

MAINE STATE LEGISLATURE

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2 computation of the apportionable income tax base for the taxable
3 year. Eighty-five percent of any amounts paid pursuant to a
4 contract by the taxpayer to an employee-leasing company for
5 leased employees, and 100% of the amount paid pursuant to a
6 contract to a temporary services company for temporary employees,
7 must be included in the taxpayer's payroll factor. The payroll
8 factor of an employee-leasing company or a temporary services
9 company must exclude compensation paid to leased or temporary
10 employees who are providing personal services to client companies.

11 A. The compensation of any employee for services or
12 activities that are connected with the production of income
13 that is not includable in the apportionable income base and
14 payments made to any independent contractor or any other
15 person not properly classifiable as an employee are excluded
16 from both the numerator and denominator of the factor.

17 B. Compensation is paid in this State if any one of the
18 following tests, applied consecutively, is met.

19 (1) The employee's services are performed entirely in
20 this State.

21 (2) The employee's services are performed both in and
22 outside the State, but the service performed outside
23 the State is incidental to the employee's service in
24 the State. For the purposes of this subsection,
25 "incidental" means any service that is temporary to
26 transitory in nature or that is rendered in connection
27 with an isolated transaction.

28 (3) If the employee's services are performed both in
29 and outside the State, the employee's compensation is
30 attributed to this State:

31 (a) If the employee's principal base of
32 operations is in this State;

33 (b) If there is no principal base of operations
34 in any state in which some part of the services
35 are performed, but the place from which the
36 services are directed or controlled is in this
37 State; or

38 (c) If the principal base of operations and the
39 place from which the services are directed or
40 controlled are not in any state in which some part
41 of the service is performed, but the employee's
42 residence is in this State.

2 **Sec. D-6. 36 MRSA §5210, sub-§3**, as enacted by PL 1981, c.
698, §187, is amended to read:

4 **3. Compensation.** "Compensation" means wages, salaries,
6 commissions and any other form of remuneration paid to employees
for personal services. "Compensation" includes amounts paid to
8 an employee-leasing company for leased employees and amounts paid
10 to a temporary services company for temporary employees, pursuant
to a contract between the taxpayer and an employee-leasing
company or temporary services company.

12 **Sec. D-7. 36 MRSA §5210, sub-§§3-A, 3-B, 7 and 8** are enacted to
read:

14 **3-A. Employee-leasing company.** "Employee-leasing company"
16 means a business that contracts with client companies to supply
workers to perform services for the client companies, except that
18 the term "employee-leasing company" does not include private
employment agencies that provide workers to client companies on a
20 temporary help basis.

22 **3-B. Leased employee.** "Leased employee" means an individual
who performs services for a client company pursuant to a contract
24 between the client company and an employee-leasing company.

26 **7. Temporary help.** "Temporary help" means employee services
provided to client companies for a contractual period of less
28 than 12 months.

30 **8. Temporary services company.** "Temporary services company"
means a private employment agency, other than an employee-leasing
32 company, that provides workers to client companies on a temporary
help basis.

34 **Sec. D-8. 36 MRSA §5211, sub-§12**, as enacted by P&SL 1969, c.
36 154, §F, is amended to read:

38 **12. Payroll factor.** The payroll factor is a fraction, the
numerator of which is the total amount paid in this State during
40 the tax period by the taxpayer for compensation, and the
denominator of which is the total compensation paid everywhere
42 during the tax period. Eighty-five percent of any amounts paid
pursuant to a contract by the taxpayer to an employee-leasing
44 company for leased employees, and 100% of the amount paid
pursuant to a contract to a temporary services company for
46 temporary employees, must be included in the taxpayer's payroll
factor. The payroll factor of an employee-leasing company or a
48 temporary services company must exclude compensation paid to
leased or temporary employees who are providing personal services
50 to client companies.

Sec. D-9. Application date. Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 5102, subsection 6 and enact Title 36, section 5202-C apply to tax years beginning on or after January 1, 2002. Those sections of this Part that amend Title 36, section 5206-D, subsection 5; section 5206-E, subsection 4; section 5210, subsection 3; and section 5211, subsection 12 and that enact Title 36, section 5206-D, subsections 7-A, 8-A, 20-A and 20-B and section 5210, subsections 3-A, 3-B, 7 and 8 apply to tax years beginning on or after January 1, 2002.

PART E

Sec. E-1. PL 1999, c. 401, Pt. E, §5, as amended by PL 1999, c. 731, Pt. F, §4, is further amended to read:

Sec. E-5. Position authorization. Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Bureau of the Budget is authorized to establish ~~one~~ 2 limited-period Senior Budget Analyst ~~position~~ positions for backup for an existing ~~position~~ positions assigned full time to the design and implementation of the new Budget Management System and ~~one limited-period Management Analyst II position to provide project management support to the Budget Management System project team.~~ These positions must be funded from the Budget Management System project budget provided for in Public Law 1999, chapter 4 and must end on June 30, ~~2001~~ 2002.

PART F

Sec. F-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services in cooperation with the Treasurer of State may enter into financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of motor vehicles for the Central Motor Pool. The financing agreements may not exceed 4 years in duration and \$4,600,000 in principal costs. The interest rate may not exceed 6% and total interest costs may not exceed \$690,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Motor Pool account.

Sec. F-2. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Bureau of Information

Services, in cooperation with the Treasurer of State may enter into financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of hardware, software and systems to support the operations of State Government. The financing agreements may not exceed 3 years in duration and \$3,000,000 in principal costs. The interest rate may not exceed 7% and total interest costs may not exceed \$340,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Bureau of Information Services Internal Service Fund account.

Sec. F-3. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 1, the Maine Governmental Facilities Authority may issue securities in its own name in an amount up to \$7,360,000, the proceeds of which must be used for the purposes of paying the cost of the construction and renovation of the following projects: utilities infrastructure replacement and renovation at the Augusta Mental Health Institute, certain renovations at Buildings G, H and I at the Governor Baxter School for the Deaf and renovations at the Department of Transportation building in Augusta.

PART G

Sec. G-1. 34-A MRSA §1214 is enacted to read:

§1214. Office of Victim Services

1. Establishment. The Office of Victim Services, referred to in this section as the "office," is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections as defined in section 1210-A or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims.

2. Victim Services Coordinator. The Victim Services Coordinator shall direct and coordinate the office.

A. The Victim Services Coordinator shall report only to the commissioner or an associate commissioner.

B. The Victim Services Coordinator shall, with the approval of the commissioner or an associate commissioner, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator.

2 3. Duties. The office, through the Victim Services
3 Coordinator and other victim advocates, shall:

4 A. Receive or refer complaints made by victims;

6 B. Intercede on behalf of victims with officials of the
7 department, any correctional facility, any detention
8 facility, community corrections as defined in section 1210-A
9 or any contract agency or assist these persons in the
10 resolution of victim-related issues;

12 C. Act as an information source regarding the rights of
13 victims and keep informed about all laws, administrative
14 rules and institutional and other policies relating to the
15 rights and dignity of victims and about relevant legal
16 decisions and other developments related to the field of
17 corrections, both in this State and in other parts of the
18 country;

20 D. Ensure that victims who request notice of release
21 receive it;

22 E. Assist victims who are being harassed by persons in the
23 custody or under the supervision of the department with
24 obtaining protection from that harassment; and

26 F. Assist victims with obtaining victim compensation,
27 restitution and other benefits of restorative justice.

30 4. Confidentiality. Requests for action by the office must
31 be treated confidentially and may be disclosed only to a state
32 agency if necessary to carry out the statutory functions of that
33 agency or to a criminal justice agency if necessary to carry out
34 the administration of criminal justice or the administration of
35 juvenile criminal justice. In no case may a victim's request for
36 notice of release be disclosed outside the department and the
37 office of the attorney for the State with which the request was
38 filed.

40 **Sec. G-2. 34-A MRSA §1403, sub-§9, ¶E, as amended by PL 1991,**
41 **c. 716, §6, is further amended to read:**

42 E. Funds from these industries accounts may be used to pay
43 for materials, supplies, equipment, salaries and other costs
44 of establishing and operating applied technology training,
45 work and industrial programs. For industries programs
46 certified by the United States Department of Justice under
47 the United States Code, Title 18, Section 1761, mandatory
48 contributions to the Crime-Victim-Assistance-Program shall
49 for crime victim services must be made from these industries
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accounts and transferred to the control of the Department of
Human Services to be used exclusively for the Crime Victim
Assistance Program Office of Victim Services, as established
in section 1214.

Sec. G-3. Transfer of funds; teachers at Northern Maine Juvenile Facility. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Corrections is authorized to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses and authorized labor market adjustments for teachers at the Northern Maine Juvenile Facility in accordance with Title 5, section 7065.

Sec. G-4. Intermittent positions. Notwithstanding the Maine Revised Statutes, Title 5, section 1583-A or any other provision of law, the Department of Corrections may establish, if funds are available, intermittent positions for the purpose of performing duties for which unbudgeted overtime would otherwise be incurred.

Notwithstanding any other restriction of funds appropriated or allocated to the Department of Corrections, the State Budget Officer may, after determining that funds are available, either approve the use of the funds or recommend appropriate action to the Governor when the Governor's approval is required.

Available funds may include amounts appropriated or allocated to the Department of Corrections for Personal Services, All Other or Capital Expenditures or unallocated funds.

Sec. G-5. Rename Southern Maine Juvenile Facility. Notwithstanding any other provision of law, on July 1, 2001, the title of the Southern Maine Juvenile Facility is changed to Long Creek Youth Development Center.

