

MAINE STATE LEGISLATURE

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L.D. 1138

DATE: 5-30-97

(Filing No. H-750)

APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138, Bill, "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, 1998 and June 30, 1999"

Amend the bill by striking out the title and substituting the following:

'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, 1997, June 30, 1998 and June 30, 1999'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1997 to the departments listed, the following sums to carry out the purposes of this Part.

1996-97

CONSERVATION,
DEPARTMENT OF

Forest Fire Control -
Division of

COMMITTEE AMENDMENT

A of 8

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

Aroostook Residential Center

2 Personal Services 32,000

4 Provides for the appropriation of funds to
6 cover unbudgeted overtime as a result of
8 training requirements.

Freeport Towne Square

10 Personal Services 65,000

12 Provides for the appropriation of funds to
14 cover unbudgeted overtime.

**DEPARTMENT OF MENTAL HEALTH,
16 MENTAL RETARDATION AND SUBSTANCE
18 ABUSE SERVICES
20 TOTAL**

-0-

**SECTION
22 TOTAL APPROPRIATIONS**

509,500

24 **Sec. A-2. Allocation.** The following funds are allocated from
the Federal Expenditures Fund for the fiscal year ending June 30,
26 1997 to carry out the purposes of this Part.

28 **1996-97**
29 **HUMAN SERVICES,**
30 **DEPARTMENT OF**

32 **Medical Care - Payments**
33 **to Providers**

34 All Other 3,000,000

36 Provides for the allocation of funds for
38 Title XIX Medicaid Recoveries for Special
40 Education and Section 504 Services.

**SECTION
42 TOTAL ALLOCATIONS**

3,000,000

44 **Sec. A-3. Allocation.** The following funds are allocated from
Other Special Revenue for the fiscal year ending June 30, 1997 to
46 carry out the purposes of this Part.

48 **1996-97**
50 **HUMAN SERVICES,**

R. d. S.

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

DEPARTMENT OF

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Medical Care Administration

All Other 270,000

Provides for the allocation of funds to cover payment of Maximus fees for recoveries received through Medicaid for Special Education and Section 504 Services.

SECTION
TOTAL ALLOCATIONS \$270,000

PART B

Sec. B-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1998 and June 30, 1999 to the departments listed, the following sums to carry out the purposes of this Part.

1997-98 1998-99

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Milk Commission

All Other \$1,691,667 \$1,208,333

Provides for the appropriation of funds to the Maine Milk Commission to be deposited in the Maine Milk Pool.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
TOTAL 1,691,667 1,208,333

CONSERVATION, DEPARTMENT OF

Forest Fire Control - Division of

Personal Services 201,524 204,084
All Other (50,000) (50,000)

COMMITTEE AMENDMENT

A of 8

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2 Provides for the
 3 appropriation of funds for
 4 approved reclassifications.
 5 This will result in an
 6 increase of General Fund
 7 undedicated revenue of
 8 \$60,610 in fiscal year
 9 1997-98 and \$61,634 in fiscal
 10 year 1998-99.

10	DEPARTMENT OF CONSERVATION		
12	TOTAL	151,524	154,084

14 **HUMAN SERVICES, DEPARTMENT OF**
 16 **State Supplement to Federal**
 17 **Supplemental Security Income**

18	All Other	295,724
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20 Provides for the
 21 appropriation of funds
 22 through a transfer from the
 23 Nursing Facilities program to
 24 the State Supplement to
 25 Federal Supplemental Security
 26 Income account to provide
 27 benefits for the period
 28 September 1, 1997 through
 29 March 31, 1998 to legal
 30 aliens living in residential
 31 care facilities and
 32 congregate housing affected
 33 by the Federal Responsibility
 34 and Work Reconciliation Act.

36 **Nursing Facilities**

38	All Other	(295,724)
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40 Provides for deappropriation
 41 of funds from the Nursing
 42 Facilities program based on
 43 expenditure estimates.

46	DEPARTMENT OF HUMAN SERVICES		
48	TOTAL	-0-	

50 **TRANSPORTATION, DEPARTMENT OF**

COMMITTEE AMENDMENT

1000

Third Port Development Program

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All Other 250,000

Provides funds in furtherance of the State's policy of developing a 3-port strategy. These funds are to be used for the permitting and design costs associated with the development of a cargo port at Mack Point.

Prior to filing for permits, the Commissioner of Transportation shall report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and transportation matters the terms and conditions for the design and financing of a facility as mutually agreed to by the department and Mack Point property owners whose land is needed for the development.

DEPARTMENT OF TRANSPORTATION
TOTAL 250,000

TREASURER OF STATE, OFFICE OF

Administration - Treasury

All Other 6,600
Capital Expenditures 55,000

TOTAL 61,600

Provides for the appropriation of funds for the purchase of workstations and partitions.

Debt Service - Treasury

All Other (61,600)

Ads.

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2 Provides for the
deappropriation of funds
4 through the transfer of funds
from the Debt Service
6 Earnings account.

OFFICE OF TREASURER OF STATE
8 TOTAL -0-

10 SECTION
TOTAL APPROPRIATIONS 2,093,191 1,362,417

12 Sec. B-2. Allocation. The following funds are allocated from
14 the Federal Expenditures Fund for fiscal years ending June 30,
1998 and June 30, 1999 to carry out the purposes of this Part.

