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JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES,
BUREAU OF THE BUDGET
58 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0058

To: Committee on Appropriations & Financial Affairs
From: Ellen Jane Schneider, State Budget Officer
Date: December 8, 2008
Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list of any new laws, regulations, or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Attached please find the report of federal mandates as submitted from the various State departments and agencies.

If you should have any questions regarding this report, please do not hesitate to contact the Budget Office at (207) 624-7810.

Thank you.

EJS/kb

cc: Grant Pennoyer, Director, OFPR
Ryan Low, Commissioner, DAFS

FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT- STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Agriculture	Quality Assurance & Regulation - Meat Inspection 010-01A-0393-01	9 CFR	Adopt sections of 9 CFR as it is amended to maintain Maine's "Equal to" status with the U.S.D.A (2 times)	28-Aug-08 9-Sep-08	010	\$0	2009
Agriculture	Quality Assurance & Regulation - Fruit & vegetable Inspection Program 013-01A-0393-01	Memo from U.S.D.A	The U.S.D.A. changed the fees charged for GAP/GHP audits from \$75.00/hour plus mileage to \$92.00/ hour with no mileage charge	1-Oct-08	013	\$0	2009

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 049, 055, 056, 057, 058, 059
060, 061, 062, 063, 065, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT-STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Conservation Forestry							
Forest Policy & Management	010/013 04A 0240 51	PUBLIC LAW 110-246, SEC. 8002	"For a State to be eligible to receive funds under the authorities of this Act, the State forester ... shall develop and submit to the Secretary, not later than two years after the date of enactment ... a State-wide assessment of forest resource conditions ..."	18-Jun-10	010/013	est. \$120,000	2011
Forest Health & Monitoring	010/013 04A 0233 52	AKA 2008 Farm Bill					
Forest Protection	010/013 04A 0232 53		The assessment has not been defined yet. Therefore, this is a best guess estimate until more information is available. This is an unfunded mandate, and current resources will be utilized to perform the assessment.				

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 049, 055, 056, 057, 058, 059
 060, 061, 062, 063, 065, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

DEPARTMENT OF HEALTH AND HUMAN SERVICES - FEDERAL MANDATES 2008

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT-STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Maine CDC	Maine Cancer Registry	NPCR of CDC has developed new standards for central registries	On-site (hospital) audits with source material to assure quality of cancer reporting. In-state travel required.	1/7/2007	013	\$1,000.00	08/09
Maine CDC	Maine Cancer Registry	NPCR of CDC has developed new standards for central registries.	Additional IT support and funding required to increase electronic reporting from hospitals, pathology labs, and physicians.		013	\$10,000	08/09
Maine CDC	Drinking Water 013-0143-2420-03x 013-0143-2463-03x	40 CFR Part 142 40 CFR Parts 9, 141, 40 CFR Parts 9, 141,	Groundwater Rule - to address fecal contamination Stage 2 Disinfectant Byproducts Rule - to address DBPs Long Term 2 Enhanced Surface Water Treatment Rule - to address surface water pathogen called cryptosporidium	11-Oct-06 6-Jan-06 6-Jan-06	013 013 013	Not yet determined	2008 2008 2008
Maine CDC	Vital Statistics 014-10A-6906	REAL ID (H.R. 418)	Regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States.	On November 15, 2008 new State requirements for proof of legal presence and Maine residency go into effect. Maine Title 29-A, §1411 prohibits the State from participating in the federal REAL ID Act of 2005.	014	Not known	08/09
Maine CDC	Vital Statistics 014-10A-6906	Intelligence Reform	To establish minimum national standards for state and local vital statistics offices for national security purposes.	Not Known. Possibly late 2007.	014/010	Not known	08/09
Maine CDC	WIC Nutrition Program 013-10A-0143	WIC-06-WICVM-02	Developing a national profile of state vendor management practices using information gathered from the State Vendor Management Plans (TIP Report)	2/12/2008	013	grant funds	ongoing
Maine CDC	WIC Nutrition Program 013-10A-0143	Guidance	Improve nutrition service in WIC by establishing assessment standards(VENA)	10/1/2007	013	grant funds	ongoing
Maine CDC	WIC Nutrition Program 013-10A-0143	71 FR 44782	Revises WIC food package to align WIC with 2005 dietary guidelines for Americans and Infants feeding practices of the American Academy of Pediatrics	8/1/2009	013	grant funds	ongoing
Maine CDC	Drinking Water 013-0143-2420-03x	40 CFR Parts 9, 141, 142	Short Term Revisions to the Lead and Copper Rule - These revision are intended to provide better notification to the public and remove some unclear language	10/10/2007	013	None	2009
Maine CDC	Maine Cancer Registry	NPCR of CDC has developed new standards for central registries	On-site (hospital) audits with source material to assure quality of cancer reporting. In-state travel required.	1/7/2007	013	\$1,000.00	08/09

