLOCK GRANT FUND	0	2,996,276
DEPARTMENT TOTAL - ALL FUNDS	0	386,010,856

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Maine Outdoor Heritage Fund 0829

Initiative: Deallocates funds based on the reprojection of revenues for the Outdoor Heritage Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(190,065)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	(190,065)

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to carry out lynx research. Seventy-five percent of the funding for these positions will be provided by the Resource Management Services - Inland Fisheries and Wildlife, Federal Expenditures Fund program. The remaining 25% of the funding for the 2 positions will be provided by the Endangered Nongame Operations, Other Special Revenue Funds program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	85,798
All Other	0	20,000
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	105,798

Fisheries and Hatcheries Operations 0535

Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to protect and enhance aquatic habitat and comply with a legislative study of the fisheries division. Seventy-five percent of the funding for these positions will be provided by the Fisheries and Hatcheries Operations, Federal Expenditures Fund program. The remaining 25% of the funding for the 2 positions will be provided by the Endangered Nongame Operations, Other Special Revenue Funds program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	85,798
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	85,798

Endangered Nongame Operations 0536

Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to carry out lynx research. Seventy-five percent of the funding for these positions will be provided by the Resource Management Services - Inland Fisheries and Wildlife, Federal Expenditures Fund program. The remaining 25% of the funding for the 2 positions will be provided by the Endangered Nongame Operations, Other Special Revenue Funds program.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	28,596
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	28,596

Endangered Nongame Operations 0536

Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to protect and enhance aquatic habitat and comply with a legislative study of the fisheries division. Seventy-five percent of the funding for these positions will be provided by the Fisheries and Hatcheries Operations, Federal Expenditures Fund program. The remaining

25% of the funding for the 2 positions will be provided by the Endangered Nongame Operations, Other Special Revenue Funds program.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	28,596
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	28,596

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	191,596
OTHER SPECIAL REVENUE FUNDS	0	(132,873)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	58,723

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides allocation to continue one Staff Attorney position to handle workers' compensation cases.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	81,496
All Other	0	1,000
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	82,496

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides funds to continue the limited-period Domestic Violence Specialist position created in Public Law 2003, chapter 20 through June 11, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	51,030
All Other	0	15,000
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	66,030

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides funds to continue one limited-period Domestic Violence Coordinator position and 2 limited-period Assistant Clerk positions through June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	166,227
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	166,227

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides funds to continue one Child Protection Coordinator position through June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	70,159

Federal Expenditures Fund Total	0	70,159
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Courts - Supreme, Superior, District and Administrative 0063

Initiative: Appropriates funds to maintain the operation of the Madawaska courthouse.

General Fund	2003-04	2004-05
All Other	0	39,000
General Fund Total	0	39,000

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	39,000
FEDERAL EXPENDITURES FUND	0	302,416
OTHER SPECIAL REVENUE FUNDS	0	82,496
DEPARTMENT TOTAL - ALL FUNDS	0	423,912

LABOR, DEPARTMENT OF

Rehabilitation Services 0799

Initiative: Transfers funds from the Rehabilitation Services program to the Rehabilitation Services - Home-based Care program to correct Public Law 2001, chapter 559, Part BB.

General Fund	2003-04	2004-05
All Other	0	(2,976,908)
General Fund Total	0	(2,976,908)

Employment Services Activity 0852

Initiative: Eliminates one Employment and Training Program Specialist position and one Career Center Consultant position.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2,000)
Personal Services	0	(130,266)
Federal Expenditures Fund Total	0	(130,266)

Rehabilitation Services - Home Based Care 0996

Initiative: Transfers funds from the Rehabilitation Services program to the Rehabilitation Services - Home-based Care program to correct Public Law 2001, chapter 559, Part BB.

General Fund	2003-04	2004-05
All Other	0	2,976,908
General Fund Total	0	2,976,908

Rehabilitation Services - Home Based Care 0996

Initiative: Provides for the deappropriation of funds by implementing changes that will make this all-state-funded program consistent with proposed changes for comparable MaineCare benefits as well as other state-funded in-home services programs.

General Fund	2003-04	2004-05
All Other	0	(400,000)
General Fund Total	0	(400,000)

Regulation and Enforcement 0159

Initiative: Transfers headcount for one Director, Industrial Safety position and one Clerk Typist III position from the General Fund Labor Standards Regulatory Board program to the Other Special Revenue Safety Education and Training program. Funds for these positions were transferred in Public Law 2003, chapter 20.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
General Fund Total	0	0

Safety Education and Training Programs 0161

Initiative: Transfers headcount for one Director, Industrial Safety position and one Clerk Typist III position from the General Fund Labor Standards Regulatory Board program to the Other Special Revenue Safety Education and Training program. Funds for these positions were transferred in Public Law 2003, chapter 20.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Other Special Revenue Funds Total	0	0

LABOR, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	(400,000)
FEDERAL EXPENDITURES FUND	0	(130,266)
OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	(530,266)

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Provides for the transfer of 3 Marine Resource Scientist II positions from the Bureau of Resource Management to the Division of Community Resource Development in order to appropriately reflect expenditures.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-3.000)
Personal Services	0	(237,934)
All Other	0	(5,950)
Other Special Revenue Funds Total	0	(243,884)

Bureau of Resource Management 0027

Initiative: Provides for the transfer of one Marine Patrol Officer position from the Bureau of Resource Management to the Bureau of Marine Patrol in order to appropriately reflect expenditures.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(62,168)
All Other	0	(1,555)
Other Special Revenue Funds Total	0	(63,723)

Marine Patrol - Bureau of 0029

Initiative: Provides for the transfer of one Marine Patrol Officer position from the Bureau of Resource Management to the Bureau of Marine Patrol in order to appropriately reflect expenditures.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1,000)
Personal Services	0	62,168
All Other	0	1,555
Other Special Revenue Funds Total	0	63,723

Marine Patrol - Bureau of 0029

Initiative: Provides for the allocation of funds for one limited-period Clerk III position ending June 18, 2007 to provide assistance in managing a joint enforcement agreement between the United States Department of Commerce, Office of Law Enforcement and the Maine Marine Patrol.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	47,332
All Other	0	1,418
Federal Expenditures Fund Total	0	48,750

Division of Community Resource Development 0043

Initiative: Provides for the transfer of 3 Marine Resource Scientist II positions from the Bureau of Resource Management to the Division of Community Resource Development in order to appropriately reflect expenditures.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(3,000)
Personal Services	0	237,934
All Other	0	5,950
Other Special Revenue Funds Total	0	243,884

Division of Administrative Services 0258

Initiative: Provides for the reorganization of one Supervisor of Licensing position to a Planning and Research Associate I position and one Clerk Typist III position to a Clerk IV position.

General Fund	2003-04	2004-05
Personal Services	0	1,900
All Other	0	(1,900)
General Fund Total	0	0

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	3,476
All Other	0	(3,476)
Other Special Revenue Funds Total	0	0

Division of Administrative Services 0258

Initiative: Provides for the continuation of one project Marine Resources Coordinator position to August 31, 2004.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	12,563
All Other	0	314

Federal Expenditures Fund Total	0	12,877
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Division of Administrative Services 0258

Initiative: Provides for the management-initiated reclassification of the Departmental Information Systems Manager position to a Public Service Manager I position.

General Fund	2003-04	2004-05
Personal Services	0	5,504
All Other	0	(5,504)
General Fund Total	0	0

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	0	61,627
OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	61,627

PUBLIC SAFETY, DEPARTMENT OF

Computer Crimes 0048

Initiative: Deappropriates funds in the Computer Crimes program.

GENERAL FUND	2003-04	2004-05
All Other	0	(68,272)
General Fund Total	0	(68,272)

State Police 0291

Initiative: Provides for the continuation of Federal Grant projects previously approved by financial order.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	1,030,000
Federal Expenditures Fund Total	0	1,030,000

State Police 0291

Initiative: Provides funds to continue one Forensic Chemist Technician project position and 2 Forensic Chemist I project positions previously established by financial order. These positions will end on April 16, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	149,010
All Other	0	2,085
Federal Expenditures Fund Total	0	151,095

State Police 0291

Initiative: Deappropriates funds from savings in debt service achieved from a delay in the lease-purchase arrangement for the replacement of State Police vehicles.

General Fund	2003-04	2004-05
All Other	0	(100,000)
General Fund Total	0	(100,000)

**Emergency Services Communication
Bureau 0790**

Initiative: Provides funds to correct the allocation for a reclassification and range change in Public Law 2003, chapter 451, Part B.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	(9,488)
All Other	0	9,488
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	0

**PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	0	(168,272)
FEDERAL EXPENDITURES FUND	0	1,181,095
OTHER SPECIAL REVENUE FUNDS	0	0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	1,012,823

**SECRETARY OF STATE, DEPARTMENT OF
Elections and Commissions 0693**

Initiative: Allocates funds to establish one limited-period Deputy Secretary of State position to coordinate the implementation of the federal Help America Vote Act 2002 through June 30, 2006.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	82,290
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	82,290

**SECRETARY OF STATE,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	82,290
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	82,290

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury 0021

Initiative: Deappropriates funds through a reduction in debt service requirements for fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	0	(3,295,000)
	<hr/>	<hr/>
General Fund Total	0	(3,295,000)

Administration - Treasury 0022

Initiative: Provides for the transfer of the Cash Management Improvement Act account from the Other Special Revenue Funds account to the Federal Expenditures Fund.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	49,607
All Other	0	11,811
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	61,418

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(49,607)
All Other	0	(11,811)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	(61,418)

Administration - Treasury 0022

Initiative: Restores funding in the Personal Services line category to correct a negative allocation as a result of Public Law 2003, chapter 20.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,129
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	2,129

**TREASURER OF STATE, OFFICE OF
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	0	(3,295,000)
FEDERAL EXPENDITURES FUND	0	61,418
OTHER SPECIAL REVENUE FUNDS	0	(59,289)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	(3,292,871)

**UNIVERSITY OF MAINE SYSTEM, BOARD OF
TRUSTEES OF THE**

Educational and General Activities - UMS 0031

Initiative: Allocates funds for the Maine Black Bears Scholarship Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	12,950
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	12,950

**UNIVERSITY OF MAINE SYSTEM, BOARD OF
TRUSTEES OF THE**

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	0	12,950
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	12,950

SECTION TOTALS	2003-04	2004-05
GENERAL FUND	0	104,011,559
FEDERAL EXPENDITURES FUND	0	261,112,939
OTHER SPECIAL REVENUE FUNDS	0	55,175,636
FEDERAL BLOCK GRANT FUND	0	3,073,352
POSTAL, PRINTING AND SUPPLY FUND	0	(52,063)
CENTRAL MOTOR POOL	0	19,362
WORKERS' COMPENSATION MANAGEMENT FUND	0	109,238

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	0	49,632
ALCOHOLIC BEVERAGE FUND	0	(74,731)
SECTION TOTAL - ALL FUNDS	\$0	\$423,424,924

PART B

Sec. B-1. Appropriations and allocations.

There are appropriated and allocated from the various funds for the fiscal years ending June 30, 2004 and June 20, 2005, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Buildings and Grounds Operations 0080

General Fund	2003-04	2004-05
Personal Services	\$0	\$32,682
All Other	0	(18,354)
General Fund Total	0	14,328

Central Services - Purchases 0004

Postal, Printing and Supply Fund	2003-04	2004-05
Personal Services	0	6,688
Postal, Printing and Supply Fund Total	0	6,688

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	14,328
POSTAL, PRINTING AND SUPPLY FUND	0	6,688
DEPARTMENT TOTAL - ALL FUNDS	0	21,016

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Quality Assurance and Regulation 0393

General Fund	2003-04	2004-05
Personal Services	0	4,420
All Other	0	(3,817)
General Fund Total	0	603

Division of Plant Industry 0831

General Fund	2003-04	2004-05
Personal Services	0	2,833
All Other	0	(2,432)
General Fund Total	0	401

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	1,004
DEPARTMENT TOTAL - ALL FUNDS	0	1,004

ARTS COMMISSION, MAINE

Arts - Sponsored Program 0176

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	6,623
All Other	0	(6,623)
Federal Expenditures Fund Total	0	0

ARTS COMMISSION, MAINE

DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	0

ATLANTIC SALMON COMMISSION

Atlantic Salmon Commission 0265

General Fund	2003-04	2004-05
Personal Services	0	3,727
All Other	0	(486)
General Fund Total	0	3,241

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	18,955
All Other	0	(9,061)
Federal Expenditures Fund Total	0	9,894

ATLANTIC SALMON COMMISSION

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	3,241
FEDERAL EXPENDITURES FUND	0	9,894
DEPARTMENT TOTAL - ALL FUNDS	0	13,135

ATTORNEY GENERAL, DEPARTMENT OF THE

Human Services Division 0696

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	3,341
Federal Expenditures Fund Total	0	3,341

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	3,341

DEPARTMENT TOTAL - ALL FUNDS	0	3,341
BAXTER STATE PARK AUTHORITY		
Baxter State Park Authority 0253		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	10,573
Other Special Revenue Funds Total	0	10,573
BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS		
OTHER SPECIAL REVENUE FUNDS	0	10,573
DEPARTMENT TOTAL - ALL FUNDS	0	10,573
BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF		
Driver Education and Evaluation Program - Substance Abuse 0700		
General Fund	2003-04	2004-05
Personal Services	0	3,940
All Other	0	(1,989)
General Fund Total	0	1,951
BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS		
GENERAL FUND	0	1,951
DEPARTMENT TOTAL - ALL FUNDS	0	1,951
CONSERVATION, DEPARTMENT OF		
Administrative Services - Conservation 0222		
General Fund	2003-04	2004-05
Personal Services	0	2,434
All Other	0	(1,209)
General Fund Total	0	1,225
Division of Forest Protection 0232		
General Fund	2003-04	2004-05
Personal Services	0	258,131
All Other	0	(64,214)
General Fund Total	0	193,917
Parks - General Operations 0221		
General Fund	2003-04	2004-05
Personal Services	0	3,978
All Other	0	(1,968)
General Fund Total	0	2,010

CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	197,152
DEPARTMENT TOTAL - ALL FUNDS	0	197,152
CORRECTIONS, DEPARTMENT OF		
Administration - Corrections 0141		
General Fund	2003-04	2004-05
Personal Services	0	7,036
All Other	0	(7,036)
General Fund Total	0	0
Charleston Correctional Facility 0400		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,074
All Other	0	(4,074)
Other Special Revenue Funds Total	0	0
Downeast Correctional Facility 0542		
General Fund	2003-04	2004-05
Personal Services	0	6,797
All Other	0	(2,945)
General Fund Total	0	3,852
State Prison 0144		
General Fund	2003-04	2004-05
Personal Services	0	9,387
All Other	0	(9,387)
General Fund Total	0	0
Correctional Center 0162		
General Fund	2003-04	2004-05
Personal Services	0	13,274
All Other	0	(6,801)
General Fund Total	0	6,473
CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS		
GENERAL FUND	0	10,325
OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	10,325
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
Military Training and Operations 0108		
General Fund	2003-04	2004-05
Personal Services	0	8,692
All Other	0	(5,092)

General Fund Total	0	3,600
Veterans Services 0110		
General Fund	2003-04	2004-05
Personal Services	0	3,131
All Other	0	(1,725)
General Fund Total	0	1,406
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	1,299
Federal Expenditures Fund Total	0	1,299
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	5,006
FEDERAL EXPENDITURES FUND	0	1,299
DEPARTMENT TOTAL - ALL FUNDS	0	6,305
EDUCATION, DEPARTMENT OF Management Information Systems 0838		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	11,088
Federal Expenditures Fund Total	0	11,088
EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	11,088
DEPARTMENT TOTAL - ALL FUNDS	0	11,088
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Remediation and Waste Management 0247		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	20,840
All Other	0	338
Other Special Revenue Funds Total	0	21,178
Air Quality 0250		
General Fund	2003-04	2004-05
Personal Services	0	23,204
All Other	0	(11,975)
General Fund Total	0	11,229
Maine Environmental Protection Fund 0421		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	10,880
All Other	0	117
Other Special Revenue Funds Total	0	10,997

Land and Water Quality 0248		
General Fund	2003-04	2004-05
Personal Services	0	8,286
All Other	0	(4,108)
General Fund Total	0	4,178
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	4,062
Federal Expenditures Fund Total	0	4,062
Administration - Environmental Protection 0251		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	1,968
Other Special Revenue Funds Total	0	1,968
Administrative Service Center 0835		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,932
All Other	0	(4,932)
Other Special Revenue Funds Total	0	0
Performance Partnership Grant 0851		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	4,108
Federal Expenditures Fund Total	0	4,108
ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	15,407
FEDERAL EXPENDITURES FUND	0	8,170
OTHER SPECIAL REVENUE FUNDS	0	34,143
DEPARTMENT TOTAL - ALL FUNDS	0	57,720
HUMAN SERVICES, DEPARTMENT OF Bureau of Family Independence - Central 0100		
General Fund	2003-04	2004-05
Personal Services	0	135,661
General Fund Total	0	135,661
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	105,010
Federal Expenditures Fund Total	0	105,010
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	43,866
Other Special Revenue Funds Total	0	43,866
Bureau of Medical Services 0129		

General Fund	2003-04	2004-05
Personal Services	0	3,978
All Other	0	(1,968)
General Fund Total	0	2,010
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	17,017
All Other	0	(17,017)
Federal Expenditures Fund Total	0	0
Foster Care 0137		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,116
All Other	0	(2,116)
Federal Expenditures Fund Total	0	0
Office of Management and Budget 0142		
General Fund	2003-04	2004-05
Personal Services	0	27,044
All Other	0	(11,399)
General Fund Total	0	15,645
Health - Bureau of 0143		
General Fund	2003-04	2004-05
Personal Services	0	14,118
All Other	0	(8,423)
General Fund Total	0	5,695
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	6,011
All Other	0	(6,011)
Federal Expenditures Fund Total	0	0
OMB Operations - Regional 0196		
General Fund	2003-04	2004-05
Personal Services	0	4,017
All Other	0	(1,989)
General Fund Total	0	2,028
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	21,721
All Other	0	(2,917)
Federal Expenditures Fund Total	0	18,804
Drinking Water Enforcement 0728		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	15,002
All Other	0	(10,378)
Other Special Revenue Funds Total	0	4,624
Maine Rx Program 0927		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	3,121
All Other	0	(3,121)

Other Special Revenue		
Funds Total	0	0
HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	161,039
FEDERAL EXPENDITURES FUND	0	123,814
OTHER SPECIAL REVENUE FUNDS	0	48,490
DEPARTMENT TOTAL - ALL FUNDS	0	333,343
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Administrative Services - Inland Fisheries and Wildlife 0530		
General Fund	2003-04	2004-05
Personal Services	0	2,703
All Other	0	(2,703)
General Fund Total	0	0
Resource Management Services - Inland Fisheries and Wildlife 0534		
General Fund	2003-04	2004-05
Personal Services	0	26,148
All Other	0	(24,148)
Capital Expenditures	0	(2,000)
General Fund Total	0	0
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	29,295
All Other	0	(29,295)
Federal Expenditures Fund Total	0	0
Fisheries and Hatcheries Operations 0535		
General Fund	2003-04	2004-05
Personal Services	0	10,267
All Other	0	(10,267)
General Fund Total	0	0
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	21,110
All Other	0	(21,110)
Federal Expenditures Fund Total	0	0
Endangered Nongame Operations 0536		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	42
All Other	0	(42)
Federal Expenditures Fund Total	0	0
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	6,082
All Other	0	(6,082)

Other Special Revenue		
Funds Total	0	0
Enforcement Operations - Inland Fisheries and Wildlife 0537		
General Fund	2003-04	2004-05
Personal Services	0	1,968
All Other	0	(1,968)
General Fund Total	0	0
Public Information and Education, Division of 0729		
General Fund	2003-04	2004-05
Personal Services	0	1,968
All Other	0	(1,968)
General Fund Total	0	0
Enforcement Operations - Inland Fisheries and Wildlife 0537		
General Fund	2003-04	2004-05
Personal Services	0	1,893,076
General Fund Total	0	1,893,076
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	22,514
Other Special Revenue Funds Total	0	22,514
Whitewater Rafting - Inland Fisheries and Wildlife 0539		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,601
Other Special Revenue Funds Total	0	2,601
ATV Safety and Educational Program 0559		
General Fund	2003-04	2004-05
Personal Services	0	22,506
General Fund Total	0	22,506
Departmentwide - Inland Fisheries and Wildlife 0600		
General Fund	2003-04	2004-05
Personal Services	0	59,866
General Fund Total	0	59,866
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	1,975,448
FEDERAL EXPENDITURES FUND	0	0
OTHER SPECIAL REVENUE FUNDS	0	25,115
DEPARTMENT TOTAL - ALL FUNDS	0	2,000,563

LABOR, DEPARTMENT OF Administration - Labor 0030		
General Fund	2003-04	2004-05
Personal Services	0	59
All Other	0	(36)
General Fund Total	0	23
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	39,769
Federal Expenditures Fund Total	0	39,769
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,667
Other Special Revenue Funds Total	0	2,667
Migrant and Immigrant Services 0920		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	1,761
Federal Expenditures Fund Total	0	1,761
Safety Education and Training Programs 0161		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	1,968
Other Special Revenue Funds Total	0	1,968
Employment Security Services 0245		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	13,543
Federal Expenditures Fund Total	0	13,543
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	716
Other Special Revenue Funds Total	0	716
Rehabilitation Services 0799		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	1,990
Federal Expenditures Fund Total	0	1,990
Employment Services Activity 0852		
General Fund	2003-04	2004-05
Personal Services	0	4,017
All Other	0	(1,989)
General Fund Total	0	2,028
LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	2,051
FEDERAL EXPENDITURES FUND	0	57,063

OTHER SPECIAL REVENUE FUNDS	0	5,351
DEPARTMENT TOTAL - ALL FUNDS	0	64,465
LIBRARY, MAINE STATE		
Maine State Library 0217		
General Fund	2003-04	2004-05
Personal Services	0	14,322
All Other	0	(7,092)
General Fund Total	0	7,230
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	6,623
All Other	0	(6,623)
Federal Expenditures Fund Total	0	0
LIBRARY, MAINE STATE DEPARTMENT TOTALS		
GENERAL FUND	0	7,230
FEDERAL EXPENDITURES FUND	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	7,230
MARINE RESOURCES, DEPARTMENT OF		
Bureau of Resource Management 0027		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	5,266
All Other	0	322
Other Special Revenue Funds Total	0	5,588
Division of Administrative Services 0258		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	10,209
All Other	0	255
Federal Expenditures Fund Total	0	10,464
Bureau of Resource Management 0027		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	0
Other Special Revenue Funds Total	0	0
Marine Patrol - Bureau of 0029		
General Fund	2003-04	2004-05
Personal Services	0	538,848
General Fund Total	0	538,848
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	16,881
Federal Expenditures Fund Total	0	16,881

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	23,583
Other Special Revenue Funds Total	0	23,583
MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS		
GENERAL FUND	0	538,848
FEDERAL EXPENDITURES FUND	0	27,345
OTHER SPECIAL REVENUE FUNDS	0	29,171
DEPARTMENT TOTAL - ALL FUNDS	0	595,364
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Insurance - Bureau of 0092		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	1,990
Other Special Revenue Funds Total	0	1,990
Optometry - Board of 0385		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	504
Other Special Revenue Funds Total	0	504
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS		
OTHER SPECIAL REVENUE FUNDS	0	2,494
DEPARTMENT TOTAL - ALL FUNDS	0	2,494
PUBLIC SAFETY, DEPARTMENT OF		
Licensing and Enforcement - Public Safety 0712		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	1,968
Other Special Revenue Funds Total	0	1,968
State Police 0291		
General Fund	2003-04	2004-05
Personal Services	0	3,347
All Other	0	(1,349)
General Fund Total	0	1,998
State Police 0291		
General Fund	2003-04	2004-05
Personal Services	0	759,230
General Fund Total	0	759,230

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	13,908
All Other	0	400
Other Special Revenue Funds Total	0	14,308
Turnpike Enforcement 0547		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	100,092
All Other	0	3,000
Other Special Revenue Funds Total	0	103,092
Fire Marshal - Office of 0327		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	16,652
All Other	0	(6,530)
Other Special Revenue Funds Total	0	10,122
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	761,228
OTHER SPECIAL REVENUE FUNDS	0	129,490
DEPARTMENT TOTAL - ALL FUNDS	0	890,718
SECRETARY OF STATE, DEPARTMENT OF Bureau of Administrative Services and Corporations 0692		
General Fund	2003-04	2004-05
Personal Services	0	3,286
All Other	0	(3,286)
General Fund Total	0	0
SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	0
DEPARTMENT TOTAL - ALL FUNDS	0	0
TRANSPORTATION, DEPARTMENT OF Railroad Assistance Program 0350		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	85
Federal Expenditures Fund Total	0	85
Highway and Bridge Improvement 0406		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	32,064
Federal Expenditures Fund Total	0	32,064

Transportation Services 0443		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,383
Federal Expenditures Fund Total	0	2,383
Suspense Receivable - Transportation 0344		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	258
Other Special Revenue Funds Total	0	258
Motor Transport Service 0347		
Highway Garage Fund	2003-04	2004-05
Personal Services	0	2,362
Highway Garage Fund Total	0	2,362
Collector Road Program 0505		
Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	14
Federal Expenditures Fund Total	0	14
TRANSPORTION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	0	34,546
OTHER SPECIAL REVENUE FUNDS	0	258
HIGHWAY GARAGE FUND	0	2,362
DEPARTMENT TOTAL - ALL FUNDS	0	37,166
TREASURER OF STATE, OFFICE OF Administration - Treasury		
General Fund	2003-04	2004-05
Personal Services	0	10,635
General Fund Total	0	10,635
TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	0	10,635
DEPARTMENT TOTAL - ALL FUNDS	0	10,635
WORKERS' COMPENSATION BOARD Administration - Workers' Compensation Board 0183		
Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	7,670
Other Special Revenue Funds Total	0	7,670
WORKERS' COMPENSATION BOARD DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	0	7,670

DEPARTMENT TOTAL - ALL FUNDS	0	7,670
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	0	3,704,893
FEDERAL EXPENDITURES FUND	0	276,560
OTHER SPECIAL REVENUE FUNDS	0	292,755
POSTAL, PRINTING AND SUPPLY FUND	0	6,688
HIGHWAY GARAGE FUND	0	2,362
SECTION TOTAL - ALL FUNDS	\$0	\$4,283,258

Sec. B-2. Transfers from salary plan. Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1676 and any other provision of law, agencies incurring additional General Fund interest expense as a result of the delay in the funding of approved reclassifications and range changes in this Part may request funding from any available balances in the General Fund Salary Plan program in the Department of Administrative and Financial Services. Upon recommendation of the State Budget Officer and approval of the Governor, available balances in the General Fund Salary Plan program may be transferred to affected General Fund accounts to meet the additional interest expense incurred.

PART C

Sec. C-1. 5 MRSA §282, first ¶, as amended by PL 1985, c. 785, Pt. A, §22, is further amended to read:

The commissioner may, with the approval of the Governor, appoint a deputy commissioner, who ~~shall be~~ is the chief of one of the department bureaus and shall perform the duties of the commissioner during the commissioner's absence, in addition to ~~his~~ the deputy commissioner's regular duties. The compensation and expense of the deputy commissioner ~~shall be~~ is paid from any available funds appropriated for the use of the bureau of which ~~he~~ the deputy commissioner is chief. The commissioner may appoint and employ the bureau chiefs and the assistant to the commissioner to be under ~~his~~ the commissioner's immediate supervision, direction and control, and to serve at ~~his~~ the commissioner's pleasure and perform such duties as ~~he~~ the commissioner may prescribe, except as otherwise provided by law. In addition, the commissioner may appoint an associate commissioner for administrative services who is not subject to the Civil Service Law and who serves at the pleasure of the commissioner.

Sec. C-2. 5 MRSA §947-B, sub-§1, ¶I, as amended by PL 1999, c. 731, Pt. F, §2, is further amended to read:

I. State Budget Officer; ~~and~~

Sec. C-3. 5 MRSA §947-B, sub-§1, ¶J, as enacted by PL 1999, c. 731, Pt. F, §3, is amended to read:

J. Chief Information Officer; ~~and~~

Sec. C-4. 5 MRSA §947-B, sub-§1, ¶K is enacted to read:

K. Associate Commissioner, Administrative Services.

Sec. C-5. PL 2003, c. 20, Pt. D, §23 is amended to read:

Sec. D-23. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services in cooperation with the Treasurer of State may enter into financing arrangements ~~related to~~ in fiscal years 2003-04 and 2004-05 for the acquisition of motor vehicles for the Central Motor Pool. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and no financing arrangement may exceed 4 years in duration and \$5,000,000 in principal costs. The interest rate may not exceed 6%, and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$762,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Motor Pool account.

Sec. C-6. Transfer of funds; retirement incentive; General Fund and Other Special Revenue Funds accounts. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer is authorized to identify salary savings in the affected General Fund and Other Special Revenue Funds accounts that occurred as a result of the retirement incentive program authorized in Public Law 2003, chapter 451, Part E, section 16 and transfer those amounts by financial order to the General Fund Salary Plan account in the Department of Administrative and Financial Services.

Sec. C-7. Transfer of funds; retirement incentive; Highway Fund accounts. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer is authorized to identify salary savings in the affected Highway Fund accounts that occurred as a result of the retirement incentive program authorized in Public Law 2003, chapter 451, Part E, section 16 and transfer those amounts by financial order to the Highway Fund Salary Plan account in the Department of Administrative and Financial Services.

Sec. C-8. State cost allocation program; recovery; Retirement Allowance Fund. Notwithstanding any other provision of law, the State Controller shall recover, through the state cost allocation program, \$915,640 associated with prior years' payments by the General Fund to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517 by June 30, 2005.

Sec. C-9. State cost allocation program; recovery; homeland security grant programs. Notwithstanding any other provision of law, the State Controller shall recover, through the state cost allocation program, \$170,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.

Sec. C-10. Capital Construction, repairs, improvements - administrative; use of funds. Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Bureau of General Services is authorized to use \$111,856 of funds no longer required for the Thomaston State Prison demolition project for hazardous material abatement and removal and the demolition of the Caribou Armory.

PART D

Sec. D-1. 36 MRSA §4062, sub-§1-A, ¶A, as enacted by PL 2003, c. 20, Pt. JJ, §1, is amended to read:

A. For the estates of decedents dying after December 31, 2002 ~~and before January 1, 2005~~, "federal credit" means the maximum credit for state death taxes determined under the Code, Section 2011 as of December 31, 2002 exclusive of the reduction of the maximum credit contained in the Code, Section 2011(b)(2); the period of limitations under the Code, Section 2011(c); and the termination provision contained in the Code, Section 2011(f). The adjusted taxable estate is to be determined using the applicable Code as of the date of the decedent's death, except that the state death tax deduction contained in the Code, Section 2058 is to be disregarded. The unified credit is to be determined under the Code, Section 2010 as of December 31, 2000; and

Sec. D-2. 36 MRSA §4062, sub-§2, as enacted by PL 1981, c. 451, §7, is amended to read:

2. Federal gross estate. "Federal gross estate" means the gross estate of a decedent as determined for the purpose of the federal estate tax under the laws of the United States Code.

Sec. D-3. 36 MRSA §4063, sub-§2, as amended by PL 2003, c. 20, Pt. JJ, §2, is further amended to read:

2. Values. All property values under subsection 1, paragraphs A and B are as finally determined for federal estate tax purposes, except that for estates of decedents dying after December 31, 2002 ~~and before January 1, 2005~~ that do not incur a federal estate tax, all property values under subsection 1, paragraphs A and B are as finally determined by the assessor in accordance with the Code as if the estate had incurred a federal estate tax.

Sec. D-4. 36 MRSA §4064, as amended by PL 2003, c. 20, Pt. JJ, §3, is further amended to read:

§4064. Tax on estate of nonresident

A tax is imposed upon the transfer of real property and tangible personal property situated in this State and held by an individual who dies prior to January 1, 2002 or after December 31, 2002 and who at the time of death was not a resident of this State. When real or tangible personal property has been transferred into a trust, the tax imposed by this section applies as if the trust did not exist and the property was personally owned by the decedent. Maine property is subject to the tax imposed by this section to the extent that such property is included in the decedent's federal gross estate ~~as finally determined for federal estate tax purposes~~. The amount of this tax is a sum equal to that proportion of the federal credit that the value of Maine real and tangible personal property taxed in this State that qualifies for the credit bears to the value of the decedent's ~~total~~ federal gross estate. All property values under this section are as finally determined for federal estate tax purposes, except that for estates of decedents dying after December 31, 2002 ~~and before January 1, 2005~~ that do not incur a federal estate tax, all property values are as finally determined by the assessor in accordance with the Code as if the estate had incurred a federal estate tax. The share of the federal credit used to determine the amount of a nonresident individual's estate tax under this section is computed without regard to whether the specific real or tangible personal property located in the State is marital deduction property.