16 1997-98 1998-99

18 ENVIRONMENTAL PROTECTION,
20 DEPARTMENT OF

22 Air Quality Control

24	Positions - Legislative Count	(5,000)	(5,000)
	Personal Services	245,403	247,887
26	All Other	13,276	65,703
28	TOTAL	258,679	313,590

30 Provides for the allocation
of funds to reinstate one
32 Clerk Typist II position, one
Environmental Specialist III
34 position, one Conservation
Aide position, one
36 Environmental Specialist IV
position and one Division
38 Director position which were
inadvertently transferred out
40 of this program twice in
Public Law 1997, chapter 24.

42 Performance Partnership Grant

44	Positions - Legislative Count	(-5,000)	(-5,000)
46	Personal Services	(245,403)	(247,887)
	All Other	(13,276)	(65,703)
48	TOTAL	(258,679)	(313,590)

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COMMITTEE AMENDMENT

AdS

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2 Provides for the deallocation
of funds through the
4 reduction of one Clerk Typist
II position, one
6 Environmental Specialist III
position, one Environmental
8 Specialist IV position, one
Conservation Aide position
and one Division Director
10 position, which were
inadvertently transferred to
12 this program in Public Law
1997, chapter 24.

14 **DEPARTMENT OF ENVIRONMENTAL**
16 **PROTECTION**
TOTAL _____ -0- _____ -0-

18 **HUMAN SERVICES,**
20 **DEPARTMENT OF**
22 **Bureau of Child and Family**
Services - Central

24 All Other 1,195,700

26 Provides for the allocation
28 of funds for the Maine
Automated Child Welfare
30 Information System to cover
the increased federal share
32 due to an increase in project
costs. State share is
34 provided through in-kind
match.

36 **Aid to Families with Dependent**
38 **Children - Foster Care**
40 All Other 2,009,458 1,955,105

42 Provides for the allocation
of funds for the Foster Care
44 Account, Title IV-E, to fully
fund the DHSTI Contract with
46 the University of Southern
Maine.

48 **Medical Care - Payments to**
50 **Providers**

COMMITTEE AMENDMENT

ADS

§1853. State infrastructure bank; finding

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The legislature finds that new financing mechanisms are necessary to provide greater flexibility and additional funds for needed transportation infrastructure projects in the State. The creation of a financing mechanism, in conformance with the National Highway System Designation Act of 1995, Public Law 104-59, Section 350, relating to a state infrastructure bank program will enable the State, counties and municipalities to use federal and state highway funds to construct transportation projects eligible for assistance under Section 350. These funds must be deposited into specific accounts in the department. From these accounts, loans may be made to counties and municipalities for eligible transportation projects.

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For purposes of this subchapter, a project is an "eligible transportation project" and is "eligible for assistance" when it complies with the eligibility criteria established in the National Highway System Designation Act of 1995, Public Law 104-59, Section 350.

§1854. State infrastructure bank created

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The state infrastructure bank is created as a revolving fund in the department, to be administered by the department and used for the purposes described in this subchapter. The fund consists of certain federal highway funds and state highway funds and other funds eligible for deposit under applicable federal law; payments received by the department in connection with the state infrastructure bank; investment earnings on money in state infrastructure bank accounts; and other funds as may be provided by law. Separate accounts may be established within the state infrastructure bank if required for its proper administration.

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The fund is a nonlapsing fund. All monies accruing to the credit of the fund must be allocated by the Legislature and expended by the department to effectuate the purposes of this subchapter. Money available in the fund may not be used to hire staff for the department.

§1855. Loans

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The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the

H of S

Quality Inspection

2			
	Positions - Legislative Count	(-.500)	(-.500)
4	Personal Services	(11,136)	(11,578)
6	Provides for the deallocation		
	of funds through the transfer		
8	of one part-time Clerk Typist		
	II position to Marketing		
10	Services - Agriculture to		
	correct an error made in		
12	Public Law 1997, chapter 24.		
	This position is associated		
14	with the newly created		
	Federal/State Inspection Fund.		

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

	1,691,667	1,208,333
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DEPARTMENT OF ENVIRONMENTAL

**HUMAN SERVICES,
DEPARTMENT OF**

**Bureau of Child and Family
Services - Central**

28	All Other	850,000	
30			
	Provides for the allocation		
32	of funds for the Maine		
	Automated Child Welfare		
34	Information System to cover		
	the increased state share due		
36	to the reduction in federal		
	matching from 75% to 50%		
38	effective October 1, 1997.		

Health - Bureau of

42	Positions - Legislative Count	(1.000)	(1.000)
	Personal Services	49,500	50,500
44	All Other	23,200	14,000
	Capital Expenditures	8,000	
46			
	TOTAL	80,700	64,500

48 Provides for the allocation
50 of funds for one Nuclear

A. of S.

2 Engineer Specialist position
in the Nuclear Safety Office.

4 **Medical Care Administration**

6 All Other 1,368,000

8 Provides for the allocation
10 of funds to cover payment of
12 Maximus fees for recoveries
received through Medicaid for
Special Education and Section
504 Services.

14 **DEPARTMENT OF HUMAN SERVICES**

16 **TOTAL** 2,298,700 64,500

18 **SECTION**

20 **TOTAL ALLOCATIONS** 3,990,367 1,272,833

22 **Sec. B-4. Allocation.** The following funds are allocated from
the State Lottery Operations Fund for the fiscal years ending
24 June 30, 1998 and June 30, 1999 to carry out the purposes of this
Part.

26 1997-98 1998-99

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

30 **Lottery Operations**

32 All Other 96,000 96,000

34 Provides for an increase in
36 the All Other allocation to
fund advertising for the
Heritage Fund Instant Ticket
38 Games.