DEPARTMENT OF HEALTH AND HUMAN SERVICES - FEDERAL MANDATES 2008

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Maine CDC	Radiation Control 014-10A-2445-03	EA-05-090	Increased controls for radioactive materials. All required changes have been instituted.	5/21/2006	014	\$3,350	FY06
Maine CDC	Maine Cancer Registry	NPCR of CDC has developed new standards for central registries.	Additional IT support and funding required to increase electronic reporting from hospitals, pathology labs, and physicians.		013	\$10,000	08/09
Maine CDC	Radiation Control 014-10A-2445-03	EA-07-305	Fingerprinting for access to radioactive materials. Changes have been instituted. FBI backlog on background checks, and some other implementation slowdowns on issues outside our control.	before 12/1/08	014	pass through	FY09
OCFS	Child Care Development Fund - 015-10A-05630	The CCDBG Act; Section 418 of the Social Security Act; 45 CFR Parts 98 and 99; Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996; 63 FR 41662 - 41686; ACYF-PI-CC-98-08.	A Lead Agency has flexibility to establish procedures for verifying an applicant's citizenship and immigration status when determining eligibility for CCDF services, but its procedures should be in accordance with Department of Justice requirements for verifying eligibility for "Federal public benefit" programs found in the November 17, 1997 Department of Justice Notice, "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996." (62 FR 61344).	5/2/2008	015	Grant funds	ongoing
OCFS	Child Welfare Fostering Connections ACYF-CB-PI-08-05	Sec. 473n (b)(3)(C)	Extends categorical Medicaid to children in kinship guardianship	Currently doing			
OCFS	Child Welfare Fostering Connections ACYF-CB-PI-08-05	Sec. 477 (a)(7)	Amends Educational and Training Vouchers (ETV) to 16	Currently doing			
OCFS	Child Welfare Fostering Connections ACYF-CB-PI-08-05	Approved family connection grants - match funds to apply. Sec. 475 (8) (B) (iv)	Continue payments for over 18 who are enrolled in school, work	Currently doing			
OCFS	Child Welfare Fostering Connections ACYF-CB-PI-08-05	Sec. 475(4)	Allows state to include cost of reasonable travel in foster care payment to keep child in same school.				
Office of MaineCare Services	MaineCare	CMS 2237-IFC PL 110-252 Se 6052DRA	Case management and targeted case management new restrictions on the number of days federal funds would be available for case management provided to individuals in an institution; a prohibition on states from making fee-for-services payments for case management services in increments that exceed 15 minutes of a given service; and prohibiting states from providing a beneficiary with more than one case manager. The delay does not apply to DRA provisions.	Moratorium 4/1/09. DRA implement 2005	014	TBD	09/10

