

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
78 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0078

SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

PAUL R. LEPAGE  
GOVERNOR

RICHARD W. ROSEN  
COMMISSIONER

To: Committee on Appropriations & Financial Affairs  
From: Melissa L. Gott, State Budget Officer  
Date: December 31, 2015  
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

MLG/sdm

cc: Christopher Nolan, Director, OFPR  
Richard W. Rosen, Commissioner, DAFS  
ME State Law & Legislative Reference Library

## 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
<p style="text-align: center;"><b>Agriculture, Conservation and Forestry</b></p>	<p>Board of Pesticides Control 01301A028701</p>	<p>40 CFR, part 170</p>	<p>Worker Protection Standard (WPS), a regulation issued by the U.S. Environmental Protection Agency requires agricultural producers to take steps to reduce the risks of pesticide-related illness and injury to agricultural producers, workers, and pesticide handlers. Changes to the WPS are intended to improve protection for agricultural workers and pesticide handlers and reorganize and streamline the rule to make it easier to follow. Implementation of upcoming changes to the WPS will require BPC staff to provide agricultural producers with training on the changes. The BPC enforcement staff will update WPS related inspection forms.</p>	<p style="text-align: center;">01/02/17</p>	<p style="text-align: center;">013</p>	<p style="text-align: center;">\$12,600</p>	<p style="text-align: center;">2017</p>

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Education	Learning System Team 013-05A-Z081-11-3041ITA	section 1111(b)(8)	To move the State toward the day when every student in every public school is taught by excellent educators. As part of the initiative, consistent with section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965 (ESEA), each State educational agency (SEA) must submit to the U.S. Department of Education (Department) a State Plan to Ensure Equitable Access to Excellent Educators (State Plan) that ensures "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.	1-Jun-15	10		FY16 - FY21

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Environmental Protection	Air Quality 0250	SO <sub>2</sub> Data Requirements rule	<ul style="list-style-type: none"> <li>• By January 15, 2016, each air agency is required to submit to the EPA Region I Administrator a final list identifying the sources in the state around which SO<sub>2</sub> air quality is to be characterized. The list must include sources with emissions above 2,000 tpy of SO<sub>2</sub>. The EPA Regional Office or Maine DEP may include additional sources on this list if they deem it necessary.</li> <li>• By July 1, 2016, each air agency is required to identify, for each source area on the list, the approach (ambient monitoring or air quality modeling) it will use to characterize air quality. In lieu of characterizing areas around listed 2,000 tpy or larger sources, air agencies may indicate by July 1, 2016 that they will adopt enforceable emissions limitations that will limit those sources' emissions to below 2,000 tpy.</li> <li>• For source areas that each air agency decides to evaluate through air quality modeling, the air agency must provide a modeling protocol to the EPA Regional Administrator by July 1, 2016. The modeling analysis must be submitted to the EPA by January 13, 2017.</li> <li>• For source areas that each air agency decides to evaluate through ambient monitoring, the air agency must submit relevant information concerning monitoring sites to the EPA Regional Administrator by July 1, 2016, as part of its annual monitoring network plan and in accordance with the EPA's monitoring requirements specified in 40 CFR part 58.</li> </ul>	9/21/2015	013		2016
Environmental Protection	Air Quality 0250	Ozone NAAQS	By October 1 2016: States (and any tribes that choose to do so) (attainment and no attainment) recommend the designation for all areas of the state, or any relevant areas in Indian country, and the associated boundaries for those areas.	12/28/2015	013		2016
Environmental Protection	Air Quality 0250	Clean Power Plan	By September 6, 2016: States are required to submit a final state plan or an initial submittal requesting an extension (up to two years) to submit a final state plan to EPA. This plan requires the state to identify the power plants subject to this rule and provide limits to meet EPA's final goals in the year 2030	9/6/2016 - 9/2/2018	013		2017

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Health and Human Services (CDC)	Maine Center for Disease Control and Prevention (Radiation Control Program) 0143	10 CFR 37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	3/19/2016	014	\$0	2016

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Health and Human Services(OMS)	Office of MaineCare Services 012901	6504 of the Affordable Care Act	TMSIS - Mandated changes to reports submitted quarterly to CMS for Medicaid/CHIP Programs	TBD	010, 013	\$965,000	16/17
Health and Human Services (OMS)	Office of MaineCare Services 012901	6401(a) of the Affordable Care Act	Provider Revalidation - Re-enroll and enroll MaineCare providers against newly defined screening criteria	Spring 2016	010, 013	\$9,600,000 (90/10 split)	16/17

