

MAINE STATE LEGISLATURE

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R. 018

L.D. 855

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DATE: 6-20-01

(Filing No. H-747)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

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HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 855, 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, 2002 and June 30, 2003"

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Amend the amendment by striking out the substitute title and replacing it with the following:

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'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 Fiscal Years Ending June 30, 2002 and June 30, 2003'

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Further amend the amendment by striking out all of the emergency preamble.

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Further amend the amendment in Part T in section 9 in the 2nd line (page 132, line 6 in amendment) by striking out the following: "July" and inserting in its place the following: 'October'

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Further amend the amendment by striking out all of Part AA.

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Further amend the amendment in Part HH in section 4 in the last line (page 162, line 39 in amendment) by striking out the following: "September" and inserting in its place the following: 'November'

46

Further amend the amendment in Part UUUU by striking out all

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HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 855

of sections 2, 3 and 4 (page 261, lines 6 to 49 and page 262 lines 1 to 15 in amendment) and inserting in their place the following:

Sec. UUUU-2. 36 MRSA §4365-E is enacted to read:

§4365-E. Application of cigarette tax rate increase effective October 1, 2001

The following provisions apply to cigarettes held for resale on October 1, 2001.

1. Stamped rate. Cigarettes stamped at the rate of 37 mills per cigarette and held for resale after September 30, 2001 are subject to tax at the rate of 47 mills per cigarette.

2. Liability. A person possessing cigarettes for resale is liable for the difference between the tax rate of 47 mills per cigarette and the tax rate of 37 mills per cigarette in effect before October 1, 2001. Stamps indicating payment of the tax imposed by this section must be affixed to all packages of cigarettes held for resale as of October 1, 2001, except that cigarettes held in vending machines as of that date do not require that stamp.

3. Vending machines. Notwithstanding any other provision of this chapter, it is presumed that all cigarette vending machines are filled to capacity on October 1, 2001 and that the tax imposed by this section must be reported on that basis. A credit against this inventory tax must be allowed for cigarettes stamped at the rate of 47 mills per cigarette placed in vending machines before October 1, 2001.

4. Payment. Payment of the tax imposed by this section must be made to the State Tax Assessor by January 1, 2002, accompanied by forms prescribed by the assessor.

Sec. UUUU-3. 36 MRSA §4366-A, sub-§2, as enacted by PL 1997, c. 458, §10, is repealed and the following enacted in its place:

2. Provided to sellers. The State Tax Assessor shall provide stamps suitable to be affixed to packages of cigarettes as evidence of the payment of the tax imposed by this chapter. The assessor may permit a licensed distributor to pay for the stamps within 30 days after the date of purchase, if a bond satisfactory to the assessor in an amount not less than the sale price of the stamps has been filed with the assessor conditioned upon payment for the stamps. The assessor shall sell cigarette

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stamps to licensed distributors at the following discounts from their face value:

A. For stamps at the face value of 37 mills sold through September 30, 2001, 2.5%;

B. For stamps at the face value of 47 mills sold prior to July 1, 2002, 2.16%; and

C. For stamps at the face value of 47 mills sold on or after July 1, 2002, 2.03%.

Sec. UUUU-4. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 36, section 4365 takes effect October 1, 2001.'

Further amend the amendment in Part VVVV by striking out all of section 3 (page 263, lines 5 to 8 in amendment) and inserting in its place the following:

'Sec. VVVV-3. Application. Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 36, section 1752, subsection 8-A and amend Title 36, section 1811 apply to sales occurring on or after October 1, 2001.'

Further amend the amendment by striking out all of Part YYYY.

Further amend the amendment by inserting after Part ZZZZ the following:

PART AAAAA

Sec. AAAAA-1. State Controller; post-closing. The State Controller is authorized to keep open the official system of general accounts of State Government for fiscal year 2000-01 in order to make post-closing entries and adjustments to carry out the provisions of this Act.

PART BBBB

Sec. BBBB-1. Transfer. Notwithstanding any other provision of law, the State Controller shall transfer \$1,750,000 from the Fund for a Healthy Maine to General Fund unappropriated surplus no later than June 30, 2003.

PART CCCCC

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2 purchase under the program and shall negotiate a bulk purchase
3 price of those cameras, provided that the units are able to pay
4 for the cameras or have qualified for a loan pursuant to
5 subsection 4.