Sec. G-6. Revision clause. Wherever in the Maine Revised Statutes the words "Southern Maine Juvenile Facility" appear or reference is made to that entity or those words, they are amended to read and mean "Long Creek Youth Development Center" or "facility" as appropriate and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. G-7. Rename Northern Maine Juvenile Facility. Notwithstanding any other provision of law, on July 1, 2001, the title of the Northern Maine Juvenile Facility is changed to Mountain View Youth Development Center.

2 **Sec. G-8. Revision clause.** Wherever in the Maine Revised
3 Statutes the words "Northern Maine Juvenile Facility" appear or
4 reference is made to that entity or those words, they are amended
5 to read and mean "Mountain View Youth Development Center" or
6 "facility" as appropriate and the Revisor of Statutes shall
7 implement this revision when updating, publishing or republishing
8 the statutes.

9 **Sec. G-9. Funds carried forward.** Notwithstanding the Maine
10 Revised Statutes, Title 5, section 1585, or any other provision
11 of law, an amount not to exceed \$582,099 in the Personal Services
12 line category remaining on June 30, 2001 in the General Fund,
13 Maine Correctional Center program in the Department of
14 Corrections may not lapse but must be carried forward to fiscal
15 year 2001-02 within the same account for the purpose of allowing
16 overtime funds to be used as needed to prepare the department for
17 openings of new facilities.

18 **Sec. G-10. Funds carried forward.** Notwithstanding the Maine
19 Revised Statutes, Title 5, section 1585, or any other provision
20 of law, an amount not to exceed \$293,279 in the Personal Services
21 line category remaining on June 30, 2001 in the General Fund,
22 Northern Maine Juvenile Facility program in the Department of
23 Corrections may not lapse but must be carried forward to fiscal
24 year 2001-02 within the same or renamed account for the purpose
25 of allowing overtime funds to be used as needed to prepare the
26 department for openings of new facilities.

27 **Sec. G-11. Funds carried forward.** Notwithstanding the Maine
28 Revised Statutes, Title 5, section 1585, or any other provision
29 of law, an amount not to exceed \$488,333 in the Personal Services
30 line category remaining on June 30, 2001 in the General Fund,
31 Maine State Prison program in the Department of Corrections may
32 not lapse but must be carried forward to fiscal year 2001-02
33 within the same account for the purpose of allowing overtime
34 funds to be used as needed to prepare the department for openings
35 of new facilities.

36 **Sec. G-12. Funds carried forward.** Notwithstanding the Maine
37 Revised Statutes, Title 5, section 1585, or any other provision
38 of law, an amount not to exceed \$557,407 in the Personal Services
39 line category remaining on June 30, 2001 in the General Fund,
40 Maine Youth Center program in the Department of Corrections may
41 not lapse but must be carried forward to fiscal year 2001-02
42 within the same or renamed account for the purpose of allowing
43 overtime funds to be used as needed to prepare the department for
44 openings of new facilities.

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PART H

2001-02

2002-03

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

**Public Information and Education -
Division of**

Positions - FTE Count	(0.924)	(0.924)
Personal Services	\$20,000	\$20,000

Appropriates funds to restore
3 part-time Recreational and
Safety Coordinator positions.

PART J

Sec. J-1. 5 MRSA §946, sub-§1, ¶K, as amended by PL 1995, c. 395, Pt. G, §3 and affected by §20, is further amended to read:

K. Assistant Associate Commissioners; and

Sec. J-2. 5 MRSA §946, sub-§1, ¶L, as enacted by PL 1995, c. 395, Pt. G, §4 and affected by §20, is amended to read:

L. Director, Division of Mental Retardation; and

Sec. J-3. 5 MRSA §946, sub-§1, ¶M is enacted to read:

M. Deputy Commissioner.

Sec. J-4. 34-B MRSA §1202, sub-§2, ¶B, as amended by PL 1995, c. 395, Pt. C, §2, is further amended to read:

B. If the office of the commissioner is vacant or if the commissioner is absent or disabled, the associate deputy commissioner ~~for programs~~ shall perform the duties and have the powers provided by law for the commissioner.

Sec. J-5. 34-B MRSA §1202, sub-§2, ¶D, as enacted by PL 1995, c. 395, Pt. C, §3, is amended to read:

D. If the offices of the commissioner and the associate deputy commissioner ~~for programs~~ are vacant or if both officials are absent or disabled, the associate commissioner for administration shall perform the duties and have the powers provided by law for the commissioner.

Sec. J-6. 34-B MRSA §1204, sub-§2, as amended by PL 2001, c. 194, §1, is further amended to read:

2 **2. Appointments of deputy commissioner, associate**
4 **commissioners and other employees.** The commissioner's powers to
6 appoint a deputy commissioner, associate commissioners and other
8 employees are as follows.

10 A. The commissioner may appoint, subject to the Civil
12 Service Law and except as otherwise provided, any employees
14 who may be necessary.

16 B. The commissioner may appoint and set the salaries for an
18 ~~asseeiate-commissioner-for-programs~~ a deputy commissioner,
20 an associate commissioner for administration and an
22 associate commissioner for systems operations to assist in
24 carrying out the responsibilities of the department.

26 (1) Each appointment must be for an indeterminate term
28 and until a successor is appointed and qualified or
30 during the pleasure of the commissioner.

32 (3) To be eligible for appointment as associate
34 commissioner for administration, a person must have
36 training and experience in general management.

38 ~~(4)---To-be-eligible-for-appointment-as-associate~~
40 ~~commissioner-for-programs-a-person-must-have-training~~
42 ~~and-experience-in-the-planning-and-administration-of~~
44 ~~human-services.~~

46 (5) To be eligible for appointment as associate
48 commissioner for systems operations, a person must have
training and experience in general management or
administration.

C. The commissioner shall appoint the following officials
to serve at the commissioner's pleasure:

(1) Associate Commissioners;

(2) Superintendent, Augusta Mental Health Institute;

(3) Superintendent, Bangor Mental Health Institute;

~~(4)---Superintendent,-Pineland-Center;~~

(5) Director, Mental Retardation Facility;

(6) Director, Elizabeth Levinson Center;

~~(7) Assistant to the Commissioner for Public Information;~~

(8) Assistant to the Commissioner;

(10) Regional Directors, who shall report directly to the commissioner; and

(11) Director, Office of Substance Abuse, who shall report directly to the commissioner; and

(12) Deputy Commissioner.

D. The commissioner, with the approval of the Governor, may employ and set the salaries up to the maximum adjusted pay grade for clinical director positions. Clinical director positions are excluded from the definition of state employee under Title 26, section 979-A, subsection 6, and are not subject to the Civil Service Law. Employees in that classification hired after July 1, 1989 serve at the pleasure of the commissioner and ~~shall~~ must, as a condition of continued employment, maintain clinical privileges to practice medicine as determined by the respective medical staff and the superintendent of the facility.

E. Employees in the classification of clinical director may elect to retain current bargaining unit and civil service status. Employees so "grandfathered" retain salary and benefit entitlement provided for on current pay schedules and collective bargaining agreements.

Sec. J-7. 34-B MRSA §1204, sub-§3, ¶¶A and B, as amended by PL 1995, c. 560, Pt. K, §16, are further amended to read:

A. The commissioner may delegate powers and duties given under this Title to the deputy commissioner, associate commissioners and chief administrative officers of state institutions.

B. The commissioner may empower the deputy commissioner, associate commissioners and chief administrative officers of state institutions to further delegate powers and duties delegated to them by the commissioner.

PART K

Sec. K-1. Appropriation and allocation transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Governor Baxter School for the

Deaf is authorized to transfer available balances of appropriations and allocations between line categories within the same account in fiscal year 2001-02 by financial order, upon the recommendation of the State Budget Officer and approval of the Governor.

Sec. K-2. Position authorization. Notwithstanding any other provision of law, the Governor Baxter School for the Deaf is authorized to extend one limited-period Education Team and Policy Director position to June 30, 2002. This position is necessary for the continued development and implementation of residential services, health services, guidance program and policy development and implementation at the Governor Baxter School for the Deaf. This position must be funded from the Governor Baxter School for the Deaf budget and must end on June 30, 2002.

PART L

Sec. L-1. 33 MRSA §1953, sub-§1, ¶C, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

C. Stock or other equity interest in a business association or financial organization, including a security entitlement under Title 11, Article 8, except for property described in paragraph O, 5 years after the earlier of:

(1) The date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner; or

(2) The date of the 2nd mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

Sec. L-2. 33 MRSA §1953, sub-§1, ¶O, as amended by PL 1999, c. 284, §2, is further amended to read:

O. All other property, 5 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs; and

Sec. L-3. 33 MRSA §1953, sub-§1, ¶P, as enacted by PL 1999, c. 284, §3, is amended to read:

P. Notwithstanding paragraph E, property contained in a prearranged funeral or burial plan described in Title 32,

2 section 1401, including deposits containing funds from such
a plan, 3 years after the death of the person on whose
4 behalf funds were paid into the plan; and

6 **Sec. L-4. 33 MRSA §1953, sub-§1, ¶Q** is enacted to read:

8 Q. Property distributable in the course of a
demutualization or related reorganization of an insurance
10 company, 2 years after the earlier of:

12 (1) The date of the distribution of the property; or

14 (2) The date of last contact with a policyholder.

16 **Sec. L-5. 36 MRSA §112, sub-§9,** as enacted by PL 1997, c. 526,
§7, is amended to read:

18 **9. Services provided to another agency of State.** The
assessor may undertake, by arrangement with another agency of the
20 State, to provide or assist with revenue collection services for
that agency after consultation with the joint standing committee
22 of the Legislature having jurisdiction over state and local
government matters.