40 **DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL**

42 **TOTAL** 96,000 96,000

44 **SECTION**

46 **TOTAL ALLOCATION** \$96,000 \$96,000

48 **PART C**

A of 8

2 **Sec. C-1. Abandoned property transfers.** Notwithstanding the
 4 Maine Revised Statutes, Title 33, section 1857, the
 6 administrator, who is the Treasurer of State, is authorized to
 8 withhold from transfer to General Fund undedicated revenue for
 the fiscal year ending June 30, 1997 an amount not to exceed
 \$1,500,000 to pay claims on abandoned property advertised in June
 of 1997. Any balance remaining unclaimed from this amount must
 be transferred to General Fund undedicated revenue no later than
 September 30, 1997.

10 **Sec. C-2. Bureau of Information Services; restructure rates.**
 12 Notwithstanding the Maine Revised Statutes, Title 5, section
 14 1585, the State Budget Officer shall calculate the amount of
 16 savings or costs that apply against each affected account in the
 18 All Other line category appropriations and allocations for fiscal
 20 years 1997-98 and 1998-99 of the affected General Fund and
 22 Highway Fund accounts based on the restructured rates charged by
 24 the Bureau of Information Services and shall transfer the
 calculated amounts between the affected accounts in each fund by
 financial order. These transfers are to be considered
 adjustments to appropriations and allocations. The State Budget
 Officer shall annually provide the joint standing committee of
 the Legislature having jurisdiction over appropriations and
 financial affairs with a report of the transferred amounts no
 later than September 30, 1997 and September 30, 1998.

26 **Sec. C-3. Workers' compensation rate adjustments.**
 28 Notwithstanding the Maine Revised Statutes, Title 5, section
 30 1585, the State Budget Officer in calculating the amount of
 32 savings in accordance with Public Law 1997, chapter 24, Part YY,
 34 sections 1 and 2 is authorized to transfer by financial order,
 any savings in excess of the identified amounts in sections 1 and
 2 to affected accounts that are adversely impacted by the
 adjustment of workers' compensation rates. These transfers are
 to be considered adjustments to appropriations and allocations.
 The State Budget Officer shall report to the joint standing
 committee of the Legislature having jurisdiction over
 appropriations and financial affairs before June 15, 1998 and
 before June 15, 1999 on the implementation of this section.

40 **Sec. C-4. Transfer from salary plan.** The salary plan program in
 42 the Department of Administrative and Financial Services may be
 44 made available as needed in allotment by financial order upon the
 46 recommendation of the State Budget Officer and approval of the
 Governor to be used for the payment of premium overtime, in
 accordance with the federal Fair Labor Standards Act, to
 employees in the Department of Corrections, Division of Probation
 and Parole in fiscal year 1997-98.

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COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2 this-subsection,--against-the-recipient, in the appropriate court,
either in the name of the commissioner ~~or in the name of the~~
3 injured person,--beneficiary,--guardian,--personal--representative,
4 estate-or-survivor.

6 In addition to the right of recovery set forth in this
7 subsection, the commissioner must also be subrogated, to the
8 extent of any benefits provided under the Medicaid program or
9 under the Maine Health Program, to any cause of action or claim
10 that a beneficiary has against a 3rd party who is or may be
11 liable for medical costs incurred by or on behalf of the
12 beneficiary. The Attorney General, or counsel appointed by the
13 Attorney General, to enforce this right may institute and
14 prosecute legal proceedings in the name of the injured person,
15 beneficiary, guardian, personal representative, estate or
16 survivor. If a recipient of medical assistance receives a
17 settlement or award from a 3rd party, the settlement or award is
18 subject to disbursement as provided in subsection 2-F. If
19 necessary to enforce the commissioner's right of recovery, the
20 Attorney General, or counsel appointed by the Attorney General,
21 may institute legal proceedings against any beneficiary who has
22 received a settlement or award from a 3rd party, subject to the
23 right of equitable apportionment set forth in subsection 2-F.

24 The commissioner may compromise, or settle and execute a release
25 of, any claim or waive any claim, in whole or in part, if the
26 commissioner determines the collection will not be cost-effective.

27 ~~In any case in which 3rd party liability is found under this~~
28 ~~section, the commissioner shall be subrogated to the rights of~~
29 ~~the individual for whom medical assistance was made available.~~

34 PART F

36 Sec. F-1. 22 MRSA §664, sub-§5, as amended by PL 1993, c. 664,
37 §6, is further amended to read:

38 5. Fees. Each nuclear power plant licensee whose
39 operations are monitored under this chapter shall pay a fee to
40 the State Nuclear Safety Inspector to the permanent fund
41 established in section 680, subsection 7. The fee must take the
42 form of a yearly payment indicated in this subsection for the
43 fiscal year from the fund established in section 680, subsection
44 7, for the full cost of the on-site inspection program, including
45 the cost to the State for personnel and fringe benefits.

46 The State Nuclear Safety Inspector fee is \$100,000 \$180,000
47 annually.

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COMMITTEE AMENDMENT

increase in the grant awards
for fiscal year 1997-98 and
fiscal year 1998-99.

Purchased Social Services

Positions - Legislative Count	(-1.000)	(-1.000)
All Other	(49,321)	(49,989)

Provides for the transfer of
one position to the Social
Services Block Grant,
Administration - Social
Services.

