

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1819

S.P. 685

Received by the Secretary, May 6, 1991

Reported by Senator PEARSON of Penobscot for the Joint Standing Committee on Appropriations and Financial Affairs, Subcommittee on Federal and Dedicated Funds pursuant to Joint Rule 19.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed pursuant to Joint Rule 19.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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STATE OF MAINE

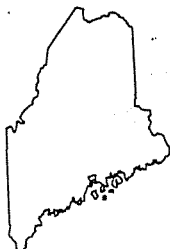
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act Concerning Federal and Other Special Revenue Funds in Maine  
State Government.**

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

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Sec. 1. 3 MRSA §521-A is enacted to read:

§521-A. Federal and dedicated funds subcommittee

1. Authorization; duties. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs is authorized to establish a subcommittee for the following purposes:

A. To examine or conduct research on new and expanded federal fund budget requests and to report all findings and recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

B. To compile historical and program data on federal and dedicated fund programs in a report format for use by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

C. To monitor federal budgeting activities; and

D. To conduct special studies on federal and dedicated fund issues as needed.

2. Membership; meetings; reimbursement. The subcommittee members must be appointed by the chairs of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One subcommittee member must be selected by the committee chairs to serve as subcommittee chair for that legislative biennium. The subcommittee may meet monthly or as often as necessary. Members of the subcommittee are entitled to legislative per diem and to be reimbursed for expenses as defined in section 2 upon application to the Executive Director of the Legislative Council.

Sec. 2. 5 MRSA §1581 is amended to read:

§1581. Form of appropriation bill

The general-fund General Fund appropriation bill provided for in section 1664 shall must be drawn so as to authorize the appropriation to be made to each department or agency of the State Government for each fiscal year of the biennium. Such appropriation shall must provide specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. Appropriations for the acquisition of property shall must be in such detail under each department or agency as the Governor-elect or the Governor shall-determine determines. Such appropriations shall may not be segregated in greater detail than the major classes or projects for which they are expendable during each fiscal year of the biennium. In the

2 first regular session of each Legislature, the Governor shall  
4 present funding requests that distinguish between current  
6 services and new and expanded services, as defined in section  
8 1661, for all funding sources including the General Fund, Highway  
10 Fund, Federal Expenditure Fund, Federal Block Grant Fund, Other  
12 Special Revenue funds and any other funds of the State.

14 **Sec. 3. 5 MRSA §1661, as amended by PL 1987, c. 402, Pt. A,**  
16 **§39, is repealed and the following enacted in its place:**

18 **§1661. Definitions**

20 As used in this chapter and chapter 145, unless the context  
22 otherwise indicates, the following terms have the following  
24 meanings.

26 **1. Current services.** "Current services" means budget  
28 estimates that include only the costs of continuing all current  
30 legislatively authorized programs at present levels.

32 **2. Governor-elect.** "Governor-elect" means the candidate  
34 most recently elected to the office of Governor of the State in  
36 the November election for choice of Governor, or that person's  
38 successor.

40 **3. New or expanded services.** "New or expanded services"  
42 means new programs or initiatives or the expansion of existing  
44 programs beyond the scope of those programs already established,  
46 recognized or approved by the Legislature.

48 **Sec. 4. 5 MRSA §1667-A is enacted to read:**

50 **§1667-A. Prohibition; ongoing expenditures**

52 No position or any other program expenditures that are  
intended to be ongoing may be created with any state or federal funds unless those funds are specifically appropriated or allocated by the Legislature.

**Sec. 5. 5 MRSA §1669, 2nd ¶, as enacted by PL 1989, c. 7, Pt. O, §2, is amended to read:**

All departments and agencies that receive federal funds shall, within 10 working days of receipt of any official notification from the Federal Government concerning the potential or actual increase or reduction in present funding, submit a copy of that notification to the Director of the Legislative Office of Fiscal and Program Review. A statement outlining the extent to which a General Fund appropriation will be required to match federal funding increases or may be reduced due to decreased federal funding must accompany each notification. In addition, departments and agencies shall, within 25 working days of that

notification, submit in writing to the Director of the  
Legislative Office of Fiscal and Program Review their proposed  
plan of action to address the notification which may include an  
appeal or an outline of the options that will be examined in  
detail and a time frame for the examination.

Sec. 6. 20-A MRSA §256, sub-§8 is enacted to read:

8. Annual report. The Department of Education shall  
prepare an annual report on all services contracted with  
community providers. The department shall deliver its report to  
the joint standing committee of the Legislature having  
jurisdiction over appropriations and financial affairs by January  
31st of each year. The report must include:

A. A listing, by community agency, of all funds received  
from the State and a summary of the purposes for which those  
funds were expended;

B. A summary of the most recent year's allocations of all  
funds by bureau or office, service area, region and, if  
available, county;

C. An evaluation of additional funding needed to equalize  
funding among all regions by individual service areas,  
presented in prioritized order;

D. The department's assessment, by individual service area,  
of the outstanding service needs of the State. The  
assessment must identify the funding source projected by the  
department to be available for the expansion of service,  
presented in prioritized order; and

E. Recommendations for changes in funding resulting from  
the department's planning and evaluation system presented in  
the following order of priority:

(1) Greatest service need within existing funding  
scheme;

(2) Equalization of regional funding within each  
service area; and

(3) New or outstanding needs.