24 **Sec. L-6. 36 MRSA §191, sub-§2, ¶X,** as amended by PL 2001, c.
26 293, §6, is further amended to read:

28 X. The disclosure to the Department of Human Services of
information relating to the administration of the elderly
30 low-cost drug program and the Healthy Maine Prescription
Program established under Title 22, section 258; and

32 **Sec. L-7. 36 MRSA §191, sub-§2, ¶Y,** as enacted by PL 1999, c.
34 708, §16, is amended to read:

36 Y. The disclosure by the State Tax Assessor, upon request
in writing of any individual against whom an assessment has
38 been made pursuant to section 177, subsection 1, of the
following information:

40 (1) Information regarding the underlying tax liability
42 to the extent necessary to apprise the individual of
the basis of the assessment;

44 (2) The name of any other individual against whom an
46 assessment has been made for the same underlying tax
debt; and
48

(3) The general nature of any steps taken by the assessor to collect the underlying tax debt from any other individuals and the amount collected.; and

Sec. L-8. 36 MRSA §191, sub-§2, ¶Z is enacted to read:

2. The disclosure to the Treasurer of State when necessary for the performance of the Treasurer of State's official duties as administrator under Title 33, chapter 41 of the following information:

(1) The current mailing address for a taxpayer for purposes of returning unclaimed or abandoned property to the rightful owner or heir; and

(2) The names and mailing addresses of all Maine corporate income tax filers in an electronic medium prescribed by the State Tax Assessor.

Sec. L-9. Transfer. Notwithstanding Public Law 2001, chapter 358, Part W or any other provision of law, the Treasurer of State shall transfer \$1,000,000 from the Abandoned Property Fund to the unappropriated surplus of the General Fund no later than June 1, 2002 and \$1,000,000 from the Abandoned Property Fund to the unappropriated surplus of the General Fund no later than June 1, 2003.

PART M

Sec. M-1. Funding change of bargaining unit. Notwithstanding any other provision of law, the Department of Public Safety, with the approval of the State Budget Officer, shall identify the necessary funding from budgeted resources to implement the change of bargaining unit from Professional Technical to Supervisory Services for the Senior DNA Forensic Analyst position within the Bureau of State Police.

Sec. M-2. Funding for position upgrades. Notwithstanding any other provision of law, the Department of Human Services, with the approval of the State Budget Officer, shall identify the necessary funding from budgeted resources to provide for position upgrades in the Drinking Water program and the Eating and Lodging program and a previously approved upgrade of one Planning and Research Associate position.

PART N

Sec. N-1. Maine Governmental Facilities Authority. Pursuant to the Maine Revised Statutes, Title 4, section 1606,

subsections 1 and 2, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$5,500,000 on or after February 28, 2003 for the purpose of paying the cost of courthouse projects or parts of projects in Rockland and other locations designated by the Maine Governmental Facilities Authority.

PART O

Sec. O-1. 27 MRSA §267, as amended by PL 1975, c. 771, §293, is further amended to read:

§267. Expenses

The actual cash expenses of the State Historian incurred while in the discharge of his official duties, including any sum necessarily contracted by him the State Historian for clerical assistance, ~~shall~~ must be paid from the State Treasury but ~~shall~~ may not exceed \$500 a year. Any portion of said amount may be expended by the State Historian, under the direction of the Governor, in the publication of historical matter and data relating to the history of the State. ~~The appropriation so made available shall constitute a continuous carrying account and any balance of same shall be carried forward and be credited to the appropriation for the same purpose for the succeeding year.~~ Funding for the activities of the State Historian must be appropriated to the Maine Historic Preservation Commission.

Sec. O-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	2001-02	2002-03
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EDUCATION, DEPARTMENT OF

Office of State Historian

All Other	(\$500)	(\$500)
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Deappropriates funds from this program to offset the appropriation to the Maine Historic Preservation Commission in support of the activities of the State Historian.

HISTORIC PRESERVATION COMMISSION

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**18 UNIVERSITY OF MAINE SYSTEM,
BOARD OF TRUSTEES OF THE**

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2 appropriation for the
Lewiston-Auburn College
4 teachers for elementary and
middle schools project.

6 **Educational and General
Activities - UMS**

8 All Other 4,338,583

10 Provides funds in fiscal year
12 2002-03 for a 2.5% increase
14 in the system's base budget.

16 **BOARD OF TRUSTEES OF THE
UNIVERSITY OF MAINE SYSTEM
TOTAL**

\$0 \$4,338,583

18
20 **MAINE MARITIME ACADEMY**

22 **Maine Maritime Academy - Operations**

24 All Other \$192,132

26 Provides funds in fiscal year
28 2002-03 through a 2.5%
increase in the institution's
base budget.

30
32 **MAINE MARITIME ACADEMY
TOTAL**

192,132

34 **MAINE TECHNICAL COLLEGE
SYSTEM, BOARD OF TRUSTEES
36 OF THE**

38 **Maine Technical College
System, Board of Trustees
40 of the**

42 All Other 1,009,155

44 Provides funds in fiscal year
46 2002-03 for a 2.5% increase
in the system's base budget.

48 **BOARD OF TRUSTEES OF THE
MAINE TECHNICAL COLLEGE
50 SYSTEM**

TOTAL 1,009,155

SECTION

TOTAL APPROPRIATIONS \$0 \$5,539,870

Sec. P-2. Transfer from General Fund Salary Plan; Maine Technical College System. Notwithstanding the Maine Revised Statutes, Title 5, section 1676 or any other provision of law, in fiscal year 2001-02 and fiscal year 2002-03 the Maine Technical College System may receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Maine Technical College System in an amount not to exceed \$334,832 in fiscal year 2001-02 and \$1,295,800 in fiscal year 2002-03.

PART Q

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

2001-02 2002-03

LEGISLATURE**Legislature**

Positions - Legislative Count	(6.500)	(6.500)
Positions - FTE Count	(-6.220)	(-6.220)

Provides for the continuation of an adjustment of headcount that was authorized in Public Law 2001, chapter 1 and reflects the number of positions authorized by the Legislative Council to support the activities of the Legislature.

Legislature

Positions - Legislative Count	(3.000)	(3.000)
Positions - FTE Count	(-0.807)	(-0.807)

Provides for an adjustment of headcount to reflect the number of positions authorized by the Legislative

Council to support the
organization of the 120th
Legislature. The authority
for this headcount ends
January 4, 2003.

Legislature

Personal Services	\$178,859	\$214,115
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Provides funds for salary and
fringe benefit costs to more
accurately reflect current
services funding requirements
of the Legislature.

Legislature

Positions - Legislative Count	(1,000)	(1,000)
Personal Services	45,576	65,122
All Other	(66,600)	(100,000)
TOTAL	(21,024)	(34,878)

Provides for the line
category transfer of funds to
establish one Client Desktop
Support position to replace
desktop support currently
provided by contract.

**LEGISLATURE
TOTAL**

\$157,835	\$179,237
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PART R

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

2001-02**LEGISLATURE****Legislature**

All Other	\$25,000
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Provides for the allocation

of funds to support a
celebration of the State
House renovations. This
allocation is to be supported
by private fund-raising
efforts.

PART S

Sec. S-1. Reimbursement to agencies. The 2.5% increase in reimbursement to agencies under contract to provide mental health and mental retardation services to adults and children to increase wages and wage-related benefits for direct care personnel provided in Public Law 2001, chapter 358, section FF is intended to be in addition to current contracts and contracts currently in negotiation. These funds may not be used to supplant current or anticipated funding for contracts beginning January 1, 2001.

PART T

Sec. T-1. 5 MRSA §1513, sub-§§1-R and 1-T are enacted to read:

1-R. Transfer from Maine Rainy Day Fund; Baxter Compensation Authority Other Special Revenue Fund account.
Notwithstanding subsection 2 and section 1585, \$2,000,000 must be transferred by the State Controller from the available balance in the Maine Rainy Day Fund to the Baxter Compensation Authority Other Special Revenue Fund account in fiscal year 2001-02.

1-T. Transfer from Governor Baxter School for the Deaf Compensation Fund within Maine Rainy Day Fund; Governor Baxter School for the Deaf victims' compensation. Notwithstanding subsection 2 and section 1585 or any other provision of law, an amount not to exceed \$3,000,000 may be transferred by the State Controller from the balance in the Governor Baxter School for the Deaf Compensation Fund within the Maine Rainy Day Fund to the Baxter Compensation Authority Other Special Revenue Fund account to be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the payment of costs of administration of the Baxter Compensation Authority and for the payment of compensation to former students who were victims of abuse at the Governor Baxter School for the Deaf or its predecessors. Transfers by the State Controller from the Governor Baxter School for the Deaf Compensation Fund within the Maine Rainy Day Fund must be made upon written request of the Baxter Compensation Authority board

and the approval of the program director of the Baxter
Compensation Program.

Sec. T-2. 5 MRSA §1513-A is enacted to read:

**§1513-A. Governor Baxter School for the Deaf Compensation Fund
established**

The Governor Baxter School for the Deaf Compensation Fund,
referred to this section as the "compensation fund," is
established within the Maine Rainy Day Fund and must be
segregated and maintained as a separate account known as the
Governor Baxter School for the Deaf Compensation Fund. On July
1, 2001, the State Controller shall capitalize the compensation
fund in the amount of \$3,000,000.

Sec. T-3. 5 MRSA §12004-B, sub-§9 is enacted to read:

<u>9. Baxter Compensa-</u>	<u>Legislative</u>	<u>5 MRSA §22004</u>
<u>sation Program</u>	<u>Per Diem and</u>	
<u>Compensation Panel</u>	<u>Expenses</u>	

Sec. T-4. 5 MRSA §12004-G, sub-§26-E is enacted to
read:

<u>26-E.</u>	<u>Baxter</u>	<u>Legislative</u>	<u>5 MRSA</u>
<u>Legislature</u>	<u>Compensation</u>	<u>Per Diem</u>	<u>§22002</u>
	<u>Authority</u>	<u>and Expenses</u>	

Sec. T-5. 5 MRSA Pt. 28 is enacted to read:

PART 28

COMPENSATION AND REDRESS

CHAPTER 601

THE BAXTER COMPENSATION AUTHORITY

SUBCHAPTER I

GENERAL PROVISIONS

§22001. Definitions

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

1. Abuse. "Abuse" means sexual abuse, physical abuse or
both.

2 **2. Administrative expenses.** "Administrative expenses"
4 means the expenses necessary for the operation of the program,
 including the costs of the authority but not including
6 compensation payments.