DEPARTMENT OF HUMAN SERVICES		
TOTAL	<u>\$1,044,770</u>	<u>263,519</u>

SECTION		
TOTAL ALLOCATIONS	<u>\$1,044,770</u>	<u>\$263,519</u>

PART H

Sec. H-1. 5 MRSA §13090-J is enacted to read:

§13090-J. Tourism Cooperative Marketing Fund

1. Statement of purpose. The Tourism Cooperative Marketing Fund is established to allow the Office of Tourism and Community Development to accept private donations to be used in support of special public and private marketing opportunities.

2. Tourism Cooperative Marketing Fund. The Tourism Cooperative Marketing Fund, referred to in this section as the "fund," is established as an interest-bearing account. All charges collected pursuant to this section must be deposited into the fund. All interest earned by the account becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. Revenue to the fund is collected, managed, deposited, invested and disbursed by the Office of Tourism and Community Development.

3. Revenue sources. For purposes of funding its activities, the Office of Tourism and Community Development is authorized to accept donations from private sources and shall consult with donors in making distribution determinations.

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2 4. Administrative costs. The Office of Tourism and
Community Development may retain a portion of the total donations
4 collected equivalent to the office's administrative costs
incurred in the collection and remission of the donations, not
to exceed 2% of the total donations collected.

6
8 5. Reporting requirements. The Office of Tourism and
Community Development shall submit a report by February 1, 1998
10 and February 1st of each subsequent year to the joint standing
committees of the Legislature having jurisdiction over economic
12 development matters and appropriations and financial affairs
identifying the amount collected and how the fund was disbursed
by the office.

14
16 6. Repeal. This section is repealed on July 1, 2007. The
Office of Tourism and Community Development shall provide its
18 recommendations to the Governor and the joint standing committee
of the Legislature having jurisdiction over economic development
20 matters concerning the need for extending authorization of the
fund.

22 **Sec. H-2. Allocation.** The following funds are allocated from
Other Special Revenue to carry out the purposes of this Part.

	1997-98	1998-99
ECONOMIC AND COMMUNITY DEVELOPMENT,		
DEPARTMENT OF		
Office of Tourism and Community		
Development		
All Other	\$200,000	\$200,000
Provides funds to be used in support of special public and private marketing opportunities.		

42 **PART I**

44 **Sec. I-1. 23 MRSA c. 19, sub-c. VIII** is enacted to read:

46 SUBCHAPTER VIII
48 STATE INFRASTRUCTURE BANK

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ADS

§1853. State infrastructure bank; finding

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The legislature finds that new financing mechanisms are necessary to provide greater flexibility and additional funds for needed transportation infrastructure projects in the State. The creation of a financing mechanism, in conformance with the National Highway System Designation Act of 1995, Public Law 104-59, Section 350, relating to a state infrastructure bank program will enable the State, counties and municipalities to use federal and state highway funds to construct transportation projects eligible for assistance under Section 350. These funds must be deposited into specific accounts in the department. From these accounts, loans may be made to counties and municipalities for eligible transportation projects.

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For purposes of this subchapter, a project is an "eligible transportation project" and is "eligible for assistance" when it complies with the eligibility criteria established in the National Highway System Designation Act of 1995, Public Law 104-59, Section 350.

§1854. State infrastructure bank created

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The state infrastructure bank is created as a revolving fund in the department, to be administered by the department and used for the purposes described in this subchapter. The fund consists of certain federal highway funds and state highway funds and other funds eligible for deposit under applicable federal law; payments received by the department in connection with the state infrastructure bank; investment earnings on money in state infrastructure bank accounts; and other funds as may be provided by law. Separate accounts may be established within the state infrastructure bank if required for its proper administration.

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The fund is a nonlapsing fund. All monies accruing to the credit of the fund must be allocated by the Legislature and expended by the department to effectuate the purposes of this subchapter. Money available in the fund may not be used to hire staff for the department.

§1855. Loans

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The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the

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2 indebtedness, which may be prior or subordinate to or on a parity
3 with other indebtedness, obligations, mortgages, pledges,
4 assignments, other security interests or liens or encumbrances,
5 and take such actions as are appropriate to protect the security
6 and safeguard against losses, including foreclosure and the
7 bidding upon and purchase of property upon foreclosure or other
8 sale. Repayments of a federal share loan may be obligated by the
9 commissioner for any transportation purpose, including the
10 reloaning of such repaid funds for other projects. Reloaned
11 funds are considered state loans, not federal share loans.

12 The commissioner may adopt policies and procedures for the
13 implementation and exercise of the authority granted by this
14 section, including policies and procedures for receiving,
15 reviewing, evaluating and selecting projects for which financial
16 assistance will be approved.

17 **Sec. I-2. Allocation.** The following funds are allocated from
18 the Federal Expenditures Fund to carry out the purposes of this
19 Part.

20
21 1997-98

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23 **TRANSPORTATION, DEPARTMENT OF**

24 **State Infrastructure Bank**

25 All Other \$4,900,000

26 Provides for the allocation of funds to
27 establish a state infrastructure bank.
28 Funds will be used to satisfy financial
29 commitments previously established with the
30 Highway and Bridge Improvement Program, the
31 Town Way Bridge Program and the Collector
32 Road Development Award Program.

33 **Sec. I-3. Allocation.** The following funds are allocated from
34 Other Special Revenue to carry out the purposes of this Part.