6 3. Fund established. The Thermal Imaging Camera Fund is
7 established from which the loans authorized under subsection 4
8 may be made. The fund, which is a nonlapsing fund, receives
9 money from appropriations made by the Legislature and from any
10 other public or private source including repayment of loans.
11 Money deposited in the fund and any interest earnings on that
12 money remain in the fund to be used for loans pursuant to this
13 section.

14 4. Loans and purchases authorized. To the extent money is
15 available in the fund, the commissioner may make interest-free
16 loans to local fire-fighting units, or the appropriate units of
17 government with jurisdiction over the fire-fighting units, to
18 assist in the purchase of the thermal imaging cameras for which
19 the commissioner negotiates a price pursuant to subsection 2.
20 The commissioner may recover administrative costs associated with
21 administering the loans through a processing fee equitably
22 imposed on local fire-fighting units, or the units of government
23 with jurisdiction over the fire-fighting units, which receive
24 loans under this section. The commissioner shall also arrange
25 for the direct purchase of a thermal imaging camera by a local
26 fire-fighting unit if no loan is sought or available. The
27 commissioner by rule shall establish procedures for determining
28 which local fire-fighting units qualify to receive loans in the
29 event the fund is insufficient to provide loans to all
30 fire-fighting units that seek loans. Rules adopted to implement
31 this section are routine technical rules as defined in Title 5,
32 chapter 375, subchapter II-A.

34 **Sec. DDDDD-2. Appropriation.** The following funds are
35 appropriated from the General Fund to carry out the purposes of
36 this Part.

2001-02

40 **PUBLIC SAFETY, DEPARTMENT OF**
41 **Thermal Imaging Camera Program**

44	Capital Expenditures	\$5,000
46	Provides funds to establish	
48	the Thermal Imaging Camera	
50	Fund from which loans may be	
	made to local fire-fighting	

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HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 855

2 units for the purchase of
thermal imaging cameras.
4 Money in the fund does not
lapse, but must be carried
forward.

6
8 **Sec. DDDDD-3. Allocation.** The following funds are allocated
from Other Special Revenue funds to carry out the purposes of
this Part.

10
12 2001-02 2002-03

14 **PUBLIC SAFETY, DEPARTMENT OF**

16 **Thermal Imaging Camera Fund**

18 All Other \$5,000 \$500

20 Allocates funds from the
Thermal Imaging Camera Fund
22 to carry out the purposes of
this Part.

24 **PART EEEEE**

26 **Sec. EEEEE-1. 5 MRSA §1513, sub-§5** is enacted to read:

28 5. Death benefits. The Governor shall allocate funds from
30 the Maine Rainy Day Fund as needed to pay benefits due pursuant
to Title 25, chapter 195-A. Allocations may be made upon written
32 request of the Chief of the State Police, State Fire Marshal or
Director of Maine Emergency Medical Services, and after
consultation with the State Budget Officer.

34 **Sec. EEEEE-2. 5 MRSA §18005, sub-§2,** as amended by PL 1991,
36 c. 885, Pt. E, §12 and affected by §47, is further amended to
read:

38 **2. Workers' compensation or similar law.** The amount
40 payable under this article must be reduced by any amount received
by the surviving spouse and dependent child or dependent children
42 under former Title 39, the Workers' Compensation Act or Title
39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a
44 similar law. For purposes of this article, a death benefit paid
to a law enforcement officer, firefighter or emergency medical
46 services person under Title 25, chapter 195-A is not considered a
benefit paid under a "similar law" and may not be used to reduce
48 the amount payable under this article.

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2 A. Lump-sum settlements of benefits that would reduce the
accidental death benefits under this subsection must be
4 prorated on a monthly basis in an equitable manner
prescribed by the board.

6 B. The prorated lump-sum settlement amounts must reduce the
accidental death benefits payable monthly under this article.

8 **Sec. EEEEE-3. 5 MRSA §18605, sub-§2**, as amended by PL 1991,
10 c. 885, Pt. E, §16 and affected by §47, is further amended to
read:

12 **2. Workers' compensation or similar law.** The amount payable
14 under this article must be reduced by any amount received by the
surviving spouse and dependent child or dependent children under
16 former Title 39, the Workers' Compensation Act or Title 39-A,
Part 1, the Maine Workers' Compensation Act of 1992, or a similar
18 law. For purposes of this article, a death benefit paid to a law
enforcement officer, firefighter or emergency medical services
20 person under Title 25, chapter 195-A is not considered a benefit
paid under a "similar law" and may not be used to reduce the
22 amount payable under this article.