8 **3. Appeal board.** "Appeal board" means the authority board
 when acting to hear and decide appeals of the compensation
10 panel's decisions as provided in section 22005.

12 **4. Authority.** "Authority" means the Baxter Compensation
 Authority established in section 12004-G, subsection 26-E.

14 **5. Authority board or board.** "Authority board" or "the
16 board" means the 5-member governing body described in section
 22002, subsection 3.

18 **6. Claimant.** "Claimant" means a person who alleges having
20 suffered abuse while a student at the Maine School for the Deaf
 or the Governor Baxter School for the Deaf and applies for
22 compensation from the program.

24 **7. Claims consultant.** "Claims consultant" means a person
 employed by the program to assist claimants in preparing their
26 claims for submission to the compensation panel.

28 **8. Compensation panel.** "Compensation panel" means the
 3-person panel appointed by the authority to hear claims and make
30 decisions, consisting of the determination of eligibility and
 determination of the compensation amount, as provided in section
32 22004.

34 **9. Final compensation decision.** "Final compensation
 decision" means the decision of the compensation panel with
36 regard to eligibility and level of compensation if it is not
 appealed within 60 days of the decision, and the decision of the
38 appeal board if the decision of the compensation panel is
 appealed.

40 **10. Program.** "Program" means the Baxter Compensation
42 Program established in section 22021.

44 **11. Program director.** "Program director" means the person
 appointed by the authority to direct the program as provided in
46 section 22003.

48 **12. Program principles.** "The program principles" means the
 compilation of theoretical and practical bases for operation of
50 the program as provided in section 22007.

2 13. Trust fund. "Trust fund" means the Baxter Compensation
3 Authority Other Special Revenue Fund account authorized pursuant
4 to section 1513, subsection 1-T, or its successor.

6 **§22002. Baxter Compensation Authority**

8 1. Established. The Baxter Compensation Authority,
9 established in section 12004-G, subsection 26-E, is a public
10 instrumentality of the State, and the exercise by the authority
11 of the powers conferred by this chapter is considered and held to
12 be the performance of essential governmental functions.

14 2. Purpose. The authority is established to administer the
15 Baxter Compensation Program.

16 3. Members. The authority board consists of 5 members, to
17 be appointed by the Governor, subject to review by the joint
18 standing committee of the Legislature having jurisdiction over
19 judiciary matters and confirmation by the Legislature.
20 Collectively, the members must have knowledge and experience in
21 deaf culture; abuse and its effects; the legal system; and
22 redress and compensation principles.

24 4. Chair; quorum. The members of the board shall select a
25 chair from among the members. Three members constitute a
26 quorum. Action taken by the board must be by majority vote.

28 5. Powers. The authority may:

30 A. Buy or lease real and personal property to carry out its
31 duties;

32 B. Establish positions and employ and contract with persons
33 to carry out its duties; and

34 C. Accept funds from all sources to be deposited in the
35 trust fund.

38 6. Duties. The authority has the following duties.

40 A. The authority shall establish the Baxter Compensation
41 Program as provided in section 22021.

42 B. The authority shall appoint a program director as
43 provided in section 22003.

44 C. The authority shall appoint a compensation panel as
45 provided in section 22004.

2 D. The authority board shall serve as the appeal board as
3 provided in section 22005.

4 E. The authority shall complete the training and education
5 under section 22006.

6 F. The authority shall adopt program guidelines as provided
7 in section 22007.

10 G. The authority shall establish criteria for 3 tiers of
11 compensation based on the severity of abuse suffered by the
12 former students using well-established legal principles
13 governing awarding damages. The 3 tiers of compensation
14 are: \$25,000; \$60,000; and \$100,000.

15 H. The authority shall submit an annual written report by
16 January 15th of each year to the Governor, the Attorney
17 General and the joint standing committee of the Legislature
18 having jurisdiction over judiciary matters. The report must
19 include information on the following:

21 (1) The activities of the authority within the last 12
22 months;

23 (2) The number of employees and volunteers and their
24 responsibilities;

25 (3) Data pertaining to the following:

26 (a) Requests for information;

27 (b) Applications filed;

28 (c) Claims submitted to the compensation panel;

29 (d) Decisions made by the compensation panel, and
30 the nature of the decisions;

31 (e) Decisions appealed to the appeal board, and
32 the grounds for and outcomes of the appeals;

33 (f) Claims pending completion prior to being
34 submitted to the compensation panel;

35 (g) Claims pending decision by the compensation
36 panel;

37 (h) Claims pending resolution by the appeal
38 board; and

39

(i) Awards made and paid;

(4) Amount of compensation paid;

(5) Any other information that would help to evaluate the performance of the program; and

(6) Any recommended legislation the authority determines is necessary to carry out its duties.

I. The authority shall develop an evaluation process to make ongoing determinations concerning the program's effectiveness and operation within the program guidelines.

7. Application of laws. The authority is subject to the budget, accounts and control and auditing requirements of Part 4.

8. Use of trust fund. The authority may use up to 15% of the trust fund for administrative expenses in each fiscal year.

9. Administrative support. The Department of Labor, Bureau of Rehabilitation, Division of Deafness shall provide such administrative support as is requested by the authority.

10. Legal counsel. Notwithstanding section 191, a staff attorney may act as the counsel for the authority and the authority may employ private counsel to advise and represent the authority.

§22003. Program director

The authority shall appoint a program director to serve as staff to the authority and to direct the program.

§22004. Compensation panel

1. Appointment. The authority shall appoint 3 persons to serve as the compensation panel established in section 12004-B, subsection 9. The compensation panel shall make decisions about the eligibility of claimants and the appropriate compensation payments to be made.

2. Qualifications. Collectively, the members of the compensation panel must have the following qualifications:

A. Familiarity with the legal system, including experience with:

(1) Weighing evidence and making decisions based on that evidence; and

2 (2) Well-established legal principles that govern
4 awarding damages;

6 B. Experience or knowledge of abuse and its effects; and

8 C. Experience or knowledge of deaf culture.

10 The members of the compensation panel may not have any personal
12 bias with regard to the Governor Baxter School for the Deaf, any
14 employee of the Governor Baxter School for the Deaf or any
16 claimant.

18 3. Chair. The compensation panel members shall select a
20 chair from among the members.

22 4. Decision-making; quorum. The compensation panel members
24 shall work together as collaboratively as possible. Decisions on
26 claims must be determined by a majority vote. All 3 members must
28 be present in order for a vote to be taken.

30 5. Training and education. Before handling any claims, the
32 compensation panel shall complete the training and education
34 under section 22006.

36 **§22005. Appeal board**

38 1. Appointment. The authority board shall serve as the
40 appeal board to hear and decide appeals of the decision of the
42 compensation panel.

44 2. Decisions. Decisions on claims must be determined by a
46 majority vote. Three members constitute a quorum.

48 **§22006. Training and education**

1. Training and education program. The program director
 shall coordinate training and education for the members of the
 authority, the program director and the compensation panel in the
 following subject areas:

A. Deaf culture;

B. Physical and sexual abuse and its effects;

C. Basic applicable legal principles; and

D. Any other subject useful to the operation of the program.

2 2. Required. Members of the authority, the program
3 director and the compensation panel shall participate in the
4 training and education.

6 §22007. Program principles and guidelines

8 1. Duties. The program has the following duties.

10 A. The program shall provide American Sign Language
11 interpreters to ensure communication between program staff
12 and claimants, their families and friends and advocates
13 providing support.

14 B. The program shall explain to the claimants the
15 compensation process from initial contact with the program
16 through acceptance of the award, release of the State from
17 further liability and the making of the apology.

18 C. The program shall allow claimants to be accompanied in
19 all steps of the process by friends, family and other
20 support people.

22 D. The program shall promote provision of support and
23 immediate access to counseling resources for claimants
24 recounting their experiences, especially those disclosing
25 abuse for the first time.

26 E. The program shall inform as many former students as
27 possible about the program and give those students an
28 opportunity to apply for compensation.

30 F. The program shall work with former students and their
31 families in situations in which the former student is not
32 capable of making decisions concerning participation in the
33 program.

34 G. The program shall develop a plan for working with and
35 providing services to former students no longer living in
36 the State.

37 H. The program may employ only persons who do not have any
38 personal bias with regard to the Governor Baxter School for
39 the Deaf, any employee of the Governor Baxter School for the
40 Deaf or any claimant.

42 2. Program guidelines. The authority shall adopt program
43 guidelines as the theoretical and practical bases for the
44 operation of the program that are consistent with subsection 1,
45 using the following sources as guidance:

2 A. The final report of the Committee to Develop a
4 Compensation Program for Victims of Abuse at the Governor
 Baxter School for the Deaf, established by Resolve 1999,
 chapter 127, Part B;

6 B. The guiding principles that have been adopted and used
8 by other compensation programs as bases for operation of the
 programs;

10 C. The report of the Law Commission of Canada, "Restoring
12 Dignity: Responding to Child Abuse in Canadian
 Institutions," issued in 2000;

14 D. Judicial practice, in the State and elsewhere,
16 concerning the awarding of damages; and

18 E. Any other reports, rules or other sources the authority
 determines useful.

20 3. Process. The program guidelines are not rules and the
22 authority is not required to proceed under the Maine
24 Administrative Procedure Act in adopting the program guidelines,
26 although the authority may hold public hearings and solicit
28 comments as provided in that Act. In developing the program
 guidelines, the authority shall seek input from and work as
 collaboratively as possible with all interested parties and
 groups, including the deaf community.

