

MAINE STATE LEGISLATURE

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



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Appropriations And Financial Affairs*

July 2003

Members:

*Sen. Mary R. Cathcart, Chair
Sen. Margaret R. Rotundo
Sen. Karl W. Turner*

*Rep. Joseph C. Brannigan, Chair
Rep. Richard H. Mailhot
Rep. Scott W. Cowger
Rep. Benjamin F. Dudley
Rep. Sean Faircloth
Rep. Hannah Pingree
Rep. Richard W. Rosen
Rep. S. Peter Mills
Rep. H. Sawin Millett, Jr.
Rep. Julie Ann O'Brien*

Staff:

James K. Dionne, Principal Analyst

*Office of Fiscal and Program Review
5 State House Station
Augusta, ME 04333-0005
(207) 287-1635*

Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

LD 1574

An Act To Make Additional 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, 2003, June 30, 2004 and June 30, 2005

**PUBLIC 51
EMERGENCY**

<u>Sponsor(s)</u> BRANNIGAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-135
--------------------------------	-----------------------------------	------------------------------------

LD 1574 proposed the following:

PART A proposed to make appropriations and allocations of funds.

Part B proposed to:

1. Lapse funds from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
2. Authorize the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
4. Authorize the State Controller to transfer funds from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services as a result of audits of Fund for a Healthy Maine accounts to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part C proposed to amend current law to facilitate the closure of the remaining 13 state liquor stores.

Part D proposed to Part D provides for balances in the Atlantic Salmon Commission, General Fund account to lapse to the General Fund in fiscal year 2002-03.

Part E proposed to:

1. Authorize the State Controller to transfer funds from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

4. Provide for balances in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
5. Provide for balances in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
6. Provide for balances in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03; and
7. Provide for balances in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03.

Part F proposed to authorize the State Controller to transfer funds from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part G proposed to provide for balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to lapse to the General Fund in fiscal year 2002-03.

Part H proposed to:

1. Authorize the State Controller to transfer funds from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
3. Provide for balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.

Part I proposed to authorize the State Controller to transfer funds from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part J proposed to provide for balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to lapse to the General Fund in fiscal year 2002-03.

Part K proposed to:

1. Authorize the State Controller to transfer funds from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03; and

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

2. Authorize the State Controller to transfer funds from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part L proposed to authorize the Commissioner of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.

Part M proposed to authorize \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

Committee Amendment “A” (H-135) proposed to include a mandate preamble solely because of the provision in Part H, section 7 relating to the City of Portland.

Additionally, the amendment proposed to include the following.

Part A proposed to make appropriations and allocations of funds.

Part B proposed to:

1. Lapse funds from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03;
2. Authorize the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03; and
3. Authorize the State Controller to transfer funds from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part C proposed to amend current law to facilitate the closure of the remaining 13 state liquor stores.

Part D proposed to provide for balances in the Atlantic Salmon Commission, General Fund account to lapse to the General Fund in fiscal year 2002-03.

Part E proposed to:

1. Authorize the State Controller to transfer funds from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
2. Authorize the State Controller to transfer funds from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

4. Provide for balances in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
5. Provide for balances in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03;
6. Provide for balances in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03; and
7. Provide for balances in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to lapse to the General Fund in fiscal year 2002-03.

Part F proposed to authorize the State Controller to transfer funds from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part G proposed to provide for balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to lapse to the General Fund in fiscal year 2002-03.

Part H proposed to:

1. Modify language implementing the health care provider tax under Public Law 2001, chapter 714 by requiring that the Commissioner of Human Services issue rules ensuring the tax is implemented in a manner that conforms to applicable federal regulations.
2. Authorize the State Controller to transfer funds from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03;
3. Authorize the State Controller to transfer funds from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
4. Provide for balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
5. Authorize \$300,000 allocated to the Long-Term Care - Human Services, Other Special Revenue Funds account to be used to maintain services on a one-time basis for current home-based care program consumers.
6. Require the State Controller to implement a modified accrual method of accounting for revenue collected by the Department of Human Services from child welfare targeted case management to ensure that 12 months of revenue is credited based on 12 months of activity for which the billing is based.

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

7. Require the City of Portland to transfer \$1,000,000 to the State as undedicated General Fund revenue in 2002-03. It also proposed to specify that this intergovernmental transfer from the City of Portland must be at least \$2,000,000 in fiscal year 2003-04 and \$2,000,000 in fiscal year 2004-05.