35
36 1997-98 1998-99

37 **TRANSPORTATION, DEPARTMENT OF**

38 **State Infrastructure Bank**

39 All Other \$25,000 \$200,000
40 Capital Expenditures 75,000 800,000

Provides for the allocation of funds to be used to fund infrastructure projects that will be financed through repayments to the state infrastructure bank program.

DEPARTMENT OF TRANSPORTATION		
TOTAL	\$100,000	\$1,000,000

PART J

Sec. J-1. 23 MRSA §4420, as amended by PL 1993, c. 649, Pt. J, §1, is further amended to read:

§4420. Purpose

The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is ~~constituted a public agency of a body both corporate and politic in~~ the State established for the general purpose of acquiring, constructing and operating any kind of port terminal facility and railroad facility within the State with all the rights, privileges and power necessary. Oil pipelines and other oil off-loading facilities are limited to sites in Portland harbor.

It is declared that the purposes of this chapter are public and that the authority is performing a governmental function in carrying out this chapter.

PART K

Sec. K-1. Department of Mental Health, Mental Retardation and Substance Abuse Services. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Mental Health, Mental Retardation and Substance Abuse Services is authorized to transfer \$120,000 from unexpended Personal Services appropriations in its various General Fund accounts for the fiscal year ending on June 30, 1997 to the Risk Management Fund in the Department of Administrative and Financial Services not later than June 30, 1998.

PART L

Sec. L-1. Appropriations. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1997-98

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**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Land and Water Quality

Personal Services \$200,000

Provides for the journalling of personnel costs from the Maine Environmental Protection Fund to cover anticipated shortfalls.

Sec. L-2. Loan repayment. Notwithstanding any other provision of law, the scheduled repayment of \$46,000 annually for fiscal year 1997-98 from the Maine Environmental Protection Fund to the Groundwater Oil Clean-up Fund is deferred until fiscal year 1999-2000. Nothing in this section may be construed to delay or alter the repayment due in fiscal year 1998-99.

PART M

Sec. M-1. 17-A MRSA §1202, sub-§1-A is enacted to read:

1-A. Notwithstanding subsection 1, the period of probation for a person convicted under chapter 11 or section 854, excluding subsection 1, paragraph A, subparagraph (1), may be extended by up to 4 years for a Class A crime, by up to 2 years for a Class B or Class C crime and by up to one year for a Class D or Class E crime if the court finds that the additional time is needed to provide sex-offender treatment to the person or to protect the public from the person because, based on one or more of the factors in section 257, the court determines that the person is a high-risk sex offender.

PART N

Sec. N-1. Rulemaking. Resolved: That the Commissioner of Human Services shall adopt rules amending the principles of reimbursement for nursing facilities to apply an occupancy adjustment to facilities with 60 or fewer beds when the annual level of occupancy is less than 85%. Rules adopted pursuant to this authority are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

ABR

law enforcement officers. This subsection takes effect January 1, 2001 or when the funding for the operation of the Judicial Department's computer system lapses, whichever occurs first.

Sec. O-2. 25 MRSA §2803-A, sub-§1, as amended by PL 1993, c. 744, §2, is further amended to read:

1. **Training and certification of all law enforcement officers in State.** In accordance with this chapter, to establish training and certification standards for all law enforcement officers, set requirements for board-approved courses, prescribe curriculum and certify both graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance.

No later than March 1, 1995, the board shall design joint training and certification standards combining into a single basic training course the present State Police course and the basic municipal and county course. The joint training course must equal or exceed any curriculum training requirements of the State Police effective on December 31, 1994. The board shall report its recommendations and the necessary implementing legislation for a basic training course to the Legislature by April 1, 1995. The Legislature must approve the associated costs of the joint training course before it may be implemented.

Until joint training and certification standards are implemented pursuant to this subsection, the Chief of the State Police shall approve the basic training requirements for enlisted personnel of the State Police for graduation from the academy. The board shall certify State Police enlisted personnel who meet the approved basic training requirements.

No later than July 1, 1998, the board shall adopt rules identifying the permissible duties of part-time law enforcement officers who have completed the training courses described in section 2804-B. The rules adopted are major substantive rules for the purposes of Title 5, chapter 375, subchapter II-A and must be implemented no later than December 31, 2001;

Sec. O-3. 25 MRSA §2804-B, sub-§§1 and 3, as enacted by PL 1989, c. 521, §§5 and 17, are amended to read:

1. **Required.** A person shall may not serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty until certified by the board as satisfying all preservice training requirements.

2 **3. Certification.** The board shall certify each person who
4 meets the preservice training standards as eligible to serve as a
6 ~~additional--certification--as--required--by--this--chapter~~ annual
recertification training as prescribed by the board.

8
10 **Sec. O-4. 25 MRSA §2804-C, sub-§1,** as amended by PL 1993, c.
744, §6, is further amended to read:

12 **1. Required.** As a condition to the continued employment of
14 any person as a full-time law enforcement officer by a
16 municipality, a county, the State or any other nonfederal
18 employer, that person must successfully complete, within the
20 first 12 months of employment, a basic training course approved
22 by the board. Thereafter, as a condition of continued employment
24 as a full-time law enforcement officer, the officer must
26 satisfactorily maintain the basic certification by completing the
recertification requirements prescribed by the board. The board,
28 under extenuating and emergency circumstances in individual
cases, may extend that period for not more than 90 days. The
board also, in individual cases, may waive the basic training
requirement when the facts indicate that an equivalent course has
been successfully completed. This section does not apply to any
person employed as a full-time law enforcement officer by a
municipality on September 23, 1971 or by a county on July 1, 1972.