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Office of MaineCare Services	MaineCare	CMS-2275-F P.L. 110-252 Sec. 403 TRHCA	Provider Tax -> The delay would apply to provisions that attempt to clarify the original provider tax regulation, including more stringent language in applying to the hold harmless test • The delay does not apply to conforming changes to comply with Section 403 of TRHCA. TRHCA codified the maximum amount that a state may receive from a health care related tax at 6 percent. The statute also temporarily reduced to 5.5 percent the permissible rate from January 1, 2008 through September 30, 2011. On October 1, 2011, the cap on tax rates is scheduled to revert to 6 percent.	Moratorium 4/1/09	14	TBD	09/10
Office of MaineCare Services	MaineCare	CMS-2258-FC P.L. 110-252	Public Provider cost Limit-> The rule imposes new restrictions on payments to providers operated by units of government and clarifies that those entities involved in the financing of the non-Federal share of Medicaid payments must be a unit of government. In addition the rule formalizes policies for certified public expenditures and other reporting requirements. The regulation also applies to SCHIP, except for the cost limit on reimbursement to government providers. CMS also excludes certain types of providers from the cost limit provision, for example, Medicaid managed care organizations, federally qualified health centers, and Indian health services facilities.	Moratorium 4/1/09	14	TBD	09/10
Office of MaineCare Services	MaineCare	CMS-2279-P P.L.110-252	Medicaid Graduate Medical Education (GME)-> CMS maintains that GME is not specifically listed in the Medicaid statute and therefore is not within the scope of medical assistance that is authorized for payment by Medicaid.	Moratorium 4/1/09	14	TBD	09/10
Office of MaineCare Services	MaineCare	CMS-2261-P P.L. 110-173 P.L. 110-252	Rehabilitation services option -> The proposed rule reflects the Administration's FY 2008 budget proposal to clarify the definition of rehabilitative services. It states that such services do not include services furnished by other programs that are focused on social or educational development goals (i.e. foster care, juvenile justice).	Moratorium 4/1/09	14	TBD	09/10
Office of MaineCare Services	MaineCare	CMS-2287-F P.L. 110-173 P.L. 110-252	School-Based Services-prohibits Medicaid reimbursement for certain school-based administrative activities unless they are performed by Medicaid agency staff. It also prohibits reimbursement for transportation for a Medicaid eligible child to school from home and back. In the final regulation, CMS stated it would no affect 2007-2008 school year budgets.	Moratorium 4/1/09	14	TBD	09/10
Office of MaineCare Services	MaineCare	CMS-2213-F	Clarification of Outpatient Hospital Facility (Including Outpatient Hospital Clinic) Services Definition - Amends 42 CFR Ch. IV Part 440.20, defines Medicaid outpatient hospital services to include services recognized under the Medicare outpatient PPS...paid by Medicare...under an alternate payment methodology" and EXCLUDES services covered and reimbursed under another category of the Medicaid state plan from outpatient hospital reimbursement.	Moratorium 11/7/08 Eff. 12/8/08	14	TBD	09/10
Office of Integrated Access and Support	Child Support	DRA	Assignment of support rights as a condition of eligibility for Temporary Assistance to Needy Families (TANF) is limited to the support that accrues during the period that a family receives TANF.	10/1/2009	014/013	\$500,000	SYF 10
Office of Integrated Access and Support	Child Support	45 CFR 303.11	The IV-D agency shall petition to include private health insurance that is accessible and reasonable in cost in new or modified support orders. If private health insurance is not available, the IV-D agency shall petition to include cash medical support in new or modified support orders. If private health insurance or cash medical support is required by a support order, the IV-D agency shall enforce the order using the National Medical Support Notice.	7/21/2008	014/013	\$100,000	SFY 09

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Office of Integrated Access and Support	Child Support	45 CFR 302.35	The IV-D agency shall maintain a State Parent Locator Service (SPLS) to provide locate information to authorized persons for authorized purposes. The SPLS shall access and release information authorized to be disclosed from the Federal Parent Locator Service and, in accordance with State law, information from relevant in-state sources but shall not release information from the computerized support enforcement system.	3/23/2009	014/013	In above	SFY 09
Office of Integrated Access and Support	Child Support	45 CFR 303.21	The IV-D agency shall establish appropriate safeguards to comply with the provisions of this regulation regarding disclosure of confidential information including the prohibition against the release of information when the State has reasonable evidence of domestic violence or child abuse or when the release of such information would otherwise be harmful to the party or the child.	3/23/2009	014/013	In above	SFY 09
Office of Integrated Access and Support	Food Supplement	7 USC Sections 2014 & 2016	Title IV of the Food, Conservation and Energy Act 2008 mandatory changes to the Food Supplement Program: -Remove Dependent Care Deduction Cap -Remove Education and Retirement Saving Account from list of countable assets (resources) -Change timeframe for expunding benefits from dormant EBT accounts	10/1/2008	010/013	\$15,000	SFY 09
Office of Integrated Access and Support	Food Supplement (snap)	7 CFR 273.10	Annual mandatory increase in maximum benefits, income standards, minimum benefits, standard deduction, and excess shelter cap.	10/1/2008		In above	SFY 09

060, 061, 062, 063, 065, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

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Professional and Financial Regulation	Bureau of Consumer Credit Protection - 009101	H.R. 3221 Title V	To require the registration of all loan originators with the Nationwide Mortgage Licensing System and Registry, in order to increase uniformity of enforcement against such loan originators, and reduce instances of mortgage and loan fraud.	August 1, 2009 for enactment of state legislation; August 1 2010 for full implementation	014	\$35,308	FY2010
	Office of Licensing and Registration - 035201	24 CFR Parts 3280 and 3285	Develop new manufactured home installation standard. Develop and implement installation program to conduct 20% pre-occupancy inspections of new manufactured homes.	20-Oct-08	014	\$60,000	FY2008