30 **§22008. Status of members and employees**

32 1. State employees. Members and employees of the authority
34 may not be construed to be state employees for the purpose of the
 state civil service provisions of Part 2 and chapter 372, and any
 other purpose except for the following:

36 A. Employees of the authority are deemed state employees
38 for the purposes of the state retirement provisions of Part
40 20, and the state employee health insurance program under
 chapter 13, subchapter II; and

42 B. For the purposes of the Maine Tort Claims Act, the
44 authority is deemed a governmental entity and its members
 and employees are deemed employees as those terms are
 defined in Title 14, section 8102.

46 2. Limitation of liability. A person who is a member of
48 the authority or an employee of the authority is not subject to
50 personal liability for having acted within the course and scope
 of the person's membership or employment to carry out any power
 or duty under this chapter. The authority shall indemnify a

member or employee of the authority against expenses actually and necessarily incurred by the person in connection with the defense of any action or proceeding in which the person is made a party by reason of past or present association with the authority.

§22009. Public proceedings and records; confidentiality

1. Public proceedings and records. Except as provided in subsection 2, all meetings and records of the authority are subject to the provisions of Title 1, chapter 13, subchapter I.

2. Confidential. All information provided by a claimant or a claimant's family is confidential until the claim is submitted to the compensation panel. Once the claim is submitted to the compensation panel, the claim is a public record.

§22010. Repeal

This chapter is repealed on July 1, 2007.

SUBCHAPTER II

THE BAXTER COMPENSATION PROGRAM

§22021. Baxter Compensation Program

1. Purposes. The purposes of the Baxter Compensation Program are:

A. To provide compensation to former students who suffered abuse by a state employee or as a result of state action or inaction while students at either the Maine School for the Deaf or the Governor Baxter School for the Deaf;

B. To assist in the victims' healing process by admitting the State's responsibility for not protecting students from abuse by a state employee or as a result of state action or inaction while the victims were attending the Maine School for the Deaf or the Governor Baxter School for the Deaf; and

C. To apologize to the students who were abused and to their families.

2. Program director; duties. The program director shall direct the program.

A. The program director is responsible for hiring, supervising and firing all employees authorized by the authority. The program director shall maintain only the number of employees necessary to operate the program.

2 B. The program director is responsible for the day-to-day
4 operations of the program, including overseeing the work of
 the claims consultants.

6 C. The program director shall report to the authority on a
8 regular basis as determined by the authority, and shall keep
 the authority informed about the program and its operation.

10 D. The program director shall maintain communication with
12 the deaf community and other potential beneficiaries of the
 program.

14 E. The program director may not have any personal bias with
16 regard to the Governor Baxter School for the Deaf, any
 employee of the Governor Baxter School for the Deaf or any
18 claimant.

3. Location; travel. The program must be established in a
20 central office location. The program director and all program
22 personnel, including the claims consultants and the compensation
 panel are based in the central office. Claim consultants may
24 travel as needed to assist claimants in preparing their claims.
 The compensation panel may travel as needed to carry out its
26 responsibilities.

4. Claims consultants. The program director shall hire a
28 sufficient number of claims consultants to work with the persons
30 applying for compensation. Claims consultants must be selected
 to provide personal and professional diversity sufficient to
32 allow claimants to select the claims consultant with whom they
 feel the most comfortable.

34 A. The qualifications for claims consultants include:

36 (1) Fluency in American Sign Language;

38 (2) Knowledge of or familiarity with abuse and its
40 effects;

42 (3) Knowledge of or familiarity with deaf culture;

44 (4) Ability to work with deaf interpreters;

46 (5) Ability to work with and refer claimants to
 therapists and counselors; and

48 (6) An absence of personal bias with regard to the
50 Governor Baxter School for the Deaf, any employee of
 the Governor Baxter School for the Deaf or any claimant.

2 B. The duties of claims consultants include:

4 (1) Working with claimants and potential claimants;

6 (2) Helping claimants prepare their materials for
8 submission to the compensation panel;

10 (3) Recording claimants' stories and experiences for
12 use in the claims process, including presentation to
14 the compensation panel in written, audio or audio
16 visual formats;

18 (4) Assisting claimants in collecting and
20 corroborating information;

22 (5) Explaining the compensation program process to
24 claimants;

26 (6) Explaining the decision of the compensation panel;

28 (7) Assisting claimants in assembling the materials
30 necessary to appeal the compensation panel's decision
32 to the appeal board;

34 (8) Referring claimants to a professional outside the
36 program in order to secure legal and financial advice;

38 (9) Referring claimants to counseling when
40 appropriate; and

42 (10) Other reasonable duties necessary for the
44 operation of the program as assigned by the program
46 director.

48 A claimant is not required to use the services of a claims
50 consultant to file a claim for compensation.

§22022. Eligibility

A person is eligible to receive compensation if:

1. **Victim of abuse.** That person was abused by a state
2. employee or as a result of state action or inaction while a
3. student at the Maine School for the Deaf or the Governor Baxter
4. School for the Deaf, and the abuse occurred either at the school
5. or was associated with the school;

6. **Date of abuse.** The abuse occurred prior to January 1,
7. 2001; and

2 3. Filing deadline. The claim for compensation is filed
4 with the program by March 31, 2006.

6 **§22023. Claim process**

8 1. Application. A person may apply for compensation by
10 submitting a completed claim form to the program.

12 2. Submit to compensation panel. The claimant or, if
14 requested by the claimant, a claims consultant shall submit the
16 information about the claim to the compensation panel.

18 **§22024. Decision**

20 The compensation panel shall issue a decision on each
22 submitted claim. The decision consists of 2 parts.

24 1. Eligibility determination. The compensation panel shall
26 determine whether the claimant is eligible to receive
28 compensation. For the claimant to be eligible for compensation,
30 the compensation panel must determine that:

32 A. The claimant was a student at the Maine School for the
34 Deaf or the Governor Baxter School for the Deaf. The
36 compensation panel may use reliable information in addition
38 to the information included in the claim;

40 B. The allegation of abuse includes abuse that occurred
42 before January 1, 2001; and

44 C. The claimant was abused by a state employee or as a
46 result of state action or inaction while a student at the
48 Maine School for the Deaf or the Governor Baxter School for
50 the Deaf. The compensation panel shall make this
 determination if the compensation panel finds there is a
 reasonable likelihood that the claimant was abused while a
 student at the Maine School for the Deaf or the Governor
 Baxter School for the Deaf. The abuse may have occurred at
 either school or elsewhere, but the abuse must have been
 associated with attendance or residence at either school
 while the State was responsible for the claimant's care and
 custody.

2. Determination of compensation amount. If the
 compensation panel determines that the claimant is eligible under
 subsection 1, the compensation panel shall review the claim to
 determine the amount of compensation. The panel shall apply the
 criteria adopted under section 22002, subsection 6, paragraph G,
 to the facts of the claim to determine which level of

compensation is to be awarded. When making the determination, the panel shall award compensation at the highest level that the facts of the claim support.

3. Decision. The compensation panel shall complete its decision within 60 days of the filing of the complete claim with the compensation panel.

4. Communication of the decision. The compensation panel shall provide to the claims consultant who assisted the claimant or, if no claims consultant assisted the claimant, to a claims consultant a written statement of the decision, including separate findings on each of the determinations. The claims consultant shall provide the statement and explain its content and meaning to the claimant. The claims consultant shall also explain the options available to the claimant if the claimant is not satisfied with the compensation panel's decision.

§22025. Appeal

1. Appeal. If the claimant is not satisfied with the final decision of the compensation panel, the claimant may appeal the decision to the appeal board. The appeal must be submitted within 60 days of the communication of the decision to the claimant, although the appeal board may extend the time limit for good cause.

2. Appeal costs. If the claimant appeals the decision, the claimant is responsible for paying the costs of the appeal as follows.

A. If the claimant is appealing the compensation panel's decision under section 22024, subsection 1 that the claimant is not eligible for compensation, the claimant is not required to pay any appeal costs.

B. If the claimant is appealing the compensation panel's decision under section 22024, subsection 2 regarding the level of compensation, the costs must be paid as follows:

(1) If the appeal board disagrees with the claimant and upholds the compensation panel's decision, the appeal cost is \$2,500, to be withheld from the compensation payment; or

(2) If the appeal board agrees with the claimant and increases the compensation award of the compensation panel, the claimant is not required to pay any appeal cost.

3. Assistance of claims consultant. At the request of a claimant, a claims consultant shall assist the claimant in assembling the materials necessary to appeal the decision.

4. Appeal on record and appeal documents. The appeal board may make the decision on the appeal based solely on the record of the claim and documents submitted with the appeal. The appeal board is not required to conduct a hearing or take testimony, but may do so if it so chooses.

5. Standard of review. The appeal board shall review the decision of the compensation panel and may overrule the decision only if the appeal board determines the decision of the compensation panel is arbitrary and capricious.

6. Decision. The appeal board shall complete its decision within 60 days of the filing of the appeal with the appeal board.

7. Communication of decision. The appeal board shall provide to the claims consultant a written statement of the appeal board's decision. The claims consultant shall provide the statement and explain its content and meaning to the claimant.

8. Decision final. The decision of the appeal board is final and is not appealable to any court or other authority.

§22026. Acceptance

1. Notification. The claimant shall notify a claims consultant whether the claimant will accept the compensation awarded by the program.

2. Release. To receive payment of the compensation, the claimant must release the State from any further liability by signing a release form provided by the program.