30 **Sec. O-5. 25 MRSA §2804-E, sub-§1,** as amended by PL 1993, c.
744, §7, is further amended to read:

32 **1. Required.** As a condition to the continued employment of
34 a person as a law enforcement officer with the power to make
36 arrests or the authority to carry a firearm in the course of duty
38 by a municipality, county, the State or other nonfederal
employer, that person must successfully complete ~~a minimum number~~
~~of hours of~~ in-service ~~recertification~~ training as prescribed by
the board.

40 **Sec. O-6. 25 MRSA §2806, sub-§1, ¶A,** as amended by PL 1989, c.
521, §§9 and 17, is repealed and the following enacted in its
42 place:

44 A. Shall, no later than March 1st of every year, beginning
46 in 2001, review the certification of all law enforcement and
corrections officers and decertify those individuals who do
48 not meet certification or recertification requirements;

50 **Sec. O-7. Part-time law enforcement officer.** The Board of
Trustees of the Maine Criminal Justice Academy shall submit

legislation January 1, 1999 to add a definition of the term
"part-time law enforcement officer" to the Maine Revised
Statutes, Title 25, section 2801-A.

PART P

Sec. P-1. 37-B MRSA §601, as amended by PL 1997, c. 98, §1,
is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as
"Maine Veterans' Homes." In addition to the existing 120-bed
home located in Augusta, a 120-bed home located in southern-Maine
Scarborough, a home not to exceed ~~60~~ 40 beds located in ~~Arcesteek~~
County Caribou, a home located in Bangor not to exceed 120 beds,
of which 40 beds are dedicated to senile dementia patients, and a
home located in South Paris not to exceed 90 beds, of which 30
beds are dedicated to senile dementia patients, may be
constructed if federal Veterans' Administration funds are
available to meet part of the costs of each facility for
construction or operation. In addition, a home located in
Machias not to exceed 60 beds may be constructed if federal
Veterans' Administration funds or funds from any other state,
federal or private source are available to meet part of the costs
of the facility for construction or operation, except that the
Machias home may not begin operation prior to July 1, 1995 and
the construction and funding of the Machias home may not in any
way jeopardize the construction, funding or financial viability
of any other home. The Board of Trustees of the Maine Veterans'
Homes shall plan and develop ~~these additional homes and may use~~
the Machias home using any funds available for ~~these purposes~~
that purpose, except for the Augusta facility's funded
depreciation account. Any funds loaned to the Maine Veterans'
Homes for operating purposes from the funded depreciation
accounts of the Maine Veterans' Homes must be reimbursed from any
funds received by the Maine Veterans' Homes and available for
that purpose. The primary purpose of the homes is to provide
support and care for honorably discharged veterans who served on
active duty in the United States Armed Forces ~~during wartime,~~
~~including the Korean Conflict, the Vietnam War and the Persian~~
Gulf War for no less than 180 days.

Sec. P-2. 37-B MRSA §607, as amended by PL 1995, c. 211, §1,
is further amended to read:

§607. Admission

A of B.

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2 Veterans desiring admission to the home must apply on forms
prescribed by the administrator. ~~Admission may be granted by the~~
3 ~~administrator only to eligible~~ The administrator shall grant
4 admission only to veterans who were residents of Maine at the
5 time of their entry into the United States Armed Forces or who
6 are residents of Maine at the time of application, and to the
7 spouses, widows or widowers of eligible veterans, provided that
8 suitable facilities are available. Parents of armed services
9 members who are killed in action or die as a consequence of
10 wounds received in battle are also eligible, as so called "gold
11 star" parents, for admission. Admission must be granted when
12 provisions of the rules are met, ~~when there is a vacancy and in~~
13 ~~order of application, unless otherwise provided in the rules~~
14 governing private payment, Medicare and Medicaid eligibility to
15 entitled persons are met. ~~For the purposes of this section,~~
16 ~~"eligible veteran" includes a person who served on active duty in~~
17 ~~the United States Armed Forces at any time during the period from~~
18 ~~December 22, 1961 to August 5, 1964.~~

20 **Sec. P-3. 37-B MRSA §609**, as enacted by PL 1983, c. 460, §3,
is repealed.

22 **Sec. P-4. 37-B MRSA §610**, as enacted by PL 1983, c. 460, §3,
24 is amended to read:

26 **§610. Support and maintenance fund**

28 All funds received by the ~~Treasurer of State shall~~ Maine
29 Veterans' Home, including federal Veterans' Administration
30 stipend funds, must be held by ~~him~~ in a permanent fund to be used
31 as required by the administrator for the support and maintenance
32 of the ~~home~~ homes. A percentage of these funds approved by the
33 board of trustees ~~shall~~ must be placed in reserve for capital
34 improvement expenditures. The board of trustees shall operate the
35 ~~home~~ homes, when constructed, as a self-liquidating ~~preject~~
36 projects until all the bonds issued as provided by this chapter
37 are retired. Any funds received in excess of that necessary for
38 the support and maintenance of the ~~home~~ homes, the capital
39 reserve fund and funds necessary for retirement of any
40 outstanding bonds or indebtedness as those payments become due
41 ~~shall lapse~~ at the end of each fiscal year must be transferred to
42 the Treasurer of State where they are to be applied as credits to
43 the General Fund. The Department of Human Services ~~shall~~ may not
44 modify its principles of reimbursement for long-term care
45 facilities to specifically exclude reimbursement for the
46 depreciation of the assets created with federal or state grants.