Proceeds from the sale of property are taxable under this section if those proceeds are included in the ~~total~~ federal gross estate and the sale was made in contemplation of death. A sale of property made within 6 months prior to the death of the grantor is deemed to be in contemplation of death within the meaning of this section.

Sec. D-5. 36 MRSA §4066, as enacted by PL 1981, c. 451, §7, is amended to read:

§4066. Discharge of personal representative's personal liability

If the personal representative makes a written application, accompanied by a copy of the final determination of the federal estate tax liability, if any, and other supporting documentation that the State Tax Assessor may require, to the ~~State Tax Assessor~~ assessor for determination of the amount of the tax and discharge of personal liability for that tax, the ~~State Tax Assessor~~ assessor, as soon as possible and in any event within one year after the making of the application, or if the application is made before the return is filed, then within one year after the return is filed, shall notify the personal representative of the amount of the tax and of any interest on that amount. The personal representative, on payment of ~~the that~~ is discharged from personal liability for any deficiency in tax subsequently found, ~~after that, to be due; and shall be is~~ is entitled to a receipt or writing showing that certificate of discharge.

Sec. D-6. 36 MRSA §4068, sub-§§2 and 3, as enacted by PL 1981, c. 451, §7, are amended to read:

2. Tax liability. In all cases where ~~the Code requires that a federal estate tax return be filed there is~~ a Maine estate tax liability, the personal representative shall pay the tax imposed by this chapter and file a return within 9 months after the decedent's death. The return ~~shall~~ must be in the form prescribed by the State Tax Assessor and it ~~shall~~ must be accompanied by a copy of the federal estate tax return, if any, and other supporting documentation that the assessor may require.

3. No tax liability. In all cases where ~~the Code does not require that a federal estate tax return be filed there is no~~ Maine estate tax liability, the personal representative, surviving joint tenant of real estate or any other person whose real estate might be subject to a lien for taxes pursuant to this chapter may at any time file with the ~~State Tax Assessor~~ assessor in the form prescribed by the ~~State Tax Assessor~~ assessor a statement of the value of the federal gross estate.

Sec. D-7. 36 MRSA §4069-A, sub-§§1 and 2, as enacted by PL 1999, c. 414, §36, are amended to read:

1. Deferred payment arrangement. If the Internal Revenue Service has approved a federal estate tax deferral and installment payment arrangement under Section 6166 of the Code, the ~~executor~~ personal representative may elect a similar deferred payment arrangement under this section for payment of the tax imposed by this chapter, subject to acceptance by the State Tax Assessor. The assessor may approve a

deferral and installment arrangement under similar circumstances and on similar terms with respect to an estate of a decedent dying after December 31, 2002 that does not incur a federal estate tax.

2. Time and manner of election; rejection by State Tax Assessor. An election under this section may be made by attaching a payment deferral election in a form prescribed by the assessor to a timely filed Maine estate tax return, in addition to ~~a copy of the federal estate tax return as~~ any documentation required by section 4068; and copies of all documentation required by the Internal Revenue Service and submitted in support of ~~the a~~ a federal payment deferral. Documentation submitted to the assessor must clearly indicate the amount of Maine estate tax and interest to be paid in installments; the number of separate installments; and the due date of each installment payment. The assessor may reject the election ~~if the terms of the proposed arrangement are substantially different from the terms of the federal arrangement.~~ Any election not rejected in writing by the assessor within 60 days after the election is made is considered accepted.

Sec. D-8. 36 MRSA §4071, sub-§1, ¶E, as amended by PL 2003, c. 390, §21, is further amended to read:

E. ~~The~~ For estates of decedents dying before January 1, 2003, the amount of the federal credit.

Sec. D-9. Application. Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 4068, subsections 2 and 3; section 4069-A, subsections 1 and 2; and section 4071, subsection 1, paragraph E apply retroactively to January 1, 2003.

PART E

Sec. E-1. 36 MRSA §5142, sub-§8, as enacted by PL 1999, c. 521, Pt. B, §2 and affected by §11, is repealed and the following enacted in its place:

8. Minimum taxability threshold. Compensation for personal services performed in Maine as an employee is Maine-source income, subject to taxation under this Part, if the taxpayer was present in Maine performing the personal services for more than 10 days during the year in which the personal services were performed.

Sec. E-2. 36 MRSA §5220, sub-§2, as amended by PL 1999, c. 521, Pt. B, §9 and affected by §11, is further amended to read:

2. Nonresident individuals. Every nonresident individual who, pursuant to this Part, has a Maine individual income tax liability for the taxable year, ~~except that an~~ An individual who does not exceed whose only Maine-source income is compensation for

personal services performed in Maine that is excluded from Maine adjusted gross income by the threshold contained in section 5142, subsection 8 is not subject to taxation under this Part and need not file a return;

Sec. E-3. Application. Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 36, section 5142, subsection 8 and amend Title 36, section 5220, subsection 2 apply to tax years beginning on or after January 1, 2004.

PART F

Sec. F-1. 36 MRSA §5219-H, as enacted by PL 1991, c. 591, Pt. BBB, §2, is repealed and the following enacted in its place:

§5219-H. Application of credits against taxes

1. Meaning of tax. Whenever a credit provision in chapter 822, other than section 5219-W, allows for a credit "against the tax otherwise due under this Part, "against the tax imposed by this Part" or similar language, "tax" means all taxes under this Part, except the minimum tax imposed by section 5203-C and the taxes imposed by chapter 827.

2. Meaning of tax liability. Whenever a credit provided for in chapter 822 is limited by reference to tax liability, "tax liability" means the tax liability for all taxes under this Part, except the minimum tax imposed by section 5203-C and the taxes imposed by chapter 827.

Sec. F-2. Application. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 5219-H applies to tax years beginning on or after January 1, 2004.

PART G

Sec. G-1. 36 MRSA §5219-M, sub-§1, ¶E is enacted to read:

E. "Qualified lessor" means a person that leases or subleases eligible equipment to a person that is engaged primarily in high technology activity, but only when:

(1) The eligible equipment is used primarily in the high technology activity engaged in by the lessee or sublessee;

(2) The lessor derived aggregate total lease payments from personal property of at least 3 times the total payments received from eligible equipment during the taxable year; and

(3) The lease or sublease upon which the credit is based qualifies as a lease of prop-

erty for federal income tax purposes under the guidelines contained in Revenue Procedure 2001-28 of the United States Department of the Treasury, Internal Revenue Service.

Sec. G-2. 36 MRSA §5219-M, sub-§1-A, ¶B, as amended by PL 2001, c. 358, Pt. M, §3 and affected by §6, is further amended to read:

B. When a qualified lessor or sublessor provides the assessor with satisfactory evidence that the lessee or sublessee, ~~respectively,~~ of eligible equipment has waived its right to claim a credit under this section that ~~the lessee or sublessee~~ it is otherwise entitled to claim with respect to that equipment:

(1) A person qualified lessor that purchases and leases eligible equipment ~~to another person engaged primarily in high technology activity for use by that person in that activity~~ may claim a credit in the amount of ~~that person's~~ the lessee's investment credit base to the extent of the credits waived by the lessee, net of any lease payments received for the eligible equipment in the taxable year, subject to the limitations provided by subsection 4; and

(2) A person qualified lessor that leases and subleases eligible equipment ~~to another person engaged primarily in high technology activity for use by that person in that activity~~ may claim a credit in the amount of the lease payments made on the eligible equipment in each tax year, net of sublease payments received in the taxable year, except that if the eligible equipment is depreciable by ~~that person~~ the sublessee for federal income tax purposes, the credit is based on ~~that person's~~ the sublessee's investment credit base to the extent of the credits waived by the sublessee subject to the limitations provided by subsection 4.

Sec. G-3. Application. Those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5219-M, subsection 1, paragraph E and amend Title 36, section 5219-M, subsection 1-A, paragraph B apply to tax years beginning on or after January 1, 2004.

PART H

Sec. H-1. Pollution Control Structures General Fund account; lapsed balances. Notwithstanding any other provision of law, \$120,306 of All Other in fiscal year 2004-05 in the Pollution Control Structures General Fund account in the

Department of Agriculture, Food and Rural Resources lapses to the General Fund in fiscal year 2004-05.

Sec. H-2. Appropriations and allocations.

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Appropriates funds to adjust the overall deappropriation established in Public Law 2003, chapter 20, Part D, section 18.

General Fund	2003-04	2004-05
All Other	\$0	\$36,000
General Fund Total	\$0	\$36,000

Sec. H-3. Appropriations and allocations.

The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF**

Office of Agriculture, Natural and Rural Resources 0830

Initiative: Appropriates funds for the establishment of one limited-period Nutrient Management Coordinator position only for fiscal year 2004-05 to direct and further develop the Nutrient Management Program.

General Fund	2003-04	2004-05
Personal Services	\$0	\$69,806
All Other	0	14,500
General Fund Total	\$0	\$84,306

PART I

Sec. I-1. 34-B MRSA §1409, sub-§§16 and 17 are enacted to read:

16. Store established. The commissioner may establish a store within the Riverview Psychiatric Center for the retail sale of sundries and gift items.

17. Riverview Psychiatric Center Store account. The commissioner may establish a nonlapsing Other Special Revenue Funds account for a store located in the Riverview Psychiatric Center pursuant to the authority under subsection 16 and shall deposit into it payments or income received from customers of the store. The commissioner shall use the funds on deposit for expenses of the store.

Sec. I-2. Appropriations and allocations.

The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL SERVICES,
DEPARTMENT OF**

Augusta Mental Health Institute 0105

Initiative: Provides for the allocation of funds to purchase items for retail sale at a store within the Riverview Psychiatric Center.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$1,000
Other Special Revenue Funds Total	\$0	\$1,000

PART J

Sec. J-1. 12 MRSA §1863, sub-§2, as amended by PL 2003, c. 254, §3, is further amended to read:

2. Purpose. The purpose of the fund is to support shore and harbor management improvement activities by providing grants to municipalities and funds to state agencies. These activities include but are not limited to the development of harbor management plans and public access facilities. A portion of the fund, not to exceed 25% of available revenues, may be used to support management programs on state-owned coastal islands under the jurisdiction of the bureau.

Sec. J-2. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 from the unappropriated surplus of the General Fund to the Shore and Harbor Management Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2005.

Sec. J-3. Transfer of funds from Boating Facilities Fund to unappropriated surplus. Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2005.

Sec. J-4. Transfer of funds from Shore and Harbor Management Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Funds account to the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation by June 30, 2005. The Legislature, acting in its capacity as trustee of the State's submerged lands, which are imbued with a public trust, finds that this public trust money is most appropriately expended for purposes of supporting public access to inland and coastal submerged lands.

Sec. J-5. Division of Forest Fire Control; lapsed balances. Notwithstanding any other provision of law, \$193,241 of the unencumbered balance forward in fiscal year 2004-05 in the Division of Forest Fire Control, General Fund - carrying

account in the Department of Conservation lapses to the General Fund in fiscal year 2004-05.

PART K

Sec. K-1. PL 2003, c. 20, Pt. D, §§19 to 21 are amended to read:

Sec. D-19. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 for fiscal year 2003-04 that applies against each General Fund account for all departments and agencies from savings in the cost of health insurance from hospital rate adjustments and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal ~~years year 2003-04 and 2004-05.~~ The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. D-20. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 for fiscal year 2003-04 that applies against each Other Special Revenue Funds account for all departments and agencies from savings in the cost of health insurance from hospital rate adjustments and shall transfer the calculated amounts to the General Fund by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal ~~years year 2003-04 and 2004-05,~~ including allocations from the Fund for a Healthy Maine. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005. The following Other Special Revenue Funds accounts are exempt from these calculations: the Public Reserved Lands Management Fund account and the Submerged Lands Fund account in the Department of Conservation and the Baxter State Park Authority account.

Sec. D-21. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 for fiscal year 2003-04 that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance from hospital rate adjustments and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal ~~years year 2003-04 and 2004-05.~~ The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations

and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. K-2. PL 2003, c. 20, Pt. FFF, §1, sub-§1 is amended to read:

1. The Commissioner of Administrative and Financial Services, referred to in this section as "the commissioner," and any insurance company or 3rd-party administrator, referred to in this section as "the carrier," insuring or administering the state employee health plan, referred to in this section as "the plan," shall jointly negotiate agreements with hospitals participating in the carrier's provider network to reduce the expense incurred by the plan in state fiscal year 2003-04 by the amount of \$18,020,851 ~~and in state fiscal year 2004-05 by the amount of \$19,728,208.~~ In undertaking such negotiations the carrier must be deemed at all times to be the agent of the State. The commissioner and the carrier acting at the direction of the commissioner may offer or demand such terms and conditions as the commissioner considers to be in the best interest of the State to reduce the expense of the state employee health plan, including, but not limited to, offering or demanding reductions in standard hospital reimbursement rates, rebates and refunds and uniform terms relating to such reductions, rebates or refunds. The commissioner may not affect or seek to affect amounts paid to hospitals relating to any other customer of the carrier.

Sec. K-3. PL 2003, c. 451, Pt. Z, §1, sub-§1 is amended to read:

1. The Chancellor of the University of Maine System, referred to in this section as "the chancellor," and any insurance company or 3rd-party administrator acting at the direction of the State, referred to in this section as "the carrier," insuring or administering the University of Maine System health plan for employees and retirees, referred to in this section as "the plan," shall negotiate agreements with hospitals participating in the carrier's provider network to reduce the expense incurred by the plan in state fiscal year 2003-04 by the amount of \$2,250,000 ~~and in state fiscal year 2004-05 by the amount of \$2,250,000.~~ It is not the intent of the Legislature to require negotiations to reduce such expenses beyond state fiscal year ~~2005~~ 2004. In undertaking such negotiations, the carrier is deemed at all times to be the agent of the State of Maine and the University of Maine System. The chancellor and the carrier, acting at the direction of the State, may offer or demand such terms and conditions as the chancellor considers to be in the best interest of the university to reduce the expense of the plan, including, but not limited to, offering or demanding reductions in standard hospital reimbursement rates, rebates and refunds and uniform terms relating to such reductions, rebates or refunds. The chancellor may not affect or

seek to affect amounts paid to hospitals relating to any other customer of the carrier. The hospital discount rate resulting from this specific arrangement is not intended to affect the underlying premium rates for any purpose. This pooling of funds by the State is not intended to affect plan cost recoveries, plan cost structures or the university's ability to negotiate with carriers regarding the plan.

Sec. K-4. Transfer of funds; ending payment equity project. Notwithstanding any other provision of law, the State Controller shall transfer \$4,818,560 in fiscal year 2004-05 from the unappropriated surplus of the General Fund to the unallocated surplus of the Highway Fund as a result of ending the payment equity project.

Sec. K-5. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Appropriates and allocates funds to offset the deappropriation and deallocation made in Public Law 2003, chapter 20, Part B regarding savings to the State for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

General Fund	2003-04	2004-05
Personal Services	\$0	\$11,549,943
	<hr/>	<hr/>
General Fund Total	\$0	\$11,549,943
Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$3,359,705
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$3,359,705

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$11,549,943
OTHER SPECIAL REVENUE FUNDS	0	3,359,705
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$14,909,648

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Educational and General Activities - UMS 0031

Initiative: Appropriates funds to offset the deappropriation made in Public Law 2003, chapter 451, Part C regarding savings to the University of Maine System for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

General Fund	2003-04	2004-05
All Other	\$0	\$2,250,000

General Fund Total	\$0	\$2,250,000
UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$2,250,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,250,000
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$13,799,943
OTHER SPECIAL REVENUE FUNDS	0	3,359,705
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	\$17,159,648

PART L

Sec. L-1. Department of Corrections; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Corrections in cooperation with the Treasurer of State may enter into financing arrangements related to fiscal years 2003-04 and 2004-05 for the acquisition of energy-savings equipment and installation such as variable-speed drives for the Department of Corrections facilities. The financing agreements may not exceed 5 years in duration and \$1,200,000 in principal costs. The interest rate may not exceed 6% and total interest costs may not exceed \$360,000. The annual principal and interest costs must be paid from the appropriate All Other line categories appropriations in the affected Department of Corrections accounts.

PART M

Sec. M-1. 5 MRSA §934-A, as amended by PL 1991, c. 622, Pt. F, §§1 to 4, is further amended to read:

§934-A. Department of Economic and Community Development

1. Major policy-influencing positions. The following positions are major policy-influencing positions with the Department of Economic and Community Development. These positions ~~shall be~~ are appointed by the Commissioner of Economic and Community Development and ~~shall~~ shall serve at ~~his~~ the ~~commissioner's~~ commissioner's pleasure. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

- B. Deputy Commissioner ~~for Business Development;~~
- G. Director, ~~Administration~~ Innovation;

H. Director, Community Development; ~~and~~

I. Director, Tourism; ~~and~~

J. Director, Business Development.

Sec. M-2. 5 MRSA §13055, sub-§1, as amended by PL 2003, c. 198, §1, is further amended to read:

1. Organizations. The department contains the following organizations:

A. The Office of Business Development;

B. The Office of Tourism; ~~and~~

F. The Office of Community Development; ~~and~~

G. The Office of Innovation.

Sec. M-3. 5 MRSA §13058, sub-§7, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19 and amended by PL 1997, c. 530, Pt. A, §34, is repealed.

Sec. M-4. 5 MRSA §13058, sub-§8, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is repealed.

Sec. M-5. 5 MRSA c. 383, sub-c. 1-A, as amended, is repealed.

Sec. M-6. 5 MRSA §13062, first ¶, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

The ~~Deputy Commissioner for Business Development shall be the~~ Director of the Office of Business Development ~~and~~ shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program of targeted business development designed to attract particular types of businesses ~~which that~~ have potential for Maine and businesses ~~which that~~ are ~~deemed~~ considered to be compatible with Maine's environment and interests. The office shall actively seek and encourage firms to expand or locate in Maine. The office ~~shall be~~ is responsible for the implementation of programs designed to promote Maine products in national and international markets and to develop markets for industry located in Maine.

Sec. M-7. 5 MRSA §13071-A, as enacted by PL 1993, c. 181, §1, is repealed.

Sec. M-8. 5 MRSA c. 383, sub-c. 5-B is enacted to read:

SUBCHAPTER 5-B

OFFICE OF INNOVATION

Article 1

OFFICE OF INNOVATION

§13105. Office of Innovation

1. Office established. The commissioner shall establish the Office of Innovation, referred to in this subchapter as "the office." The office shall encourage and coordinate the State's research and development activities to foster collaboration among the State's higher education and nonprofit research institutions and the business community.

2. Office functions. The office shall promote, evaluate and support research and development relevant to the State including:

A. Technology transfer activities to increase the competitiveness of businesses and public institutions of higher education in the State;

B. Effective and efficient application of technologies in the public and private sectors;

C. The development of new commercial products and the fabrication of such products in the State through the Maine Technology Institute under section 15302 and the applied technology development centers under section 15321; and

D. Research opportunities that create sustained, interinstitutional, multidisciplinary efforts.

The office shall coordinate cooperative efforts among government agencies, the private sector and universities and colleges for the purposes outlined in this subchapter.

§13106. Science and technology plan

The office shall develop and submit the following to the Governor and the Legislature by the first day of the first legislative session of each biennium:

1. Action plan. An action plan for the application of science and technology to improve the State's position in the global economy. The action plan must be based on the State's overall economic development strategy as determined by the commissioner. The action plan must identify specific steps that public and private institutions must implement to improve the State's science and technology infrastructure. The action plan must also identify action steps that could be implemented immediately without new state appropriations and resources and action steps that will

require new state appropriations or major reallocation of state appropriations and resources.

The action plan must include numerical objectives, costs and an evaluation protocol. The action plan must also include a provision for assigning and ensuring accountability for those who receive state research and development funds through the office. In the preparation of this action plan, the office shall seek the advice of state agencies, the Maine Economic Growth Council established in Title 10, section 929-A, the University of Maine System and the business, education and research communities; and

2. Report card. A report card that:

A. Compares the State's science and technology infrastructure standing to that of other states, based on the results of all independent organizations or reports that make such comparisons and on any other appropriate comparisons as determined by the office and those agencies with which the office is directed by this section to consult;

B. Assesses the performance of the State and those who receive state funds in meeting the goals and objectives and taking the action steps outlined in the action plan; and

C. Makes recommendations for improving the results shown on the report card.

§13107. Comprehensive research and development evaluation

The office shall develop and submit to the Governor and the Legislature by July 1, 2006 and on July 1st every 5 years thereafter an evaluation of state investments in research and development. The evaluation must:

1. Outcome measures. Establish outcome measures considered appropriate by public and private practitioners inside and outside of the State in the fields of research and development and economic development. Practitioners in this State must include, but are not limited to, a representative from the University of Maine System, a representative of the targeted technology sectors, a representative of the Executive Department, State Planning Office and representatives of other state agencies having economic development responsibility;

2. Independent reviewers. Utilize independent reviewers to assess the competitiveness of technology sectors in this State and the impact of research and development activities in this State on economic development in this State; and

3. Recommendations. Include recommendations to the Legislature on existing and proposed state-supported research and development programs and activities to affect technology-based economic development in this State.

§13108. Reporting requirements of recipients of research and development funding

To assist the office in preparing a comprehensive research and development evaluation, a recipient of state funding including general obligation bond proceeds for research and development shall, in addition to any other reporting requirements required by law:

1. Data. Collect, maintain and provide data relating to each investment's performance, outputs and outcomes;

2. Report card indicators. Identify the indicators in the report card developed by the office pursuant to section 13106 that will be affected as a result of the proposed research and development activity; and

3. Action plan goals. Identify the goals in the action plan developed by the office pursuant to section 13106 that will be advanced by the recipient's research and development activity.

Article 2

SCIENCE AND TECHNOLOGY PROGRAMS

§13109. Maine Research and Development Evaluation Fund

1. Fund established. The Maine Research and Development Evaluation Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account administered by the office for the purposes of funding the comprehensive research and development evaluation required pursuant to section 13108.

2. Definition. For the purposes of this section, "research and development" means activities that directly or through capital investment support basic and applied scientific research and related commercial development funded by state appropriations and bond proceeds.

3. Fund sources. The fund receives money deposited by the Treasurer of State pursuant to this section and any other gift, grant or other source of revenue deposited for that use.

4. Transfers to fund. Notwithstanding section 1585 or any other provision of law, the State Budget Officer may transfer to the fund an amount not to exceed 0.8% of General Fund appropriations received

by and general obligation bonds issued to an agency or entity for research and development efforts. Private entities that receive funds from general obligation bonds for research and development efforts shall pay to the Treasurer of State in the fiscal year in which the general obligation bond was issued an amount not to exceed 0.8% of the proceeds from the bond issue in any fiscal year, which payment must be made from available resources other than bond proceeds. Only those programs that receive \$500,000 or more in research and development appropriations in any fiscal year, or those entities that receive funds from a general obligation bond issue of \$500,000 or more for research and development efforts in any fiscal year, as identified and certified by the State Budget Officer and the Office of Fiscal and Program Review, may be assessed upon concurrence of the affected agencies, institutions and departments. The transfer must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The financial order must include a plan outlining how these funds will be expended. The financial order takes effect upon approval by the Governor. Total payments made pursuant to this section may not exceed \$120,000 in any fiscal year.

5. Repeal; lapse of funds. This section is repealed June 30, 2006. Unexpended funds in the fund at that time lapse to the unappropriated surplus of the General Fund.

§13110. Maine Experimental Program to Stimulate Competitive Research established

The office, the University of Maine System and the EPSCoR steering committee are jointly responsible for the administration of the Maine Experimental Program to Stimulate Competitive Research, referred to in this chapter as "the Maine EPSCoR Program," which is established in this section as a partnership effort between the State Government and the Federal Government to strengthen the State's science and engineering infrastructure.

1. Linkage with state policies. The policies, programs and activities of the Maine EPSCoR Program must consider the State's economic, education and science and technology strategies and policies.

2. Policy recommendation. Through the office, the University of Maine System and the EPSCoR steering committee, the Maine EPSCoR Program may recommend to the Governor and the Legislature policies and programs essential to the strengthening of the State's science and engineering infrastructure.

§13110-A. Maine EPSCoR Capacity Fund

The Maine EPSCoR Capacity Fund is established within the office to provide the matching funds that are required by several federal agencies in their EPSCoR activities. The fund must be used to match EPSCoR awards, and is a nonlapsing Other Special Revenue Funds account.

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

A. "Fund" means the Maine EPSCoR Capacity Fund account within the Other Special Revenue Funds account.

B. "Match" means the cash commitment required from the State as defined by a federal funding agency. Match requirements vary among federal agencies.

C. "Research capacity committee" means the EPSCoR steering committee referred to in section 13110.

2. Organization. The commissioner, at the commissioner's discretion, may delegate the administration of the fund to the director of the office. The research capacity committee shall advise the commissioner or the director of the office on the use of the funds.

3. Guidelines. The commissioner or the director of the office, with the advice of the research capacity committee, shall establish guidelines for cash and in-kind match requirements based on the activities to be supported with the fund. Match levels must reflect the requirements identified by federal funding agencies.

Sec. M-9. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Provides for the upgrade of a Business Development Specialist position to a Deputy Commissioner position and its transfer from Business Development to Administration - Economic and Community Development. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$95,950
General Fund Total	\$0	\$95,950

Administration - Economic and Community Development 0069

Initiative: Provides for the upgrade of a Development Director position to a Science Advisor position and its transfer from Administration - Economic and Community Development to the Office of Innovation. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$87,761)
General Fund Total	\$0	(\$87,761)

Administration - Economic and Community Development 0069

Initiative: Provides for the transfer of the Maine Technology Institute Director and the Applied Technology Development Center System Director positions and the related All Other appropriations from Administration - Economic and Community Development to the Office of Innovation as part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	\$0	(\$164,064)
All Other	0	(5,677,311)
General Fund Total	\$0	(\$5,841,375)

Office of Innovation 0995

Initiative: Provides for the upgrade of a Development Director position to a Science Advisor position and its transfer from Administration - Economic and Community Development to the Office of Innovation. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$102,728
General Fund Total	\$0	\$102,728

Office of Innovation 0995

Initiative: Provides for the transfer of the Maine Technology Institute Director and the Applied Technology Development Center System Director positions and the related All Other appropriations from Administration - Economic and Community Development to the Office of Innovation as part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	\$0	\$164,064
All Other	0	5,677,311
General Fund Total	\$0	\$5,841,375

Office of Innovation 0995

Initiative: Provides for the appropriation of All Other funds to the Office of Innovation for the purpose of providing operating funds for the newly created Science Advisor position.

General Fund	2003-04	2004-05
All Other	\$0	\$24,209
General Fund Total	\$0	\$24,209

Business Development 0585

Initiative: Provides for a reorganization in the Office of Business Development, part of a departmentwide reorganization, including the establishment of one Policy Development Specialist position.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$66,352
All Other	0	(66,352)
General Fund Total	\$0	\$0

Business Development 0585

Initiative: Provides for the upgrade of a Business Development Specialist position to a Deputy Commissioner position and its transfer from Business Development to Administration - Economic and Community Development. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$68,101)
General Fund Total	\$0	(\$68,101)

Business Development 0585

Initiative: Provides for the deappropriation of funds and reduction of one headcount through the elimination of one Development Project Officer position. Funds are being used to upgrade one Business Development Specialist position to a Deputy Commissioner position and one Development Director position to a Science Advisor position.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$67,025)
General Fund Total	\$0	(\$67,025)

Business Development 0585

Initiative: Provides for combining the headcount of 2 part-time Development Project Officer positions in Business Development and in Community Development - State Match into one headcount in Business Development.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(0.500)
Personal Services	\$0	(\$249)
General Fund Total	\$0	(\$249)

Energy Conservation Division 0736

Initiative: Deallocates funds from the Energy Conservation Small Business Revolving Loan Program, which has been transferred to the Public Utilities Commission.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	(\$160,000)
Other Special Revenue Funds Total	\$0	(\$160,000)

Job Retention Program 0855

Initiative: Deallocates funds from the Job Retention Program because of a legislative transfer of the program funds to the Mature

and Dominant Industries Program within the Department of Economic and Community Development.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	(\$132,100)
Other Special Revenue Funds Total	\$0	(\$132,100)

Community Development Block Grant Program 0587

Initiative: Provides for combining the headcount of 2 part-time Development Project Officer positions in Business Development and in Community Development - State Match into one headcount in Business Development.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-0.500)
Personal Services	\$0	(\$254)
General Fund Total	\$0	(\$254)

Economic Opportunity Program 0710

Initiative: Deallocates funds from the Economic Opportunity Program due to a reduction in anticipated revenue.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	(\$126,000)
Other Special Revenue Funds Total	\$0	(\$126,000)

Office of Tourism 0577

Initiative: Provides an increase to the allocation for Personal Services for one Public Service Manager III position electing membership in the Maine State Retirement System.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$15,812
Other Special Revenue Funds Total	\$0	\$15,812

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	(\$503)
OTHER SPECIAL REVENUE FUNDS	0	(402,288)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$402,791)

PART N

Sec. N-1. 20-A MRSA §15653, sub-§4, as amended by PL 2003, c. 20, Pt. C, §3, is further amended to read:

4. Statewide local share. For fiscal year ~~2003-04~~ 2004-05, the statewide local share amount of the operating costs allocation is based on the sum of the amounts determined by multiplying for each unit ~~6.74~~ 6.21 mills times the unit's property fiscal capacity. In subsequent years the mill rate is 7.57

mills, except that the Legislature shall determine if an increase is needed to achieve the targeted per pupil guarantee under this section.

Sec. N-2. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2001, c. 439, Pt. OOOO, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000
2002	\$ 74,000,000
2003	\$ 80,000,000
2004	\$ 80,000,000
2005	\$ 84,000,000
2006	\$ 90,000,000
2007	\$ 96,000,000
<u>2008</u>	<u>\$100,000,000</u>
<u>2009</u>	<u>\$104,000,000</u>

Sec. N-3. Clarification of lease-purchase for replacement of Carpenter buses authorized by Resolve 2003, chapter 92, Part B. The Department of Education shall provide subsidy to support the purchase of Carpenter replacement buses for Boothbay-Boothbay Harbor, Baileyville and Hancock at a level equal to the level provided for all other school administrative units that have been approved for funding through the Carpenter bus special replacement program. The state share must be calculated as if the unit's program cost has exceeded the circuit breaker for that unit's program cost. Thus, the state share of the purchase is 100% of the Department of Education-approved purchase price minus the reduction percentage for the year that the subsidy is due. Boothbay-Boothbay Harbor, Baileyville and Hancock are, as are all other schools, responsible for any cost of the purchase that exceeds the Department of Education-approved purchase price. This includes, but is not limited to, the cost of optional equipment that is requested by the unit over and above the State's

school bus specification and any interest cost associated with financing the purchase.

This exception to the normal method of determining the state and local shares of a school bus purchase applies only to Boothbay-Boothbay Harbor, Baileyville and Hancock and to those buses identified under the Carpenter bus special replacement program. This exception does not apply to any school bus approved for purchase under the normal provisions for new bus purchases as provided in the Maine Revised Statutes, Title 20-A, section 5401, subsection 15.

Sec. N-4. Basic elementary and secondary per pupil operating rates. The basic elementary per pupil operating rate for fiscal year 2004-05 is \$5,459, and the basic secondary per pupil operating rate for fiscal year 2004-05 is \$6,070. The foundation per pupil operating rate for fiscal year 2004-05 is \$5,658.

Sec. N-5. Per pupil guarantee and statewide factor. The per pupil guarantee for fiscal year 2004-05 is \$4,816. The statewide factor for fiscal year 2004-05 is 0.62050.