3. Financial advice. A claims consultant shall provide to the claimant who has been awarded compensation the names and addresses of professionals who have agreed to work with claimants to provide financial advice.

§22027. Payment

The program shall pay compensation within 30 days of the final compensation decision, or as soon thereafter as possible.

§22028. Apology

1. Personal apology. When the program pays compensation, the State shall issue a personal apology to the claimant.

2. Process. The State shall issue the apology as follows.

A. The program director shall prepare the apology, and deliver the document to the Legislature and the Governor.

B. The President of the Senate, the Speaker of the House of Representatives and the Governor shall personally sign the apology document.

SUBCHAPTER III

SERVICES

\$22041. Counseling

1. Referrals. Claims consultants shall refer claimants and their families for counseling when the claims consultants believe such referral may be helpful.

2. Counseling. Claimants are eligible for counseling without cost to them as provided through the Department of Mental Health, Mental Retardation and Substance Abuse Services. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall continue to provide counseling services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf.

Sec. T-6. 20-A MRSA §7412, sub-§3, as enacted by PL 1999, c. 731, Pt. PPP, §1, is amended to read:

3. **Nonlapsing fund; transfer to General Fund.** Any Until July 1, 2007, any unexpended funds remaining in the fund may not lapse but must be carried forward for the benefit of the fund. On July 1, 2007, any unexpended funds remaining in the fund must be transferred to the General Fund.

Sec. T-7. 20-A MRSA §7412, sub-§4, as enacted by PL 1999, c. 731, Pt. PPP, §1, is repealed.

Sec. T-8. Baxter Compensation Authority Other Special Revenue Fund account established. Notwithstanding any other provisions of law, the Baxter Compensation Authority Other Special Revenue Fund account, referred to in this section as the "account," is established. The account is established for the purpose of receiving funds from any source and expending those funds for the payment of administration of the Baxter Compensation Authority established in the Maine Revised Statutes.

Title 5, section 12004-G, subsection 26-E and for the payment of compensation to former students who were victims of abuse at the Governor Baxter School for the Deaf or its predecessors.

Sec. T-9. Transfer from Governor Baxter School for the Deaf Student Trust Fund. Notwithstanding any other provision of law, on July 1, 2001 the State Controller shall transfer \$1,000,000 from the Governor Baxter School for the Deaf Student Trust Fund established in the Maine Revised Statutes, Title 20-A, section 7412 to the Baxter Compensation Authority Other Special Revenue Fund account to be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

Sec. T-10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
BAXTER COMPENSATION AUTHORITY		
Baxter Compensation Authority		

Positions - Legislative Count	(4.000)	(6.000)
Personal Services	\$79,710	\$266,767
All Other	1,063,900	24,800

Provides funds for the costs associated with administering the Baxter Compensation Program. Funding is included for the salary, fringe benefits, office expenses and one-time start-up costs for one Program Director position, one Administrative Secretary position, one Claims Consultant position and one Certified Interpreter position in fiscal year 2001-02, for one additional Claims Consultant position and for one additional Certified Interpreter position in fiscal year 2002-03 and for per diem and expenses of members of the authority board and the compensation panel. Funding is also provided for the

compensation due former
students who were abused
while attending the Governor
Baxter School for the Deaf or
the Maine School for the Deaf.

BAXTER COMPENSATION AUTHORITY
TOTAL

\$1,143,610

\$291,567

PART U

Sec. U-1. 5 MRSA §1520 is enacted to read:

§1520. Statewide Radio and Network System Reserve Fund

1. Fund established. The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Administrative and Financial Services, Bureau of Information Services, referred to in this section as the "bureau," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The bureau shall charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.

A. The bureau shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The bureau shall:

(1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;

(2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;

(3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;

(4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and

2 (5) Transfer radio equipment and network
3 infrastructure into the fund from agencies using the
4 system, purchase, lease, lease-purchase or enter into
5 other financing agreements, in accordance with section
6 1587, for the acquisition, expansion, upgrade or
7 replacement of the system or any of its components in
8 accordance with paragraph B when it can be demonstrated
9 that any such action or agreement provides a clear cost
10 or program advantage to the State.

12 B. The Chief Information Officer and the bureau, in
13 conjunction with the agencies using the statewide radio and
14 network system, shall establish the following:

16 (1) Standards for statewide radio and network system
17 operations;

18 (2) Specifications for systems and components to be
19 acquired by the State; and

21 (3) Standards for the exemption or waiver of state
22 agencies from the requirements of this section.

24 By January 15, 2002, standards must be developed for
25 statewide radio and network system usage by all state
26 agencies not exempted under subparagraph (3).

28 C. The bureau shall establish, through the Department of
29 Administrative and Financial Services, Bureau of Accounts
30 and Control, the Statewide Radio and Network System Reserve
31 Fund account. The funds deposited in the account may
32 include, but are not limited to, appropriations made to the
33 account, funds transferred to the account from within the
34 Department of Administrative and Financial Services, funds
35 received from state departments and agencies using the
36 services provided by the bureau, earnings by the fund from
37 the Treasurer of State's pool and proceeds from the sale of
38 system assets under the administrative control of the fund
39 by the state surplus property program in the Department of
40 Administrative and Financial Services, Bureau of General
41 Services in accordance paragraph B and other provisions of
42 law.

44 D. The fund may levy charges according to a rate schedule
45 recommended by the Director of the Bureau of Information
46 Services and approved by the Commissioner of Administrative
47 and Financial Services against all departments and agencies
48 using the services of the statewide radio and network system.
49
50

2 E. Service charges for the statewide radio and network
3 system must be calculated to provide for system acquisition
4 costs, expansion costs, upgrade costs, necessary capital
5 investment and fund management costs, replacement costs and
6 sufficient working capital for the fund.

7 F. Each department or agency using the services of the
8 statewide radio and network system must budget adequate
9 funds to pay for costs described in paragraph E.

10 **Sec. U-2. Report on radio and network system.** The Chief
11 Information Officer of the Department of Administrative and
12 Financial Services shall prepare a report on all activities
13 undertaken pursuant to the Maine Revised Statutes, Title 5,
14 section 1520, subsection 1, paragraph B and submit the report by
15 January 31, 2002 to the Joint Standing Committee on
16 Appropriations and Financial Affairs; the Joint Standing
17 Committee on Criminal Justice; the Joint Standing Committee on
18 Inland Fisheries and Wildlife; the Joint Standing Committee on
19 Marine Resources; the Joint Standing Committee on Natural
20 Resources; and the Joint Standing Committee on Transportation.

21 **Sec. U-3. Department of Administrative and Financial Services;**
22 **lease-purchase authorization.** Pursuant to the Maine Revised
23 Statutes, Title 5, section 1587, the Department of Administrative
24 and Financial Services, Bureau of Information Services may enter
25 into financing arrangements on or after September 1, 2002 for the
26 acquisition of hardware, software and systems to support the
27 operations of the Statewide Radio and Network System Reserve
28 Fund, established in Title 5, section 1520. The financial
29 agreements may not exceed 7 years in duration and \$8,700,000 in
30 principal costs. The interest rate may not exceed 6% and
31 interest costs may not exceed \$2,100,000. Annual principal and
32 interest costs must be paid from the appropriate line category
33 allocations in the Bureau of Information Services, Statewide
34 Radio and Network System Reserve Fund.

35 **Sec. U-4. Appropriations and allocations.** The following amounts
36 are appropriated and allocated from various funds.

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

38 **Statewide Radio and Network System**

39 New Initiative: Provides funds to implement the statewide radio
40 and network system replacement. The capital allocation will be
41 used for planning and engineering services. The All Other funds
42 will be used for the costs of a lease-purchase agreement or other
43 financing vehicle construct and deployment. Provides for the

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

transfer of funds from the General Fund to the newly established internal service fund.

General Fund	2001-02	2002-03
All Other		268,000
Total		268,000

Statewide Radio and Network System Reserve Fund	2001-02	2002-03
All Other		268,000
Capital Expenditures	500,000	
Total	500,000	268,000

PART V

Sec. V-1. PL 2001, c. 358, Pt. V, §4, sub-§1 is amended to read:

1. Replacement of state liquor stores. The Department of ~~Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations~~ Public Safety, Bureau of Liquor Enforcement may license up to 6 agency stores in a municipality with a population over 20,000 where a state liquor store has been closed and up to 3 agency stores in a municipality where a state liquor store has been closed. The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall establish monthly discounts for all agency stores. ~~The issuance of an agency liquor store license and the operation of agency liquor stores licensed pursuant to this Part are governed by the Maine Revised Statutes, Title 28-A, chapter 19.~~ Notwithstanding the Maine Revised Statutes, Title 28-A, section 453, the Department of Public Safety, Bureau of Liquor Enforcement is authorized to waive the spacing requirement for agency liquor stores in order to license a sufficient number of agency stores in municipalities to implement this Part, to close 8 state liquor stores by December 31, 2001 and 6 additional state liquor stores by December 31, 2002, and to replace the 14 state liquor stores with agency stores.

PART W

Sec. W-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$150,000 in fiscal year 2001-02 from the General Fund Attorney General -

Contingent program to General Fund unappropriated surplus no later than June 30, 2002.

Sec. W-2. Transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$2,550,000 from the Department of Professional and Financial Regulation, Securities Division Other Special Revenue account to the General Fund in fiscal year 2001-02.

PART X

Sec. X-1. 22 MRSA §4002, sub-§3-A, as enacted by PL 1987, c. 511, Pt. A, §2, is repealed.