48 **Sec. P-5. 37-B MRSA §610-A** is enacted to read:

50 **§610-A. Stipend funds**

2 The Maine Veterans' Homes retain as direct income revenue
4 any stipend funds they may receive from the federal Veterans'
 Administration for the homes' entire eligible resident population.

6 The Department of Human Services may neither receive the
8 proceeds nor require the application of stipend funds in the
 Medicare or Medicaid rate justification submissions by the Maine
 Veterans' Homes.

10 **Sec. P-6. 37-B MRSA §610-B is enacted to read:**

12 **§610-B. Use of stipend funds**

14 The Maine Veterans' Homes shall expend stipend funds
16 received pursuant to section 610-A first on the payment of debt
18 service on, or the setting aside of funds irrevocably to repay as
20 soon as possible, the outstanding principal amount of the bonded
22 indebtedness of the homes and the bonded indebtedness of the
 State on which the homes are obligated to pay debt service. Any
 interest earned on funds set aside irrevocably to repay such
 bonded indebtedness must be credited to the General Fund.

24 Annually, at the beginning of each fiscal year, the Maine
26 Veterans' Homes shall prepare and file with the Department of
 Human Services a written work plan for the use of its anticipated
 financial resources including stipend funds in that fiscal year.

28 The Board of Trustees of the Maine Veterans' Homes in
30 conjunction with the Commissioner of Human Services may agree to
32 develop additional requirements regarding operation of the homes
 as needed.

34 **Sec. P-7. Study on possible conversion of beds.** Prior to June 30,
36 the Maine Veterans' Homes, in consultation with the
 Department of Human Services, shall complete a comprehensive
38 study of the possible conversion of the use of beds at its
 various facilities from skilled nursing care to residential care.

40 **Sec. P-8. Undedicated revenue to the General Fund; Maine Veterans'**
42 **Homes.** Notwithstanding any other provision of law, the Maine
 Veterans' Homes must deposit, as General Fund undedicated
44 revenue, \$835,178 no later than June 1, 1998 and \$1,138,665 no
 later than June 1, 1999.

46 **Sec. P-9. Appropriation.** The following funds are appropriated
48 from the General Fund to carry out the purposes of this Act.

1997-98

1998-99

A. of S.

2 HUMAN SERVICES, DEPARTMENT OF

4 Medical Care - Payments to
6 Providers

6	All Other	\$835,178	\$1,138,665
8	Provides funds to support		
10	totally state-funded		
12	residential care services.		

14 PART Q

16 Sec. Q-1. Appropriation. The following funds are appropriated
18 from the General Fund to carry out the purposes of this Part.

20 1996-97

22 ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF

24 Salary Plan

26	Personal Services		(\$300,000)
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28 Deappropriates funds no longer required.

30 Retirement - Federal Recovery

32	All Other		(300,000)
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34 DEPARTMENT OF ADMINISTRATIVE
AND FINANCIAL SERVICES

36	TOTAL		(\$600,000)
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38	TOTAL APPROPRIATIONS		
40	SECTION Q-1		(\$600,000)

42 Further amend the bill by inserting at the end before the
summary the following:

44 FISCAL NOTE

46 APPROPRIATIONS AND ALLOCATIONS

48	1996-97	1997-98	1998-99	BIENNIUM
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H. of S.

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

2	General Fund				
	PART A, Section A-1	509,500			509,500
4	PART B, Section B-1		2,093,191	1,362,417	3,455,608
	PART L, Section L-1		200,000		200,000
6	PART N, Section N-2			37,245	37,245
	PART P, Section P-9		835,178	1,138,665	1,973,843
8	PART Q, Section Q-1	(600,000)			(600,000)
10	GENERAL FUND,				
	TOTAL	<u>(90,500)</u>	<u>3,128,369</u>	<u>2,538,327</u>	<u>5,576,196</u>
12					
14	Federal Expenditure Fund				
16	PART A, Section A-2	3,000,000			3,000,000
	PART B, Section B-2		18,405,158	1,955,105	20,360,263
18	PART I, Section I-2		4,900,000		4,900,000
	PART N, Section N-3			72,428	72,428
20					
22	FEDERAL EXPENDITURE FUND,				
	TOTAL	<u>3,000,000</u>	<u>23,305,158</u>	<u>2,027,533</u>	<u>28,332,691</u>
24					
26	Other Special Revenue Fund				
28	PART A, Section A-3	270,000			270,000
	PART B, Section B-3		3,990,367	1,272,833	5,263,200
30	PART H, Section H-2		200,000	200,000	400,000
	PART I, Section I-3		100,000	1,000,000	1,100,000
32					
34	OTHER SPECIAL REVENUE FUND,				
	TOTAL	<u>270,000</u>	<u>4,290,367</u>	<u>2,472,833</u>	<u>7,033,200</u>
36					
38	Federal Block Grant Fund				
40	PART G, Section G-1		1,044,770	263,519	1,308,289
42					
44	FEDERAL BLOCK GRANT FUND,				
	TOTAL		<u>1,044,770</u>	<u>263,519</u>	<u>1,308,289</u>
46					
48	State Lottery Fund				
	PART B, Section B-4		96,000	96,000	192,000
50					
	STATE LOTTERY FUND				
	TOTAL		<u>96,000</u>	<u>96,000</u>	<u>192,000</u>

COMMITTEE AMENDMENT

A of B.

COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138

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GENERAL FUND UNDEDICATED REVENUE

	1996-97	1997-98	1998-99	BIENNIUM
PART A				
Section A-1 Conservation - Fire Control (UT)		203,800		203,800
PART B				
Section B-1 Conservation- Fire Control		60,610	61,634	122,244
PART P				
Section P-8 Maine Veterans' Home		835,178	1,138,665	1,973,843
GENERAL FUND UNDEDICATED REVENUE, TOTAL		<u>1,099,588</u>	<u>1,200,299</u>	<u>2,299,887</u>

Part D dedicates interest earnings from balances in the Federal-state Inspection Fund to that fund in fiscal year 1997-98 only. The amounts can not be determined at this time.

Part M will result in additional staffing costs to the Department of Corrections estimated to be \$82,946 in fiscal year 1998-99. If other funds are not available to support these additional staffing costs, the caseload of individual Probation Officer positions will increase beginning in fiscal year 1998-99 and are projected to escalate during the 2000-2001 biennium. The impact such an increase will have on the Probation and Parole program can not be determined at this time. The Judicial Department may require additional General Fund appropriations to cover indigent defense costs resulting from an increase in probation revocation cases in Superior and District Court. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.

Part O delays the implementation dates related to the recertification training requirements of law enforcement officers

COMMITTEE AMENDMENT

R.S.

2 such that General Fund costs can be avoided. Other Special
Revenue from a 2% surcharge will be available to fund the
4 additional costs to the Department of Public Safety beginning in
fiscal year 2000-01.

6 Part P includes General Fund appropriations to the Medical
Care - Payments to Providers program and offsetting increases in
8 General Fund revenue from funds deposited by the Maine Veterans'
Home. Since the Maine Veterans' Home is a Medicaid provider, it
10 is possible that the actions contained in this Part may be
construed to be in violation of federal requirements, including
12 restrictions on provider donations. Federal sanctions may
result.'

14

16

SUMMARY

18

PART A

20

Part A makes supplemental appropriations and allocations of
22 funds in fiscal year 1996-97.

24

PART B

26

Part B makes supplemental appropriations and allocations of
28 funds in fiscal year 1997-98 and fiscal year 1998-99.

28

PART C

30

Part C does the following:

32

34 1. Authorizes the administrator of the abandoned property
program to withhold certain transfers from abandoned property to
the General Fund for the period of June 30, 1997 to September 30,
36 1997;

38

2. Authorizes the Bureau of Information Services to
restructure the rates charged to state departments and agencies
40 and for the State Budget Officer to transfer savings or costs
among the affected programs;

42

44 3. Authorizes savings accruing due to workers' compensation
rate adjustments to state departments and agencies to be
transferred among accounts adversely impacted by those
46 adjustments.

48

4. Makes funds available in the salary plan for the payment
of premium overtime to the Division of Probation and Parole
50 employees in fiscal year 1997-98; and

COMMITTEE AMENDMENT

PART K

2 Part K authorizes the Department of Mental Health, Mental
4 Retardation and Substance Abuse Services to transfer \$120,000
6 from unexpended Personal Services appropriations to the Risk
Management Fund by June 30, 1998.

PART L

8
10 Part L does the following:

12 1. Appropriates \$200,000 in fiscal year 1997-98 from the
14 General Fund to cover anticipated shortfalls in the Bureau of
Land and Water Quality in the Department of Environmental
16 Protection; and

18 2. Authorizes a \$46,000 loan repayment from the Maine
20 Environmental Protection Fund to the Groundwater Oil Clean-up
Fund to be deferred from fiscal year 1997-98 to fiscal year
1999-2000.

PART M

22
24 Part M allows a court to impose a period of probation of up
26 to 10 years for a Class A crime, up to 6 years for a Class B or
Class C crime and up to 2 years for a Class D or Class E crime if
28 the person is convicted of a sexual assault or of indecent
conduct, excluding a conviction for engaging in a sexual act in a
30 public place, and the court finds that additional probationary
time is needed to either provide sex-offender treatment to the
32 offender or protect the public from an offender determined as a
high-risk sex offender.

PART N

34
36 Part N does the following:

38 1. Requires the Commissioner of Human Services to adopt
40 rules amending the principles of reimbursement for nursing
facilities to apply an occupancy adjustment to facilities with 60
42 or fewer beds when the annual level of occupancy is less than
85%; and

44 2. Makes a General Fund appropriation and Federal
46 Expenditure Fund allocation in fiscal year 1998-99 related to
changing the occupancy adjustment for nursing facilities with 60
48 or fewer beds.

ADD.

PART O

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Part O allows all law enforcement officers to complete specified recertification training each year. It delays requiring the board of the Maine Criminal Justice Academy to review the certification of all law enforcement officers and corrections officers until the year 2001. Part O also authorizes the use of dedicated revenue from a 2% surcharge on fines, forfeitures and penalties to be paid to the Maine Criminal Justice Academy to fund training and recertification programs for law enforcement officers beginning in fiscal year 2000-01.

PART P

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Part P allows the Maine Veterans' Homes, not the Department of Human Services, to receive and retain the stipend provided by the federal Veterans' Administration. It provides funding to the Department of Human Services for residential services and requires the Maine Veterans' Homes to deposit funds in the General Fund in fiscal years 1997-98 and 1998-99. It also expands the criteria for admission to the veterans' homes. It also requires Maine Veterans' Homes to complete a comprehensive study of the possible conversion of beds from skilled nursing care to residential care.

PART Q

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Part Q makes deappropriations from the General Fund in fiscal year 1996-97.