Sec. N-6. Foundation allocation. The foundation allocation of state and local funds for fiscal year 2004-05 for the purposes listed in this section is as follows:

	2004-05 TOTAL
Operating	
Per pupil guarantee pursuant to the Maine Revised Statutes, Title 20-A, section 15653, subsection 1	\$1,013,836,339
Program Costs	
Early Childhood	1,367,317
Special Education (Local)	195,504,985
Special Education (Tuition and Board)	19,395,944
Vocational Education	34,423,516
Transportation Operating	76,147,845
Bus Purchases (including lease-purchases)	10,000,000
Program Cost Total	336,839,607
Less percentage reduction pursuant to the Maine Revised Statutes,	

Title 20-A, section 15603, subsection 26-A, paragraph F (10,071,504)

Adjusted Program Cost Total	326,768,103
Foundation Total - Combined Adjusted Operating and Program Cost	<u>\$1,340,604,442</u>

Sec. N-7. Foundation subsidy indexes. This section establishes mill rates pursuant to the Maine Revised Statutes, Title 20-A, chapter 606 as follows: operating cost millage, 8.96 mills; program millage limit, 1.35 mills.

Sec. N-8. Foundation reduction percentages. This section establishes reduction percentages as follows: program cost reduction percentage, 2.99%; transportation operating reduction percentage, 2.99%.

Sec. N-9. Foundation appropriation. The foundation appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2004 and ending June 30, 2005 is calculated as follows:

	2004-05 TOTAL	2004-05 STATE
Foundation Total - Combined Adjusted Operating and Program Cost	\$1,340,604,442	\$633,772,413
Minimum State Subsidy	<u>2,256,924</u>	<u>2,256,924</u>
ADJUSTED FOUNDATION ALLOCATION TOTAL	\$1,342,861,366	\$636,029,337

Sec. N-10. Debt service allocation. The debt service allocation of state and local funds for fiscal year 2004-05 for the purposes listed in this section is as follows:

	2004-05 TOTAL
Debt Service Costs	
Principal and Interest	\$73,787,290
Approved Leases & Lease-purchases of Space	6,178,767
Insured Value Factor	3,055,623
Debt Service Cost Total	<u>\$83,021,680</u>
Less percentage reduction of insured value factor pursuant to the Maine	

Revised Statutes, Title 20-A,
section 15603, subsection 26-A,
paragraph F (91,363)

Adjusted Debt Service Cost Total \$82,930,317

Sec. N-11. Debt service subsidy indexes.
This section establishes mill rates pursuant to the Maine Revised Statutes, Title 20-A, chapter 606 as follows: operating cost millage, 8.96 mills; debt service millage limit, 0.38 mills.

Sec. N-12. Debt service reduction percentages. This section establishes reduction percentages as follows: insured value factor reduction percentage, 2.99%.

Sec. N-13. Debt service appropriation.
The debt service appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2004 and ending June 30, 2005 is calculated as follows:

	2004-05 TOTAL	2004-05 STATE
ADJUSTED DEBT SERVICE ALLOCATION TOTAL	\$82,930,317	\$59,045,587
COMBINED ADJUSTED FOUNDATION AND ADJUSTED DEBT SERVICE ALLOCATIONS TOTAL	\$1,425,791,683	\$695,074,924

Sec. N-14. Adjustments and miscellaneous costs allocation. The adjustments and miscellaneous costs allocation of state funds for fiscal year 2004-05 for the purposes listed in this section is as follows:

	2004-05 TOTAL
Adjustments and Miscellaneous Costs	
Cost of Geographic Isolation Adjustments	\$489,904
Cost of Quality Incentive Adjustments	0
Audit Adjustments	0
Cost of Reimbursement for Private School Services	203,031
Special Education Tuition and Board for State Wards and Other Pupils Placed Directly by the State	11,231,613
State Agency Clients	25,839,830

English as a 2nd Language	2,129,818
Out-of-district Placements	2,981,064
Long-term Drug Treatment Centers	166,392
Maine Education Policy Research Institute	150,000
Essential Programs & Services Contract	75,000
Carpenter Bus Loan	550,000
Regionalization/Consolidation/ Efficiency Assistance	125,000
Learning Results Accountability	250,000
Learning Results Implementation and Assessment	1,112,000

Total Adjustments \$45,303,652

Sec. N-15. Adjustments and miscellaneous costs appropriation. The adjustments and miscellaneous costs appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2004 and ending June 30, 2005 is calculated as follows:

	2004-05 TOTAL	2004-05 STATE
ADJUSTMENTS AND MISCELLANEOUS COSTS TOTAL	\$45,303,652	\$45,303,652
FOUNDATION, DEBT SERVICE AND ADJUSTMENTS AND MISCELLANEOUS COSTS TOTAL	\$1,471,095,335	\$740,378,576

Sec. N-16. Limit of State's obligation. If the State's continued obligation for any individual program contained in sections 6, 9, 10, 13, 14 and 15 of this Part exceeds the level of funding provided for that program, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual program. Any unexpended balances from sections 6, 9, 10, 13, 14 and 15 of this Part may not lapse but must be carried forward for the same purpose.

Sec. N-17. Authorization of payments. Section 1 and sections 3 to 16 of this Part may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

Sec. N-18. Component funding. In accordance with the Maine Revised Statutes, Title 20-A,

section 15607, subsection 3, component funding within general purpose aid for local schools for the fiscal year 2004-05 is as follows:

	2004-05
Foundation (including Minimum State Subsidy)	\$636,029,337
Debt Service	59,045,587
Adjustments	45,303,652
TOTAL	\$740,378,576

Sec. N-19. General Purpose Aid for Local Schools; fiscal year 2003-04 balances. Notwithstanding any other provision of law, the total amount of funds available in the General Purpose Aid for Local Schools program in this Part to be distributed to school administrative units in fiscal year 2004-05 includes \$5,050,000 in funds carried forward from fiscal year 2003-04.

Sec. N-20. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Provides additional funding for the General Purpose Aid for Local Schools program in fiscal year 2004-05.

	2003-04	2004-05
General Fund		
All Other	\$0	\$9,049,331
General Fund Total	\$0	\$9,049,331

General Purpose Aid for Local Schools 0308

Initiative: Deappropriates funds from General Purpose Aid for Local Schools resulting from construction audit recoveries in the spring of 2004 and reduced costs for state agency clients and provides additional funds for General Purpose Aid for Local Schools to distribute in fiscal year 2004-05.

	2003-04	2004-05
General Fund		
All Other	\$0	\$900,669
General Fund Total	\$0	\$900,669

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	\$0	\$9,950,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$9,950,000

PART O

Sec. O-1. Department of Inland Fisheries and Wildlife; licensing, registration and permitting automation contract. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, by June 30, 2005, the

State Controller shall transfer from the Carrying Balances - IF&W Account to the License and Registration account within the Department of Inland Fisheries and Wildlife an amount equal to any encumbrance in the contract between the Department of Inland Fisheries and Wildlife and MCI for automating the department's licensing, registration and permitting processes that lapsed to the Carrying Balances - IF&W account at the end of June 30, 2004. Funds transferred according to the provisions of this Part must be used for the same purposes as the original encumbrance.

PART P

Sec. P-1. 15 MRSA §1074, sub-§1-A is enacted to read:

1-A. Miscellaneous costs. The Chief Justice of the Supreme Judicial Court is authorized to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.

Sec. P-2. Use of funds. Notwithstanding any provision of law, the Chief Justice of the Supreme Judicial Court is authorized to use \$23,000 of General Fund appropriations in fiscal year 2004-05 to cover a shortage in the Judicial Department bail account.

PART Q

Sec. Q-1. 26 MRSA §51, sub-§2, as amended by PL 1991, c. 93, §2, is further amended to read:

2. Duties. The commission shall conduct studies and hold public meetings as necessary to develop findings and recommendations respecting each of the following issues:

- A. Evaluation of the effectiveness of current worker safety efforts, practices and programs in the State and the attitudes of employers and workers toward safety;
- B. Identification of the best-practice safety programs in the State and elsewhere, whose widespread adoption would reduce the incidence, severity and cost of workplace accidents and illnesses;
- C. Identification of emerging occupational safety and health issues that will be of importance in the future and assessment of their policy implications; and
- D. Determination of existing statistical information on accidents and illnesses and reliability and adequacy to monitor trends and to support effective

tive safety rehabilitation and compensation programs.

~~The commission shall also review occupational safety loan requests as provided for in section 63.~~

Sec. Q-2. 26 MRSA §62, as amended by PL 2003, c. 451, Pt. O, §1, is repealed.

Sec. Q-3. 26 MRSA §63, as amended by PL 2003, c. 451, Pt. O, §§2 and 3, is repealed.

Sec. Q-4. 39-A MRSA §401, sub-§5, ¶D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

D. The Department of Labor shall notify the Superintendent of Insurance of any employer that fails to complete the workplace health and safety program as required by this section and the rules adopted pursuant to paragraph A. The Superintendent of Insurance shall assess a surcharge of 10% on that employer's workers' compensation insurance premium or the imputed premium for self-insurers, which must be paid to the Treasurer of State, who shall credit ~~1/2 of~~ that amount to the Safety Education and Training Fund, as established by Title 26, section 61, ~~and 1/2 to the Occupational Safety Loan Fund, as established by Title 26, section 62.~~ Employers who fail to complete a required workplace health and safety program and who are assessed a surcharge prior to January 1, 1994, must be assessed a surcharge of 5%. Employers who fail to complete a required workplace health and safety program and who are assessed a surcharge after January 1, 1994, must be assessed a surcharge of 10%.

Sec. Q-5. Transfer of funds. Any funds received as repayment of the principal and interest on outstanding loans originated with funds from the previously authorized Occupational Safety Loan Fund in the Maine Revised Statutes, Title 26, former section 62 must be transferred and be deposited in the Safety Education and Training Fund under Title 26, section 61 and must be used to reduce the annual assessment on workers' compensation insurers and self-insurers.

The remaining amounts in the Occupational Safety Loan Fund may be used only to pay administrative expenses of the Finance Authority of Maine for the administration of outstanding loans originated with proceeds of the Occupational Safety Loan Fund. Upon the repayment of all such outstanding loans, any remaining funds must be deposited in the Safety Education and Training Fund and used to reduce the annual assessment on workers' compensation insurers and self-insurers. In the event there are insufficient funds for all costs of administering the current loans outstanding for the life of such loans, the Department of Labor will provide funding for the costs of

administering the loans made with proceeds from the Safety Education and Training Fund.

PART R

Sec. R-1. P&SL 1941, c. 37, §2, 2nd ¶, as amended by P&SL 1969, c. 57, is further amended to read:

The Maine Maritime Academy by action of its board may borrow money, not in excess of ~~\$4,000,000~~ \$10,000,000 in the aggregate at any one time outstanding, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the academy for the construction of dormitories, dining facilities, student union, and any other buildings and improvements, including land acquisition in connection therewith, and equipment and furnishings therefor, or in anticipation of appropriated state or federal funds, and secure the payment of such obligations or any part thereof by mortgaging its properties or pledging any part of its revenues, and do all other lawful things necessary and incidental to the foregoing powers. Maine Maritime Academy may borrow money or accept grants from federal and state governments and agencies thereof and from any other sources, or both. Such construction shall be under the supervision of the Bureau of ~~Public Improvements~~ General Services.

PART S

Sec. S-1. 25 MRSA §52, as enacted by PL 1987, c. 519, §10, is amended to read:

§52. State Nuclear Safety Advisor

1. State Nuclear Safety Advisor position established. There is established within the ~~State Planning Office of the Public Advocate~~ a State Nuclear Safety Advisor position, ~~which shall be that is~~ an unclassified, confidential position. The State Nuclear Safety Advisor serves at the pleasure of the Governor. The State Nuclear Safety Advisor ~~shall~~ must be an individual knowledgeable in the field of nuclear ~~power production~~ waste disposal at the federal and state levels.

2. Duties. The State Nuclear Safety Advisor ~~shall have~~ has the following duties:

- A. To advise the Governor and the Legislature on issues pertaining to the safe operation of nuclear facilities and the safe transportation and storage of nuclear waste;
- B. To consult with other agencies of State Government or Federal Government whose activities pertain to the issues in paragraph A;

C. To review and evaluate and to advise the Governor and the Legislature on activities conducted by other states to inspect and monitor the safe operation of nuclear facilities and the safe transportation and storage of nuclear waste; and

D. To prepare a report of ~~his~~ the State Nuclear Safety Advisor's activities under this section to be submitted ~~January 15th~~ March 30th of each year to the Governor and the Legislature.

For purposes of this section, "commercial nuclear power facility" or "facility" means a utilization facility situated in this State ~~which~~ that holds an operating permit or license issued by the United States Nuclear Regulatory Commission.

3. Fees. In addition to the fee provided in Title 22, section 664, each nuclear power plant licensee whose operations are monitored under this chapter shall pay a fee to the permanent fund established in Title 22, section 680, subsection 7. The amount of the fee for each licensee ~~shall~~ must be calculated by multiplying the total allocation to the ~~State Planning Office~~ Public Advocate for the fiscal year from the fund established in Title 22, section 680, subsection 7, for the full cost of the State Nuclear Safety Advisor, including the cost to the State for personnel and fringe benefits, by the licensee's proportion of the ~~total electric generating capacity of~~ amount of nuclear waste stored or generated by all licensees subject to this chapter. The cost must include an annual amount not to exceed \$10,000 for support functions associated with this position.

Sec. S-2. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

State Planning Office 0082

Initiative: Provides for the transfer of one Public Service Coordinator III position, associated All Other and revenue from the State Planning Office to the Office of the Public Advocate.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$92,172)
All Other	0	(21,828)
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	(\$114,000)

Public Advocate 0410

Initiative: Provides for the transfer of one Public Service Coordinator III position, associated All Other and revenue from the State Planning Office to the Office of the Public Advocate.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$112,642

All Other	0	211,358
Other Special Revenue Funds Total	<hr/>	<hr/>
	\$0	\$324,000
EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$210,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$210,000

PART T

Sec. T-1. 25 MRSA c. 192-A is enacted to read:

CHAPTER 192-A

MAINE COMPUTER CRIMES TASK FORCE

§1521-A. Maine Computer Crimes Task Force

1. Maine Computer Crimes Task Force. The Maine Computer Crimes Task Force, referred to in this chapter as "the task force," is established under the auspices of the Department of Public Safety as a collaborative partnership among the department, the Bureau of State Police within the department, the Department of the Attorney General and local law enforcement agencies. The purpose of the task force is to investigate and assist those law enforcement agencies in the State that investigate crimes involving computers.

2. Report. Beginning July 1, 2004, the task force shall make an annual report regarding development, implementation and effectiveness of programs and initiatives to the joint standing committee of the Legislature having jurisdiction over criminal justice matters.

Sec. T-2. Retroactivity. That section of this Part that enacts the Maine Revised Statutes, Title 25, chapter 192-A applies retroactively to January 1, 2004.

PART U

Sec. U-1. 33 MRSA §1952, sub-§15-A is enacted to read:

15-A. Stored-value card. "Stored-value card" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the owner of the record to the value shown in the record and includes, but is not limited to, a record that contains a micro-processor chip, magnetic stripe or other means for the storage of information, that is prefunded and for which the value is decreased upon each use.

Sec. U-2. 33 MRSA §1958, sub-§2, ¶B-1 is enacted to read:

B-1. For a gift obligation or stored-value card, the address of the owner of the gift obligation or stored-value card. The address of the owner of the gift obligation or stored-value card is, for purposes of this chapter, presumed to be the address of the Treasurer of State unless the person who sells or issues the gift obligation or stored-value card obtains and maintains the address of the owner;

PART V

Sec. V-1. 5 MRSA §20005, sub-§6, ¶B, as amended by PL 1995, c. 560, Pt. L, §5 and affected by §16, is further amended to read:

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, ~~and~~ community-based service providers and facilities that are private nonmedical institutions pursuant to section 20024 and subchapter ~~5~~.

Sec. V-2. 22 MRSA §7853, first ¶, as amended by PL 2003, c. 449, §2, is further amended to read:

The commissioner shall adopt rules for licensed assisted housing programs. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules to establish categories of licensed assisted housing programs, including private nonmedical institutions, are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. V-3. 22 MRSA §8102, sub-§1, as repealed and replaced by PL 1981, c. 260, §4, is amended to read:

1. Rules. The department shall adopt rules for the various levels of children's homes, including, but not limited to, facilities that are private nonmedical institutions, in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules ~~shall~~ must be designed to protect the health, safety, well-being and development of children and ~~shall~~ must include, but are not ~~be~~ limited to:

- A. The number and qualifications of staff;
- B. Rights and responsibilities of parents, children and staff;

C. The nature, provision, documentation and management of programs of care or treatment; and

D. The physical environment.

Sec. V-4. 25 MRSA §2927, sub-§1-B, as amended by PL 2003, c. 359, §4, is further amended to read:

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. In the case of cellular or wireless telecommunications service subscribers, the place of residence of those subscribers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section ~~4846~~ 2556. The statewide E-9-1-1 surcharge is 50¢ per month per line or number. The statewide E-9-1-1 surcharge must be billed on a monthly basis by each local exchange telephone utility or cellular or wireless telecommunications service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill.

Sec. V-5. 30-A MRSA §5681, sub-§5, as amended by PL 2003, c. 174, §1, is further amended to read:

5. Transfers to funds. On the last day of each month, the Treasurer of State shall transfer to the Local Government Fund a percentage, as provided in this subsection, of the receipts from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F, and credited to the General Fund without any reduction, except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. Any amounts transferred to the Local Government Fund in excess of the annual growth ceiling must be transferred to the Disproportionate Tax Burden Fund. The percentage transferred to the Local Government Fund on the last day of each month is:

A. For months beginning before July 1, 2005, 5.1%; and

B. For months beginning on or after July 1, 2005, 5.2%.

Sec. V-6. 34-B MRSA §1203-A, first ¶, as enacted by PL 1989, c. 227, §1, is amended to read:

Licenses to operate, conduct or maintain an agency or facility for the provision of mental health services as defined in section 3601; or for the provision of treatment as defined in chapter 6, subchapter H 2, including facilities that are private nonmedical institutions, are governed as follows.

Sec. V-7. 36 MRSA §1752, sub-§2-B, as enacted by PL 1983, c. 859, Pt. M, §§1 and 13, is repealed.

Sec. V-8. 36 MRSA §1752, sub-§2-C, as repealed and replaced by PL 1987, c. 497, §17, is repealed.

Sec. V-9. 36 MRSA §1752, sub-§3-D, as enacted by PL 1999, c. 516, §1 and affected by §7, is repealed.

Sec. V-10. 36 MRSA §1752, sub-§3-E, as enacted by PL 2001, c. 584, §2 and affected by §10, is repealed.

Sec. V-11. 36 MRSA §1752, sub-§6-B, as enacted by PL 2001, c. 584, §3 and affected by §10, is repealed.

Sec. V-12. 36 MRSA §1752, sub-§7-D, as enacted by PL 1999, c. 488, §2, is repealed.

Sec. V-13. 36 MRSA §1752, sub-§7-E, as enacted by PL 2001, c. 584, §4 and affected by §10, is repealed.

Sec. V-14. 36 MRSA §1752, sub-§8-B, as amended by PL 2001, c. 584, §5 and affected by §10, is further amended to read:

8-B. Prepaid calling service. "Prepaid calling ~~arrangement~~ service" means the right to ~~purchase access~~ exclusively telecommunications services that must be paid for in advance that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed, ~~if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis and that is sold in predetermined units or dollars, the number of which declines with use in a known amount.~~ The sale or recharge of the service is considered a sale within the State if the transfer for consideration takes place at the vendor's place of business in the State. If the sale or recharge of ~~a~~ prepaid calling ~~arrangement~~ service does not take place at the vendor's place of business, the sale or recharge is deemed to take place at the customer's shipping address, or if there is no item shipped, at the customer's billing address or the location associated with the customer's mobile telephone number. The sale of the service is deemed to occur on the date of the transfer for consideration of the service.

Sec. V-15. 36 MRSA §1752, sub-§9-D, as enacted by PL 2001, c. 584, §6 and affected by §10, is repealed.

Sec. V-16. 36 MRSA §1752, sub-§14, ¶B, as amended by PL 1989, c. 871, §6, is further amended to read:

B. "Sale price" does not include:

- (1) Discounts allowed and taken on sales;
- (2) Allowances in cash or by credit made upon the return of merchandise ~~or with respect to fabrication services~~ pursuant to warranty;
- (3) The price of property returned ~~or fabrication services rejected~~ by customers, when the full price is refunded either in cash or by credit;
- (4) The price received for labor or services used in installing or applying or repairing the property sold ~~or fabricated~~, if separately charged or stated;
- (5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, motel, restaurant or other eating establishment to its employees as wages;
- (6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;
- (7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;
- (8) The fee imposed by Title 10, section 1169, subsection 11;
- (9) The fee imposed by section 4832, subsection 1; or
- (10) The lead-acid battery deposit imposed by Title 38, section 1604, subsection 2-B.

Sec. V-17. 36 MRSA §1752, sub-§14-D, as enacted by PL 2001, c. 584, §7 and affected by §10, is repealed.

Sec. V-18. 36 MRSA §1752, sub-§17-A, as amended by PL 2003, c. 390, §8, is repealed.

Sec. V-19. 36 MRSA §1752, sub-§17-B is enacted to read:

17-B. Taxable service. "Taxable service" means the rental of living quarters in a hotel, rooming house, tourist or trailer camp; the transmission and distribution of electricity; the rental or lease of an automobile; and the sale of prepaid calling service.

Sec. V-20. 36 MRSA §1752, sub-§18-C, as enacted by PL 1999, c. 488, §10, is repealed.

Sec. V-21. 36 MRSA §1752, sub-§18-D, as amended by PL 2001, c. 584, §8 and affected by §10, is repealed.

Sec. V-22. 36 MRSA §1752, sub-§23, as amended by PL 2001, c. 526, §2, is repealed.

Sec. V-23. 36 MRSA §1811, 2nd ¶, as amended by PL 1999, c. 488, §11, is further amended to read:

The tax imposed upon the sale and distribution of gas, water or electricity, ~~or telecommunications services~~, by any public utility, the rates for which sale and distribution are established by the Public Utilities Commission, must be added to the rates so established. No tax may be imposed upon the sale or use of electrical energy, or water stored for the purpose of generating electricity, when the sale is to or by a wholly owned subsidiary by or to its parent corporation, except for electrical energy or water purchased for resale to or by such wholly owned subsidiary.

Sec. V-24. 36 MRSA §1816, as enacted by PL 2001, c. 584, §9 and affected by §10, is repealed.

Sec. V-25. 36 MRSA c. 358 is enacted to read:

CHAPTER 358

SERVICE PROVIDER TAX

§2551. Definitions

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

1. Audio media; audio equipment. "Audio media" means prerecorded magnetic tapes used for noncommercial playback of sound on audio equipment. "Audio equipment" means equipment used to play audio media and equipment used for recording sound for subsequent noncommercial playback.

2. Extended cable television services. "Extended cable television services" means all cable television service that is in addition to the minimum service that can be purchased from a cable television supplier, including the use of associated equipment for which a charge is made. It does not include installation of the associated equipment for which a separate charge is levied.

3. Fabrication services. "Fabrication services" means the production of tangible personal property for a consideration for a person who furnishes, either directly or indirectly, the materials used in that production. "Fabrication services" does not include the production of tangible personal property if a sale to the consumer of the tangible personal property so produced would be exempt or otherwise not subject to tax under Part 3.

4. Furniture. "Furniture" means movable items that are intended to make a room or establishment useful for human habitation.

A. "Furniture" includes:

(1) Living room furniture, including, but not limited to, sofas, love seats, loungers, recliners, chairs, end tables, coffee tables, curio cabinets, home entertainment centers, book shelves and floor and table lamps;

(2) Bedroom furniture, including, but not limited to, headboards, footboards, bed frames, mattresses, box springs, dressers, chests of drawers, mirrors, armoires, nightstands, bunk beds, roll-away beds and chests;

(3) Baby furniture, including, but not limited to, cribs, dressers and changing tables;

(4) Dining room furniture, including, but not limited to, tables, chairs, dinette sets, hutches and dry sinks;

(5) Patio and outdoor furniture, including, but not limited to, tables, chairs, umbrellas, porch swings and gliders;

(6) Office furniture, including, but not limited to, desks, chairs, tables, workstations, movable partitions, shelving, file cabinets, coat racks and couches; and

(7) Home electronic devices, including home appliances, home computers, televisions, stereos and radios.

B. "Furniture" does not include:

(1) Items that are affixed to real property such as sinks, toilets, built-in cabinets or light fixtures; or

(2) Furnishings such as carpeting, artwork, draperies or blinds.

5. Home service provider. "Home service provider" means the facilities-based carrier or reseller with which a customer contracts for the provision of mobile telecommunications services.

6. Mobile telecommunications services. "Mobile telecommunications services" means commercial mobile radio service as defined in 47 Code of Federal Regulations, Section 20.3 as in effect on July 1, 1999. For purposes of sourcing, "mobile telecommunications services" does not include air-ground radiotelephone service as defined in 47 Code of Federal Regulations, Section 22.99 as in effect on June 1, 1999.

7. Network elements. "Network elements" means features, functions and capabilities that are provided by a telecommunications carrier to another telecommunications carrier including subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provisions of a telecommunications service.

8. Place of primary use. "Place of primary use" means the street address representative of where a customer's use of mobile telecommunications services primarily occurs, which must be either the residential street address or the primary business street address of the customer and must also be located within the licensed service area of the home service provider. For purposes of determining the place of primary use, "customer" means the person or entity that contracts with the home service provider for mobile telecommunications services or, if the end user of such services is not the contracting party, the person that is the end user of such services. The term "customer" does not include a reseller of mobile telecommunications services or a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area.

9. Prepaid calling service. "Prepaid calling service" means the right to access exclusively telecommunications services that must be paid for in advance and that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed, and that is sold in predetermined units or dollars, the number of which declines with use in a known amount.

10. Private nonmedical institution. "Private nonmedical institution" means a person licensed by the Department of Human Services or the Department of Behavioral and Developmental Services to provide

private nonmedical institution services to 4 or more MaineCare-eligible and other residents in single or multiple facilities under a written agreement with the Department of Human Services or the Department of Behavioral and Developmental Services. "Private nonmedical institution" does not include a health insurance organization, hospital, nursing home or community health care center.

11. Private nonmedical institution services. "Private nonmedical institution services" means services, including food, shelter and treatment, that are provided by a private nonmedical institution.

12. Production. "Production" means an operation or integrated series of operations engaged in as a business or segment of a business that transforms or converts personal property by physical, chemical or other means into a form, composition or character different from that in which it originally existed. "Production" includes manufacturing, processing, assembling and fabricating operations that meet the definitional requisites, including biological processes that are part of an integrated process of manufacturing organisms or microorganic materials through the application of biotechnology. "Production" does not include biological processes except as otherwise provided by this subsection, wood harvesting operations, the severance of sand, gravel, oil, gas or other natural resources produced or severed from the soil or water, or activities such as cooking or preparing drinks, meals, food or food products by a retailer for retail sale.

13. Reseller. "Reseller," when used in relation to mobile telecommunications services, means a provider that purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of or integrates the purchased services into mobile telecommunications services. "Reseller" does not include a serving carrier with which a home service provider arranges for services to its customers outside the home service provider's licensed service area.

14. Rural community health center. "Rural community health center" means a person that delivers, or provides facilities for the delivery of, comprehensive primary health care in a place or territory that is classified as rural according to the most recent federal decennial census.

15. Sale price. "Sale price" means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the cost of materials used, labor or service cost, interest, losses and any other expense of the seller. "Sale price" does not include:

A. Discounts allowed and taken on sales;

B. Allowances in cash or by credit made upon the return of services pursuant to warranty;

C. The price of services rejected by customers when the full sale price is refunded either in cash or by credit; or

D. The amount of any tax imposed by the United States or the State on or with respect to the sale of a service, whether imposed upon the seller or the consumer.

16. School. "School" means a public or incorporated nonprofit primary, secondary or postsecondary educational institution that has a regular faculty, curriculum and organized body of pupils or students in attendance throughout the usual school year and that keeps and furnishes to students and others records required and accepted for entrance to schools of secondary, collegiate or graduate rank.

17. Service provider. "Service provider" means a person who sells one or more of the services listed in section 2552.

18. Serving carrier. "Serving carrier," when used in relation to mobile telecommunications services, means a facilities-based carrier providing mobile telecommunications services to a customer outside a home service provider's licensed service area.

19. Telecommunications equipment. "Telecommunications equipment" means any 2-way interactive communications device, system or process for transmitting or receiving signals and capable of exchanging audio, video, data or textual information. "Telecommunications equipment" does not include computers, except those components of a computer used primarily and directly as a 2-way interactive communications device capable of exchanging audio, video, data or textual information.

20. Telecommunications services. "Telecommunications services" means all telecommunications services as described in this subsection.

A. "Telecommunications services" includes:

(1) The provision of 2-way interactive communications through the use of telecommunications equipment, exclusive of mobile telecommunications services; and

(2) Two-way interactive mobile telecommunications services provided by a home service provider to a customer whose place of primary use is within this State, to the extent those services are associated with

transmissions that originate and terminate within this State or within any other state. For purposes of this paragraph, the term "state" includes the District of Columbia and any territory or possession of the United States.

B. "Telecommunications services" does not include:

(1) Except as otherwise provided by this subsection, service originating or terminating outside this State;

(2) Access services;

(3) Directory advertising services;

(4) The sale of unbundled network elements for use in the provision of telecommunications services;

(5) The lease of telecommunications equipment;

(6) Prepaid calling service; or

(7) Mobile telecommunications services provided by a home service provider to a customer whose place of primary use is not within this State.

21. Video media; video equipment. "Video media" means prerecorded magnetic tapes used for noncommercial playback of images and sound on video equipment, and other electronic audio and video media that provide for noncommercial interactive utilization by a person or persons, including digital video discs. "Video equipment" means equipment used to play video media, equipment used for recording images and sound for subsequent noncommercial playback and equipment used for noncommercial interactive utilization of electronic audio and video media.

§2552. Tax imposed

1. Rate. A tax at the rate of 5% is imposed on the value of the following services sold in this State:

A. Extended cable television services;

B. Fabrication services;

C. Rental of video media and video equipment;

D. Rental of furniture, audio media and audio equipment pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

E. Telecommunications services;

F. The installation, maintenance or repair of telecommunications equipment; and

G. Private nonmedical institution services.

2. Determination of value; liability; statement. Value is measured by the sale price. The liability for, or the incidence of, the tax imposed by this section is declared to be a levy on the seller. If a seller includes this tax on a customer's bill, it must be shown as a separate line item and identified as a service provider tax.

§2553. Registration of service providers

1. Persons required to register; certificates; display. Every person subject to the tax imposed by this chapter shall register as a service provider with the assessor by submitting an application on a form prescribed and furnished by the assessor. The assessor shall issue a service provider tax registration certificate to each applicant that properly completes and submits an application form. A separate application must be completed and a separate registration certificate issued for each place of business, and the registration certificate must be conspicuously displayed at that place of business. A registration certificate issued pursuant to this section is nontransferable and is not a license within the meaning of that term in the Maine Administrative Procedure Act.

2. Revocation of registration. The assessor may revoke for cause a registration certificate issued under this section. The assessor may revoke the registration certificate of a registrant who fails to file a return with the assessor within 15 days after the due date as required by section 2554. A revocation is reviewable in accordance with section 151. In any case where a registrant has failed to pay any tax imposed by this chapter when the tax is shown to be due on a report filed by the registrant or admitted to be due by the registrant or has been determined to be due and that determination has become final, notification of the registrant by the assessor as provided in this section operates to suspend the registration certificate from the date of the notice of suspension until such time as the delinquent tax is paid or it is determined by an appropriate court that revocation is not warranted.

3. Making sales after revocation. A person whose service provider tax registration certificate has been revoked by the assessor pursuant to this section and who continues to make retail sales in this State commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Failure to register. A person who is required by this section to register as a service provider with the assessor and who makes retail sales in this State

without being so registered commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

§2554. Return and payment of tax

1. Monthly report required. Every person subject to the tax imposed by this chapter shall file with the assessor, on or before the 15th day of each month, a report made under the pains and penalties of perjury on such form as the assessor may prescribe that discloses the total sale price of all sales made during the preceding calendar month and such other information as the assessor requires. The assessor may permit the filing of returns other than monthly. The assessor may by rule waive the reporting of nontaxable sales. The assessor may for good cause extend for not more than 30 days the time for making returns required under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Payment of tax. The tax imposed by this chapter is due and payable on the date on which the person subject to the tax is paid for the service rendered, or the billing date, whichever comes first. Upon such terms and conditions as the assessor may prescribe, the assessor may permit a postponement of payment to a date not later than the date on which the sales so taxed are required to be reported.