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 049, 055, 056, 057, 058, 059, 060, 061, 062, 063, 055, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

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FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT- STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Secretary of State,	Administration Motor Vehicle 01229B007704	49 USC 30501- 30505 , PL 102- 519 and PL 103- 272	To comply with the National Motor Vehicle Title Information System (NMVTIS). NMVTIS is a mandatory title information exchange program managed by the American Association of Motor Vehicle Administrators (AAMVA). By federal law, every state will participate in NMVTIS to make their title information available to other states.	30-06-09	012	\$30,000 +	09

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 049, 055, 056, 057, 058, 059
060, 061, 062, 063, 065, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

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FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT- STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Maine Community College System			We estimate that the 2008 Higher Education Amendments Act and the 2008 ADAAA will require the additional expense of approximately \$75,000 in system-wide staff time in this year, and the additional expense of approximately \$25,000 in system-wide staff time per year thereafter			\$75,000	2009
						\$25,000	2010

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 049, 055, 056, 057, 058, 059

060, 061, 062, 063, 065, 067, 069, 070, 071, 075, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 098, 099, 100

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FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENTATION DATE (DD-MM-YY)	FUND (SEE KEY)	ESTIMATED AMOUNT	STATE FISCAL YEAR
Maine Department of Transportation ENV Office	Highway & Bridge Capital	Endangered Species Act 50 CFR Part 17; 16 U.S.C.1531 to 1544; rule in 73 FR 51474 to 51781	Proposed designation of Critical Habitat for Atlantic Salmon under ESA- Coordinate federal actions with UFWS and NOAA- Maine DOT has been delegated authority to act on behalf of the Federal Highway Administration to consult with USFWS and NOAA concerning impacts from FHWA funded projects. MaineDOT also analyzes non-FHWA funded projects for the Army Corps of Engineers CWA 404 permitting. FHWA funded projects are usually about 80% FHWA Funds, 20 % Highway funds	9/5/2008	012	4,000.00	2009
	Highway- 012-17A-0406-95				013	16,000.00	2009
	Federal -013-17A-0406-95				014		2009
	Other 014-17A-0406-95						
	Maintenance & Operations						
	Highway- 012-17A-0330-55				012	7,500.00	2009
	Federal- 013-17A-0330-55				013		2009
	Other 014-17A-0330-55				014		2009
	Administration						
	Highway 012-17A-0339-05				012		2009
Maine Department of Transportation ENV Office	Highway & Bridge Capital	Endangered Species Act 50 CFR Part 17; 16 U.S.C.1531 to 1544 rule in 73 FR 51415 to 51436	Proposed expansion of the range of the Distinct Population Segment of Atlantic Salmon under ESA- Coordinate federal actions with UFWS and NOAA- Maine DOT has been delegated authority to act on behalf of the Federal Highway Administration to consult with USFWS and NOAA concerning impacts from FHWA funded projects. MaineDOT also analyzes non-FHWA funded projects for the Army Corps of Engineers CWA 404 permitting	9/3/2008	012	4,000.00	2009
	Highway- 012-17A-0406-95				013	16,000.00	2009
	Federal -013-17A-0406-95				014		2009
	Other 014-17A-0406-95						
	Maintenance & Operations						
	Highway- 012-17A-0330-55				012	4,500.00	2009
	Federal- 013-17A-0330-55				013		2009
	Other 014-17A-0330-55				014		2009
	Administration						
	Highway 012-17A-0339-05				012		2009
Maine Department of Transportation ENV Office	Highway & Bridge Capital	Endangered Species Act 50 CFR Part 17; 16 U.S.C.1531 to 1544 rule in 73 FR 62450 to 62459	Proposed designation of Critical Habitat for Canada Lynx under ESA- Coordinate federal actions with UFWS - Maine DOT has been delegated authority to act on behalf of the Federal Highway Administration to consult with USFWS and NOAA concerning impacts from FHWA funded projects. MaineDOT also analyzes non-FHWA funded projects for the Army Corps of Engineers CWA 404 permitting	2/28/2008	012	1,500.00	2009
	Highway- 012-17A-0406-95				013	6,000.00	2009
	Federal -013-17A-0406-95				014		2009
	Other 014-17A-0406-95						
	Maintenance & Operations						
	Highway- 012-17A-0330-55				012		2009
	Federal- 013-17A-0330-55				013		2009
	Other 014-17A-0330-55				014		2009
	Administration						
	Highway 012-17A-0339-05				012		2009