Sec. 7. 22 MRSA §3, sub-§2 is enacted to read:

2. Prohibited activities; solicitation. No employee of or  
any other person representing the Department of Human Services  
may directly or indirectly solicit others to utilize the services  
provided by the department for which a fee is charged.  
Solicitation is prohibited through any oral request, including,

2 but not limited to, a request that is made in person, by  
4 telephone or through any advertising medium; and through any  
6 written request, including, but not limited to, a request that is  
8 sent, delivered or distributed or any advertisement posted in a  
10 public place or appearing in a newspaper, on television or  
12 through other advertising media.

14 **Sec. 8. 22 MRSA §9, sub-§1, ¶A is enacted to read:**

16 A. No employee of or any other person representing the  
18 Department of Human Services may directly or indirectly  
20 solicit others to utilize the services provided by the  
22 department for which a fee is charged.

24 **Sec. 9. 34-A MRSA §1209, sub-§4, ¶D, as enacted by PL 1983, c.**  
26 **581, §§10 and 59, is amended to read:**

28 D. The department, at the direction of the group, may make  
30 grants to state agencies, to units of general local  
32 government and to private not-for-profit organizations for  
34 the development of more effective education, training,  
36 research, prevention, diversion, treatment and  
38 rehabilitation programs in the area of juvenile delinquency  
40 and programs to improve the juvenile justice system.

42 (1) When grants are made to a department or agency of  
44 State Government, that department or agency is  
46 prohibited from subgranting those funds to any other  
48 unit or organization.

50 **Sec. 10. 34-A MRSA §1402, sub-§10 is enacted to read:**

52 10. Annual report. The commissioner shall prepare an  
54 annual report on all services contracted with community  
56 providers. The commissioner shall deliver the report to the  
58 joint standing committee of the Legislature having jurisdiction  
60 over appropriations and financial affairs by January 31st of each  
62 year. The report must include:

64 A. A listing, by community agency, of all funds received  
66 from the State and a summary of the purposes for which those  
68 funds were expended;

70 B. A summary of the most recent year's allocations of all  
72 funds by bureau or office, service area, region and, if  
74 available, county;

76 C. An evaluation of additional funding needed to equalize  
78 funding among all regions by individual service areas,  
80 presented in prioritized order;

2 D. The department's assessment, by individual service area,  
3 of the outstanding service needs of the State. The  
4 assessment must identify the funding source projected by the  
5 department to be available for the expansion of service,  
6 presented in prioritized order; and

7 E. Recommendations for changes in funding resulting from  
8 the department's planning and evaluation system presented in  
9 the following order of priority:

- 10 (1) Greatest service need within existing funding
- 11 scheme;
- 12
- 13 (2) Equalization of regional funding within each
- 14 service area; and
- 15
- 16 (3) New or outstanding needs.
- 17

18 **Sec. 11. Appropriation.** The following funds are appropriated  
19 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93	
22			
24	<b>LEGISLATURE</b>		
26	<b>Legislature</b>		
28			
29	Personal Services	\$1,650	\$1,650
30	All Other	2,500	2,500
32	Provides funds for the per diem and related expenses of the federal and dedicated funds subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs.		
38	<b>LEGISLATURE</b>		
40	<b>TOTAL</b>	<u>\$4,150</u>	<u>\$4,150</u>

42 **FISCAL NOTE**

43 The federal and dedicated funds subcommittee created in this  
44 legislation will create additional work load for nonpartisan  
45 legislative staff, the exact nature of which can not be  
46 determined at this time. A request for additional staff  
47 assistance may have to be presented to a future Legislature.  
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## STATEMENT OF FACT

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4 This bill implements the recommendations of the interim  
6 subcommittee of the Joint Standing Committee on Appropriations  
8 and Financial Affairs studying the manner in which new and  
expanded services are presented to the Legislature for review.  
The bill accomplishes the following:

8

10 1. The bill authorizes the committee to organize an ongoing  
subcommittee to review federal and dedicated funding issues;

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14 2. The bill clarifies that all new and expanded service  
requests, regardless of the funding source, must be presented to  
the Legislature in such a way as to distinguish between new and  
expanded services and current services;

16

18 3. The bill defines "current services" and "new and  
expanded services" as currently used in a budgeting context;

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22 4. The bill places into the Maine Revised Statutes language  
that is currently unallocated;

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24 5. The bill clarifies an existing provision of law;

24

26 6. The bill requires the Department of Education and the  
Department of Corrections to provide an annual report on all  
services contracted with community providers;

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30 7. The bill prohibits the Bureau of Health and the Public  
Health Lab from soliciting;

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34 8. The bill clarifies the awarding of Juvenile Justice  
Advisory Group subgrants; and

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36 10. The bill provides a General Fund appropriation to  
support the activities of the federal and dedicated funds  
subcommittee authorized in the bill.