3. Credit for uncollectible accounts. The tax paid on sales for which all or a portion of the sale price is charged off by the service provider as uncollectible may be credited against the tax due on a subsequent report filed by the service provider within 3 years of the charge-off but, if any such accounts are thereafter collected by the service provider, a tax must be paid upon the amount so collected.

§2555. Overpayments; refunds

If the assessor determines, upon written application by a taxpayer or during the course of an audit, that any tax has been paid more than once or has been erroneously or illegally computed, the assessor shall certify to the State Controller the amount paid in excess of that legally due and that amount must be credited by the assessor on any taxes then due from the taxpayer and the balance refunded to the taxpayer or its successor in interest, but no such credit or refund may be allowed unless within 3 years of the date of overpayment either a written petition stating the grounds upon which the refund or credit is claimed is filed with the assessor or the overpayment is discovered on audit. Interest at the rate determined pursuant to section 186 must be paid on any balance refunded pursuant to this chapter from the date the return listing the overpayment was filed or the payment was made, whichever is later. At the election of the assessor,

unless the taxpayer specifically requests a cash refund, the refund may be credited to the taxpayer's service provider tax account, but in the case of a credit no further interest may accrue from the date of that election. The taxpayer may not apply for a refund of any amount assessed when administrative and judicial review under section 151 has been completed.

A taxpayer dissatisfied with the decision of the assessor, upon a written request for refund filed under this section, may request reconsideration and appeal from the reconsideration to the Superior Court in the same manner and under the same conditions as in the case of assessments made under chapter 7. The decision of the assessor upon such written request for refund becomes final as to law and fact in the same manner and under the same conditions as in the case of assessments made under chapter 7.

§2556. Sourcing rules for mobile telecommunications services

1. Sourcing rule; identifying place of primary use. Mobile telecommunications services provided to a customer whose place of primary use is located in this State, the charges for which are billed by or for the customer's home service provider, are deemed to be provided at the customer's place of primary use. A home service provider is responsible for obtaining and maintaining a record of a customer's place of primary use. Subject to subsection 2 and if the home service provider's reliance on the information provided by its customer is in good faith, the home service provider:

A. May rely on the applicable residential or business street address supplied by the home service provider's customer; and

B. May not be held liable for any additional taxes under this chapter based on a different determination of the place of primary use.

2. Correction of place of primary use; determination by assessor. If the assessor determines that the address used by a home service provider as a customer's place of primary use does not meet the definition provided by section 2551, subsection 8, the assessor shall notify the customer in writing of that determination and provide the customer an opportunity to demonstrate that that address is the customer's place of primary use. If the customer fails to demonstrate to the assessor's satisfaction within 30 days from the time it receives notice from the assessor, or within another time period as the assessor may allow, that the address in question is the customer's place of primary use, the assessor shall provide the home service provider with the proper address to be used as the customer's place of primary use. The home service provider shall begin using the address provided by the assessor as the customer's place of primary use within

30 days from the date it receives notice of the assessor's determination.

3. Hold harmless provision; use of electronic database or enhanced zip code. A home service provider is entitled to the hold harmless protections provided by the federal Mobile Telecommunications Sourcing Act, Public Law 106-252, Section 1, 114 Stat. 2, (2000)

4. Bundled services. Notwithstanding any other provision of this Part, otherwise nontaxable charges that are aggregated with and not separately stated from taxable mobile telecommunications charges are subject to taxation unless the home service provider can, to the satisfaction of the assessor, reasonably identify such charges from books and records kept in the regular course of its business. A customer may not rely upon the nontaxability of bundled services unless the customer's home service provider separately states the otherwise nontaxable services or the home service provider elects, after receiving written notice from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business and that reasonably identify the nontaxable charges.

5. Certain preexisting contracts. Subject to subsection 2, a home service provider may treat the address used by it for purposes of the tax imposed by this chapter for any customer under a service contract or agreement in effect on July 28, 2002 as that customer's place of primary use for the remaining term of the service contract or agreement, excluding any extension or renewal period.

§2557. Exemptions

The tax imposed by this chapter does not apply in connection with:

1. Exemptions by constitutional provisions. Sales that this State is prohibited from taxing under the constitution or laws of the United States or under the constitution of this State;

2. Certain governmental entities. Sales to the State or any political subdivision, or to the Federal Government, or to any unincorporated agency or instrumentality of either of them or to any incorporated agency or instrumentality of them wholly owned by them. This exemption does not apply to corporations organized under Title IV, Part E of the federal Farm Credit Act of 1971, 12 United States Code, Sections 2211 to 2214;

3. Hospitals, research centers, churches and schools. Sales to incorporated hospitals, incorporated nonprofit nursing homes licensed by the Department of Human Services, incorporated nonprofit residential

care facilities licensed by the Department of Human Services, incorporated nonprofit home health agencies certified under the United States Social Security Act of 1965, Title XVIII, as amended, incorporated nonprofit rural community health centers, incorporated nonprofit dental health centers, institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research or for the purpose of establishing and maintaining laboratories for scientific study and investigation in the field of biology or ecology or for operating educational television or radio stations, schools, incorporated nonprofit organizations or their affiliates whose purpose is to provide literacy assistance or free clinical assistance to children with dyslexia and regularly organized churches or houses of religious worship, excepting sales, storage or use in activities that are mainly commercial enterprises;

4. Other institutions. Sales to incorporated private nonprofit residential child care institutions that are licensed by the Department of Human Services as child care institutions;

5. Nonprofit fire departments and nonprofit ambulance services. Sales to incorporated nonprofit fire departments and to incorporated nonprofit ambulance services;

6. Community mental health facilities, community mental retardation facilities and community substance abuse facilities. Sales to mental health facilities, mental retardation facilities or substance abuse facilities that are:

A. Contractors under or receiving support under the federal Community Mental Health Centers Act, or its successors; or

B. Receiving support from the Department of Behavioral and Developmental Services pursuant to Title 5, section 20005 or Title 34-B, section 3604, 5433 or 6204;

7. Regional planning commissions and councils of government. Sales to regional planning commissions and councils of government that are established in accordance with Title 30-A;

8. Historical societies, museums and certain memorial foundations. Sales to incorporated nonprofit memorial foundations that primarily provide cultural programs free to the public, historical societies and museums;

9. Nursery schools and day-care centers. Sales to licensed, incorporated nonprofit nursery schools and day-care centers;

10. Certain church-affiliated residential homes. Sales to any church-affiliated nonprofit

organization that operates, under a charter granted by the Legislature, a residential home for adults;

11. Medical patients and their families. Sales to incorporated nonprofit organizations providing:

A. Temporary residential accommodations to pediatric patients suffering from critical illness or disease such as cancer or who are accident victims, to adult patients with cancer or to the families of the patients; or

B. Temporary residential accommodations, or food, or both, to hospital patients or to the families of hospital patients;

12. Emergency shelter and feeding organizations. Sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this State;

13. Child abuse and neglect councils; child advocacy organizations; community action agencies. Except for the sale, storage or use for activities that are mainly commercial enterprises, sales to:

A. Incorporated, nonprofit child abuse and neglect councils as defined in Title 22, section 3872, subsection 1-A;

B. Statewide organizations that advocate for children and that are members of the Medicaid Advisory Committee; and

C. Community action agencies designated in accordance with Title 22, section 5324;

14. Certain libraries. Sales to any nonprofit free public lending library that is funded in part or wholly by the State or any political subdivision or the Federal Government;

15. Veterans' memorial cemetery associations. Sales to incorporated nonprofit veterans' memorial cemetery associations;

16. Nonprofit volunteer search and rescue organizations. Sales to incorporated, nonprofit volunteer search and rescue organizations;

17. Incorporated nonprofit hospice organizations. Sales to incorporated nonprofit hospice organizations that provide a program or care for the physical and emotional needs of terminally ill patients;

18. Nonprofit youth organizations. Sales to nonprofit youth organizations whose primary purpose is to provide athletic instruction in a nonresidential setting or sales to councils and local units of incorporated nonprofit national scouting organizations;

19. Certain incorporated nonprofit educational organizations. Sales to incorporated nonprofit educational organizations that are receiving, or have received, funding from the Department of Education and that provide educational programs specifically designed for teaching young people how to make decisions about drugs, alcohol and interpersonal relationships at a residential camp setting;

20. Charitable suppliers of medical equipment. Sales to local branches of incorporated international nonprofit charitable organizations that provide, on a loan basis and free of charge, medical supplies and equipment to persons;

21. Organizations fulfilling wishes of children with life-threatening diseases. Sales to incorporated nonprofit organizations whose sole purpose is to fulfill the wishes of children with life-threatening diseases when their families or guardians are unable otherwise to financially fulfill those wishes;

22. Incorporated nonprofit providers of certain support systems for single-parent families. Sales to incorporated nonprofit organizations engaged primarily in providing support systems for single-parent families for the development of psychological and economic self-sufficiency;

23. Nonprofit home construction organizations. Sales to local branches of incorporated nonprofit organizations whose purpose is to construct low-cost housing for low-income people;

24. Vietnam veteran registries. Sales to incorporated, nonprofit organizations whose sole purpose is to create, maintain and update a registry of Vietnam veterans;

25. Organizations providing certain services for hearing-impaired persons. Sales to incorporated nonprofit organizations whose primary purposes are to promote public understanding of hearing impairment and to assist hearing-impaired persons through the dissemination of information about hearing impairment to the general public and referral to and coordination of community resources available to hearing-impaired persons;

26. State-chartered credit unions. Sales to credit unions that are organized under the laws of this State. This subsection remains in effect only for the time that federally chartered credit unions are, by reason of federal law, exempt from payment of the tax imposed by this chapter;

27. Nonprofit housing development organizations. Sales to nonprofit organizations whose primary purpose is to develop housing for low-income people;

28. Eye banks. Sales to nonprofit organizations whose primary purpose is to obtain, medically evaluate and distribute eyes for use in corneal transplantation, research and education;

29. Centers for innovation. Sales to centers for innovation as described in Title 5, section 13141; and

30. Sales for resale. Sales of services to another service provider for resale.

The exemptions provided in this section apply only when an exempt entity purchases a service for its own use or on its own behalf and do not apply when an exempt entity pays for the service for the use of or on behalf of another person.

§2558. Requirement to file amended return

1. Amended return required. A person subject to the tax imposed by this chapter must file an amended return whenever an agency of the State, other than the Bureau of Revenue Services, or of the United States makes an audit finding that changes or corrects any item affecting the person's liability under this chapter or whenever for any reason there is a change or correction affecting the person's liability under this chapter.

2. Amended return filed. The amended return must be filed within 90 days of an audit finding affecting a person's liability under this chapter or within 90 days of the time that a person learns of any other change or correction affecting its liability under this chapter.

3. Contents of amended return. The amended return required by this section must indicate the change or correction and the reason for that change or correction. The amended return constitutes an admission as to the correctness of the change unless the taxpayer includes with the return a written explanation of the reason the change or correction is erroneous.

4. Additional requirements. The assessor may require additional information to be filed with the amended return. The assessor may prescribe exceptions to the requirements of this section.

§2559. Application of revenues

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in

the General Fund suspense account must be transferred to service provider tax General Fund revenue. On or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraph G to the Medical Care Services Other Special Revenue Funds account in the Department of Human Services or the Other Special Revenue funds Mental Health Services - Community Medicaid program, the Medicaid Services - Mental Retardation program and the Office of Substance Abuse - Medicaid Seed program within the Department of Behavioral and Developmental Services.

Sec. V-26. Implementation costs. Notwithstanding any other provision of law, \$105,000 in the Medical Care Services, Other Special Revenue Funds account in the Department of Human Services must be deposited in General Fund undedicated revenue in fiscal year 2004-05 to offset implementation costs associated with this Part.

Sec. V-27. Rule implementation. The Department of Human Services may implement retroactively to July 1, 2003 a routine technical rule, "Chapter 115, Principles of Reimbursement for Residential Care Facilities - Room and Board Costs," which addresses the recovery of return on equity from private non-medical institutions.

Sec. V-28. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the All Other line category to cover the additional costs for the printing and mailing of notices and for computer programming associated with the implementation of the private nonmedical institution, PNMI, tax initiative. A transfer of \$105,000 will be made from the PNMI Tax Dedicated Revenue account in the Department of Human Services to the General Fund as undedicated revenue in fiscal year 2004-05 as an offset to this appropriation request.

General Fund	2003-04	2004-05
All Other	\$0	\$105,000
	<hr/>	<hr/>
General Fund Total	\$0	\$105,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	\$0	\$105,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$105,000

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF

Medicaid Services - Mental Retardation 0705

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$173,827
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$173,827

Medicaid Services - Mental Retardation 0705

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$35,070
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$35,070

Medicaid Services - Mental Retardation 0705

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in Public Law 2003, chapter 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$325,245)
	<hr/>	<hr/>
General Fund Total	\$0	(\$325,245)

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$325,245
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$325,245

Mental Health Services - Community Medicaid 0732

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$599,817
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$599,817

Mental Health Services - Community Medicaid 0732

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$361,976
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$361,976

Mental Health Services - Community Medicaid 0732

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in Public Law 2003, chapter 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$522,310)
General Fund Total	\$0	(\$522,310)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$522,310
Other Special Revenue Funds Total	\$0	\$522,310

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$96,300
Other Special Revenue Funds Total	\$0	\$96,300

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$314,885
Other Special Revenue Funds Total	\$0	\$314,885

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in Public Law 2003, chapter 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$180,185)
General Fund Total	\$0	(\$180,185)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$180,185
Other Special Revenue Funds Total	\$0	\$180,185

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	(\$1,027,740)
OTHER SPECIAL REVENUE FUNDS	0	2,609,615
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,581,875

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$8,709,228

Federal Expenditures Fund Total	\$0	\$8,709,228
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Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$3,784,690

Other Special Revenue Funds Total	\$0	\$3,784,690
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Medical Care - Payments to Providers 0147

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$3,995,121

Other Special Revenue Funds Total	\$0	\$3,995,121
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Medical Care - Payments to Providers 0147

Initiative: Appropriates and deallocates funds to correctly distribute the impact of the service provider tax originally assumed in Public Law 2003, chapter 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	\$1,027,740

General Fund Total	\$0	\$1,027,740
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Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	(\$1,027,740)

Other Special Revenue Funds Total	\$0	(\$1,027,740)
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HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$1,027,740
FEDERAL EXPENDITURES FUND	0	8,709,228
OTHER SPECIAL REVENUE FUNDS	0	6,752,071

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$16,489,039
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SECTION TOTALS

GENERAL FUND	\$0	\$105,000
FEDERAL EXPENDITURES FUND	0	8,709,228
OTHER SPECIAL REVENUE FUNDS	0	9,361,686

SECTION TOTAL - ALL FUNDS	\$0	\$18,175,914
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Sec. V-29. Effective date; tax returns and payments.

This Part takes effect July 1, 2004, except those sections that amend the Maine Revised Statutes, Title 5, section 20005, subsection 6, paragraph B; Title 22, section 7853, first paragraph and section 8102, subsection 1; and Title 34-B, section 1203-A, first paragraph, which take effect when approved. Tax returns and payments required by Title 36, chapter 358 are first due on August 15, 2004. The first payment to private nonmedical institutions

authorized under section 28 of this Part is first due on August 1, 2004. The credit allowed by Title 36, section 2554, subsection 3 for uncollectible accounts applies to taxes required to be remitted by a service provider pursuant to Title 36, Part 3 in a return due on or before July 15, 2004, as well as to taxes remitted by the service provider pursuant to Title 36, chapter 358.

PART W

Sec. W-1. 22 MRSA §4008, sub-§6 is enacted to read:

6. Requests for disclosure of records; establishment of fees; rules. The department may accept requests and charge fees for research and disclosure of its records as provided in this subsection.

A. The department may charge fees for the services listed in paragraph B to any person except the following:

(1) A parent in a child protection proceeding, an attorney who represents a parent in a child protection proceeding or a guardian ad litem in a child protection proceeding when the parent, attorney or guardian ad litem requests the service for the purposes of the child protection proceeding;

(2) An adoptive parent or prospective adoptive parent who requests records relating to the child who has been or might be adopted;

(3) A person having the legal authorization to evaluate or treat a child, parent or custodian who is the subject of a record, including a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record; the record must be requested for the purpose of evaluating or treating the child, parent or custodian who is the subject of the record;

(4) Governmental entities of this State that are not engaged in licensing; and

(5) Governmental entities of any county or municipality of this State that are not engaged in licensing.

A request or order by a court for disclosure of records pursuant to subsection 3, paragraph B must be deemed to have been made by the person requesting that the court order the disclosure.

B. The department may charge fees for the following services:

(1) Researching its records to determine whether a particular person is named in the records;

(2) Receiving and responding to a request for disclosure of department records, whether or not the department grants the request; and

(3) Disclosing department records.

C. The department may adopt rules governing requests for the services listed in paragraph B. Those rules may provide for a mechanism for making a request, the information required in making a request, the circumstances under which requests will be granted or denied and any other matter that the department determines necessary to efficiently respond to requests for disclosure of records. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

D. The department shall establish a schedule of fees by rule. The schedule of fees may provide that certain classes of persons are exempt from the fees, and it may establish different fees for different classes of persons. All fees collected by the department must be deposited in the General Fund. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

E. A governmental entity that is engaged in licensing may charge an applicant for the fees imposed on it by the department for research and disclosure of records.

F. This subsection may not be construed to permit or require the department to make a disclosure in any particular case.

PART X

Sec. X-1. 22 MRSA §2494, as amended by PL 1987, c. 838, §1, is further amended to read:

§2494. Fees

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp or camping area within the meaning of this chapter ~~shall~~ must be accompanied by a fee, appropriate to the size of the establishment, place, camp or area of the licensee, determined by the department and not to exceed the fees listed below. All fees collected by the department ~~shall~~ must be deposited in the General Fund. No such fee may be refunded. No license may be assignable or transferable. The fees may not exceed:

1. One hundred dollars. ~~Forty~~ One hundred dollars for:

- A. Public schools governed by a school board of an administrative unit;
- B. Private secondary schools approved for tuition when school enrollments are at least 60% publicly funded students as determined by the previous school year's October to April average enrollment; and
- C. Schools operated by an agency of State Government for the education of children in unorganized territories;

2. Sixty dollars. ~~Ten~~ Sixty dollars for each inspection for any eating establishment ~~which that~~ is located in a municipality ~~which that~~ requires local inspections of eating establishments; and

3. One hundred fifty dollars. One hundred ~~twenty-five~~ fifty dollars for all other establishments, places and camps not included in subsection 1 or 2.

All such fees are for the license, 2 licensure inspections and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the department is authorized through its rules to charge an additional ~~\$20~~ \$35 fee to cover the costs of each additional inspection or visit. Failure to pay such charges within 30 days of the billing date ~~shall constitute~~ constitutes grounds for revocation of the license, unless an extension for a period not to exceed 60 days is granted in writing by the commissioner.

Sec. X-2. 22 MRSA §2495, 2nd ¶, as repealed and replaced by PL 1981, c. 203, §1, is amended to read:

When any initial applicant is found, based upon an inspection by the department or by municipal inspection made according to section 2499, not in compliance with the requirements of this chapter or departmental regulations adopted and approved pursuant to section 2496 or 2499, subsection 1, the department may refuse issuance of the initial license, but shall issue a conditional license, except when conditions are found ~~which that~~ present a serious danger to the health and safety of the public. A conditional license ~~shall may~~ not exceed 90 days. Failure by the conditional licensee to meet the conditions specified by the department ~~shall permit~~ permits the department to void the conditional license.

Sec. X-3. 22 MRSA §2498, sub-§1, ¶¶A and C, as enacted by PL 1991, c. 591, Pt. J, §5, are amended to read:

A. The department may impose penalties for violations of this chapter, or the rules enacted pursuant to this chapter, on any eating establishment, eating and lodging place, lodging place, recreational camp or camping area. The penalties may not be greater than ~~\$50~~ \$100 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. Penalties may be imposed for each violation of the rules.

C. Any person, corporation, firm or copartnership that operates any eating establishment, eating and lodging place, lodging place, recreational camp or camping area without first obtaining a license as required by this chapter must be punished, upon conviction, by a fine of not less than ~~\$10~~ \$25 nor more than ~~\$100~~ \$200, and upon 2nd or subsequent conviction, must be punished by a fine of not less than ~~\$100~~ \$200. Each day any such person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense.

Sec. X-4. 22 MRSA §2499, sub-§6, as amended by PL 1981, c. 703, Pt. A, §19, is further amended to read:

6. License fee. When a license is issued ~~on the basis of a municipal inspection to an eating establishment located in a municipality to which authority to conduct inspection has been delegated by the department~~ as specified in this section, the requirement for payment of a license fee ~~by the establishment~~ to the department as set forth in section 2494 ~~shall must~~ be waived. However, the licensee ~~shall be~~ is required to pay the department a sum not to exceed ~~\$10~~ \$60 to support the costs of mailing and handling.

Sec. X-5. 22 MRSA §2499, sub-§7, as enacted by PL 1975, c. 496, §3, is amended to read:

7. Licenses. Licenses issued under this section ~~2499~~ must be displayed, renewed and in every other way treated the same as licenses issued under this chapter on the basis of inspection by the department.

Sec. X-6. 22 MRSA §2499, sub-§9 is enacted to read:

9. Delegation renewal. Beginning January 1, 2005, and every 3 years thereafter, the department shall review the restaurant inspection program of the municipalities to which authority to conduct inspections has been delegated. The process for the delegation of this authority and other such provisions describing the assignment of and removal of this delegation of authority must be established by rule and must include, but not be limited to, staff competency, enforcement and compliance history, inspection practices and reporting practices. Rules adopted

pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

PART Y

Sec. Y-1. 22 MRSA §3174-G, sub-§1, ¶B, as enacted by PL 1999, c. 731, Pt. OO, §1, is amended to read:

B. An infant under one year of age when the infant's family income is equal to or below 185% of the nonfarm income official poverty line, except that the department may adopt a rule that provides that infants in families with income over 185% and equal to or below 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program established under section 3174-T are eligible to participate in the Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

Sec. Y-2. 22 MRSA §3174-G, sub-§1, ¶D, as amended by PL 2001, c. 450, Pt. A, §1, is further amended to read:

D. A child one year of age or older and under 19 years of age when the child's family income is equal to or below 150% of the nonfarm income official poverty line, except that the department may adopt a rule that provides that children described in this paragraph in families with income over 150% and equal to or below 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program established under section 3174-T are eligible to participate in the Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

Sec. Y-3. PL 2003, c. 469, Pt. A, §11 is amended to read:

Sec. A-11. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 22, section 3174-G, subsection 1 takes effect ~~on~~ 3 months after the date that coverage is first provided to eligible employees and eligible individuals under Dirigo Health Insurance as established in Title 24-A, section 6910.

PART Z

Sec. Z-1. 22 MRSA §4004-B is enacted to read:

§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs

The department shall act to protect infants born identified as being affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, regardless of whether or not the infant is abused or neglected. The department shall:

1. Receive reports. Receive reports of infants who may be affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure;

2. Investigate. Promptly investigate all reports received of infants born who may be affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure;

3. Determine if infant is affected. Determine whether or not each infant reported is affected by illegal substance abuse or suffers from withdrawal symptoms resulting from prenatal drug exposure;

4. Determine if infant is abused or neglected. Determine whether or not the infant is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

5. Develop plan for safe care. For each infant whom the department determines to be affected by illegal substance abuse or to be suffering from withdrawal symptoms resulting from prenatal drug exposure, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

6. Comply with section 4004. For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

Sec. Z-2. 22 MRSA §4008, sub-§3, ¶G, as amended by PL 2001, c. 696, §19, is further amended to read:

G. The prospective adoptive parents. Prior to a child being placed for the purpose of adoption, the department shall comply with the requirements of Title 18-A, section 9-304, subsection (b) and section 8205; ~~and~~

Sec. Z-3. 22 MRSA §4008, sub-§3, ¶H, as enacted by PL 2001, c. 696, §20, is amended to read:

H. Upon written request, a person having the legal authorization to evaluate or treat a child, parent or custodian who is the subject of a record. This includes a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record;

Sec. Z-4. 22 MRSA §4008, sub-§3, ¶¶I and J are enacted to read:

I. Any government entity that needs such information in order to carry out its responsibilities under law to protect children from abuse and neglect. For purposes of this paragraph, "government entity" means a federal entity, a state entity of any state, a local government entity of any state or locality or an agent of a federal, state or local government entity; and

J. To a juvenile court when the child who is the subject of the records has been brought before the court pursuant to Title 15, Part 6.

Sec. Z-5. 22 MRSA §4011-B is enacted to read:

§4011-B. Reporting of prenatal exposure to drugs

1. Reporting of infants with prenatal exposure to drugs. A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by illegal substance abuse or is suffering from withdrawal symptoms resulting from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, shall notify the department of that condition in the infant. The report required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.

A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."

B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.

2. Definition. For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.

PART AA

Sec. AA-1. 22 MRSA §1602, sub-§4, as amended by PL 1987, c. 402, Pt. A, §139 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

4. Permit denied; appeal. An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within ~~5~~ 30 days of the notice of the denial, a complaint with the District Court, as provided in Title 5, chapter 375. Such an applicant ~~shall~~ must be granted a prompt hearing before the District Court for reconsideration of the denial.

Sec. AA-2. 22 MRSA §1604, as amended by PL 1977, c. 347, §5, is further amended to read:

§1604. Permit, bond

The Department of Human Services may also require, prior to the issuance of a permit, that the applicant furnish to the department a bond of a surety company qualified to do business in this State in such an amount as the department shall determine, but in no event more than \$5,000, to ensure the public peace, safety and compensation of damage to property, public or private. This requirement for a bond does not preclude the applicant or any other persons from obtaining personal liability insurance for a mass outdoor gathering. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond ~~shall~~ must guarantee cleanup by the applicant of the area used for the mass outdoor gathering, compliance by the applicant with any applicable state or local law or regulation; and payment by the applicant of all proper claims against the applicant for damage to real or personal property in the municipality for which the permit is issued and arising out of facts done or omitted to be done by the applicant, ~~his~~ the applicant's agents or employees. Any person having such a claim may bring an action upon the bond in the Superior Court of the county in which the municipality is located within one year of the occurrence of the act complained of. In furnishing such a bond, the applicant ~~shall be~~ is deemed to have appointed the surety company as agent for the service of process upon ~~him~~ the applicant or if cash or securities are supplied in lieu of a bond, the applicant shall in writing appoint an agent for the service of process, irrevocably, for the term within which action may be brought before any permit is issued.

Sec. AA-3. 22 MRSA §1605, as amended by PL 1977, c. 347, §6, is further amended to read:

§1605. Application and permit fee

The fee for ~~such~~ reviewing an application is \$100 and must accompany the application, and the fee for a

~~permit shall be \$100 is a maximum of \$750 and must accompany the application therefor be submitted promptly when requested by the department. Travel costs may also be charged to the applicant for department inspectors providing health inspection and oversight during the event. Rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, must be established providing a fee schedule and related requirements. All moneys funds received under this chapter shall must be used to help defray the costs of the administration thereof deposited as General Fund undedicated revenue.~~

PART BB

Sec. BB-1. 36 MRSA §6203, as enacted by PL 1987, c. 516, §§3 and 6, is repealed.

Sec. BB-2. 36 MRSA §6203-A is enacted to read:

§6203-A. Procedure for reimbursement

At least monthly on or before the last day of the month, the State Tax Assessor shall determine the benefit for each claimant under this chapter and certify the amount to the State Controller to be transferred to the so-called circuit breaker reserve established, maintained and administered by the State Controller from General Fund undedicated revenue within the individual income tax category. At least monthly, the assessor shall pay the certified amounts to each approved applicant qualifying for the benefit under this chapter. Interest may not be allowed on any payment made to a claimant pursuant to this chapter.

Sec. BB-3. Limit on transfers to circuit breaker reserve. Notwithstanding the Maine Revised Statutes, Title 36, section 6203-A, the State Tax Assessor may certify transfers to the circuit breaker reserve up to and not to exceed a total of \$24,742,857 in fiscal year 2004-05.

Sec. BB-4. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Maine Residents Property Tax Program 0648

Initiative: Deappropriates funds to convert this program to be reflected as an offset to the individual income tax line.

General Fund	2003-04	2004-05
All Other	\$0	(\$24,742,857)
General Fund Total	\$0	(\$24,742,857)

PART CC

Sec. CC-1. 22 MRSA §1552, as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§1552. Application procedure

1. Application process; license fees. An applicant for ~~a one-time~~ an annual retail tobacco license shall file an application in the form required by the department. The department shall make provisions for applications under this section. The fee for a ~~one-time~~ retail tobacco license is ~~set by the department at the actual cost of processing the application and issuing the license, up to but not exceeding \$25~~ \$50 annually. The applicant shall enclose the fee with the application for the license.

2. Term of license. All retail tobacco licenses are valid ~~indefinitely~~ for one year unless suspended, revoked or not subject to the transfer under section 1553. Licenses that have been suspended or revoked may be reinstated, as permitted by the District Court decision issued under subchapter ~~H~~ 2, upon the receipt of an application for reinstatement and payment of all penalties and an application fee of ~~\$25~~ \$50.

3. Multiple licenses. A licensee applying for licenses to operate more than one premises or more than one vending machine shall obtain a separate license for each premises and each machine and shall pay the fee prescribed for each premises and each machine.

4. Application fees. All application fees must be deposited in ~~a nonlapsing account to be used by the department to defray administrative costs~~ the General Fund.

5. False answer given intentionally. A person who intentionally gives a false answer in an application for a retail tobacco license violates Title 17-A, section 453.

Sec. CC-2. 22 MRSA §1559-A, as enacted by PL 1995, c. 470, §9 and affected by §19, is repealed.

PART DD

Sec. DD-1. 22 MRSA §4326 is enacted to read:

§4326. Nonlapsing funds

Any balance remaining in the General Assistance - Reimbursement to Cities and Towns program in the Department of Human Services at the end of any fiscal year must be carried forward for the next fiscal year.

Sec. DD-2. 36 MRSA §191, sub-§2, ¶F, as amended by PL 2001, c. 23, §1, is further amended to read:

F. The transmission of information among employees of the Bureau of Revenue Services for the purposes of enforcing the tax laws of this State and the delivery by a register of deeds to the State Tax Assessor or delivery by the State Tax Assessor to the appropriate municipal assessor or to the Maine Land Use Regulation Commission or the Department of Human Services of "declarations of value" in accordance with section 4641-D. The State Tax Assessor may require entities requesting information pursuant to this paragraph other than municipal assessors to provide resources sufficient to cover the cost of providing the forms;

Sec. DD-3. General Fund unappropriated surplus. Notwithstanding any other provision of law, the State Controller is authorized to recognize as General Fund unappropriated surplus, no later than June 30, 2005, \$177,232 generated from fiscal year 2002-03 funds returned to the Department of Human Services from health care providers.

Sec. DD-4. Minimum record-keeping requirements. Agencies authorized to administer programs funded by Temporary Assistance for Needy Families or "TANF" funds must adhere to minimum record-keeping requirements established by the federal Department of Health and Human Services, Administration for Children and Families regarding Maintenance of Effort expenditures in order to ensure that expenditures are sufficiently documented. The Department of Human Services, Bureau of Family Independence shall ensure that all claims made under the TANF program meet all state requirements and the eligibility requirements set forth by the federal Department of Health and Human Services, Administration for Children and Families or its successor agency.

Sec. DD-5. State Supplement to Federal Supplemental Security Income General Fund account; lapsed balances. Notwithstanding any other provision of law, \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2004-05.

PART EE

Sec. EE-1. 21-A MRSA §1124, sub-§2, ¶B, as amended by PL 2001, c. 714, Pt. RR, §1, is further amended to read:

B. Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State Controller on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction within the administrative divisions of the legislative branch and executive branch agencies. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681.