24 A. Lump-sum settlements of benefits that would reduce the
accidental death benefits under this subsection must be
26 prorated on a monthly basis in an equitable manner
prescribed by the board.

28 B. The prorated lump-sum settlement amounts must reduce the
accidental death benefits payable monthly under this article.

30 **Sec. EEEEE-4. 25 MRSA c. 195-A** is enacted to read:

32 **CHAPTER 195-A**

34 **DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS
36 AND EMERGENCY MEDICAL SERVICES PERSONS WHO DIE
38 WHILE IN THE LINE OF DUTY**

40 **§1611. Definitions**

42 As used in this chapter, unless the context otherwise
44 indicates, the following terms have the following meanings.

46 **1. Chief.** "Chief" means the Chief of the State Police.

48 **2. Director.** "Director" means the Director of Maine
Emergency Medical Services as defined in Title 32, section 83,
50 subsection 10-A.

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2 **3. Emergency medical services person.** "Emergency medical
3 services person" has the same meaning as in Title 20-A, section
4 12552, subsection 1-C.

6 **4. Firefighter.** "Firefighter" means an active municipal
7 firefighter or an active volunteer firefighter, as defined in
8 Title 30-A, section 3151.

10 **5. Law enforcement officer or officer.** "Law enforcement
11 officer" or "officer" means an active state police officer,
12 municipal police officer, county sheriff, deputy sheriff, game
13 warden, fire marshal, liquor enforcement officer or marine patrol
14 officer in this State.

16 **§1612. Death benefit**

18 **1. Amount; recipients.** In a case in which the chief
19 determines under rules adopted pursuant to this section that a
20 law enforcement officer has died while in the line of duty or in
21 a case in which the State Fire Marshal determines under rules
22 adopted pursuant to this section that a firefighter has died
23 while in the line of duty or in a case in which the director
24 determines under rules adopted pursuant to this section that an
25 emergency medical services person has died while in the line of
26 duty, the State shall pay a benefit of \$50,000 as follows:

28 **A. If there is no surviving child of the firefighter, law**
29 **enforcement officer or emergency medical services person, to**
30 **the surviving spouse of the person;**

32 **B. If there is a surviving child or children and a**
33 **surviving spouse of the firefighter, law enforcement officer**
34 **or emergency medical services person, 1/2 to the surviving**
35 **child or children in equal shares and 1/2 to the surviving**
36 **spouse;**

38 **C. If there is no surviving spouse of the firefighter, law**
39 **enforcement officer or emergency medical services person, to**
40 **the child or children in equal shares; or**

42 **D. If there is no surviving child or spouse, to the parent**
43 **or parents of the firefighter, law enforcement officer or**
44 **emergency medical services person in equal shares.**

46 **2. Interim benefit payment.** Interim benefits may be paid
47 as follows.

48 **A. When the State Fire Marshal determines upon showing of**
50 **need and prior to final action that the death of a**

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2 firefighter is a death for which a benefit will probably be
3 paid, the State Fire Marshal may make an interim benefit
4 payment not exceeding \$3,000 to the individual or
5 individuals entitled to receive a benefit under subsection 1
6 in the manner set out in subsection 1.

7
8 B. When the chief determines upon showing of need and prior
9 to final action that the death of an officer is a death for
10 which a benefit will probably be paid, the chief may make an
11 interim benefit payment not exceeding \$3,000 to the
12 individual or individuals entitled to receive a benefit
13 under subsection 1 in the manner set out in subsection 1.

14 C. When the director determines upon showing of need and
15 prior to final action that the death of an emergency medical
16 services person is a death for which a benefit will probably
17 be paid, the director may make an interim benefit payment
18 not exceeding \$3,000 to the individual or individuals
19 entitled to receive a benefit under subsection 1 in the
20 manner set out in subsection 1.

21
22 3. Deduction of interim payment. The State Fire Marshal,
23 the chief or the director, as the case may be, shall deduct the
24 amount of an interim payment made pursuant to subsection 2 from
25 the amount of any final benefit paid to the individual or
26 individuals entitled to receive a benefit under subsection 1.