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Health and Human Services (OCFS)	Child Care Services (Child Care Development Fund) 0563	PUBLIC LAW 113 - 186 - CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014	CCDF 1: Minimum Quality Spending Requirement: (658G(a)(2)(A)) The law increases the minimum quality spending requirement to 9 percent, phased-in over a 5-year period. States must spend not less than 7 percent of funds for quality in the 1st and 2nd full fiscal years after the date of enactment, 8 percent in the 3rd and 4th fiscal years after enactment, and 9 percent in the 5th and succeeding years.	FY 2016: 7%, FY 2017: 7%, FY 2018: 8%, FY 2019: 8%, Thereafter: 9%	Fund 015	<u>Annual Total:</u> 16,397,697	2016
			CCDF 2: Quality Set-aside for Infants and Toddlers: (658G(a)(2)(B)) In addition to the quality spending requirements (658G(a)(2)(A)), 3 percent of the funds must be used for quality activities that relate to improving the quality of care for infants and toddlers.	FY 2017: 3%		\$491,931	
			CCDF 3: Criminal Background Checks: (658H(j)) States must have policies and procedures in place to conduct comprehensive criminal background checks for child care providers and child care staff members.	30-Sep-17			
			CCDF 4: Monitoring of Licensing and Regulatory Requirements: (658E(c)(2)(K)) States must have in place policies relating to licensing or regulating child care providers that serve children receiving CCDF subsidies, and the facilities of those providers, that- Ensure individuals who are hired as licensing inspectors are qualified and receive training. Maintain the ratio of licensing inspectors to providers and facilities at a level sufficient to perform inspections on a timely basis. For licensed CCDF providers: Conduct 1 pre-licensure visit for compliance with fire, health, and safety standards; and Conduct annual, unannounced inspections for compliance with licensing, health, safety and fire standards. For license-exempt CCDF providers: Conduct an annual inspection for compliance with health, safety, and fire standards.	19-Nov-16			
			CCDF 5: Results of Monitoring and Inspection Reports (website): (658E(c)(2)(D)) State must make public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, the results of monitoring and inspection reports, including those due to major substantiated complaints about failure to comply with CCDF requirements and State child care policies, as well as the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in the child care settings each year, for eligible child care providers within the State	19-Nov-17			
			State Compliance with Priority for Services (658E(c)(3)(B)(ii)) ACF shall prepare a report that contains a determination about whether each state uses CCDF funds in accordance with the priority for services described in "Child care services and related activities – In General." (658E(c)(3)(B)(i))	30-Sep-16			



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Health and Human Services (OCFS)	Office of Child and Family Services		<b>H.R. 4980 Preventing Human Trafficking Strengthening Families Act</b>			no money received	
			<b>Protecting children and youth at risk of sex trafficking</b>				
			Identifying, documenting and determining services for children and youth who are at risk of sex Reporting instances of sex trafficking Increasing information on children in foster care to prevent sex trafficking	9/30/2015 9/30/2015 9/30/2015			
			<b>Improving opportunities for children in foster care and supporting permanency</b>				
			Supporting normalcy for children in care Improving Appla as a permanency option Empowering foster children age 14 and older to br partners in developing their own plan and Ensuring children have a birth certificate, social security card, health insurance information,	9/30/2015 Sep-15 9/30/2015 9/30/2015			
			<b>Improving adoption incentives and extending the family connection grant</b> Preservation of eligibility for kinship assistance payments with a successor guardian	9/30/2015			