Sec. X-2. 22 MRSA §4008, sub-§3, ¶D, as amended by PL 1987, c. 511, Pt. A, §3, is further amended to read:

D. An appropriate state executive or legislative official with responsibility for child protection services ~~or--the Child--Welfare--Services--Ombudsman--in--carrying--out--his official--functions,~~ provided that no personally identifying information may be made available unless necessary to his that official's functions;

Sec. X-3. 22 MRSA c. 1071, sub-c. X-A is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER X-A

OMBUDSMAN SERVICES

Sec. X-4. 22 MRSA §4087, as enacted by PL 1989, c. 400, §§7 and 14, is repealed.

Sec. X-5. 22 MRSA §4087-A is enacted to read:

§4087-A. Ombudsman program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ombudsman" means the director of the program and persons employed or volunteering to perform the work of the program.

B. "Program" means the ombudsman program established under this section.

2 2. Program established. The ombudsman program is
3 established as an independent program within the Executive
4 Department to provide ombudsman services to the children and
5 families of the State regarding child welfare services provided
6 by the Department of Human Services. The program shall consider
7 and promote the best interests of the child involved, answer
8 inquiries and investigate, advise and work toward resolution of
9 complaints of infringement of the rights of the child and family
10 involved. The program must be staffed, under contract, by an
11 attorney or a master's level social worker who must have
12 experience in child development and advocacy, and support staff
13 as determined to be necessary. The program shall function
14 through the staff of the program and volunteers recruited and
15 trained to assist in the duties of the program.

16 3. Contracted services. The program shall operate by
17 contract with a nonprofit organization that the Executive
18 Department determines to be free of potential conflict of
19 interest and best able to provide the services on a statewide
20 basis. The ombudsman may not be actively involved in state-level
21 political party activities or publicly endorse, solicit funds for
22 or make contributions to political parties on the state level or
23 candidates for statewide elective office. The ombudsman may not
24 be a candidate for or hold any statewide elective or appointive
25 public office.

26 4. Services. The program shall provide services directly
27 or under contract and may set priorities for service among the
28 types of inquiries and complaints. The program may:

29 A. Provide information to the public about the services of
30 the program through a comprehensive outreach program. The
31 ombudsman shall provide information through a toll-free
32 telephone number or numbers;

33 B. Answer inquiries, investigate and work toward resolution
34 of complaints regarding the performance and services of the
35 department and participate in conferences, meetings and
36 studies that may improve the performance of the department;

37 C. Provide services to persons to assist them in protecting
38 their rights;

39 D. Inform persons of the means of obtaining services from
40 the department;

41 E. Provide information and referral services;

2 F. Analyze and provide opinions and recommendations to
3 agencies, the Governor and the Legislature on state
4 programs, rules, policies and laws;

5 G. Determine what types of complaints and inquiries will be
6 accepted for action by the program and adopt policies and
7 procedures regarding communication with persons making
8 inquiries or complaints and the department;

9 H. Apply for and utilize grants, gifts and funds for the
10 purpose of performing the duties of the program; and

11 I. Collect and analyze records and data relevant to the
12 duties and activities of the program and make reports as
13 required by law or determined to be appropriate.

14 5. Access to persons, files and records. As necessary for
15 the duties of the program, the ombudsman has access to the files
16 and records of the department, without fee, and to the personnel
17 of the department for the purposes of investigation of an inquiry
18 or complaint. The ombudsman may also enter the premises of the
19 department for the purposes of investigation of an inquiry or
20 complaint without prior notice. The program shall maintain the
21 confidentiality of all information or records obtained under this
22 subsection.

23 6. Confidentiality of records. Information or records
24 maintained by the program relating to a complaint or inquiry are
25 confidential and may not be disclosed unless the disclosure is
26 permitted by law and consented to by the ombudsman or ordered by
27 court. Records maintained by the program are not public records
28 as defined in Title 1, chapter 13.

29 7. Liability. Any person who in good faith submits a
30 complaint or inquiry to the program pursuant to this section is
31 immune from any civil or criminal liability. For the purpose of
32 any civil or criminal proceedings, there is a rebuttable
33 presumption that any person acting pursuant to this section did
34 so in good faith. The ombudsman and employees and volunteers in
35 the program are employees of the State for the purposes of the
36 Maine Tort Claims Act.

37 8. Penalties. A person who intentionally obstructs or
38 hinders the lawful performance of the ombudsman's duties commits
39 a Class E crime. A person who penalizes or imposes a restriction
40 on a person who makes a complaint or inquiry to the ombudsman as
41 a result of that complaint or inquiry commits a Class E crime.
42 The Attorney General shall enforce this subsection under Title 5,
43 section 191.

2 **9. Information.** Beginning January 1, 2002, information
3 about the services of the program and any applicable grievance
4 and appeal procedures must be given to all children and families
5 receiving child welfare services from the department and from all
6 persons and entities contracting with the department for the
7 provision of child welfare services.

8 **10. Report.** The program shall report to the Governor, the
9 department and the Legislature before January 1st each year on
10 the activities and services of the program, priorities among
11 types of inquiries and complaints that may have been set by the
12 program, waiting lists for services, the provision of outreach
13 services and recommendations for changes in policy, rule or law
14 to improve the provision of services.

15 **11. Oversight.** The joint standing committee of the
16 Legislature having jurisdiction over health and human services
17 matters shall review the operations of the program and may make
18 recommendations to the Governor regarding the contract for
19 services under this section. The committee may submit legislation
20 that it determines necessary to amend or repeal this section.
21

22 **Sec. X-6. Report.** By January 31, 2003, the director of the
23 ombudsman program within the Executive Department, established in
24 the Maine Revised Statutes, Title 22, section 4087-A, shall
25 report to the joint standing committee of the Legislature having
26 jurisdiction over health and human services matters on the
27 feasibility of and any action required for transferring authority
28 for child ombudsman and advocacy services and programs and the
29 funding associated with those services and programs on July 1,
30 2003. In compiling this report, the director shall consider the
31 services provided directly or indirectly by the Department of
32 Mental Health, Mental Retardation and Substance Abuse Services;
33 the Department of Corrections, Office of Advocacy; the Department
34 of Mental Health, Mental Retardation and Substance Abuse
35 Services, Office of Advocacy and Consumer Affairs; the Department
36 of Education; the Department of Human Services; the Department of
37 Corrections; the Department of Human Services, Bureau of Elder
38 and Adult Services; the Disability Rights Center; and such other
39 agencies as the director determines to be appropriate. The joint
40 standing committee of the Legislature having jurisdiction over
41 health and human services matters may submit legislation to the
42 121st Legislature to transfer authority over child ombudsman and
43 advocacy services and programs and the funding associated with
44 those services and programs to the ombudsman program.
45

46 **Sec. X-7. Appropriation.** The following funds are appropriated
47 from the General Fund to carry out the purposes of this Part.
48

		2001-02	2002-03
2			
4	HUMAN SERVICES, DEPARTMENT OF		
6	Bureau of Child and Family Services - Regional		
8			
	Positions - Legislative Count	(21.000)	(21.000)
10	Personal Services	\$751,079	\$1,051,510
	All Other	141,750	196,560
12			
	TOTAL	892,829	1,248,070
14			
16	Provides funds for 18 Human		
	Services Caseworker positions		
18	and 3 Human Services		
	Caseworker Supervisor		
20	positions and related		
	operating costs to accomplish		
22	100% compliance with safety		
	and well-being reviews. This		
24	initiative will increase		
	General Fund undedicated		
26	revenue by \$690,058 in fiscal		
	year 2001-02 and \$956,886		
28	in fiscal year 2002-03.		
30	Bureau of Child and Family Services - Regional		
32			
	All Other	95,040	98,842
34			
	Provides funds to cover		
36	increased utilization of cell		
	phones by Human Services		
38	Caseworkers.		
40	Bureau of Child and Family Services - Regional		
42			
	All Other	82,500	85,800
44			
	Provides funds for travel due		
46	to increased site visits by		
	Human Services Caseworkers		
48	and the placement of children.		
50	Bureau of Child and Family Services - Regional		

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

2	Positions	(3.000)	(3.000)
	Personal Services	169,627	237,477
4	All Other	20,250	28,080
6	TOTAL	189,877	265,557
8	Provides funds for the		
	establishment of one Division		
10	Director position and 2		
	Program Administrators -		
12	Child Protective positions		
	and related operating costs		
14	to provide program oversight,		
	policy development, contract		
16	monitoring and foster care		
	recruitment.		
18			
20	Temporary Assistance for		
	Needy Families		
22			
	All Other	(676,188)	(875,198)
24			
	Provides for the		
26	deappropriation of funds in		
	the Temporary Assistance for		
28	Needy Families account		
	based on availability of		
30	one-time TANF Child Support		
	Collection funds, which will		
32	be allocated in the Other		
	Special Revenue account.		
34			
36	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	584,058	823,071
38	EXECUTIVE DEPARTMENT		
40	Ombudsman Program		
42	All Other	106,000	133,815
44	Provides funds to contract		
	with a nonprofit organization		
46	to operate an ombudsman		
	program. Funding is included		
48	for one Ombudsman position		
	and one support staff		

2 position, operating costs and
one-time start-up costs.

4 **TOTAL**
6 **APPROPRIATIONS** \$690,058 \$956,886

8 **Sec. X-8. Allocation.** The following funds are allocated from
the Federal Expenditures Fund to carry out the purposes of this
10 Part.

2001-02

12 **HUMAN SERVICES,**
14 **DEPARTMENT OF**

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

18 All Other \$37,500

20 Allocates funds for the
22 replacement of 25 laptop
computers to increase staff
24 efficiency in the field.

26 **Sec. X-9. Allocation.** The following funds are allocated from
the Other Special Revenue funds to carry out the purposes of this
28 Part.

2001-02 2002-03

32 **HUMAN SERVICES,**
34 **DEPARTMENT OF**

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

38 All Other \$37,500

40 Allocates funds for the
42 replacement of 25 laptop
computers to increase staff
44 efficiency in the field.

46 **Temporary Assistance for**
Needy Families

48 All Other 676,188 875,198

50 Allocates funds based on the

availability of one-time
earned TANF Child Support
Collection revenues.