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

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

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

(3) Up to \$1,500,000 no later than September 1, 2004, reflecting a partial advance of the transfer of the amounts that would be received on or before January 1, 2005 pursuant to this paragraph;

PART FF

Sec. FF-1. Behavioral health working group. The Commissioner of Administrative and Financial Services or the commissioner's designee shall convene a working group to facilitate improved claims processing and reimbursement for medically necessary behavioral health services, including but not limited to emergency and urgent care services, pursuant to the Maine Insurance Code and Bureau of Insurance Rule, Chapter 850. The working group must consist of the Commissioner of Professional and Financial Regulation or the commissioner's designee, the Commissioner of Human Services or the commissioner's designee, the Commissioner of Behavioral and Developmental Services or the commissioner's designee, the Superintendent of Insurance or the superintendent's designee, private health insurers,

mental health providers and the business community. At a minimum, the working group shall address the following issues: (1) the identification of administrative mechanisms to assist mental health providers with claims submission to private insurers; (2) the contracting and credentialing of mental health provider agencies by private insurers; (3) appropriate coding and claims submission to reduce claims denials; (4) the provision of adequate telephone coverage for prior authorization of crisis services by private insurers; and (5) the coverage of evidence-based treatment services. The working group shall submit a report on or before January 15, 2005 on the resolution of these issues and whether targeted savings have been achieved to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.

Sec. FF-2. Appropriations and allocations. The following appropriations and allocations are made.

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF

Mental Health Services - Child Medicaid 0731

Initiative: Provides for the deappropriation of funds associated with the mental health parity provisions.

General Fund	2003-04	2004-05
All Other	\$0	(\$771,750)
	<hr/>	<hr/>
General Fund Total	\$0	(\$771,750)

Mental Health Services - Community Medicaid 0732

Initiative: Provides for the deappropriation of funds associated with the mental health parity provisions.

General Fund	2003-04	2004-05
All Other	\$0	(\$453,250)
	<hr/>	<hr/>
General Fund Total	\$0	(\$453,250)

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	(\$1,225,000)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$1,225,000)

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides for the deappropriation and deallocation of funds associated with the mental health parity provisions including the federal match for the Department of Behavioral and Developmental Services.

General Fund	2003-04	2004-05
All Other	\$0	(\$300,000)

General Fund Total	\$0	(\$300,000)
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$2,853,409)
	<hr/>	<hr/>
Federal Expenditures Fund Total	\$0	(\$2,853,409)
HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$300,000)
FEDERAL EXPENDITURES FUND	0	(2,853,409)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$3,153,409)
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$1,525,000)
FEDERAL EXPENDITURES FUND	0	(2,853,409)
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	(\$4,378,409)

PART GG

Sec. GG-1. 38 MRSA §353-C is enacted to read:

§353-C. Borrow pit and mining fees

Fees received under chapter 3, subchapter 1, article 7 and article 8-A must be deposited in the Maine Environmental Protection Fund and are governed by the general provisions of this subchapter.

Sec. GG-2. 38 MRSA §490-J, as amended by PL 1995, c. 700, §31, is further amended by adding at the end a new paragraph to read:

All fees received under this article must be deposited in the Maine Environmental Protection Fund consistent with section 353-C.

Sec. GG-3. 38 MRSA §490-EE, as amended by PL 1997, c. 364, §24, is further amended by adding at the end a new paragraph to read:

All fees received under this article must be deposited in the Maine Environmental Protection Fund consistent with section 353-C.

PART HH

Sec. HH-1. 22 MRSA §1812-I is enacted to read:

§1812-I. Critical access hospital defined

For purposes of this chapter, "critical access hospital" has the same meaning as set out in section 7932, subsection 10.

Sec. HH-2. 22 MRSA §7932, sub-§10, as enacted by PL 1999, c. 384, §13, is amended to read:

10. Critical access hospital. "Critical access hospital" means a hospital that must first be designated and approved by the State, as long as the State also has established an approved rural hospital flexibility program, and that meets the conditions in effect on March 1, 2004 for critical access hospital status under the federal Medicare program. In addition, it must also:

~~A. Be a rural public or nonprofit hospital located in a state that has established a rural hospital flexibility program;~~

B. Have a Medicare participation agreement as a hospital and be in compliance with the Medicare hospital conditions of participation when applying to become a critical access hospital;

C. Be certified by the State prior to January 1, 2006 as being a necessary provider of health care services to residents in the area or be located more than a 35-mile drive from any other hospital or critical access hospital. In mountainous terrain or in areas with only secondary roads, the mileage criterion is 15 miles;

D. Provide not more than ~~45~~ 25 beds for acute hospital-level inpatient care:

(1) Except that a swing-bed facility is allowed to have up to 25 inpatient beds that can be used interchangeably for acute or skilled nursing facility care, ~~as long as not more than 15 beds are used at any one time for acute care; and~~

(2) In addition to the 25-bed limit for acute inpatient care, a hospital may have distinct parts with 10 or fewer psychiatric inpatient beds or 10 or fewer inpatient rehabilitation beds, or both; and

~~E. Agree to keep each provide inpatient for no longer than care for a period that does not exceed, as determined on an annual average basis, 96 hours, unless a longer period is required because of inclement weather or other emergency conditions or a Peer Reviser Organization, "PRO" or other equivalent entity, on request, waives the 96-hour restriction; and per patient.~~

~~F. Meet the requirements of the Conditions of Participation for Critical Access Hospitals found in 42 Code of Federal Regulations, Part 485, Subpart F.~~

Sec. HH-3. 36 MRSA §2892, as enacted by PL 2003, c. 513, Pt. H, §1, is amended to read:

§2892. Tax imposed

For the state fiscal years ~~year~~ beginning on ~~or after~~ July 1, 2003, a tax is imposed ~~annually~~ against each hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as identified on the hospital's most recent audited annual financial statement for that tax year. Delinquent tax payments are subject to Title 22, section 3175-C.

For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually against each hospital in the State. The tax is equal to 2.23% of net operating revenue used in the determination of the tax due for the state fiscal year beginning on July 1, 2003.

Sec. HH-4. 36 MRSA §2893, sub-§2, as enacted by PL 2003, c. 513, Pt. H, §1, is amended to read:

2. Return required in state fiscal years beginning on or after July 1, 2004. For tax due for state fiscal years beginning on or after July 1, 2004, a person subject to the tax imposed by this chapter shall submit to the assessor a return on a form prescribed and furnished by the assessor and pay ~~the tax by July 15th~~ one half of the total tax due by November 15th of the state fiscal year for which the tax is being imposed and one half of the total tax due by May 15th of the state fiscal year for which the tax is being imposed.

Sec. HH-5. Rules. The Department of Human Services shall adopt rules to implement that section of this Part that amends the Maine Revised Statutes, Title 22, section 7932, subsection 10. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. HH-6. Contingency for continued federal approval of hospitals tax. Notwithstanding any other provision of law, the tax imposed under the Maine Revised Statutes, Title 36, section 2892 must be terminated within 30 days of notification by the United States Department of Health and Human Services that the tax is not a permissible health care related tax. All liability for the tax incurred prior to the effective date of this notification continues to be payable to the State. In the event of such a notification, the modifications to hospital payments funded under section 8 of this Part must also be terminated. The Department of Human Services shall adopt emergency rules to modify hospital payments accordingly. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. HH-7. Contingency for continued federal approval of hospital payment. Notwithstanding any other provision of law, the tax imposed under the Maine Revised Statutes, Title 36, section 2892 must be terminated within 30 days of notification

by the United States Department of Health and Human Services that all or a part of the hospital payment modifications funded under section 8 of this Part are disapproved hospital reimbursements under the State's Medicaid program.

Sec. HH-8. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Allocates funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by the Department of Human Services.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$28,900,000
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Federal Expenditures Fund Total	\$0	\$28,900,000
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Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$15,445,558
<hr/>		
Other Special Revenue Funds Total	\$0	\$15,445,558

Medical Care - Payments to Providers 0147

Initiative: Allocates funds to meet the costs to the MaineCare program resulting from the program's adoption of the new critical-access hospital standards specified in the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$3,742,176
<hr/>		
Federal Expenditures Fund Total	\$0	\$3,742,176
<hr/>		
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$2,000,000
<hr/>		
Other Special Revenue Funds Total	\$0	\$2,000,000

Medical Care - Payments to Providers 0147

Initiative: Allocates dedicated revenue from the hospital tax for MaineCare program expenses as already assumed in the base assumptions underlying the Medical Care - Payments to Providers account appropriations in Part A of this Act.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$12,200,000
<hr/>		
Other Special Revenue Funds Total	\$0	\$12,200,000

Medical Care - Payments to Providers 0147

Initiative: Allocates dedicated revenue from the hospital tax for MaineCare program expenses that will now be charged to Other Special Revenue funds instead of the General Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$20,250,416

Other Special Revenue Funds Total	\$0	\$20,250,416
<hr/>		
HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	\$0	\$32,642,176
OTHER SPECIAL REVENUE FUNDS	0	49,895,974
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$82,538,150

Sec. HH-9. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds to be replaced by dedicated revenue from the hospital tax.

General Fund	2003-04	2004-05
All Other	\$0	(\$20,250,416)
<hr/>		
General Fund Total	\$0	(\$20,250,416)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds originally appropriated to hospitals under the hospital payment equity project, to reflect elimination of the payment equity project for state fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	\$0	(\$9,433,125)
<hr/>		
General Fund Total	\$0	(\$9,433,125)
<hr/>		
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$17,650,208)
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Federal Expenditures Fund Total	\$0	(\$17,650,208)

HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$29,683,541)
FEDERAL EXPENDITURES FUND	\$0	(17,650,208)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$47,333,749)

PART II

Sec. II-1. Debt Service - Government Facilities Authority; lapsed balances. Notwithstanding any other provision of law, \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account in the Department of Administrative and Financial Services lapses to the unappropriated surplus of the General Fund no later than June 30, 2005.

PART JJ

Sec. JJ-1. 36 MRSA §5203-A, as amended by PL 2003, c. 479, §7, is repealed.

Sec. JJ-2. 36 MRSA §5203-B, as amended by PL 1995, c. 281, §29, is further amended to read:

§5203-B. Corporate income tax surcharge

In addition to the tax liability otherwise established by this Part, a tax surcharge of 10% of the total amount of state tax liability established by sections 5200 and ~~5203-A~~ 5203-C is imposed on taxable corporations for tax years beginning in 1991 or 1992.

Sec. JJ-3. 36 MRSA §5203-C is enacted to read:

§5203-C. State minimum tax

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

A. "Adjusted alternative minimum tax," for individuals, estates and trusts, means the excess, if any, of the alternative minimum tax over the amount that would have been the alternative minimum tax had only the adjustments and items of preference specified in the Code, Section 53(d)(1)(B)(ii) been taken into account in determining alternative minimum tax. For corporations subject to the tax imposed by this section, "adjusted alternative minimum tax" means alternative minimum tax.

B. "Alternative minimum tax" means any excess of tentative minimum tax over the regular income tax.

C. "Alternative minimum taxable income" means tentative alternative minimum taxable income less the applicable exemption amount, except that:

(1) For taxable corporations with income from business activity that is taxable both within and without this State, "alternative minimum taxable income" means tentative alternative minimum taxable income less the applicable exemption amount, the result of which is multiplied by the fraction described in section 5211, subsection 8; or

(2) For nonresident estates and trusts with income derived from Maine sources, "alternative minimum taxable income" means tentative alternative minimum taxable income less the applicable exemption amount, the result of which is multiplied by

a fraction, the numerator of which is the taxpayer's tentative alternative minimum taxable income from Maine sources and the denominator of which is the taxpayer's total tentative alternative minimum taxable income from all sources.

D. "Exemption amount" means the applicable exemption as provided by the Code, Section 55(d) as of December 31, 2002, except that tentative alternative minimum taxable income as determined under paragraph H must be substituted in the computation of the phase-out under the Code, Section 55(d)(3).

E. "Federal alternative minimum taxable income" means alternative minimum taxable income determined in accordance with the Code, Sections 55(b)(2) and 59(c).

F. "Regular income tax" means:

(1) For resident individuals, estates and trusts, the amount derived by multiplying the applicable tax rate or rates by taxable income under section 5121 or 5163;

(2) For nonresident individuals, estates and trusts, the amount derived by multiplying the applicable tax rate or rates by taxable income under section 5121 or 5175, the result of which is adjusted for nonresident individuals in accordance with section 5111, subsection 4; or

(3) For taxable corporations, the amount derived by multiplying the applicable tax rate or rates against Maine net income under section 5102, subsection 8.

G. "Tentative alternative minimum taxable income" means federal alternative minimum taxable income:

(1) Reduced by income that states are prohibited under federal law from subjecting to income tax to the extent included in federal alternative minimum taxable income;

(2) Reduced by income, loss or deductions by which the State decreases federal adjusted gross income in the case of individuals or federal taxable income in the case of corporations, estates and trusts under section 5122, section 5125, subsection 3 or section 5164, 5176 or 5200-A or as otherwise indicated by law to the extent included in federal alternative minimum taxable income; and

(3) Increased by income, loss or deductions by which the State increases federal adjusted gross income in the case of individuals or federal taxable income in the case of corporations, estates and trusts under section 5122, section 5125, subsection 3 or section 5164, 5176 or 5200-A or as otherwise indicated by law to the extent not included in federal alternative minimum taxable income.

H. "Tentative minimum tax" means:

(1) Except as provided in subparagraph (2), in the case of a taxpayer other than a taxable corporation, the sum of:

(a) An amount equal to 7% of so much of the alternative minimum taxable income as does not exceed \$175,000; plus

(b) An amount equal to 7.6% percent of so much of the alternative minimum taxable income as exceeds \$175,000.

For a nonresident individual, the tentative minimum tax must be adjusted in accordance with section 5111, subsection 4.

(2) In the case of a married individual filing a separate return, the sum of:

(a) An amount equal to 7% of so much of the alternative minimum taxable income as does not exceed \$87,500; plus

(b) An amount equal to 7.6% percent of so much of the alternative minimum taxable income as exceeds \$87,500.

For a nonresident individual, the tentative minimum tax must be adjusted in accordance with section 5111, subsection 4.

(3) In the case of a taxable corporation, the tentative minimum tax for the taxable year is 5.4% of the alternative minimum taxable income.

2. Tax imposed. In addition to all other taxes contained in this Part, a tax in an amount equal to the alternative minimum tax is imposed for each taxable year on the following taxpayers:

A. Resident individuals, trusts and estates;

B. Nonresident individuals, trusts and estates with Maine-source income; and

C. Taxable corporations required to file an income tax return under this Part, excluding financial institutions subject to the tax imposed by chapter 819 and persons not subject to the federal alternative minimum tax under the Code, Section 55(e).

3. Credit for tax paid to other taxing jurisdiction. A resident individual, estate or trust is allowed a credit against the tax otherwise due under this section for the amount of alternative minimum tax imposed on that individual, estate or trust for the taxable year by another state of the United States, a political subdivision of any such state, the District of Columbia or any political subdivision of a foreign country that is analogous to a state of the United States with respect to income derived from sources in that taxing jurisdiction also subject to tax under this section. The credit for any of the specified taxing jurisdictions may not exceed the proportion of the tax otherwise due under this section that the amount of the taxpayer's tentative alternative minimum taxable income derived from sources in that taxing jurisdiction bears to the taxpayer's entire tentative alternative minimum taxable income. When a credit is claimed for alternative minimum taxes paid to both a state and a political subdivision of that state, the total credit allowable for those taxes in the aggregate may not exceed the proportion of the tax otherwise due under this section that the amount of the taxpayer's tentative alternative minimum taxable income derived from sources in the other state bears to the taxpayer's entire tentative alternative minimum taxable income.

4. Minimum tax credit. A minimum tax credit is allowed as follows.

A. A minimum tax credit is allowed against the liability arising under this Part for any taxable year other than withholding tax liability. The minimum tax credit equals the excess, if any, of the adjusted alternative minimum tax, reduced by the credit paid to other jurisdictions determined under subsection 3, that was imposed for all prior taxable years beginning after 2003 over the amount allowable as a credit under this subsection for such prior taxable years, plus unused minimum tax credits from years beginning after 1990.

B. The credit allowable for a taxable year under this subsection is limited to the amount, if any, by which the regular income tax after application of all other credits arising under this Part exceeds the tentative minimum tax.

Sec. JJ-4. 36 MRS §5217-A, as amended by PL 2003, c. 391, §9, is further amended to read:

§5217-A. Income tax paid to other taxing jurisdiction

A resident individual is allowed a credit against the tax otherwise due under this Part, excluding the tax imposed by section ~~5203-A~~ 5203-C, for the amount of income tax imposed on that individual for the taxable year by another state of the United States, a political subdivision of any such state, the District of Columbia or any political subdivision of a foreign country that is analogous to a state of the United States with respect to income subject to tax under this Part that is derived from sources in that taxing jurisdiction. In determining whether income is derived from sources in another jurisdiction, the assessor may not employ the law of the other jurisdiction but shall instead assume that a statute equivalent to section 5142 applies in that jurisdiction. The credit, for any of the specified taxing jurisdictions, may not exceed the proportion of the tax otherwise due under this Part, excluding the tax imposed by section ~~5203-A~~ 5203-C, that the amount of the taxpayer's Maine adjusted gross income derived from sources in that taxing jurisdiction bears to the taxpayer's entire Maine adjusted gross income; except that, when a credit is claimed for taxes paid to both a state and a political subdivision of a state, the total credit allowable for those taxes does not exceed the proportion of the tax otherwise due under this Part, excluding the tax imposed by section ~~5203-A~~ 5203-C, that the amount of the taxpayer's Maine adjusted gross income derived from sources in the other state bears to the taxpayer's entire Maine adjusted gross income.

Sec. JJ-5. 36 MRSA §5219-N, sub-§2, ¶B, as enacted by PL 1997, c. 557, Pt. E, §1 and affected by §2 and Pt. G, §1, is amended to read:

B. An individual who is subject to the state minimum tax imposed by section ~~5203-A~~ 5203-C.

Sec. JJ-6. Application. This Part applies to tax years beginning on or after January 1, 2004.

PART KK

Sec. KK-1. 36 MRSA §186, as amended by PL 2001, c. 583, §9 and affected by §24, is further amended to read:

§186. Interest

Any person who fails to pay any tax, other than a tax imposed pursuant to chapter 105, on or before the last date prescribed for payment is liable for interest on the tax, calculated from that date and compounded monthly. The rate of interest for any calendar year equals the highest prime rate as published in the Wall Street Journal on the first day of September of the preceding calendar year or, if the first day of September falls on a weekend or holiday, on the next

succeeding business day, rounded up to the next whole percent plus ~~2~~ 3 percentage points. For purposes of this section, the last date prescribed for payment of tax must be determined without regard to any extension of time permitted for filing a return. A tax that is upheld on administrative or judicial review bears interest from the date on which payment would have been due in the absence of review. Any tax, interest or penalty imposed by this Title that has been erroneously refunded and is recoverable by the assessor bears interest at the above rate from the date of payment of the refund. Interest accrues automatically, without being assessed by the assessor, and is recoverable by the assessor in the same manner as if it were a tax assessed under this Title. If the failure to pay a tax when required is explained to the satisfaction of the assessor, the assessor may abate or waive the payment of all or any part of that interest.

Except as otherwise provided in this Title, and except for taxes imposed pursuant to chapter 105, interest, at the rate determined by the assessor for underpayments pursuant to this section, must be paid on overpayments of tax from the date the return listing the overpayment was filed, or the payment was made, whichever is later.

Sec. KK-2. 36 MRSA §186-A is enacted to read:

§186-A. Additional interest

Notwithstanding section 186, for the period from July 1, 2004 to December 31, 2004, the interest rate calculated pursuant to section 186 for calendar year 2004 is increased by one percentage point.

Sec. KK-3. Application. This Part applies to interest accruing on or after July 1, 2004.

PART LL

Sec. LL-1. 38 MRSA §2451, sub-§1, as enacted by PL 1995, c. 502, Pt. K, §1 and affected by §2, is amended to read:

1. Establishment. The ACE Service Center, referred to in this section as "the center," is established within the department to provide certain administrative services to the Department of Agriculture, Food and Rural Resources; the Department of Conservation; and the Department of Environmental Protection, which are referred to in this section as "the departments." Administrative services include, but are not limited to, support services in financial and human resources, inventory management, courier services and such other functions as may be determined jointly by the commissioners of the departments. The center's purpose is to provide administrative services in an efficient and cost-effective manner to the departments. The center is under the ~~joint~~ authority ~~and direction~~ of

~~the commissioners of the departments or their designees of the Commissioner of Environmental Protection, who shall provide for the administration of the center. The commissioners of the departments by unanimous decision shall employ a director of the center subject to the Civil Service Law. The Commissioner of Environmental Protection shall establish service level agreements with the departments and shall provide for the equitable sharing of the cost of the center and its administration among the departments.~~

Sec. LL-2. PL 2003, c. 451, Pt. FF, §3 is amended to read:

Sec. FF-3. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$59,877 in fiscal year 2003-04 and ~~\$58,049~~ **\$60,549** in fiscal year 2004-05 in savings 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, 2004 and June 30, 2005.

Sec. LL-3. PL 2003, c. 451, Pt. FF, §4 is amended to read:

Sec. FF-4. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$2,500 in fiscal year 2003-04 and ~~\$2,500 in fiscal year 2004-05~~ in savings from the State Revolving 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, 2004 and June 30, 2005.

Sec. LL-4. Administrative Services Unit - ACE Cluster; unencumbered balance forward. Notwithstanding any other provision of law, the State Controller is authorized to transfer \$172,573 of the unencumbered balance forward in 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, 2005.

Sec. LL-5. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Office of the Commissioner 0401

Initiative: Provides for the transfer of funds back to the Department of Agriculture, Food and Rural Resources and the Department of Conservation due to the reorganization of the ACE Service Center.

General Fund	2003-04	2004-05
All Other	\$0	(\$53,318)

General Fund Total	\$0	(\$53,318)
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$53,318)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$53,318)

CONSERVATION, DEPARTMENT OF

Administrative Services - Conservation 0222

Initiative: Provides for the transfer of funds back to the Department of Agriculture, Food and Rural Resources and the Department of Conservation due to the reorganization of the ACE Service Center.

General Fund	2003-04	2004-05
Unallocated	\$0	(\$33,905)
General Fund Total	\$0	(\$33,905)
CONSERVATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$33,905)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$33,905)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund 0421

Initiative: Provides for the transfer of one Public Service Manager I position from the ACE Service Center account to the Maine Environmental Protection Fund account. The position will be reclassified to an Environmental Specialist III position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$61,358
All Other	0	6,450
Other Special Revenue Funds Total	\$0	\$67,808

Administration - Environmental Protection 0251

Initiative: Provides for the transfer of one Public Service Manager I position from the ACE Service Center account to the Administration account. The position will be reclassified to a Public Service Coordinator I position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$74,211
All Other	0	1,991
Other Special Revenue Funds Total	\$0	\$76,202

Administration - Environmental Protection 0251

Initiative: Provides for the elimination of one Public Service Manager II position in the ACE Service Center account and the

headcount used to make one Public Service Coordinator I position permanent in the Administration account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Other Special Revenue		
Funds Total	\$0	\$0

Administrative Service Center 0835

Initiative: Provides for the transfer of one Public Service Manager I position from the ACE Service Center account to the Maine Environmental Protection Fund account. The position will be reclassified to an Environmental Specialist III position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$75,577)
Other Special Revenue		
Funds Total	\$0	(\$75,577)

Administrative Service Center 0835

Initiative: Provides for the transfer of one Public Service Manager I position from the ACE Service Center account to the Administration account. The position will be reclassified to a Public Service Coordinator I position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$88,367)
Other Special Revenue		
Funds Total	\$0	(\$88,367)

Administrative Service Center 0835

Initiative: Provides for the elimination of one Public Service Manager II position in the ACE Service Center account and the headcount used to make one Public Service Coordinator I position permanent in the Administration account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$91,304)
Other Special Revenue		
Funds Total	\$0	(\$91,304)

Administrative Service Center 0835

Initiative: Allocates funds to increase the hours of one Account Clerk II position from 48 hours biweekly to 80 hours biweekly.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$18,898
Other Special Revenue		
Funds Total	\$0	\$18,898

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	\$0	(\$92,340)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$92,340)
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$87,223)
OTHER SPECIAL REVENUE FUNDS	0	(92,340)
SECTION TOTAL - ALL FUNDS	\$0	(\$179,563)

PART MM

Sec. MM-1. 8 MRSA §372, sub-§2, ¶I, as repealed and replaced by PL 1993, c. 349, §23, is amended to read:

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other ~~states or countries~~ jurisdictions. The director, subject to the prior approval of the commission, may enter into a written agreement with a multijurisdictional lottery association for the operation, marketing and promotion of a joint lottery or joint lottery games with other jurisdictions.

Any final agreement entered into with a multijurisdictional lottery association must provide that the director has the authority to terminate the agreement upon the provision of reasonable notice, not to exceed 6 months. The final agreement must further provide that the director may terminate the agreement at any time, without prior notice, in the event that the director's authority is withdrawn or limited by law; and

Sec. MM-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Alcoholic Beverages - General Operation 0015

Initiative: Transfers one Clerk Typist III position from the Bureau of Alcoholic Beverages Operations account to the Lottery Administration account.

Alcoholic Beverage Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$47,289)
Alcoholic Beverage Fund Total	\$0	(\$47,289)

Lottery Operations 0023

Initiative: Transfers one Clerk Typist III position from the Bureau of Alcoholic Beverages Operations account to the Lottery Administration account.

State Lottery Fund	2003-04	2004-05
Positions - Legislative Count	(0,000)	(1,000)
Personal Services	\$0	\$47,289
	<hr/>	<hr/>
State Lottery Fund Total	\$0	\$47,289

Lottery Operations 0023

Initiative: Allocates funds for overtime, audit services and general operating expenditures associated with the Maine State Lottery entering into an agreement with a multistate lottery association to operate, market and promote a joint lottery or lottery games. These costs will be offset by additional dedicated revenues and would result in net additional undedicated revenue to the General Fund of \$8,869,657 in fiscal year 2004-05.

State Lottery Fund	2003-04	2004-05
Personal Services	\$0	\$19,965
All Other	0	512,097
	<hr/>	<hr/>
State Lottery Fund Total	\$0	\$532,062

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
ALCOHOLIC BEVERAGE FUND	\$0	(\$47,289)
STATE LOTTERY FUND	0	579,351
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$532,062

PART NN

Sec. NN-1. 22 MRSA §1717, sub-§1, ¶C, as enacted by PL 1997, c. 716, §1, is amended to read:

C. "Personal care agency" means a business entity or subsidiary of a business entity that is not otherwise licensed by the Division of Licensing and Certification and that hires and employs unlicensed assistive personnel to provide assistance with activities of daily living and related tasks to individuals in the places in which they reside, either permanently or temporarily. An individual who hires and employs unlicensed assistive personnel to provide care for that individual is not a personal care agency, except when permitted by rule of the department.

PART OO

Sec. OO-1. Calculation and transfer; savings from pursuing federal and commercial reimbursement. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from savings realized as a result of increased efforts in pursuing federal and commercial reimbursement for state-funded programs, improved eligibility verification procedures and other data integration improvements to state-funded services. The State Budget Officer shall consult with

the State Controller to determine if the savings should be accounted for in the Other Special Revenue allocation in section 2 or if the savings are more appropriately accounted for as an adjustment to General Fund appropriations. If it is determined the savings should be reflected as General Fund adjustments, the State Budget Officer shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts and the Other Special Revenue funds received as a result of these efforts no later than January 15, 2005.

Sec. OO-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Deappropriates and allocates funds as a result of increased efforts in pursuing federal and commercial reimbursement for state-funded programs, improved eligibility verification and procedures and other data integration improvements to state-funded services.

General Fund	2003-04	2004-05
All Other	\$0	(\$2,500,000)
	<hr/>	<hr/>
General Fund Total	\$0	(\$2,500,000)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$2,500,000
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$2,500,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	\$0	(\$2,500,000)
OTHER SPECIAL REVENUE FUNDS	0	2,500,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

PART PP

Sec. PP-1. Transfer of funds; emergency services communication. Notwithstanding any other provision of law, the State Controller shall transfer \$1,043,460 from the Emergency Services Communication, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2005.

PART QQ

Sec. QQ-1. 5 MRSA §12004-I, sub-§25-B, as enacted by PL 1997, c. 518, §1, is amended to read:

25-B.	Advisory Finance Committee on Family Development Accounts	Not Author- ized <u>Expenses for members representing account holders; not authorized for all other members</u>	10 MRSA §1079
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Sec. QQ-2. 20-A MRSA §11619-A is enacted to read:

§11619-A. Reduction of institutional or other grant aid

Notwithstanding section 11620, effective July 1, 2004, a grant received by a student under this chapter may be applied to reduce institutional or other grant aid to that student only if that institutional or grant aid is subsequently granted to a student with demonstrated financial need.

Sec. QQ-3. 20-A MRSA §11620, as enacted by PL 2001, c. 70, §11, is repealed.

Sec. QQ-4. Retroactivity. Those sections of this Part that enact the Maine Revised Statutes, Title 20-A, section 11619-A and repeal Title 20-A, section 11620 apply retroactively to July 1, 2004.

PART RR

Sec. RR-1. Calculation and transfer; information technology savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 3 that applies against each General Fund account for all departments and agencies from information technology savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. RR-2. Review of purchases. Any request for the purchase of personal computers or peripheral devices must meet the requirement under

section 1 unless the Chief Information Officer approves a waiver.

Sec. RR-3. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Deappropriates funds in the All Other line category for savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.

General Fund	2003-04	2004-05
All Other	\$0	(\$500,000)
General Fund Total	\$0	(\$500,000)

PART SS

Sec. SS-1. Sale of Payne Road bridge in Scarborough to Maine Turnpike Authority.

The Department of Transportation acting by and on behalf of the State is authorized to convey to the Maine Turnpike Authority, and the Maine Turnpike Authority is authorized to acquire from the State, the Payne Road bridge in Scarborough for the sum of \$5,000,000 and on such other terms and provisions as the Commissioner of Transportation and the members of the Maine Turnpike Authority determine are reasonable or necessary to effectuate the acquisition. The Maine Turnpike Authority shall transfer the \$5,000,000 to the State prior to June 30, 2005. Upon completion of the pending bridge renovation project, the State shall transfer the title to the Maine Turnpike Authority. This section takes effect 90 days after adjournment of the Second Special Session of the 121st Legislature.

Sec. SS-2. Transfer of funds; unallocated surplus Highway Fund to unallocated surplus General Fund. Notwithstanding any other provision of law, at the close of fiscal year 2004-05 the State Controller shall transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund.

Sec. SS-3. Transfer of Department of Transportation headquarters building.

Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Bureau of General Services shall convey, by financial order, the Department of Transportation headquarters building to the Department of Transportation.

Sec. SS-4. Transition. The Commissioner of Administrative and Financial Services and the Commissioner of Transportation shall determine the scope of services and responsibilities of each department related to the management and support services

provided by each department with respect to the facilities management of the Department of Transportation headquarters building. The commissioners shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 30, 2005 on the scope of responsibilities assumed by each department with respect to the management and oversight of the transportation headquarters building property.

Sec. SS-5. Budget adjustments. The Commissioner of Administrative and Financial Services and the Commissioner of Transportation shall present any necessary budget adjustments required for fiscal year 2004-05 related to the management and operation of the transportation headquarters building property to the First Regular Session of the 122nd Legislature.

Sec. SS-6. Transfer of funds; Department of Transportation headquarters building. Notwithstanding any other provision of law, at the close of fiscal year 2004-05 the State Controller shall transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund to reimburse the General Fund for costs and value associated with the Department of Transportation headquarters building in Augusta.

PART TT

Sec. TT-1. 4 MRSA §1057, sub-§2-A, as amended by PL 2003, c. 20, Pt. R, §3, is further amended to read:

2-A. Surcharge imposed. ~~A surcharge~~ Surcharges of 14% ~~and 5%~~ must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, ~~is~~ are considered a part of the fine, forfeiture or penalty. ~~All funds~~ The 14% surcharge collected as a result of this ~~surcharge subsection~~ subsection must be deposited monthly in the Government Operations Surcharge Fund ~~and the 5% surcharge collected as a result of this subsection must be deposited directly into the General Fund.~~ Two-sevenths of the surcharge collected and deposited in the Government Operations Surcharge Fund must be paid to the Maine Criminal Justice Academy to supplement current funds for training and recertification of part-time and full-time law enforcement officers.