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Health and Human Services (OFI-OMS)	Office of MaineCare Services 012901	26 U.S.C. § 6055	Form 1095-B Disclosures - By January 31st of each year, we must provide individuals receiving minimum essential coverage with a 1095-B form, confirming the coverage provided in the previous year. We must also submit such forms to the IRS by March 31st of each year.	Jan-2016	010/013	TBD	SFY2016
Health and Human Services (OFI-DSER)	Child Support, 010001		<p>The Treasury Inspector General for Tax Administration (TIGTA) recently reviewed Safeguards and found that Safeguards must "establish and ensure that background investigation requirements for all agency employees and contractors that have access to Federal Tax Information (FTI) are consistent with the IRS's background investigation requirements for access to FTI. Fingerprinting of employees with access to FTI is required under the new Safeguards protocols.</p> <p><input type="checkbox"/> The FBI's authority to conduct criminal history record checks for non-criminal justice purposes is based upon Public Law 92-544. PL 92-544 was enacted by Congress in 1972 to empower the states to enact legislation that designates specific licensing or employment purposes for which state and local government agencies may submit fingerprints to the FBI and receive FBI Criminal History Records Information.</p> <p><input type="checkbox"/> It is state, rather than federal law which authorizes certain governmental and private organizations to conduct fingerprint background checks. Law enforcement agencies, public or private schools, nonprofit organizations and in home support agencies are usually some of the organizations that may be authorized under state statute to conduct fingerprint background checks. Some states may already have laws that may allow them to implement FBI fingerprinting right away, some may require modification and some may not have any at all.</p> <p><input type="checkbox"/> FBI has recommended to us that the states make appropriate legislative changes under PL92-544 to enable use of fingerprinting</p>		010/013	TBD	

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LABOR	Regulation and Enforcement (Wage and Hour Division) 0159	29 CFR Part 541	On March 13, 2014, President Obama signed a Presidential Memorandum directing the USDOL to update the regulations defining which white collar workers are protected by the FLSA's minimum wage and overtime standards. The memorandum instructed the Department to look for ways to modernize and simplify the regulations while ensuring that the FLSA's intended overtime protections are fully implemented. This new federal mandate with effect Title 26, Ch 7, §663.	Unknown - TBD within 12 months estimate	010	Unknown	FY16
	Division of Blind and Visually Impaired (General VR) 0126	PL 113-128	Workforce Innovation and Opportunity Act (WIOA) reauthorizes Rehab Act	7/22/2014	013	\$12,414,046	
	Division of Blind and Visually Impaired (Blind VR) 0126	PL 113-128	Workforce Innovation and Opportunity Act (WIOA) reauthorizes Rehab Act	7/22/2014	013	\$2,810,000	
	Emp Security Services (Unemployment Insurance Program) 0245	WIOA (PL 113-128 Title 1 Wagner-Peyser Act of 1933 as amended by WIOA	The Workforce Innovation & Opportunity Act (WIOA) clearly establishes Unemployment Insurance as a required partner, requires the use of UI wage records to evaluate program performance for the WIOA core partners and requires the provision of 'meaningful assistance' to claimants filing for unemployment benefits in a state's 'one-stop' center (in Maine, the one-stops are "CareerCenters")	7/1/2015	013	No additional federal funding provided to state UI programs to carry out WIOA provisions.	FY16 and each year thereafter
	Emp Security Services (Unemployment Insurance Program) 0245	Sec 4 of PL 103-152 SSA Section 303(j)	Modifies existing Reemployment Eligibility Assessment Programs by merging them with the state Reemployment Services Programs (WPRS) and changing the populations served to those most likely to exhaust benefits without finding work as well as ex-service personnel filing under the military unemployment insurance program. This is a joint UI and Employment Services initiative. The federal funds received to administer the RESEA program are Unemployment Insurance funding but UI contracts with the Bureau of Employment Services to deliver RESEA services. The goal of the program is to reduce the average duration of benefit collection by helping participants find work more quickly than they would on their own.	States can implement earlier but must do so no later than 1/1/2016	013	Rec'd \$1.5M to implement the programming changes required and to begin services early - 10/1/2015. We will receive federal admin funds to deliver services starting 1/1/2016 but do not yet know the amount.	FY16
	Employment Services Activity 0852	PL 113-128	Department proposes to implement job training system reform and strengthen the workforce investment system of the nation to put Americans, particularly those with barriers to employment, back to work and make the US more competitive in the 21st Century.	7/1/2015	013	\$9,722,570	FY15

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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Public Utilities Commission	Public Utilities Administrative Division (Pipeline Safety) 0184	Guidelines for States Participating in the Pipeline Safety Program	Requires that all states participating in PHMSA's Pipeline Safety Program send the Program Manager, or another representative, to the annual national meeting of the National Association of Pipeline Safety Representatives. Prior to CY 2015, attendance at this meeting was optional, but encouraged by PHMSA.	8/31/2015	014	\$2,020	2015-2016

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