27
28 4. Repayment of interim payment; waiver. If a final
29 benefit is not paid, the recipient or recipients of any interim
30 payment under subsection 2 are liable for repayment of the amount
31 received. The State Fire Marshal in the case of a firefighter,
32 the chief in the case of a law enforcement officer or the
33 director in the case of an emergency medical services person may
34 waive all or part of the repayment if that official determines
35 that undue hardship would result from that repayment.

36
37 5. Execution or attachment prohibited. A benefit paid
38 under this section is not subject to execution or attachment.

39
40 6. Other benefits. The \$50,000 benefit payable under this
41 section may not be considered a benefit paid under "similar law"
42 for purposes of Title 5, sections 18005 and 18605 and may not be
43 used to reduce any accidental death benefit amount payable under
44 those provisions or under any other provision of law.

45
46 7. Payment from the Maine Rainy Day Fund. Benefits are
47 payable from the Maine Rainy Day Fund as provided in Title 5,
48 section 1513.

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8. Rulemaking. The State Fire Marshal, the chief and the Emergency Medical Services' Board shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

PART FFFFF

Sec. FFFFF-1. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
FINANCE AUTHORITY OF MAINE		
Maine Dental Education Loan Program		
All Other	\$60,000	\$120,000

Provides additional funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in a school of dental education or to repay loan agreements for practicing doctors of dental medicine who practice in underserved population areas.'

Further amend the amendment by striking out all of the emergency clause.

Further amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

FISCAL NOTE

This amendment will increase the General Fund cost of the bill by \$4,647,296, primarily from the delay in the effective date of certain taxes. The transfer of \$1,750,000 from the Fund for a Healthy Maine in fiscal year 2002-03 will reduce the General Fund cost of the bill by \$1,715,000 in fiscal year 2002-03 after netting out additional appropriations. This amendment will maintain a balanced General Fund budget for the 2002-2003 biennium. The impact of the delay of certain

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2 provisions of this bill may have program impacts and fiscal impacts that can not be determined at this time.

4 The estimated balance in the Fund for a Healthy Maine is sufficient to fund the additional allocations and the transfer in this amendment.
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SUMMARY

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This amendment removes the emergency preamble and emergency clause from the bill as amended. The amendment adjusts dates in the cigarette tax and the meal tax provisions to reflect the nonemergency status. It authorizes the State Controller to keep open the official system of general accounts of State Government for fiscal year 2000-01 to make post-closing entries and adjustments to carry out the provisions of this Act. The amendment also increases transfers from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund.

20

This amendment also changes the date of transfer of funds to the Governor Baxter School for the Deaf Student Trust Fund from July 1, 2001 to October 1, 2001. The amendment also strikes the language authorizing a tax anticipation note to cover the debt service costs associated with that note. The amendment also changes the reporting date on which the Maine State Housing Authority must report on the energy issues from September 1, 2001 to November 1, 2001. The amendment also strikes the language that authorizes the expenditure of funding among pharmaceutical benefits programs administered by the Department of Human Services.

32

The amendment provides a General Fund appropriation to the Department of Labor for the continuation of the Maine Airs program through the Iris Network, formerly known as the Maine Center for the Blind and Visually Impaired.

36

The amendment directs the State Fire Marshal to negotiate a bulk purchase price for thermal imaging cameras to be purchased by local fire-fighting units and law enforcement agencies. This amendment also establishes a fund by which loans can be made for the purchase of thermal imaging cameras and provides an appropriation and an allocation for these purposes.

44

The amendment authorizes payments from the Maine Rainy Day Fund for death benefits for law enforcement officers,

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HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 655, L.D.
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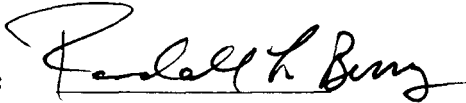
2 firefighters and emergency medical services personnel who die in
the line of duty.

4 The amendment provides additional funds from the Fund for a
6 Healthy Maine for loans to Maine residents enrolled in a school
of dental education or to repay loan agreements for practicing
8 doctors of dental medicine who practice in underserved population
areas.

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SPONSORED BY:



(Representative R. BERRY)

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TOWN: Livermore

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