Sec. TT-2. 4 MRSA §1057, sub-§3, as amended by PL 1995, c. 668, §1, is further amended to read:

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from the Government Operations Surcharge Fund to each county in the same proportion as the total amount paid

to that county from the total amount deposited into the ~~fund~~ Government Operations Surcharge Fund during the fiscal year ending June 30, 1991 bears to the total amount deposited into the fund during the fiscal year ending June 30, 1991, except that a county may not receive an amount greater than the prior year's expenditures on its jail. The amount of total payments made to counties must equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund.

Sec. TT-3. 29-A MRSA §2411, sub-§5, as amended by PL 2001, c. 511, §3, is further amended to read:

5. Penalties. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 10-year period:

(1) A fine of not less than ~~\$400~~ \$500, except that if the person failed to submit to a test, a fine of not less than ~~\$500~~ \$600;

(2) A court-ordered suspension of a driver's license for a period of 90 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

(i) Was tested as having a blood-alcohol level of 0.15% or more;

(ii) Was exceeding the speed limit by 30 miles per hour or more;

(iii) Eluded or attempted to elude an officer; or

(iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

B. For a person having one previous OUI offense within a 10-year period:

(1) A fine of not less than ~~\$600~~ \$700, except that if the person failed to submit to a

test at the request of a law enforcement officer, a fine of not less than ~~\$800~~ \$900;

(2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;

(3) A court-ordered suspension of a driver's license for a period of 18 months; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

C. For a person having 2 previous OUI offenses within a 10-year period:

(1) A fine of not less than ~~\$1,000~~ \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$1,300~~ \$1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 4 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

(1) A fine of not less than ~~\$2,000~~ \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$2,400~~ \$2,500;

(2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;

(3) A court-ordered suspension of a driver's license for a period of 6 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

E. If a law enforcement officer failed to provide the warnings required by section 2521, subsection 3, the increase in minimum penalties required because of a refusal to submit to a test is not mandatory;

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program of the Department of Behavioral and Developmental Services, Office of Substance Abuse. The court may waive the program pursuant to Title 5, section 20073-B, if the court finds that the defendant has completed an alcohol or other drug treatment program subsequent to the date of the offense; and

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C or D if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

Sec. TT-4. 29-A MRSA §2411, sub-§5, as amended by PL 2003, c. 452, Pt. Q, §§80 to 82 and affected by Pt. X, §2, is further amended to read:

5. Penalties. Except as otherwise provided, violation of this section is a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 10-year period:

(1) A fine of not less than ~~\$400~~ \$500, except that if the person failed to submit to a test, a fine of not less than ~~\$500~~ \$600;

(2) A court-ordered suspension of a driver's license for a period of 90 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

(i) Was tested as having a blood-alcohol level of 0.15% or more;

(ii) Was exceeding the speed limit by 30 miles per hour or more;

(iii) Eluded or attempted to elude an officer; or

(iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

B. For a person having one previous OUI offense within a 10-year period:

(1) A fine of not less than ~~\$600~~ \$700, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$800~~ \$900;

(2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;

(3) A court-ordered suspension of a driver's license for a period of 18 months; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

C. For a person having 2 previous OUI offenses within a 10-year period:

(1) A fine of not less than ~~\$1,000~~ \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$1,300~~ \$1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 4 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

(1) A fine of not less than ~~\$2,000~~ \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$2,400~~ \$2,500;

(2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;

(3) A court-ordered suspension of a driver's license for a period of 6 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

D-1. A violation of subsection 1-A, paragraph D is a Class C crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than ~~\$2,000~~ \$2,100 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended;

E. If a law enforcement officer failed to provide the warnings required by section 2521, subsection 3, the increase in minimum penalties required because of a refusal to submit to a test is not mandatory;

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program of the Department of Behavioral and Developmental Services, Office of Substance Abuse. The court may waive the program pursuant to Title 5, section 20073-B, if the court finds that the defendant has completed an alcohol or other drug treatment program subsequent to the date of the offense; and

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C, D or D-1 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

Sec. TT-5. 29-A MRSA §2412-A, sub-§3, as amended by PL 1999, c. 196, §3, is further amended to read:

3. Minimum mandatory sentences for certain suspension. If the suspension was for OUI or an OUI offense, the court shall impose a minimum fine of ~~\$500~~ \$600, a term of imprisonment of 7 consecutive days and a suspension of license of not less than one year nor more than 3 years consecutive to the original suspension. The penalties may not be suspended.

A. If the person has a prior conviction for violating this section within a 10-year period and was subject to the minimum mandatory sentences, then the following minimum penalties, which may not be suspended by the court, apply in the event the suspension was for OUI:

(1) A minimum fine of \$1,000, a term of imprisonment of 30 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of one prior conviction;

(2) A minimum fine of \$2,000, a term of imprisonment of 60 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 2 prior convictions; or

(3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is a Class C crime.

B. For all other suspensions, the minimum fine for a first offense is ~~\$200~~ \$250, which may not be suspended by the court ~~if the person has a prior conviction for violating this section within a 10-year period.~~ The minimum fine for 2nd and subsequent offenses is \$500, which may not be suspended by the court.

A separate reading of the allegation and a separate trial are not required under this subsection.

Sec. TT-6. 29-A MRSA §2557, sub-§2, as amended by PL 1997, c. 476, §1, is further amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years; ~~and.~~

The minimum fine for a Class D crime under this paragraph is \$500, which may not be suspended by the court; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000, which may not be suspended by the court.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

Sec. TT-7. 29-A MRSA §2557, sub-§2, as amended by PL 2003, c. 452, Pt. Q, §91 and affected by Pt. X, §2, is further amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if the person violates subsection 1 and:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years; ~~and.~~

The minimum fine for a Class D crime under this paragraph is \$500, which may not be suspended by the court; and

B. A Class C crime if the person violates subsection 1 and:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000, which may not be suspended by the court.

PART UU

Sec. UU-1. PL 2003, c. 513, Pt. O, §1 is amended to read:

Sec. O-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer up to \$10,000,000 in fiscal year 2003-04 from the Retiree Health Insurance Fund to the unappropriated surplus of the General Fund no later than June 30, 2004. On or after ~~July 1, 2005~~ August 1, 2004, the State Controller shall transfer \$10,000,000 along with interest from the General Fund to the Retiree Health Insurance Fund as repayment. The transfer is considered an interfund loan to be repaid with interest of 8% compounded annually on the unpaid balance.

Sec. UU-2. Cost-reimbursement funding for Retiree Health Insurance Fund. Notwithstanding any other provision of law, the Department of Administrative and Financial Services shall manage the Retiree Health Insurance Fund on a cost-reimbursement basis of funding and accounting beginning June 30, 2005.

Sec. UU-3. Distribution of excess equity. Notwithstanding any other provision of law, the Department of Administrative and Financial Services shall calculate the amount of the excess equity to be returned to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund after retaining a reasonable amount of working capital. An amount equal to \$1,100,000 of the equity contributed by the Maine Community College System must be transferred to the unappropriated surplus of the General Fund no later than June 30, 2005. The remaining excess must be returned to the fund of origin by June 30, 2005.

Sec. UU-4. Appropriations and allocations. The following appropriations and allocations are made.

COMMUNITY COLLEGE SYSTEM - BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Provides for the appropriation of funds as a result of the divestiture of the Retiree Health Insurance Fund.

General Fund	2003-04	2004-05
All Other	\$0	\$1,100,000
General Fund Total	\$0	\$1,100,000

PART VV

Sec. VV-1. Position authorization. Notwithstanding any other provision of law, the Department of Public Safety is authorized to establish 2 State Police Sergeant project positions to be temporarily assigned to the Maine Criminal Justice Academy for each training class.

PART WW

Sec. WW-1. 26 MRSA §1412-G, as amended by PL 2003, c. 2, Pt. W, §1 and c. 465, §5, is repealed.

Sec. WW-2. 26 MRSA §1412-H is enacted to read:

§1412-H. Program of state-funded consumer-directed personal care assistance services

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

A. "Applicant" means a person who has applied or is applying for services through the program.

B. "Bureau" means the Bureau of Rehabilitation Services within the department, which is the lead agency for administering the program.

C. "Consumer" means a person who has been determined to be eligible under subsection 3.

D. "Program" means the program of state-funded consumer-directed personal care assistance services.

2. Program administration. The bureau shall administer the program under this section. Within available funds, the bureau shall ensure that services are delivered in the most comprehensive manner possible, shall strive to maximize the participation of adults with disabilities and shall coordinate with programs for persons with disabilities administered by the Department of Human Services.

3. Eligibility. An applicant is eligible for personal care assistance services under the program if the bureau or its designee determines that the person is an adult who:

A. Has a severe disability;

B. Needs personal care assistance services or an attendant at night or both to prevent or remove the adult from inappropriate placement in an institutional setting; and

C. Has no or insufficient personal income or other support from public services, family members or neighbors.

4. Consumer cost sharing. The bureau shall establish a sliding scale for consumer cost sharing for services provided under the program. The sliding scale must be based on the net income of the consumer, factoring in the expenses associated with the consumer's disability, and may take assets into consideration.

5. Evaluation teams. The commissioner shall designate evaluation teams to assist the department with evaluations of applicants and consumers.

A. Each evaluation team must include the applicant or consumer and at least one registered nurse or registered occupational therapist.

B. For each applicant or consumer evaluated by an evaluation team, the team shall assist the bureau to:

(1) Determine the eligibility of the applicant or consumer for services under the program;

(2) Determine the capability of the applicant or consumer, at the time of evaluation or after skills training provided pursuant to subsection 6, to hire and direct a personal care assistant; and

(3) Reevaluate the applicant or consumer periodically to determine continuing need for the services.

6. Skills training. When sufficient funds are available, the commissioner shall arrange for skills training for consumers in the following areas by the following individuals:

A. Personal health management skills to maximize personal well-being in relation to the consumer's disability, including all aspects of prevention, maintenance and treatment techniques, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely disabled;

B. Personal care assistant management skills, including training in recruiting, hiring and managing a personal care assistant, scheduling and potential problems, provided by a registered nurse or other qualified person experienced in the rehabilitation of the severely disabled; and

C. Functional skills required to maximize the consumer's abilities in activities of daily living, provided by a registered occupational therapist or

other qualified person experienced in the rehabilitation of the severely disabled.

7. Relatives as providers. The department may not refuse to pay a relative of a consumer for the provision of services under the program if the relative is qualified to provide the services and payment is not prohibited by law or rule or federal regulation.

8. Review of reimbursement rates. By January 1, 2005 and every 2 years thereafter, the commissioner shall review the rates of reimbursement under the program. As part of the review, the following provisions apply.

A. The commissioner shall:

(1) Ensure the input of consumers, personal assistants and any organization that represents personal assistants regarding providing a livable wage for personal care assistance services. The commissioner may seek input through one or more public hearings or by other means determined reasonable by the commissioner; and

(2) Seek advice and input from the Long-term Care Oversight Committee established in Title 22, section 5107-J to determine whether the rates of reimbursement are sufficient for consumers to recruit, hire and retain personal care assistants.

B. If the commissioner determines that an increase in one or more of the reimbursement rates is necessary after the review required in this subsection, the commissioner shall adopt rules to accomplish the required rate increase. In making a determination under this subsection, the commissioner shall consider using any savings realized from an expansion of consumer-directed services to increase wages and benefits for personal care assistants.

C. The commissioner shall determine rates of reimbursement that include allowable administrative costs and that use available resources to maximize wages and benefits for personal care assistants and hours of services for consumers.

9. Rulemaking. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A, except that rules regarding consumer cost sharing under subsection 4 are major substantive rules as defined by that subchapter.

Sec. WW-3. Resolve 2003, c. 113, §1 is amended to read:

Sec. 1. Review and report. Resolved:

That the Department of Human Services, Bureau of Elder and Adult Services work with the Direct-care Worker Coalition that has been meeting to discuss the recruitment and retention of direct-care workers in the field of long-term care. The department shall report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2005. The department shall invite the participation of consumers, and representatives of consumers, including consumers who utilize the program of state-funded consumer-directed personal care assistance services pursuant to the Maine Revised Statutes, Title 26, section 1412-H, a representative of the Maine Independent Living Center, organizations representing personal assistants, direct-care workers, representatives of providers of long-term care services and other interested parties. The work of the coalition must include options for achieving parity with other programs providing long-term care services to adults and children with developmental disabilities, a review of data on wages and benefits, an explanation of administrative expenses of agencies providing or coordinating long-term care services, priorities for achieving funding and recommendations for legislation. The work of the coalition must include a review of the program of state-funded consumer-directed personal care assistance services and the recruitment and retention of personal care assistants employed in or through those programs. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to the First Regular Session of the 122nd Legislature regarding the recruitment and retention of long-term care workers.

Sec. WW-4. Transfer of responsibility.

Responsibility for administering the MaineCare Physically Disabled Home and Community Benefits program and the MaineCare Consumer-directed Attendant Services program, referred to in this section as the "programs," are transferred from the Department of Labor to the Department of Human Services on the effective date of this Part. Notwithstanding any other provision of law, the following requirements apply to the transfer in this Part of the programs from the Department of Labor to the Department of Human Services.

1. Program costs. The programs must operate within the limitations of legislative appropriations and allocations through authorized and agreed upon cost-saving measures.

2. Program stability. For fiscal year 2004-05 the programs are not subject to redesign. For fiscal year 2004-05 the programs retain Alpha One as the authorized agent of the Department of Human Services.

3. Waiver application. Collaborative and cost-effective efforts must be undertaken to further approval of a consumer-directed home care waiver by the federal Centers for Medicare and Medicaid Services.

4. Working group. The Department of Human Services shall convene a working group of interested consumers, providers of personal care services, a representative of the Maine Independent Living Center, organizations representing personal assistants, advocates and department personnel to identify strategies for improving services and to develop an intake system for consumers seeking assistance.

5. Transition provisions. The following provisions apply to the transfer of programs under this Part.

A. All existing rules, regulations and procedures in effect with regard to the programs transferred to the Department of Human Services under this Part, in operation or adopted in or by the Department of Labor remain in effect and continue until rescinded, revised or amended by the Department of Human Services.

B. All existing contracts of the Department of Labor with regard to the programs transferred to the Department of Human Services under this Part remain in effect and continue until rescinded, revised or amended by the Department of Human Services.

Sec. WW-5. Program of state-funded consumer-directed personal care assistance services. The following provisions apply to the program of state-funded consumer-directed personal care assistance services administered by the Department of Human Services and the Department of Labor.

1. Rulemaking by Department of Labor. The Department of Labor, Bureau of Rehabilitation Services shall adopt rules for the program of state-funded consumer-directed personal care assistance services under the Maine Revised Statutes, Title 26, section 1412-H. Except as otherwise provided by law, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules adopted pursuant to this section must:

A. Affirm the principles of consumer-direction and consumer accountability;

B. Provide for independent assessment and reassessment of consumer eligibility and service need using an entity selected by the department; and

C. Provide for authorization of services that is based on assessment of the consumer's functional

strengths and needs and that conforms to legislative appropriations and other applicable state and federal requirements.

2. Rulemaking by Department of Human Services. The Department of Human Services, Bureau of Medical Services shall adopt rules for the MaineCare Physically Disabled Home and Community Benefits program and the Consumer-directed Attendant Services program. Except as otherwise provided by law, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules adopted pursuant to this section must:

- A. Affirm the principles of consumer-direction and consumer accountability;
- B. Provide for independent assessment and reassessment of consumer eligibility and service need using an entity selected by the department;
- C. Provide for authorization of services that is based on assessment of the consumer's functional strengths and needs and that conforms to legislative appropriations and allocations and other applicable state and federal requirements.

3. Joint review and report. The Department of Labor and the Department of Human Services shall jointly review the departments' programs for consumer-directed personal care assistance services. The review must include participation from consumers and other interested parties, including organizations representing the interests of persons likely to use a surrogate and organizations representing personal care assistants. The departments shall report to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 on the results of their review and the recommendations of the departments.

The report of the departments must include recommendations on the following issues:

- A. Guiding principles for expanding eligibility to include consumers who use a surrogate to perform management tasks the consumer would otherwise perform; and
- B. Actions to encourage the use of consumer-directed options by promoting consideration of the use of surrogacy as the choice for appropriate consumers.

The departments may not expand the programs to include consumers who use surrogates to perform management tasks the consumers would otherwise perform themselves until the report required in this

subsection has been submitted and the per capita costs of the programs are at levels that allow the programs to operate within legislative appropriations and allocations.

Sec. WW-6. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Transfers funds from the Department of Labor, Rehabilitation Services - Medicaid General Fund program to the Medical Care - Payments to Providers program.

General Fund	2003-04	2004-05
All Other	\$0	\$5,420,320
	<hr/>	<hr/>
General Fund Total	\$0	\$5,420,320

Medical Care - Payments to Providers 0147

Initiative: Provides for the allocation of funds for the federal seed of a General Fund appropriation to the Rehabilitation Services - Medicaid program for its share of the MaineCare shortfall in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$2,236,654
	<hr/>	<hr/>
Federal Expenditures Fund Total	\$0	\$2,236,654

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds by promoting more consistent authorization of services across comparable home care programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$1,400,000)
	<hr/>	<hr/>
General Fund Total	\$0	(\$1,400,000)

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$3,367,959)
	<hr/>	<hr/>
Federal Expenditures Fund Total	\$0	(\$3,367,959)

HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$4,020,320
FEDERAL EXPENDITURES FUND	0	(1,131,305)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,889,015

LABOR, DEPARTMENT OF

Rehabilitation Services - Medicaid 0965

Initiative: Appropriates funds to maintain the current level of services in the Consumer-directed Personal Assistance Services Medicaid program.

General Fund	2003-04	2004-05
All Other	\$0	\$1,195,376

General Fund Total	\$0	\$1,195,376
Rehabilitation Services - Medicaid 0965		
Initiative: Transfers funds from the Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services.		
General Fund	2003-04	2004-05
All Other	\$0	(\$5,420,320)
General Fund Total	\$0	(\$5,420,320)
LABOR, DEPARTMENT OF DEPARTMENT TOTALS		
	2003-04	2004-05
GENERAL FUND	\$0	(\$4,224,944)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$4,224,944)
SECTION TOTALS		
	2003-04	2004-05
GENERAL FUND	\$0	(\$204,624)
FEDERAL EXPENDITURES FUND	0	(1,131,305)
SECTION TOTAL - ALL FUNDS	\$0	(\$1,335,929)

PART XX

Sec. XX-1. PL 1985, c. 501, Pt. B, §26 is repealed.

PART YY

Sec. YY-1. MaineCare services. A hospital-based physician practice that bills as "hospital services" services provided to Medicaid members may not discontinue acceptance of new MaineCare patients and may not limit services to MaineCare patients in any manner that differs from the acceptance and service limitation policies that apply to patients with any other payment source. The Governor's Office of Health Policy and Finance shall work collaboratively with the Maine Hospital Association to collect all necessary financial data to analyze hospital-based physician reimbursement and its impact on the Medicaid budget and recommend appropriate restructuring of that reimbursement methodology to maximize access and cost-effectiveness to the Department of Human Services.

PART ZZ

Sec. ZZ-1. PL 2003, c. 507, Pt. C, §2 is amended to read:

Sec. C-2. Federal funds to be nonlapsing. Notwithstanding any other provision of law, the carry-over balance of federal funds received by the Department of Human Services from the federal Department of Health and Human Services' Administration on Aging, as a result of the federal Older Americans Act

of 1965 and granted to the Area Agencies on Aging of, ~~Maine Alzheimer's Project from fiscal year 2002-03, Long-term Care Ombudsman Program, or Legal Services for the Elderly~~ may not lapse back to the State but must be carried forward ~~until September 30, 2005 by the Area Agencies on Aging or Maine Alzheimer's Project~~ by those agencies to carry out the missions of their programs consistent with federal laws and regulations governing the federal Department of Health and Human Services' Administration on Aging.

PART AAA

Sec. AAA-1. 36 MRSA §1754-B, sub-§2, as enacted by PL 1995, c. 640, §3, is amended to read:

2. Registration certificates. Application forms for sales tax registration certificates must be prescribed and furnished free of charge by the assessor. The assessor shall issue a registration certificate to each applicant that properly completes and submits an application form. A separate application must be completed and a separate registration certificate issued for each place of business. A registration certificate issued pursuant to this section is nontransferable and is not a license within the meaning of that term in the Maine Administrative Procedure Act. Each application for a registration certificate must contain a statement as to the type or types of items that the applicant intends to purchase for resale, and each retailer registered under this section must inform the assessor in writing of any changes to the type or types of items that it purchases for resale.

When a retailer maintains a place of business in this State, the registration certificate must be conspicuously displayed at that place of business. In the case of a retailer that does not have a fixed place of business and makes sales from one or more motor vehicles, each motor vehicle constitutes a place of business.

Sec. AAA-2. 36 MRSA §1754-B, sub-§§2-B and 2-C are enacted to read:

2-B. Provisional resale certificates; new accounts. The assessor shall issue a provisional resale certificate to each applicant for initial registration that states on its application that it expects to make annual gross sales of \$10,000 or more. A provisional resale certificate issued between January 1st and September 30th is effective for the duration of the calendar year in which it is issued. A provisional resale certificate issued between October 1st and December 31st is effective until the end of the next succeeding calendar year. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that

retailer need not present the certificate for each subsequent transaction with that vendor during the calendar year for which it is valid.

2-C. Annual resale certificates; contents; presentation to vendor. The assessor shall annually review the status of each retailer registered under this section. On or before December 31st of each year, the assessor shall issue to each registered retailer with gross sales of \$10,000 or more during the 12 months preceding the assessor's review an annual resale certificate effective for the next succeeding calendar year. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the calendar year for which it is valid.

Sec. AAA-3. 36 MRSA §1811-B is enacted to read:

§1811-B. Credit for tax paid on purchases for resale

A retailer registered under section 1754-B may claim a credit for sales tax imposed by chapters 211 to 225 if the retailer has paid the sales tax on an item that it subsequently resells. The credit may be claimed only on the return on which the sale of the item is reported. The credit must be claimed on a return filed within 5 years from the date on which the retailer purchased the item and may not be claimed if the item was used by the retailer prior to its sale.

Sec. AAA-4. PL 2003, c. 20, Pt. B, §1, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF" in the 3rd part designated "Revenue Services - Bureau of 0002" is amended to read:

Revenue Services - Bureau of 0002

Initiative: Provides for the appropriation of Personal Services and All Other funds to establish one ~~limited period~~ Tax Section Manager position, one ~~limited period~~ Tax Enforcement Officer position, one ~~limited period~~ Senior Tax Examiner position, 2 ~~limited period~~ Senior Revenue Agent positions, one ~~limited period~~ Revenue Agent position and 5 ~~limited period~~ Tax Examiner positions for the Tax Amnesty, Enforcement and Withholding on flow through initiative within the Maine Revenue Services Bureau. ~~The end date for these positions is the end of fiscal year 2004-05.~~ The Bureau of Revenue Services must report on the success of the tax amnesty and tax enforcement programs by August 15th of each fiscal year to the joint standing committees of the Legislature having jurisdiction over taxation and appropriation and financial affairs matters.

General Fund	2003-04	2004-05
Positions - Legislative Count	(11,000)	(11,000)
Personal Services	765,194	619,583
All Other	1,102,625	65,021

General Fund Total	1,867,819	684,604
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Sec. AAA-5. Application. Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 1754-B, subsection 2 and enact Title 36, section 1754-B, subsection 2-B apply to sales tax registration certificate applications and provisional and annual resale certificates filed on or after July 1, 2004, or the effective date of this Act, whichever is later.

Sec. AAA-6. Transition provision. On or before August 15, 2004, the State Tax Assessor shall review the accounts of all registered retailers and identify those retailers that had gross sales of \$10,000 or more during the 12 months preceding the assessor's review. The assessor shall issue to those retailers a temporary resale certificate effective until December 31, 2004. Any registered retailer that does not have a provisional resale certificate issued pursuant to the Maine Revised Statutes, Title 36, section 1754-B and has been in business for less than 12 months must also be issued a temporary resale certificate valid until December 31, 2004 if the assessor determines that the retailer's gross sales since registration have been at least \$833.33 per month on average.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Revenue Services - Bureau of 0002

Initiative: Appropriates Personal Services and All Other funds to establish one Tax Analyst position, 2 Senior Revenue Agent positions and one Tax Examiner position to enhance the corporate income tax audit program within the Bureau of Revenue Services. It is projected that this initiative will result in net additional undedicated revenue to the General Fund in fiscal year 2004-05 of \$949,000 in the Income Tax line.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0,000)	(4,000)
Personal Services	\$0	\$249,634
All Other	0	60,239
General Fund Total	\$0	\$309,873

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the Personal Services line category to reclassify 18 existing Revenue Agent positions to Senior Revenue Agent positions within the Bureau of Revenue Services. Individuals in Revenue Agent positions that are reclassified to Senior Revenue Agent positions and new hires will be required to demonstrate that they have achieved certain competency benchmarks before Senior Revenue Agent pay is awarded. Until the achievement of these benchmarks compensation will be at the Revenue Agent level. The changes will improve the ability of the Bureau of Revenue Services to attract and retain capable auditors in order to respond to the increasing complexity of tax audits.

General Fund	2003-04	2004-05
Personal Services	\$0	\$55,355
General Fund Total	\$0	\$55,355

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the Personal Services and All Other line categories to establish 4 Principal Revenue Agent positions and 6 Senior Revenue Agent positions within the Sales and Special Fuels Tax Division of the Bureau of Revenue Services in order to increase the number and scope of tax audits. It is projected that this initiative will result in net additional undedicated revenue to the General Fund in fiscal year 2004-05 of \$1,898,000 in the Sales Tax line.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(10.000)
Personal Services	\$0	\$657,336
All Other	0	162,600
General Fund Total	\$0	\$819,936

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the Personal Services and All Other line categories to establish one Tax Analyst position and to retain the services of an outside contractor to conduct audits of selected returns. This funding is required to administer the Maine estate tax as it decouples from the federal estate tax. It is projected that this initiative will result in additional undedicated revenue to the General Fund in fiscal year 2004-05 of \$200,000 in the Estate Tax line.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$72,913
All Other	0	86,459
General Fund Total	\$0	\$159,372

Revenue Services - Bureau of 0002

Initiative: Appropriates funds to establish one Management Analyst I position needed to field additional calls from retailers, to monitor monthly and annual issuance of resale certificates, to mail certificates and to resolve errors, issues and returned mail involving these certificates.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$54,605
All Other	0	116,459
General Fund Total	\$0	\$171,064

Revenue Services - Bureau of 0002

Initiative: Appropriates funds to establish one Management Analyst I position required to coordinate and expand revenue discovery efforts in the Individual Income Tax nonfiler program and to oversee related contractual operations. This initiative will provide for the recognition of additional revenue by identifying leads from Federal Individual Record Master File (IRMF) tapes including information such as W-2s and 1099s. This initiative is projected to generate at least \$711,750 in net additional revenue to the General Fund annually.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)

Personal Services	\$0	\$54,605
All Other	0	11,459
General Fund Total	\$0	\$66,064

Revenue Services - Bureau of 0002

Initiative: Appropriates funds to establish one Senior Revenue Agent position and one Senior Tax Examiner position for the enhancement of the insurance premium tax program within the Bureau of Revenue Services. This initiative will provide additional resources to conduct audits, of both federal and state returns, on insurance companies, to redesign forms and instructions and to improve the administration of the insurance premium tax program. It is projected that this initiative will generate \$474,000 in net additional revenue to the General Fund.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	\$0	\$120,947
All Other	0	25,812
General Fund Total	\$0	\$146,759

Revenue Services - Bureau of 0002

Initiative: Appropriates funds to establish one Management Analyst I position required to expand the revenue discovery efforts regarding real estate transfers in the State. It is projected that this initiative will generate \$806,650 in new revenue to the General Fund from the discovery of unfiled income tax returns and underreported tax.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$54,605
All Other	0	11,459
General Fund Total	\$0	\$66,064

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	2003-04	2004-05
	\$0	\$1,794,487
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,794,487

PART BBB

Sec. BBB-1. Payments for merit increases; executive branch, constitutional officers' departments, Department of Audit. In accordance with the provisions of Public Law 2003, chapter 20, Part D, section 22 and Public Law 2003, chapter 451, Part E, section 16 and notwithstanding any other provision of law, payments must be made to those employees of the State who were not authorized to receive merit increases in fiscal year 2003-04 as a result of the provisions of Public Law 2003, chapter 20, Part D, section 22 as provided by agreement between the State and bargaining agents representing state employees. Confidential employees, defined as executive branch employees in positions excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6,

paragraphs B, C, D, I and J, must receive similar and equitable treatment. The General Fund and Other Special Revenue Funds share of the payments must be made from the General Fund Salary Plan account, and the Highway Fund share of the payments must be made from the Highway Fund Salary Plan account. All other payments must be made from the appropriate account for each affected employee. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. BBB-2. Payment for merit increases; institutional services employees. Notwithstanding Public Law 2003, chapter 20, Part D, section 22, or any other provision of law, those institutional services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004 as a merit increase bargained for as a result of a market pay study must be paid those merit increases if provided for in an agreement between the State and the bargaining agent for the institutional services employees. The General Fund share of the payments must be made from the General Fund Salary Plan account. All other payments must be made from the appropriate account for each affected employee.

Sec. BBB-3. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Salary Plan 0305

Initiative: Appropriates funds for payment of step increases as provided for in an agreement between the State and the bargaining unit for the institutional services employees.

General Fund	2003-04	2004-05
Personal Services	\$0	\$250,000
General Fund Total	\$0	\$250,000

PART CCC

Sec. CCC-1. Calculation and transfer; health insurance cost savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. CCC-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Deappropriates funds for health insurance as a result of a negotiated rate that is less than what was anticipated.

General Fund	2003-04	2004-05
Personal Services	\$0	(\$400,000)
General Fund Total	\$0	(\$400,000)

PART DDD

Sec. DDD-1. Calculation and transfer; workers' compensation savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. DDD-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Deappropriates Personal Services savings in fiscal year 2004-05 from the workers' compensation line achieved through a reduction in claims from aggressive claims management.

General Fund	2003-04	2004-05
Personal Services	\$0	(\$426,925)
General Fund Total	\$0	(\$426,925)

PART EEE

Sec. EEE-1. Calculation and transfer; energy savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from projected energy savings in the cost of electricity and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations

in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. EEE-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Deappropriates funds in the All Other line category from Departments and Agencies - Statewide from projected energy savings in reduced electricity costs.

General Fund	2003-04	2004-05
All Other	\$0	(\$750,000)
General Fund Total	\$0	(\$750,000)

PART FFF

Sec. FFF-1. 22 MRSA §2699, sub-§2, ¶B, as enacted by PL 2003, c. 456, §1, is repealed.

Sec. FFF-2. 22 MRSA §2699, sub-§2, ¶E, as enacted by PL 2003, c. 456, §1, is amended to read:

E. With regard to the dispensation of a substitute prescription drug for a prescribed drug to a covered individual the following provisions apply.

~~(1) The pharmacy benefits manager may substitute a lower priced generic and therapeutically equivalent drug for a higher-priced prescribed drug.~~

~~(2) With regard to substitutions If a pharmacy benefits manager makes a substitution in which the substitute drug costs more than the prescribed drug, the substitution must be made for medical reasons that benefit the covered individual and must benefit the covered entity. If a substitution is being made under this subparagraph, the pharmacy benefits manager shall obtain the approval of the prescribing health professional or that person's authorized representative after disclosing to the covered individual and the covered entity the cost of both drugs and any benefit or payment directly or indirectly accruing to the pharmacy benefits manager as a result of the substitution.~~

(3) The pharmacy benefits manager shall transfer in full to the covered entity any benefit or payment received in any form by the pharmacy benefits manager either as a

result of a prescription drug substitution under subparagraph ~~(1)~~ (2) or as a result of the pharmacy benefits manager's substituting a lower-priced generic and therapeutically equivalent drug for a higher-priced prescribed drug.