Part I proposed to authorize the State Controller to transfer funds from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part J proposed to provide for balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to lapse to the General Fund in fiscal year 2002-03.

Part K proposed to:

1. Authorize the State Controller to transfer funds from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03; and
2. Authorize the State Controller to transfer funds from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

Part L proposed to authorize the Commissioner of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.

Part M proposed to authorize \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

Enacted Law Summary:

Public Law 2003, chapter 51 does the following:

Part	Section	Description
A	A-1	Part A makes appropriations and allocations of funds in fiscal year 2002-03.
B	B-1	Lapses \$586,403 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	B-2	Authorizes the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03.
	B-3	Authorizes the State Controller to transfer \$407,117 from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
C	C-1: C-2	Amends current law to facilitate the closure of the remaining 13 state liquor stores.

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

D		Provides for \$45,685 of encumbered balance in the Atlantic Salmon Commission, General Fund account to be disencumbered and lapse to the General Fund in fiscal year 2002-03.
E	E-1	Authorizes the State Controller to transfer \$90,000 from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-2	Authorizes the State Controller to transfer \$160,000 from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-3	Authorizes the State Controller to transfer \$400,000 from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-4	Disencumbers and lapses \$110,494 of encumbered balance in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-5	Disencumbers and lapses \$43,106 of encumbered balance in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-6	Disencumbers and lapses \$28,823 of encumbered balance in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-7	Disencumbers and lapses \$31,700 of encumbered balance in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
F	F-1	Authorizes the State Controller to transfer \$48,052 from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.
G	G-1	Lapses \$600,000 in unencumbered balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to the General Fund in fiscal year 2002-03.
H	H-1	Modifies language implementing the health care provider tax under Public Law 2001, chapter 714 by requiring that the Commissioner of Human Services issue rules ensuring the tax is implemented in a manner that conforms to applicable federal regulations.

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
H-2		Authorizes the State Controller to transfer \$100,000 from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
H-3		Authorizes the State Controller to transfer \$100,000 from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
H-4		Lapses \$150,000 of unencumbered balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
H-5		Authorizes \$300,000 allocated to the Long-Term Care - Human Services, Other Special Revenue Funds account to be used to maintain services on a one-time basis for current home-based care program consumers.
H-6		Requires the State Controller to implement a modified accrual method of accounting for revenue collected by the Department of Human Services from child welfare targeted case management to ensure that 12 months of revenue is credited as undedicated General Fund revenue based on 12 months of activity for which the billing is based.
H-7		Requires the Commissioner of the Department of Administrative and Financial Services to establish annually the amount that must be transferred from the City of Portland as the intergovernmental transfer. It further requires the City of Portland to transfer \$1,000,000 in fiscal year 2002-03, \$2,000,000 in fiscal year 2003-04 and \$2,000,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue.
H-8		Authorizes the Commissioner of the Department of Human Services to implement measures necessary to generate savings in the Child Welfare Services program in fiscal year 2002-03 by taking certain action that will transfer expenses to MaineCare. This expenditure transfer may be accomplished by journal voucher with the approval of the State Controller.
I	I-1	Authorizes the State Controller to transfer \$1,351 from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.
J	J-1	Disencumbers and lapses \$14,685 of encumbered balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to the General Fund in fiscal year 2002-03.
K	K-1	Authorizes the State Controller to transfer \$25,260 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

	K-2	Authorizes the State Controller to transfer \$18,500 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.
L	L-1	Authorizes the Commissioner of the Department of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.
M	M-1	Authorizes \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

Public Law 2003, chapter 51 was enacted as an emergency measure effective April 18, 2003.

LD 1591 An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System CARRIED OVER

<u>Sponsor(s)</u> BRENNAN BRANNIGAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
---	-------------------------	---------------------------

LD 1591 proposes to authorize a General Fund bond issue in the amount of \$13,300,000 to be used for the following purposes:

1. The sum of \$4,000,000 to address health, safety and compliance deficiencies in the University of Maine System;
2. The sum of \$2,000,000 to expedite the creation of a community college system;
3. The sum of \$2,000,000 to make improvements to state parks;
4. The sum of \$4,000,000 to make cultural improvements; and
5. The sum of \$1,300,000 to modernize the state court system.

LD 1591 was carried over to the Second Regular Session of the 121st Legislature.