Sec. FFF-3. PL 2003, c. 513, Pt. W, §1 is amended to read:

Sec. W-1. Implementation of incentive payments; rulemaking. Notwithstanding any other provision of law, the Department of Human Services shall adopt routine technical rules to implement incentive payments within existing resources to pharmacies, based on criteria, including, but not limited to, length of time participating in the Maine Rx Plus and drugs for the elderly programs, status as sole community or independent providers and volume of publicly funded beneficiaries. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. FFF-4. Subcommittee of MaineCare Advisory Committee to review prior authorization process. The MaineCare Advisory Committee shall establish a standing subcommittee to review the prior authorization process used in MaineCare and the Drugs for the Elderly benefit programs and to make recommendations to the Department of Human Services related to their operation. Membership on the subcommittee consists of members of the MaineCare Advisory Committee, providers and experts in prior authorization from private insurance and private purchasers and any additional experts considered necessary by the committee to achieve the purposes of this section. The subcommittee may not exceed 15 members.

The department shall work with the subcommittee to examine the following issues.

1. Consumer education. The subcommittee shall determine the most effective means of providing educational information to members of MaineCare and Drugs for the Elderly, both electronically and otherwise, related to the prior authorization process, including but not limited to:

A. Provision for accessing drugs requiring prior authorization in an emergency or on a one-time basis before a prior authorization request has been approved;

B. The right to request an administrative hearing when the Department of Human Services fails to act on a request for prior authorization or prior authorization has been denied, including the right to receive benefits pending the hearing under certain circumstances;

C. Procedural requirements of the prior authorization process, including the Department of Human Services' responsibility to process a completed prior authorization request within at least 24 hours;

D. An easily accessible, understandable, complete and up-to-date list of drugs subject to prior authorization together with all information related to preferred drugs, dosage requirements and step therapies; and

E. Refill policies, including early refill policies and any exceptions to those policies.

2. Prior authorization process. The subcommittee shall review the current prior authorization process and make recommendations to the Department of Human Services as to how it can be simplified or improved. In particular, the subcommittee shall review:

A. Verification required of providers in support of their request for prior authorization;

B. The specificity of notices given to providers and members when a prior authorization request has been deferred or denied;

C. Time periods for processing prior authorization requests;

D. The adequacy of the fair hearing process including examining the need for an expedited hearings process to be used in certain circumstances; and

E. The step therapy process, including examining whether exceptions should be made under certain circumstances for frail or other particularly vulnerable members.

3. Quality assurance. The subcommittee shall explore the value of the Department of Human Services' conducting a periodic survey of a representative sample of MaineCare members to examine the experience of members whose request for prior authorization is delayed or denied, including whether or not they experienced adverse health consequences or undesirable side effects or required the use of additional services such as physician, hospital or transportation services as a result of a denial or delay.

4. Drug Utilization Review Committee. The subcommittee shall review any MaineCare Advisory Committee members' concerns about the Drug Utilization Review Committee, including any concerns about the process for public input into the Drug Utilization Review Committee meetings.

5. Rules. The subcommittee shall examine the current practices and policies related to the prior authorization process to determine which, if any, of these the subcommittee would recommend be adopted in the form of rules in accordance with the Maine Revised Statutes, Title 5, chapter 375.

By February 1, 2005, the Department of Human Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, including the findings and recommendations of the subcommittee and the department's response to each of those recommendations. The joint standing committee may report out legislation to the First Regular Session of the 122nd Legislature related to the use of prior authorization in programs or benefits implemented under the Maine Revised Statutes, Title 22, chapter 101 or 855.

Sec. FFF-5. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and allocates funds to reflect the distribution of funds to the MaineCare program from Mylan Labs settlement proceeds.

General Fund	2003-04	2004-05
All Other	\$0	(\$124,014)
General Fund Total	\$0	(\$124,014)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$124,014
Other Special Revenue Funds Total	\$0	\$124,014

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for contractual services related to implementing stricter prior authorization, increased invoicing for rebates and additional pharmacist support.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000
General Fund Total	\$0	\$250,000
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$650,000
Federal Expenditures Fund Total	\$0	\$650,000

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for contractual services for increased claims processing support, system changes and drug file management.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000

General Fund Total	\$0	\$250,000
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$650,000
Federal Expenditures Fund Total	\$0	\$650,000

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds in the MaineCare pharmacy initiatives, including review of pharmacy use in certain supervised settings, stricter prior authorization criteria for the preferred drug list and request for federal permission to waive freedom of choice.

General Fund	2003-04	2004-05
All Other	\$0	(\$6,250,000)
General Fund Total	\$0	(\$6,250,000)
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$11,694,300)
Federal Expenditures Fund Total	\$0	(\$11,694,300)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds by initiating a voluntary pharmacy mail order program for certain specialty drugs on the direct supply drug list and other MaineCare and low-cost drugs for the elderly prescriptions. The department is not authorized to implement any form of mandatory mail order program for the various drug programs referenced in this section or otherwise administered by the department unless the Legislature subsequently provides that authorization.

General Fund	2003-04	2004-05
All Other	\$0	(\$5,000,000)
General Fund Total	\$0	(\$5,000,000)
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$9,355,440)
Federal Expenditures Fund Total	\$0	(\$9,355,440)

Medical Care - Payments to Providers 0147

Initiative: Appropriates funds to be distributed to pharmacies as incentive payments to mitigate the impact on community pharmacies of initiating a voluntary pharmacy mail order program.

General Fund	2003-04	2004-05
All Other	\$0	\$1,000,000
General Fund Total	\$0	\$1,000,000

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds as a result of creating a preferred drug list in the Drugs for the Elderly and Disabled program, taking into account available manufacturers' rebates, efficacy and cost-effectiveness in a manner similar to that used under MaineCare.

General Fund	2003-04	2004-05
All Other	\$0	(\$1,000,000)
General Fund Total	\$0	(\$1,000,000)

HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$10,874,014)
FEDERAL EXPENDITURES FUND	0	(19,749,740)
OTHER SPECIAL REVENUE FUNDS	0	124,014
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$30,499,740)

PART GGG

Sec. GGG-1. 12 MRSA §6135 is enacted to read:

§6135. Maine Groundfish Fund

The Maine Groundfish Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department. Unexpended balances in the fund at the end of the fiscal year may not lapse and must be carried forward to the next fiscal year and used for the purposes of this section.

The fund may receive money from any source for the purposes of this section. Revenues may be used for support of the groundfish industry including research, development and economic assistance to maintain access, capacity and infrastructure along the entire coast. The commissioner shall select activities and projects that will be most beneficial to the commercial groundfish industry of the State.

Sec. GGG-2. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Establishes an initial allocation for the Maine Groundfish Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$500
Other Special Revenue Funds Total	\$0	\$500

PART HHH

Sec. HHH-1. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Provides one-time funds for the final year's match requirement for the National Aeronautics and Space Administration's EPSCoR award to the Maine Space Grant Consortium.

General Fund	2003-04	2004-05
All Other	\$0	\$315,000
	<hr/>	<hr/>
General Fund Total	\$0	\$315,000

Maine Microenterprise Initiative Fund 0447

Initiative: Deappropriates funds for grants to community-based organizations.

General Fund	2003-04	2004-05
All Other	\$0	(\$315,000)
	<hr/>	<hr/>
General Fund Total	\$0	(\$315,000)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	\$0	\$0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

PART III

Sec. III-1. Calculation and transfer; position count in Department of Human Services and Department of Behavioral and Developmental Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the position count identified in section 2 that applies against each General Fund account within the Department of Human Services and the Department of Behavioral and Developmental Services in fiscal year 2004-05 and shall transfer the position count by financial order upon approval of the Governor. These budget transfers are considered an adjustment to position count in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with a report of the transferred position count no later than November 1, 2004.

Sec. III-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Eliminates 31 positions as result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services. The funding associated with this reduction in headcount was contained in Public Law 2003, chapter 20, Part B.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-31.000)

PART JJJ

Sec. JJJ-1. 4 MRSA §153, first ¶, as amended by PL 1989, c. 891, Pt. A, §2, is further amended to read:

The State is divided into ~~30~~ 29 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

Sec. JJJ-2. 4 MRSA §153, sub-§1, as amended by PL 1979, c. 127, §12, is repealed.

Sec. JJJ-3. 4 MRSA §153, sub-§2, as amended by PL 1971, c. 622, §4-A, is further amended to read:

2. Androscoggin. ~~Southern~~ Androscoggin consists of all municipalities in Androscoggin County ~~not included within the division of Northern Androscoggin.~~ The District Court for ~~Southern~~ Androscoggin ~~shall~~ must be held at Lewiston or Auburn, exact site to be determined by the Chief Judge.

Sec. JJJ-4. 4 MRSA §154, sub-§8, as amended by PL 1983, c. 654, §3, is further amended to read:

8. Eighth District. The 8th district consists of the divisions of ~~Southern~~ Androscoggin (Lewiston).

Sec. JJJ-5. 4 MRSA §154, sub-§11, as amended by PL 1965, c. 425, §3, is further amended to read:

11. Eleventh District. The 11th district consists of the divisions of ~~Northern Androscoggin (Livermore Falls),~~ Northern Oxford (Rumford) and Southern Oxford (South Paris).

PART KKK

Sec. KKK-1. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Educational and General Activities - UMS 0031

Initiative: Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, chapter 20, Part RR to the Maine Economic Improvement Fund program.

General Fund	2003-04	2004-05
All Other	\$0	(\$100,000)

Maine Economic Improvement Fund 0986

Initiative: Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the

Maine Economic Improvement Fund in Public Law 2003, chapter 20, Part RR to the Maine Economic Improvement Fund program.

General Fund	2003-04	2004-05
All Other	\$0	\$100,000
UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS		
	2003-04	2004-05
GENERAL FUND	\$0	\$0
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

PART LLL

Sec. LLL-1. PL 2003, c. 20, Pt. D, §3 is amended to read:

Sec. D-3. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Other Special Revenue Funds account for all departments and agencies from savings in the cost of health insurance and shall transfer the calculated amounts to the General Fund by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05, including allocations from the Fund for a Healthy Maine. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005. The following Other Special Revenue Funds accounts are exempt from these calculations: the Public Reserved Lands Management Fund account and the Submerged Lands Fund account in the Department of Conservation, the Maine Endangered and Nongame Wildlife Fund account in the Department of Inland Fisheries and Wildlife and the Baxter State Park Authority account.

Sec. LLL-2. PL 2003, c. 20, Pt. D, §6 is amended to read:

Sec. D-6. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Other Special Revenue Funds account for all departments and agencies from increased attrition and shall transfer the calculated amounts to the General Fund by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05, including allocations from the Fund for a Healthy Maine. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January

15, 2005. The following Other Special Revenue Funds accounts are exempt from these calculations: the Public Reserved Lands Management Fund account and the Submerged Lands Fund account in the Department of Conservation, the Maine Endangered and Nongame Wildlife Fund account in the Department of Inland Fisheries and Wildlife and the Baxter State Park Authority account.

Sec. LLL-3. PL 2003, c. 20, Pt. D, §9 is amended to read:

Sec. D-9. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Other Special Revenue Funds account for all departments and agencies from extending the amortization schedule of the unfunded liability and shall transfer the calculated amounts to the General Fund by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05, including allocations from the Fund for a Healthy Maine. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005. The following Other Special Revenue Funds accounts are exempt from these calculations: the Public Reserved Lands Management Fund account and the Submerged Lands Fund account in the Department of Conservation, the Maine Endangered and Nongame Wildlife Fund account in the Department of Inland Fisheries and Wildlife and the Baxter State Park Authority account.

Sec. LLL-4. Transfer of funds; unappropriated surplus General Fund to Maine Endangered and Nongame Wildlife Fund. Notwithstanding the provisions of Public Law 2003, chapter 20, Part D, sections 3, 6 and 9 and other provisions of law, at the close of fiscal year 2004-05, the State Controller shall transfer \$30,536 from the unappropriated surplus of the General Fund to the Maine Endangered and Nongame Wildlife Fund as established in the Maine Revised Statutes, Title 12, section 7757.

PART MMM

Sec. MMM-1. 22 MRSA §3174-FF is enacted to read:

§3174-FF. MaineCare Basic

1. Established. The MaineCare Basic program is established to deliver medically necessary health care services to adult members of the MaineCare program.

2. Rules. The department shall adopt rules to implement MaineCare Basic in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Services. The rules adopted pursuant to subsection 2 must provide for access to medically necessary services as provided in the federally approved Medicaid state plan. Benefits for certain services are limited as follows.

A. A member is eligible for speech therapy benefits if the member has been assessed to have rehabilitation potential and has been documented by a physician to have experienced a significant decline in ability to communicate orally, safely swallow or masticate. Speech therapy benefits must cover one initial evaluation of the member per provider per year and one reevaluation every 6 months per provider. Speech therapy benefits must cover outpatient therapy provided in the home, independent practitioners' offices and speech and hearing clinic sites.

B. A member is eligible for rehabilitation services benefits for brain injury subject to levels of care determined by rule.

C. A member is eligible for psychological services benefits for individual and group counseling. Benefits for one or both types of counseling combined are limited to a total of 16 one-hour visits per year.

D. A member is eligible for benefits for durable medical equipment, prosthetics and orthotics for one pair of shoes and one pair of inserts per year, medical supplies required to meet standard daily needs and power wheelchairs for a member who is nonambulatory and has a significant neuromuscular disease or disorder.

E. A member is eligible for occupational and physical therapy benefits provided by occupational and physical therapists licensed under Title 32 and who are acting within their scope of practice. Services of occupational and physical therapists may be provided in all outpatient settings, including the home. For services subject to this paragraph, the department may require a member to have that member's rehabilitation potential documented by a physician and may limit treatment to:

(1) Treatment following an acute hospital stay for a condition affecting range of motion, muscle strength and physical functional abilities;

(2) Treatment after a surgical procedure performed for the purpose of improving physical function; or

(3) Treatment in those situations in which a physician has documented that the patient has in the preceding 30 days required extensive assistance in the performance of one or more of the following activities of daily living: eating, toileting, locomotion, transfer or bed mobility.

The department may limit occupational and physical therapy services benefits under this paragraph for palliative care and maintenance of function to one visit per year to design a plan of care and train the member or caretaker of the member to implement the plan or to reassess the plan of care.

F. A member is eligible for benefits for chiropractic services provided by a chiropractor licensed under Title 32. Benefits under this paragraph may be limited by the department by requiring a member to have that member's rehabilitation potential documented by a physician. Benefits may be limited to treatment as follows:

(1) Treatment for acute neuromuscular skeletal conditions affecting range of motion, muscle strength and physical functional abilities; or

(2) Treatment after a surgical procedure performed for the purpose of improving physical function.

G. A member is eligible for benefits under the private duty nursing and personal care program and waiver programs for the physically disabled or elderly as long as those benefits may be limited by reductions in units of service or by rate reductions.

H. A member who is eligible for benefits under section 3174-G, subsection 1, paragraph F is eligible for benefits under this section subject to the provisions of paragraphs A to G and to additional rules limiting benefits as specified in this paragraph.

(1) Benefits for inpatient hospital admissions are limited to 2 per year, except that more admissions may be approved through prior authorization by the department. This subparagraph does not limit inpatient hospital benefits for laboratory services, x-ray services, prenatal care and mental health diagnoses.

(2) Benefits for outpatient visits to a hospital are limited to 5 per year, except that more visits may be approved through prior authorization by the department. This subparagraph does not limit benefits for visits for laboratory services, x-ray services, prenatal care and mental health diagnoses.

(3) Benefits for brand-name prescription medications are limited to 5 medications dispensed during the same time period, except that benefits for additional brand-name medications may be approved through prior authorization by the department. In addition to the brand-name limitation, as compared to members who are eligible under other paragraphs of section 3174-G, subsection 1, prescription medication benefits for members who are eligible under paragraph F are limited by stricter prior authorization requirements, increased review of pharmacy use and a request for federal permission to waive freedom of choice.

(4) A member who is eligible for benefits under section 3174-G, subsection 1, paragraph F begins coverage on the date that the department determines that the member is eligible.

Sec. MMM-2. Service limitation or rate reduction. Home-based care program benefits administered by the Department of Human Services may be limited by reductions in units of service or by rate reductions for fiscal year 2004-05 in order to achieve savings of \$466,666 in General Fund expenditures in the program budget.

Sec. MMM-3. Savings in MaineCare expenditures. The Department of Human Services is authorized to adopt routine technical rules in the MaineCare program in accordance with Title 22, section 3174-FF to achieve savings for the General Fund in the following amounts in fiscal year 2004-05: speech therapy, occupational therapy and physical therapy, \$297,714; chiropractic, \$80,873; durable medical equipment, \$350,000; prosthetics and orthotics, \$43,094; rehabilitation for brain injury, \$1,500,000; psychological services, \$125,740; private duty nursing and waiver programs for persons who are elderly or disabled, \$233,333; noncategorical members' inpatient care, \$482,374; noncategorical members' outpatient care, \$945,841; noncategorical members' prescription medications, \$200,000; and noncategorical members' prospective eligibility, \$560,859.

Sec. MMM-4. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Long-term Care - Human Services 0420

Initiative: Deappropriates funds for home-based care program benefits administered by the Department of Human Services to reflect program limits to be achieved by reductions in units of services or by rate reductions.

General Fund	2003-04	2004-05
All Other	\$0	(\$466,666)
General Fund Total	\$0	(\$466,666)

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for contractual services to implement changes in the MaineCare benefit package, establishment of medical criteria, performance of medical assessment activities, utilization review, increased prior authorization and medical management.

General Fund	2003-04	2004-05
All Other	\$0	\$1,000,000
General Fund Total	\$0	\$1,000,000

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$1,000,000
Federal Expenditures Fund Total	\$0	\$1,000,000

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds to implement MaineCare Basic for all adults.

General Fund	2003-04	2004-05
All Other	\$0	(\$8,129,086)
General Fund Total	\$0	(\$8,129,086)

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$15,210,237)
Federal Expenditures Fund Total	\$0	(\$15,210,237)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds to implement MaineCare Basic for childless adults.

General Fund	2003-04	2004-05
All Other	\$0	(\$1,989,074)
General Fund Total	\$0	(\$1,989,074)

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$3,721,732)
Federal Expenditures Fund Total	\$0	(\$3,721,732)

HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$9,584,826)
FEDERAL EXPENDITURES FUND	0	(17,931,969)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$27,516,795)

PART NNN

Sec. NNN-1. Study discrimination against homeless individuals. The Attorney General shall study the types and extent of discrimination against homeless individuals in the State. The study must include, but is not limited to, an assessment of the prevalence of acts of physical force or violence against, damage or destruction of property of or trespass on property of homeless individuals and of threats of physical force or violence against, damage or destruction of property of or trespass on property of homeless individuals. The study must also include an assessment of the prevalence of acts of discrimination against homeless individuals in housing, public accommodations and pricing of goods and services.

Sec. NNN-2. Report. By January 5, 2005, the Attorney General shall submit to the Legislature a report summarizing the results of the study required under section 1 of this Part.

Sec. NNN-3. Legislation. By January 5, 2005, the Attorney General shall, if the Attorney General determines it necessary based on the results of the study required under section 1 of this Part, submit legislation to the Legislature that would make illegal certain acts of discrimination against homeless individuals.

PART OOO

Sec. OOO-1. MaineCare reimbursement rates. Notwithstanding any other provision of law, the cap on reimbursement rates paid to individual providers of services and to agencies in the Mental Health Services - Community Medicaid and Mental Health Services - Child Medicaid accounts may not be set, directly or indirectly, by the Department of Human Services or the Department of Behavioral and Developmental Services for state fiscal year 2004-05 below the median rate necessary to achieve the savings identified in this Act.

Sec. OOO-2. Advisory working group; mental health services. The Commissioner of Behavioral and Developmental Services and the Commissioner of Human Services shall convene an advisory working group consisting of representatives of individual and agency providers of adult and children's mental health services funded by either of the departments to examine and make recommendations to the departments regarding methods to provide regulatory relief, achieve savings and identify the factors that contribute to provider costs in excess of the statewide median for these services. The goal of the advisory working group is to identify changes that may be made in licensing and other administrative requirements so that services may be provided in the most cost-effective manner. In performing its work

under this section, the advisory working group shall consult with the Court Master and the Receiver in the Augusta Mental Health Institute Consent Decree case, Kennebec County Superior Court, CV-89-088, and with the representatives of the parties in that case and other relevant consent decrees and settlements. By September 6, 2004, the Commissioner of Behavioral and Developmental Services shall report on the progress of the advisory working group to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee may report out legislation to the First Regular Session of the 122nd Legislature.

PART PPP

Sec. PPP-1. Education in Unorganized Territory account; lapse balances. Notwithstanding any other provision of law, \$2,400,000 of unencumbered balance forward at the close of fiscal year 2003-04 in the Education in Unorganized Territory, General Fund account in the Department of Education lapses to the General Fund in fiscal year 2004-05.

PART QQQ

Sec. QQQ-1. 3 MRSA §163, first ¶, as amended by PL 1985, c. 501, Pt. B, §4, is further amended to read:

The duties of the Executive Director of the Legislative Council ~~shall be~~ are:

Sec. QQQ-2. 3 MRSA §163, sub-§1, as amended by PL 1989, c. 410, §5, is further amended to read:

1. Executive officers. To act as executive officer of the Legislature when it is not in session and unless the Legislature ~~shall~~ otherwise ~~order~~ orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director ~~shall~~ may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of surplus or obsolete material or unusable equipment and materials through the continuing property records section of the Bureau of Public Improvements Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to

the legislative account. The Executive Director ~~shall have~~ has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property ~~shall~~ must be maintained under the supervision of the Legislative Council and an accounting ~~thereof shall~~ of the inventory must be made to the Legislature upon its request.

Sec. QQQ-3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Uniform State Laws - Commission on

Initiative: Appropriates funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and to contribute a portion of the dues owed to the commission by the State.

General Fund	2003-04	2004-05
All Other	\$0	\$12,000
General Fund Total	\$0	\$12,000

PART RRR

Sec. RRR-1. 32 MRSA §10405, sub-§2, as amended by PL 2003, c. 201, §17, is further amended to read:

2. Fees. A person filing a registration statement must pay a filing fee of ~~500~~ 1,000 for each security offered, except that for a registration statement filed under section 10404 for an offering for which the total amount raised in state and out of state does not exceed \$1,000,000, the filing fee is \$300 for each security offered. When a registration statement is withdrawn before the effective date or abandoned pursuant to section 10406, subsection 5 or a preeffective stop order is entered under section 10406, the administrator retains the fee.

Sec. RRR-2. 32 MRSA §10505, sub-§1, ¶¶A and B, as enacted by PL 1997, c. 168, §28, are amended to read:

A. Prior to the initial offer of a federal covered security in this State in reliance on Section 18(b)(2) of the United States Securities Act of 1933, a person authorized to register the security under the United States Securities Act of 1933 shall file with the administrator a notice, upon a form prescribed by the administrator, and the consent to service of process required by section 10704, signed by the issuer of the security, and pay a filing fee of ~~500~~ 1,000. A notice filing under this subsection automatically becomes effective when the administrator receives the documents and fee required by this subsection,

unless the administrator receives a request to delay effectiveness, and will expire one year from its effective date.

B. To maintain a currently effective notice filing under this subsection, a person authorized to register the security under the United States Securities Act of 1933 shall file with the administrator, no later than the expiration date of the currently effective notice filing, a notice, upon a form prescribed by the administrator, and pay a filing fee of ~~500~~ 1,000.

Sec. RRR-3. Effective date. This Part takes effect August 1, 2004.

PART SSS

Sec. SSS-1. 34-B MRSA §1208, sub-§1, ¶H is enacted to read:

H. "Service provider" means a community agency providing services for children with mental health needs, mental retardation and autism.

Sec. SSS-2. 34-B MRSA §1208, sub-§8 is enacted to read:

8. Fees. By July 1, 2004, the department shall adopt rules to require that contracts and service agreements with service providers require service providers to charge fees for certain services for children and families funded through grant funds from the department. Respite, outpatient, case management and home-based family services are subject to fees under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The following provisions apply to the rules and to the imposition of fees under the rules.

A. A fee scale must be established by the department on a sliding scale on the basis of household income, determined after consultation with the Department of Human Services, Bureau of Family Independence with reference to the federal nonfarm income official poverty line, and take into account the number of children with special needs within a household who are receiving services from the department and whether the family pays very high health care expenses.

B. The fee scale under paragraph A must be developed after consultation with service providers, consumers and advocates for service providers and consumers. As appropriate to the child, family and service, the fee scale must apply to all service providers and supersedes previous service provider fee schedules.

C. The fee scale under paragraph A may not require fees from families below 250% of the federal nonfarm income official poverty line and must require families above 450% of the federal nonfarm income official poverty line to pay 100% of the cost of services provided by service providers. The fee scale must include fees of 25%, 50%, 75% and 100% of the cost of services.

D. Service providers must be allowed to require payment of fees at the time that services are provided, to suspend services for nonpayment of fees and to retain all fees collected. Service providers must be required to provide an accounting to the department of fees charged and administrative expenses incurred in billing and collecting fees and of fees retained.

Sec. SSS-3. Revenue calculation requirement; community agency children's service providers. For fiscal year 2004-05 the fee scale established by the Department of Behavioral and Developmental Services under the rules adopted pursuant to the Maine Revised Statutes, Title 34-B, section 1208, subsection 8 must be calculated to produce revenue for the service providers that are subject to those rules of a minimum of \$700,000.

Sec. SSS-4. Appropriations and allocations. The following appropriations and allocations are made.

BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF

Mental Health Services - Children 0136

Initiative: Increases funding for room and board, flexible funds and training. This appropriation is intended to partially offset decreases in funding from fiscal year 2003-04 to fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	\$0	\$1,250,000
General Fund Total	\$0	\$1,250,000

PART TTT

Sec. TTT-1. 22 MRSA §3174-T, sub-§5, ¶A, as amended by PL 1999, c. 731, Pt. PP, §2 and repealed and replaced by PL 2003, c. 20, Pt. K, §10 and affected by §19 and c. 451, Pt. CCC, §§1 and 3, is repealed and the following enacted in its place:

A. Premiums must be paid at the beginning of each month for coverage for that month according to the following scale:

(1) Families with incomes between 150% and 160% of the federal nonfarm income official poverty line pay premiums of 5% of

the benefit cost per child, but not more than 5% of the cost for 2 children;

(2) Families with incomes between 160% and 170% of the federal nonfarm income official poverty line pay premiums of 10% of the benefit cost per child, but not more than 10% of the cost for 2 children;

(3) Families with incomes between 170% and 185% of the federal nonfarm income official poverty line must pay premiums of 15% of the benefit cost per child, but not more than 15% of the cost for 2 children; and

(4) Families with incomes between 185% and 200% of the federal nonfarm income official poverty line must pay premiums of 20% of the benefit cost per child, but not more than 20% of the cost for 2 children.

Sec. TTT-2. 22 MRSA §3174-T, sub-§12 is enacted to read:

12. Premium rate review; adjustment. Effective July 1, 2004, the department shall periodically evaluate the amount of premiums charged under this section to ensure that the premiums charged reflect the most current benefit cost per child. The commissioner shall adjust the premiums by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. TTT-3. PL 2003, c. 20, Pt. K, §19, as enacted by PL 2003, c. 451, Pt. CCC, §1 and affected by §3, is repealed.

Sec. TTT-4. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funds to partially restore the deappropriation of MaineCare adult transportation funding included in Public Law 2003, chapter 20 in order to return the volunteer vehicle rate to 30¢ per mile from 28¢ per mile and the family vehicle rate to 15¢ per mile from 14¢ per mile.

General Fund	2003-04	2004-05
All Other	\$0	\$110,000
General Fund Total	\$0	\$110,000

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$205,820
Federal Expenditures Fund Total	\$0	\$205,820

Medical Care - Payments to Providers 0147

Initiative: Provides funds to eliminate the increase in premiums established in Public Law 2003, chapter 20 for children in families with income levels between 151% and 200% of the federal poverty level.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000
	<hr/>	<hr/>
General Fund Total	\$0	\$250,000
Federal Block Grant Fund	2003-04	2004-05
All Other	\$0	\$775,431
	<hr/>	<hr/>
Federal Block Grant Fund Total	\$0	\$775,431

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds to reflect a change in the premiums charged for certain Cub Care children.

General Fund	2003-04	2004-05
All Other	\$0	(\$180,000)
	<hr/>	<hr/>
General Fund Total	\$0	(\$180,000)
Federal Block Grant Fund	2003-04	2004-05
All Other	\$0	(\$558,310)
	<hr/>	<hr/>
Federal Block Grant Fund Total	\$0	(\$558,310)

HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$180,000
FEDERAL EXPENDITURES FUND	\$0	\$205,820
FEDERAL BLOCK GRANT FUND	\$0	\$217,121
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$602,941

Sec. TTT-5. Retroactive application. That section of this Part that amends the Maine Revised Statutes, Title 22, section 3174-T, subsection 5, paragraph A applies retroactively to July 1, 2004.

PART UUU

Sec. UUU-1. Sharing of confidential information; Finance Authority of Maine; Department of Human Services. The Finance Authority of Maine shall share necessary information with the Department of Human Services, including the dates of birth and home addresses of grant recipients under the Maine State Grant Program, to be used only to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate in the Parents as Scholars Program operated by the Department of Human Services. The Department of Human Services shall maintain the confidentiality of all such information provided pursuant to this section.

Sec. UUU-2. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs 0653

Initiative: Deappropriates funds for fiscal year 2004-05 only from the Maine State Grant Program for expenditures that will be paid from Temporary Assistance for Needy Families, TANF, Prevention Services within the TANF Block Grant to provide job preparation funds to TANF - Parents as Scholars participants.

General Fund	2003-04	2004-05
All Other	\$0	(\$183,250)
	<hr/>	<hr/>
General Fund Total	\$0	(\$183,250)

PART VVV

Sec. VVV-1. Report on state prison and probationer populations. The Department of Corrections shall report monthly to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and criminal justice matters on the status of the overall state prisoner and probationer populations and the staffing necessary to provide adequate supervision. The report must track the effects of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and of any legislative changes enacted by the 121st Legislature and must specifically include:

1. Admissions to state prison facilities and facility populations;
2. Supervised community confinement requests and releases and reasons for any difference between the 2;
3. Probation caseload reductions; and
4. Length of sentences and types of offenses.

The first monthly report must include historic data, current projections and benchmarks based on statutory and administrative authority. Subsequent reports must also include the factors affecting change or progress toward those initial projections and benchmarks. All the reports must discuss factors affecting populations and caseloads, especially those factors causing actual figures that differ from projections or benchmarks.

The Judicial Department shall also share with the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a copy of their report to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and public safety matters on the effect that sentencing alternatives enacted by the 121st Legislature have had on the prisoner and probationer populations.

PART WWW

Sec. WWW-1. 10 MRSA §1522, sub-§2, as amended by PL 1997, c. 376, §1, is further amended by amending the last blocked paragraph to read:

The application for registration must be accompanied by a filing fee of ~~50~~ 60 for the first class and \$10 for each additional class, payable to the Treasurer of State.

Sec. WWW-2. 10 MRSA §1524, first ¶, as amended by PL 1987, c. 561, §2, is further amended to read:

Registration of a mark ~~shall be~~ is effective for a term of 10 years from the date of registration ~~and, upon~~. Upon application filed within 6 months prior to the expiration of the term, on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of ~~50~~ 60, payable to the Treasurer of State, ~~shall~~ must accompany the application for renewal of the registration.

Sec. WWW-3. 13-B MRSA §1401, sub-§6, as amended by PL 1999, c. 594, §15, is further amended to read:

6. Statement of change in registered agent or registered agent and registered office. Statement of change in registered agent or registered agent and registered office, as provided by section 305, subsection 1, ~~55~~ 15;

Sec. WWW-4. 13-B MRSA §1401, sub-§10-A, as amended by PL 2003, c. 344, Pt. B, §25, is further amended to read:

10-A. Assumed or fictitious name statement. Assumed or fictitious name statement, as provided by section 308-A, ~~55~~ 25;

Sec. WWW-5. 13-B MRSA §1401, sub-§11, as enacted by PL 1977, c. 525, §13, is amended to read:

11. Articles of incorporation. Articles of incorporation, as provided by section 403, ~~20~~ 40;

Sec. WWW-6. 13-B MRSA §1401, sub-§12, as amended by PL 1979, c. 127, §106, is further amended to read:

12. Articles of amendment. Articles of amendment, as provided by ~~section~~ sections 802 and 803, ~~55~~ 10; if the amendment changes the corporation's purposes, a further additional amount of ~~55~~ 10;

Sec. WWW-7. 13-B MRSA §1401, sub-§12-A, as enacted by PL 1993, c. 316, §45, is amended to read:

12-A. Certificate of correction. Certificate of correction, as provided by section 106, subsection 4, ~~55~~ 10;

Sec. WWW-8. 13-B MRSA §1401, sub-§17, as enacted by PL 1977, c. 525, §13, is amended to read:

17. Articles of dissolution. Articles of dissolution, as provided by section 1104, ~~55~~ 10;

Sec. WWW-9. 13-B MRSA §1401, sub-§18, as amended by PL 1979, c. 127, §108, is further amended to read:

18. Statement of intent. Statement of intent to dissolve as provided by section 1101, ~~55~~ 10;

Sec. WWW-10. 13-B MRSA §1401, sub-§§20 and 22, as enacted by PL 1977, c. 525, §13, are amended to read:

20. Application for authority. Application of a foreign corporation for authority to carry on activities in this State, as provided by section 1202, ~~25~~ 45;

22. Amendment to foreign corporation's application. An amendment to a foreign corporation's application for authority to carry on activities in this State, as provided by section 1207, ~~55~~ 10;

Sec. WWW-11. 13-C MRSA §123, sub-1, ¶¶A and G, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, are amended to read:

A. For articles of incorporation, the fee is ~~125~~ 145.

G. For a notice of change of clerk, registered agent or registered office, or a combination thereof, the fee is ~~20~~ 35.

Sec. WWW-12. 13-C MRSA §123, sub-§1, ¶¶H and I, as amended by PL 2003, c. 344, Pt. B, §34, are further amended to read:

H. For a notice of change in the name of the current clerk or registered agent or a change of a registered office for each affected corporation not to exceed a total of 100, the fee is ~~20~~ 35.

I. For a notice of change in the name of the current clerk or registered agent or a change of a registered office for each affected corporation in excess of 100, the fee is ~~10~~ 20.

Sec. WWW-13. 13-C MRSA §123, sub-§1, ¶¶K, M to T, BB, FF and HH to KK, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, are amended to read:

K. For an amendment of articles of incorporation, the fee is ~~\$35~~ \$50.

M. For articles of merger or share exchange, the fee is ~~\$80~~ \$100.

N. For articles of domestication, the fee is ~~\$125~~ \$145.

O. For articles of charter surrender, the fee is ~~\$70~~ \$90.

P. For articles of nonprofit conversion, the fee is ~~\$125~~ \$145.

Q. For articles of domestication and conversion, the fee is ~~\$125~~ \$145.

R. For articles of entity conversion, the fee is ~~\$125~~ \$145.

S. For articles of dissolution, the fee is ~~\$55~~ \$75.

T. For articles of revocation of dissolution, the fee is ~~\$55~~ \$75.

BB. For an application for withdrawal of authority, the fee is ~~\$70~~ \$90.

FF. For articles of correction, the fee is ~~\$35~~ \$50.

HH. For an application for excuse, the fee is ~~\$20~~ \$40.

II. For ~~an~~ a certificate of resumption, the fee is ~~\$80~~ \$100.

JJ. For an application for an assumed name, the fee is ~~\$105~~ \$125.

KK. For an application for a fictitious name adopted by a foreign corporation authorized to transact business in this State because its real name is unavailable, the fee is ~~\$20~~ \$40.

Sec. WWW-14. 31 MRSA §526, sub-§2, as amended by PL 2003, c. 344, Pt. C, §14, is further amended to read:

2. Assumed or fictitious name. For filing of an application for an assumed name under section 405-A, a fee in the amount of ~~\$105~~ \$125, and for filing of an application for a fictitious name under section 405-A, a fee in the amount of ~~\$20~~ \$40. The addition of the words "Limited Partnership," the abbreviation "L.P." or the designation "LP" to a foreign limited partnership's name for use in this State is not, for the purpose of this section, deemed an assumed name;

Sec. WWW-15. 31 MRSA §526, sub-§5, as amended by PL 1999, c. 594, §22, is further amended to read:

5. Change of registered agent and registered office or registered office for domestic limited partnerships. For filing of a certificate by a registered agent under section 407, subsection 2, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 422 to change the registered agent and registered office or for filing a notice of resignation of a registered agent under section 407, subsection 3, a fee in the amount of ~~\$20~~ \$35;

Sec. WWW-16. 31 MRSA §526, sub-§7, as amended by PL 1999, c. 638, §16, is further amended to read:

7. Certificate of limited partnership, amendment or cancellation. For filing of a certificate of limited partnership under section 421, a fee in the amount of ~~\$125~~ \$175, ~~and~~ for a certificate of amendment under section 422, except as provided in subsection 5, ~~or a fee in the amount of \$50, and for a certificate of cancellation under section 423, a fee in the amount of \$35~~ \$75. For filing of a certificate of amendment under section 422, subsection 7, a fee in the amount of \$20 and for filing a restated certificate of limited partnership under section 422, subsection 6, a fee of \$80;

Sec. WWW-17. 31 MRSA §526, sub-§7-A, as enacted by PL 1993, c. 316, §68, is amended to read:

7-A. Certificate of correction. For filing of a certificate of correction under section 422-A, a fee in the amount of ~~\$20~~ \$50;

Sec. WWW-18. 31 MRSA §526, sub-§8, as amended by PL 1999, c. 638, §17, is further amended to read:

8. Foreign limited partnerships. For filing of an application for authority to do business as a foreign limited partnership under section 492, a fee in the amount of \$250, and for a certificate of amendment under section 495, except as provided in subsection 9, or a certificate of cancellation under section 496, a fee in the amount of ~~\$70~~ \$90. For filing a certificate of amendment under section 495 to change the address of a general partner or to change the address of the registered or principal office, a fee in the amount of ~~\$30~~ \$35;

Sec. WWW-19. 31 MRSA §526, sub-§8-A, as enacted by PL 1993, c. 316, §70, is amended to read:

8-A. Certificate of correction for foreign limited partnerships. For filing of a certificate of correction under section 495-A, a fee in the amount of ~~\$30~~ \$50;

Sec. WWW-20. 31 MRSA §526, sub-§9, as amended by PL 1999, c. 594, §23, is further amended to read:

9. Change of registered agent and registered office or registered office for foreign limited partnerships. For filing of a certificate by a registered agent under section 494, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 495 to change the registered agent and registered office or for filing a notice of resignation of a registered agent under section 494, subsection 4, a fee in the amount of ~~\$30~~ \$35;

Sec. WWW-21. 31 MRSA §526, sub-§20, as enacted by PL 1999, c. 638, §20, is amended to read:

20. Certificate of conversion. Certificate of conversion of a limited partnership to another type of business entity as provided by section 418, a fee in the amount ~~\$125~~ \$145.

Sec. WWW-22. 31 MRSA §751, sub-§2, as amended by PL 2003, c. 344, Pt. C, §31, is further amended to read:

2. Assumed or fictitious name. For filing of an application for an assumed name under section 605-A, a fee of ~~\$105~~ \$125, and for filing an application for a fictitious name under section 605-A, a fee of ~~\$20~~ \$40;

Sec. WWW-23. 31 MRSA §751, sub-§6, as amended by PL 1999, c. 594, §26, is further amended to read:

6. Change of registered agent and registered office or registered office for domestic limited liability companies. For filing of a certificate by a registered agent under section 607, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 623 to change the registered agent and registered office or for filing a notice of resignation of the registered agent under section 607, subsection 5, a fee of ~~\$20~~ \$35;

Sec. WWW-24. 31 MRSA §751, sub-§8, as amended by PL 1999, c. 638, §35, is further amended to read:

8. Articles of organization or amendment, certificate of cancellation, merger or consolidation. For filing of articles of organization under section 622, a fee of ~~\$125~~ \$175; articles of amendment under section 623, except as provided in subsection 6 ~~of~~, a fee of \$50; a certificate of cancellation under section 625, a fee of ~~\$35~~ \$75; restated articles of organization under section 623, subsection 6, a fee of \$80; and a

certificate of merger or consolidation under section 744, a fee of ~~\$80~~ \$100;

Sec. WWW-25. 31 MRSA §751, sub-§9, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

9. Certificate of correction. For filing of a certificate of correction under section 624, a fee of ~~\$20~~ \$50;

Sec. WWW-26. 31 MRSA §751, sub-§12, as amended by PL 1999, c. 638, §36, is further amended to read:

12. Foreign limited liability companies. For filing of an application for authority to do business as a foreign limited liability company under section 712, a fee of \$250, and for a certificate of amendment under section 715, except as provided in subsection 13, or a certificate of cancellation under section 717, a fee of ~~\$70~~ \$90. For filing a certificate of amendment under section 715 to change the address of the registered or principal office, a fee in the amount of ~~\$30~~ \$35;

Sec. WWW-27. 31 MRSA §751, sub-§13, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

13. Certificate of correction for foreign limited liability companies. For filing of a certificate of correction under section 716, a fee of ~~\$30~~ \$50;

Sec. WWW-28. 31 MRSA §751, sub-§14, as amended by PL 1999, c. 594, §26, is further amended to read:

14. Change of registered agent and registered office or registered office for foreign limited liability companies. For filing of a certificate by a registered agent under section 714, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing of a certificate of amendment under section 715 to change the registered agent and registered office or for filing a notice of resignation of the registered agent under section 714, subsection 4, a fee of ~~\$30~~ \$35;

Sec. WWW-29. 31 MRSA §751, sub-§25, as enacted by PL 1999, c. 638, §39, is amended to read:

25. Certificate of conversion. Certificate of conversion of a limited liability company to another type of business entity as provided by section 746, a fee of ~~\$125~~ \$145.

Sec. WWW-30. 31 MRSA §871, sub-§2, as amended by PL 2003, c. 344, Pt. C, §46, is further amended to read:

2. Assumed or fictitious name. For filing an application for an assumed name under section 805-A, a fee of ~~\$105~~ \$125, and for filing an application for a fictitious name under section 805-A, a fee of ~~\$20~~ \$40;

Sec. WWW-31. 31 MRSA §871, sub-§6, as amended by PL 1999, c. 594, §29, is further amended to read:

6. Change of registered agent and registered office or registered office for registered limited liability partnerships. For filing a certificate by a registered agent under section 807, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing a certificate of amendment under section 823 to change the registered agent and registered office or for filing a notice of resignation of the registered agent under section 807, subsection 5, a fee of ~~\$20~~ \$35;

Sec. WWW-32. 31 MRSA §871, sub-§8, as amended by PL 1999, c. 638, §42, is further amended to read:

8. Certificate of limited liability partnership, amendment or renunciation. For filing a certificate of limited liability partnership under section 822, a fee of ~~\$125~~ \$175; a certificate of amendment under section 823, except as provided in subsection 6, the fee is \$50, or a certificate of renunciation under section 825, a fee of ~~\$35~~ \$75. For filing a certificate of amendment under section 823 to change the name or address of the contact partner, the fee is \$20 and for filing a restated certificate of limited liability partnership under section 823, subsection 6, the fee is \$80;

Sec. WWW-33. 31 MRSA §871, sub-§9, as enacted by PL 1995, c. 633, Pt. B, §1, is amended to read:

9. Certificate of correction. For filing a certificate of correction under section 824, a fee of ~~\$20~~ \$50;

Sec. WWW-34. 31 MRSA §871, sub-§10, as amended by PL 1999, c. 638, §43, is further amended to read:

10. Foreign limited liability partnerships. For filing an application for authority to do business as a foreign limited liability partnership under section 852, a fee of \$250; a certificate of amendment under section 855, except as provided in subsection 12, or a certificate of cancellation under section 857, a fee of ~~\$70~~ \$90. For filing a certificate of amendment under section 855 to change the address of the registered or principal office or to change the name or address of the contact partner, the fee is ~~\$30~~ \$35;

Sec. WWW-35. 31 MRSA §871, sub-§11, as enacted by PL 1995, c. 633, Pt. B, §1, is amended to read:

11. Certificate of correction for foreign limited liability partnerships. For filing a certificate of correction under section 856, a fee of ~~\$30~~ \$50;

Sec. WWW-36. 31 MRSA §871, sub-§12, as amended by PL 1999, c. 594, §29, is further amended to read:

12. Change of registered agent and registered office or registered office for foreign limited liability partnerships. For filing a certificate by a registered agent under section 854, subsection 3, paragraph B to change the registered office or to change the name of the current registered agent or for filing a certificate of amendment under section 855 to change the registered agent and registered office or for filing a notice of resignation of the registered agent under section 854, subsection 4, a fee of ~~\$30~~ \$35;

Sec. WWW-37. Effective date. This Part takes effect August 1, 2004.

PART XXX

Sec. XXX-1. 13-B MRSA §1401, sub-§31, as repealed and replaced by PL 1993, c. 349, §37, is amended to read:

31. Annual report. Annual report of a domestic or foreign corporation as provided by section 1301, ~~\$20~~ \$35;

Sec. XXX-2. 13-C MRSA §123, sub-§1, ¶DD, as amended by PL 2003, c. 344, Pt. B, §35, is further amended to read:

DD. For an annual report or amended annual report, the fee is ~~\$60~~ \$85.

Sec. XXX-3. 13-C MRSA §123, sub-§1, ¶DD-1 is enacted to read:

DD-1. For an annual report or amended annual report for a foreign business corporation, the fee is \$150.

Sec. XXX-4. 31 MRSA §526, sub-§15, as amended by PL 1993, c. 316, §72, is further amended to read:

15. Annual report. For filing of an annual report under section 529, a fee of ~~\$60~~ \$85;

Sec. XXX-5. 31 MRSA §526, sub-§15-A is enacted to read:

15-A. Annual report. For filing of an annual report for a foreign limited partnership under section 529, a fee of \$150;

Sec. XXX-6. 31 MRSA §751, sub-§20, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

20. Annual report. For filing of an annual report under section 757, a fee of ~~\$60~~ \$85;

Sec. XXX-7. 31 MRSA §751, sub-§20-A is enacted to read:

20-A. Annual report. For filing of an annual report for a foreign limited liability company under section 757, a fee of \$150;

Sec. XXX-8. 31 MRSA §871, sub-§18, as enacted by PL 1995, c. 633, Pt. B, §1, is amended to read:

18. Annual report. For filing of an annual report under section 874, a fee of ~~\$60~~ \$85;

Sec. XXX-9. 31 MRSA §871, sub-§18-A is enacted to read:

18-A. Annual report. For filing of an annual report for a foreign limited liability partnership under section 874, a fee of \$150;

Sec. XXX-10. Effective date. This Part takes effect January 1, 2005.

PART YYY

Sec. YYY-1. 22 MRSA §1714-A, sub-§7, as enacted by PL 1991, c. 568, §4, is amended to read:

7. Other collection actions. In addition to the other remedies provided in this section, the department may seek collection of any debt established under subsection 2 pursuant to Title 14, chapter 502.

A business entity, including a sole proprietorship, is considered out of business for the purposes of the department's recovering indebtedness if, after reasonable investigation, the department or its legal counsel has certified in writing that the business entity is no longer conducting operations and that there is no realistic expectation of collecting any significant money from the entity based upon one or more of the following conditions:

A. The business entity has ceased offering retail or wholesale goods and services to the public;

B. Upon reasonable investigation, nonexempt assets of the business entity of substantial value can not be identified or are otherwise unavailable for attachment and recovery;

C. The business entity's physical location or locations of business are closed to the public;

D. The business entity's corporate status is no longer in good standing;

E. The business entity has admitted that it has insufficient assets to satisfy the debt;

F. After reasonable investigation, the department or its counsel can not locate the business entity or identify the debtor's nonexempt assets; and

G. The business entity has transferred substantially all of its business assets to a 3rd party and there are no recoverable assets as a result of the transfer.

Certification by the department that a business entity is out of business under this subsection does not preclude further collection and recovery procedures by the department, whether to formally adjudicate the indebtedness or to proceed with collection and recovery if the department becomes aware of facts that merit further recovery efforts.

PART ZZZ

Sec. ZZZ-1. Transfer of funds; Office of Information Services Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2005.

Sec. ZZZ-2. Transfer of funds; Accounts and Control Audit Recovery. Notwithstanding any other provision of law, the State Controller shall transfer \$93,551 from the Accounts and Control Audit Recovery, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2005.

PART AAAA

Sec. AAAA-1. Appropriations and allocations. The following appropriations and allocations are made.

ATLANTIC SALMON COMMISSION

Atlantic Salmon Commission 0265

Initiative: Establishes one limited-period Senior Planner position for fiscal year 2004-05 and fiscal year 2005-06.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	\$0	\$60,000
Federal Expenditures Fund Total	\$0	\$60,000

PART BBBB

Sec. BBBB-1. 5 MRSA §22023, sub-§1, as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

1. Application. ~~A person may~~ To apply for compensation by submitting a completed claim form, a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf must submit to the program a written statement of intent to seek compensation. An estate is not eligible to submit a statement of intent under this subsection.

Sec. BBBB-2. 5 MRSA §22027, as amended by PL 2001, c. 667, Pt. C, §5, is further amended to read:

§22027. Payment

The program shall pay compensation within 30 days of the final compensation decision and receipt of a release from the claimant as provided in section 22026, subsection 2, or as soon thereafter as possible.

If a claimant dies before compensation is paid, the compensation is payable to the estate of the claimant.

Sec. BBBB-3. Transfers from unappropriated surplus at close of fiscal year 2004-05.

Notwithstanding any other provision of law, at the close of fiscal year 2004-05, the State Controller shall transfer an amount up to \$315,000 available from the unappropriated surplus of the General Fund to the Executive Branch - Departments and Agencies Statewide account within the Department of Administrative and Financial Services after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the next priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1513 and 1517.

Sec. BBBB-4. Transfers. Transfers made in accordance with section 3 must be expended for the purpose listed in this section in the following amount:

1. An amount equal to \$315,000 to the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development to provide funds for grants to community-based organizations.

PART CCCC

Sec. CCCC-1. Transfer of funds. Notwithstanding any other provision of law, \$104,357 must be transferred from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to

the General Fund as undedicated revenue no later than June 30, 2005.

Sec. CCCC-2. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Adult Education 0364

Initiative: Provides additional funds for adult education in fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	\$0	\$87,000
General Fund Total	\$0	\$87,000

PART DDDD

Sec. DDDD-1. 5 MRSA §285, sub-§12 is enacted to read:

12. Contractual commitment to health insurance for retirees. Effective April 1, 2004, to each vested employee as defined in this subsection, the State makes solemn contractual commitments as set forth in paragraph C, protected under the contract clauses of the Constitution of Maine, Article I, Section 11 and the United States Constitution, Article I, Section 10.

A. For purposes of this subsection, "vested employee" means an employee in a category described in subsection I, paragraph A, F, F-1, F-2 or F-3 who, on or after April 1, 2004, meets the applicable creditable service requirement for eligibility to receive a retirement benefit, at the applicable age if so required, under one of the following:

- (1) Section 851, which governs legislative retirement;
- (2) Section 17851, which governs the regular state employee plan;
- (3) Section 17851-A, subsection 2, which governs state special plans;
- (4) Section 18451, which governs participating local district regular plans;
- (5) Section 18453, which governs participating local district special plans; or
- (6) The terms of a retirement plan provided to employees pursuant to section 18252-B.

B. For purposes of this subsection, "time of vesting" means, for each employee, the date on which that employee met the creditable service requirement for eligibility to receive a retirement

benefit, at the applicable age if so required, as set forth in paragraph A, subparagraphs (1) to (6).

C. The State makes solemn contractual commitments under this subsection that, with respect to any group health plan offered by the State:

(1) Eligibility criteria for a vested employee or a family member of a vested employee to participate in a group health plan under this section after retirement will be no more restrictive than eligibility criteria applicable to that employee or family member at the time of vesting;

(2) The state contribution toward the cost of the premium for any group health plan offered by the State for a retired vested employee, as a percentage of the cost of coverage, is not less than that provided at the time of vesting; and

(3) The group health plans offered in each plan year to retired vested employees under this section will be the same as or substantially similar to the group health plans offered to active employees in that same plan year. The State Employee Health Commission shall determine whether plans are substantially similar.

D. This subsection does not create a contractual commitment on the part of the State to offer group health plans or to maintain coverage for a specific type of benefit or level of benefit payment. The State may reduce or eliminate coverage for types of benefits or levels of benefit payments for retired vested employees only if it makes the same or substantially similar reductions for active employees.

E. This subsection does not create an ancillary benefit within the meaning of the Constitution of Maine, Article IX, Section 18-A and may not be construed to create a claim against the assets of the Maine State Retirement System.

F. The solemn contractual commitment provided in this subsection is void if a court of competent jurisdiction rules that this subsection creates an ancillary benefit within the meaning of the Constitution of Maine, Article IX, Section 18-A.

PART EEEE

Sec. EEEE-1. Use of bond proceeds. In order to ensure that the transportation bond proceeds of Private and Special Law 2003, chapter 33 are expended promptly and in conformity with the designation and intent of the original legislation to address the urgent needs of the air-medical response

system throughout the State, the Department of Public Safety shall undertake the following actions no later than August 30, 2004.

1. Notwithstanding any other provision of law, the Department of Public Safety shall award grants totaling \$3,000,000 in order to expand the existing air-medical response system throughout the State in the following categories:

A. Hospital helipads and aviation support infrastructure, including building additional fueling facilities and upgrading navigational, weather reporting and communications system's, with the total amount of such grant awards not to exceed \$2,600,000; and

B. The capital costs of acquisition of a mobile advanced human patient simulator mannequin system with the total amount of such an award not to exceed \$400,000. This mannequin system must be made available to ensure appropriate training of first responders and ambulance and hospital personnel throughout the State on a recurrent basis.

2. In establishing criteria for the awarding of grants, the Department of Public Safety shall consider the availability of matching funds, in the form of either cash or in-kind contributions, for use in the grant project.

PART FFFF

Sec. FFFF-1. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Magnet Schools 0791

Initiative: Provides one-time funds to support the Maine School of Science and Mathematics in Limestone.

General Fund	2003-04	2004-05
All Other	\$0	\$32,000
General Fund Total	\$0	\$32,000

General Purpose Aid for Local Schools 0308

Initiative: Deappropriates funds in this program to support the Maine School of Science and Mathematics in Limestone.

General Fund	2003-04	2004-05
All Other	\$0	(\$32,000)
General Fund Total	\$0	(\$32,000)

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	\$0	\$0

DEPARTMENT TOTAL -		
ALL FUNDS	\$0	\$0

PART GGGG

Sec. GGGG-1. 3 MRSA §991, as amended by PL 2003, c. 451, Pt. KKK, §1, is further amended to read:

§991. Evaluation and Government Accountability

The Office of Program Evaluation and Government Accountability is created for the purpose of providing program evaluation of agencies and programs of State Government and, when determined necessary by the committee, local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation. The office also is established to ensure that public funds provided to local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation are expended for the purposes for which they were allocated, appropriated or contracted. When authorized by the committee, the office also may examine or direct an examination of any state contractor financed in whole or part by public funds and any expenditure by any public official or public employee during the course of public duty, including, but not limited to, any expenditure of private money for the purposes of the agency or other entity.

Sec. GGGG-2. 3 MRSA §992, sub-§4, as enacted by PL 2001, c. 702, §2, is amended to read:

4. Other entity. "Other entity" means any public or private entity in this State that may be subject to program evaluation under this chapter as the result of its receipt or expenditure of public funds. "Other entity" may include local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation.

Sec. GGGG-3. 3 MRSA §992, sub-§5, as amended by PL 2003, c. 463, §1, is further amended to read:

5. Program evaluation. "Program evaluation" means an examination of any government program that includes performance audits, management analysis, inspections, operations ~~or~~ research or examinations of efficiency, effectiveness, or economy ~~and, when determined necessary by the committee, financial audits and post-audits. All financial audits and post-audits must be performed by the Department of Audit or, if the Department of Audit is unable to perform the audit within the time frame established by~~

~~the committee to complete the report, a qualified auditor.~~

Sec. GGGG-4. 3 MRSA §994, sub-§3-A is enacted to read:

3-A. Auditing services. When the committee determines that an examination as part of a program evaluation requires the services of a qualified auditor, to request the Department of Audit to conduct all or part of an examination or, if the Department of Audit is unable to perform the examination within the time frame established by the committee, to direct the office to obtain the services of a qualified auditor;

Sec. GGGG-5. 3 MRSA §994, sub-§9, as enacted by PL 2001, c. 702, §2, is amended to read:

9. Meetings. To conduct meetings at such times as the cochairs determine necessary; ~~and~~

Sec. GGGG-6. 3 MRSA §994, sub-§10, as amended by PL 2003, c. 463, §3, is further amended to read:

10. Adopt rules. To adopt rules, as long as the rules are not in conflict with the Joint Rules of the Legislature. By January 1, 2005, the committee must develop a mission statement to be included in the rules; ~~and~~

Sec. GGGG-7. 3 MRSA §994, sub-§11 is enacted to read:

11. Information available to committee. To receive certain information. Information that is made available to the committee is governed by chapter 21, which governs legislative investigating committees, and by Title 1, chapter 13, which governs public records and proceedings.

Sec. GGGG-8. 3 MRSA §995, sub-§§1 and 3, as enacted by PL 2001, c. 702, §2, are amended to read:

1. Appointment. Not earlier than April 1, 2003, the Legislative Council shall appoint by an affirmative vote of 8 members of the Legislative Council a nonpartisan director of the office for the purposes of conducting program evaluations pursuant to this chapter. The director must be appointed to an initial 5-year term, which is subject to renewal by the Legislative Council every 5 years thereafter. During the term of the contract, the director may be terminated only for cause by an affirmative vote of 8 members of the Legislative Council. The Legislative Council shall establish the compensation of the director. The director's duties must be performed independently and in a nonpartisan manner but under the general policy direction of the committee.

3. Employees. Employees must be nonpartisan. Employees of the office are employed by and are responsible to the director, who shall hire and fix the compensation of each employee, subject to the approval of the committee and within resources available in the biennial budget. Other than the director appointed pursuant to subsection 1, an employee of the office may not be employed prior to July 1, 2003.

Sec. GGGG-9. 3 MRSA §997, sub-§4, as amended by PL 2003, c. 451, Pt. KKK, §4, is further amended to read:

4. Information available to office. ~~Information that is made available to the office is governed by chapter 21, which governs legislative investigating committees, and~~ Upon request of the office and consistent with the conditions and procedures set forth in this section, state agencies or other entities subject to program evaluation must provide the office access to information that is privileged or confidential as defined by Title 1, chapter 13, which governs public records and proceedings.

A. Before beginning a program evaluation under this chapter that may require access to records containing confidential or privileged information, the office shall furnish a written statement of its determination that it is necessary for the office to access such records and consult with representatives of the state agency or other entity to discuss methods of identifying and protecting privileged or confidential information in those records. During that consultation, the state agency or other entity shall inform the office of all standards and procedures set forth in its policies or agreements to protect information considered to be confidential or privileged. The office shall limit its access to information that is privileged or confidential by appropriate methods, which may include examining records without copying or removing them from the source.

B. Documentary or other information obtained by the office during the course of a program evaluation under this chapter is privileged or confidential to the same extent under law that that information would be privileged or confidential in the possession of the state agency or other entity providing the information. Any privilege or statutory provision, including penalties, concerning the confidentiality or obligation not to disclose information in the possession of a state agency or other entity or its officers or employees applies equally to the office. Privileged or confidential information obtained by the office during the course of a program evaluation may be disclosed only as provided by law and with the agreement of the state agency or other

entity subject to the program evaluation that provided the information.

C. If the office accesses information classified as privileged or confidential pursuant to state agency or other entity policy or procedures or by agreement, the office shall comply with the state agency's or other entity's standards or procedures for handling that information. The office may include in its working papers the excerpts from information classified as confidential or privileged as may be necessary to complete the program evaluation under this chapter, as long as the use does not infringe on department policies or procedures applicable to the original provision of information.

PART HHHH

Sec. HHHH-1. June 2004 bond issues.

The Treasurer of State shall structure the general obligation bonds issued in June 2004 to be paid in semiannual installments of principal and interest over a period of no more than 9 years with the first semiannual installment due on or after January 1, 2005.

Sec. HHHH-2. Appropriations and allocations. The following appropriations and allocations are made.

BAXTER COMPENSATION AUTHORITY

Baxter Compensation Authority 0117

Initiative: Appropriates one-time funds to be used for payment of compensation to former students who were victims of physical and sexual abuse at the Governor Baxter School for the Deaf or its predecessors.

General Fund	2003-04	2004-05
All Other	\$0	\$6,000,000
General Fund Total	\$0	\$6,000,000

BAXTER COMPENSATION AUTHORITY

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$6,000,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$6,000,000

TRANSPORTATION, DEPARTMENT OF

Bond Interest - Highway 0358

Initiative: Deallocates funds through a restructuring of bonds issued in June 2004.

Highway Fund	2003-04	2004-05
All Other	\$0	(\$325,000)
Highway Fund Total	\$0	(\$325,000)

Bond Retirement - Highway 0359

Initiative: Deallocates funds through a restructuring of bonds issued in June 2004.

Highway Fund	2003-04	2004-05
All Other	\$0	(\$577,778)
Highway Fund Total	\$0	(\$577,778)

TRANSPORTATION, DEPARTMENT OF	2003-04	2004-05
DEPARTMENT TOTALS	\$0	(\$902,778)
HIGHWAY FUND	\$0	(\$902,778)
DEPARTMENT TOTAL -	\$0	(\$902,778)
ALL FUNDS	\$0	(\$902,778)

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury

Initiative: Deappropriates funds through a restructuring of bonds issued in June 2004.

General Fund	2003-04	2004-05
All Other	\$0	(\$8,144,097)
General Fund Total	\$0	(\$8,144,097)

TREASURER OF STATE, OFFICE OF	2003-04	2004-05
DEPARTMENT TOTALS	\$0	(\$8,144,097)
GENERAL FUND	\$0	(\$8,144,097)
DEPARTMENT TOTAL -	\$0	(\$8,144,097)
ALL FUNDS	\$0	(\$8,144,097)

SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$144,097)
HIGHWAY FUND	0	(902,778)
SECTION TOTAL -	\$0	(\$1,046,875)
ALL FUNDS	\$0	(\$1,046,875)

PART III

Sec. III-1. 35-A MRSA §7104-B, sub-§6, as enacted by PL 1999, c. 409, §2, is amended to read:

6. Coordination with federal funds. Qualified Except as provided in paragraph A, qualified schools and qualified libraries shall apply for any federal discounts available pursuant to the federal Telecommunications Act of 1996. The level of discount, pursuant to subsection 4, is determined by the commission.

A. A qualified library is not required to apply for a federal discount pursuant to the federal Telecommunications Act of 1996 if the library determines that satisfying conditions for receiving that discount would substantially compromise the library's standards or mission. If the qualified library does not receive a federal discount as a result of a determination made in accordance with this paragraph, the commission shall estab-

lish an enhanced level of discount pursuant to subsection 4 to ensure the library is not substantially disadvantaged by that determination. The commission shall establish a level of discount that mitigates, to the maximum extent the commission determines appropriate, the financial impact on the library resulting from its not receiving the federal discount.

See title page for effective date, unless otherwise indicated.

CHAPTER 674

H.P. 1471 - L.D. 1964

An Act To Protect Forest Products, Loggers and Haulers

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

Sec. 1. 26 MRSA §1351, as enacted by PL 2003, c. 670, §3, is amended to read:

§1351. Legislative findings

The Legislature finds that Maine's forest products industry is a vital component of Maine's economy and has a direct relationship to the economic health and welfare of workers, communities and businesses. Central to the viability of the forest products industry is a stable workforce of loggers and wood haulers available to harvest wood from Maine's forests and bring the wood to mills and other wood-using industry. The erosion of the logger and wood hauler infrastructure in any major region of the State can have a serious negative effect on wood products manufacturing throughout the State. The Legislature further finds that, based upon patterns and configurations of forest landownership, the harvesting and hauling of forest products are performed by numerous loggers and truckers who, in many cases, are not able individually to bargain effectively with forest landowners who possess overwhelming market power. The Legislature finds that such market power exists whenever ~~a~~ one forest landowner owns, possesses or acquires economic control over more than 400,000 acres in a labor market area, which acreage constitutes more than 30% of the total land area in that labor market area. Accordingly, the Legislature finds it necessary, in the absence of sufficiently vigorous competitive market forces, to displace competition as provided in this chapter. The inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for the services of loggers and wood haulers. The Legislature finds evidence of unfairness in the fact that contract rates for