DEPARTMENT OF HUMAN SERVICES
TOTAL

\$713,688 \$875,198

Sec. X-10. Transfer. Notwithstanding any other provision of law, the State Controller shall transfer \$4,043,531 in fiscal year 2001-02 from the Department of Human Services, Child Support Collections, Other Special Revenue account, representing a portion of the State's share of Child Support collections earned but not transferred to the Temporary Assistance for Needy Families Other Special Revenue account.

Sec. X-11. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2001-02

HUMAN SERVICES,
DEPARTMENT OF

Temporary Assistance for
Needy Families

All Other (\$4,043,531)

Deappropriates funds due to an increase in Other Special Revenue funds based on the State's share of one-time child support collections earned and transferred to the Temporary Assistance for Needy Families program.

Sec. X-12. Allocation. The following funds are allocated from the Federal Block Grant Fund to carry out the purposes of this Part.

2001-02

HUMAN SERVICES,
DEPARTMENT OF

Temporary Assistance for
Needy Families

All Other \$4,043,531

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PART Y

2001-02	2002-03
---------	---------

Temporary Assistance for Needy Families

Provides for the deappropriation of funds in the Temporary Assistance for Needy Families account based on availability of one-time TANF child support collection funds, which will be allocated in the Other Special Revenue account.

Bureau of Medical Services

Provides funds for the completion of Phase I and for the implementation of Phases II and III of the Claims Management System based on approved Advanced Planning Document estimates.

0 0

Sec. Y-2. Allocation. The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Part.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Medical Services		

All Other	\$12,942,080	\$13,087,391
-----------	--------------	--------------

Allocates federal matching funds for the completion of Phase I and for the implementation of Phase II and Phase III of the Claims Management System based on approved Advanced Planning Document estimates.

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

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Temporary Assistance for Needy Families		

All Other	\$378,000	\$1,650,000
-----------	-----------	-------------

Allocates funds based on the availability of one-time earned TANF Child Support Collection revenues.

PART Z

Sec. Z-1. 5 MRSA c. 316-B is enacted to read:

CHAPTER 316-B

SEXUAL ASSAULT FORENSIC EXAMINER ADVISORY BOARD

§3360-N. Sexual Assault Forensic Examiner Advisory Board

established; membership

2
4 1. Establishment and membership. The Sexual Assault
6 Forensic Examiner Advisory Board, referred to in this chapter as
8 the "board," established under section 12004-J, subsection 13, is
established within the Department of the Attorney General. The
board consists of 13 members appointed by the Attorney General.
Members must include the following:

10 A. One physician licensed to practice medicine in the State;

12 B. One member of the State Board of Nursing;

14 C. One sexual assault nurse examiner;

16 D. One representative from a sexual assault center;

18 E. One member from a statewide coalition against sexual
20 assault;

22 F. One survivor of sexual assault;

24 G. One attorney from the Department of the Attorney General;

26 H. One employee of the Maine State Police Crime Laboratory;

28 I. One member from a statewide association of prosecutors;

30 J. One member from a statewide association of hospitals;

32 K. One member who is a forensic pediatric health care
provider; and

34 L. Two public members.

36 2. Terms of appointment. The term of each member of the
38 board is 3 years. When a vacancy occurs prior to the expiration
40 of a term, the appointment to fill that vacancy is for the
balance of the unexpired term. Notwithstanding this subsection,
the Attorney General may appoint initial members of the board for
terms of fewer than 3 years to ensure staggered terms.

42
44 3. Chair. The member to be appointed by the Attorney
General pursuant to subsection 1, paragraph G shall act as the
chair of the board.

46
48 4. Meetings. The board may not meet more than once a month.

50 5. Quorum. Five members of the board constitute a quorum.

§3360-O. Duties

The board shall advise and assist the State in promoting and supporting the statewide creation, growth and sustainability of sexual assault forensic examiner programs. The board shall provide advice and assistance regarding training, technical assistance, standards and resources to the sexual assault forensic examiner programs.

§3360-P. Administration

The Department of the Attorney General shall provide general administrative oversight for the board's policies and responsibilities. When appropriate, the Department of the Attorney General may employ personnel necessary to carry out the purposes of the board; lease, rent or acquire adequate equipment and facilities; accept federal funds or grants that are available to carry out or implement the board's objectives; and provide technical assistance and training to sexual assault forensic examiners.

Sec. Z-2. 5 MRSA §12004-J, sub-§13 is enacted to read:

13.	<u>Sexual</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Criminal</u>	<u>Assault</u>	<u>Only</u>	<u>§3360-N</u>
<u>Justice</u>	<u>Forensic</u>		
	<u>Examiner</u>		
	<u>Advisory</u>		
	<u>Board</u>		

Sec. Z-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	2001-02	2002-03
ATTORNEY GENERAL, DEPARTMENT OF THE		
Administration - Attorney General		
Positions - Legislative Count	(1.000)	(1.000)
Personal Services	\$19,066	\$56,457
All Other	12,264	29,283
Provides for the appropriation of funds effective March 1, 2002 to establish one Research Assistant position and		

2 related costs for the sexual
 assault forensic examiner
 4 program.

6 **DEPARTMENT OF THE ATTORNEY GENERAL**
TOTAL \$31,330 \$85,740

8
 10 **PUBLIC SAFETY,
 DEPARTMENT OF**

12 **Administration - Public Safety**

14 Positions - Legislative Count (1,500) (1,500)
 Personal Services 73,530 98,000
 16 All Other 26,470 27,000

18 Appropriates funds for one
 Coordinator position and one
 20 half-time Clerk Typist III
 position to reflect a delayed
 22 start date of October 1, 2001
 for the new violence against
 24 women initiative.

26 **DEPARTMENT OF PUBLIC SAFETY**
TOTAL 100,000 125,000

28 **TOTAL APPROPRIATIONS** \$131,330 \$210,740

30 **PART AA**

32 **Sec. AA-1. 5 MRSA §150, 2nd ¶**, as amended by PL 1995, c. 665,
 34 Pt. P, §1 and affected by PL 1997, c. 643, Pt. E, §5, is further
 amended to read:

36
 38 The Treasurer of State, with the approval of the Governor,
 may negotiate a temporary loan or loans in anticipation of taxes
 levied for that fiscal year, but not exceeding a total of that
 40 amount of taxes estimated by the Treasurer of State to be
 collected in the fiscal year in which the temporary loan or
 42 loans, or renewal of the temporary loan or loans, is made, as
 long as the temporary loans or renewals of the temporary loans do
 44 not exceed any limitation set forth in the Constitution of Maine,
 Article IX, Section 14. Any such loans may be renewed from time
 46 to time as the Treasurer of State, with the approval of the
 Governor, determines, except that each loan or renewal of the
 48 loan must be retired not later than the close of the fiscal year
 in which the loan was originally made and for which were levied
 50 the taxes in anticipation of the collection of which the loan was

originally made; and that each loan or renewal of the loan must
comply with the provisions of this section and the Constitution
of Maine, Article IX, Section 14. The Treasurer of State shall
pay the loan or loans in anticipation of taxes during the year
and there is appropriated for any year in which the Treasurer of
State and the Governor determine it necessary to borrow in
anticipation of taxes the sum of \$30,000,000; except that for
~~fiscal year 1991-92, the sum may not exceed \$150,000,000; for~~
~~fiscal year 1992-93, the sum may not exceed \$170,000,000; for~~
~~fiscal year 1993-94, the sum may not exceed \$170,000,000; and for~~
~~fiscal year 1994-95, the sum may not exceed \$175,000,000; and for~~
~~fiscal year 1995-96, the sum may not exceed \$182,000,000; and for~~
~~fiscal year 1996-97, the sum may not exceed \$190,000,000~~ fiscal
year 2001-02, the sum may not exceed \$100,000,000.

Sec. AA-2. Appropriation. The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

2001-02

**TREASURER OF STATE,
OFFICE OF**

Debt Service - Treasury

All Other \$5,000,000

Provides funds to meet the debt service
payments related to a \$100,000,000 tax
anticipation note for fiscal year 2001-02.
This appropriation will be offset by
additional General Fund revenue from
interest earnings of \$5,000,000 in fiscal
year 2001-02.

PART BB

Sec. BB-1. PL 1999, c. 731, Pt. AAAA, §4 is amended to read:

Sec. AAAA-4. Appropriation. The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

2000-01

LEGISLATURE

Legislature

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

2	Personal Services	\$1,100
	All Other	1,000
4		
6	Provides funds for the per diem and expenses of legislative members of the Maine Fire Protection Services Commission.	
8		
10	LEGISLATURE	
	TOTAL	<hr/> 2,100
12	MAINE FIRE PROTECTION SERVICES	
14	COMMISSION	
16	Maine Fire Protection Services Commission	
18	Personal Services	2,640
	All Other	17,360
20		
22	TOTAL	<hr/> 20,000
24	Provides initial operating funds for the Maine Fire Protection Services Commission. <u>These funds may not lapse but must be</u> <u>carried forward until June 30, 2002 to be</u> <u>used for this same purpose.</u>	
26		
28		
30	Maine Fire Protection Services Commission	
32	All Other	30,000
34	Provides one-time funds to contract for actuarial and other planning services to create plans for a health insurance bridge for retired career firefighters and for a length-of-service incentive program for volunteer firefighters. <u>These funds may not</u> <u>lapse but must be carried forward until June</u> <u>30, 2002 to be used for these same purposes.</u>	
36		
38		
40		
42		
44	MAINE FIRE PROTECTION SERVICES COMMISSION	
	TOTAL	<hr/> 50,000
46		
48	MAINE TECHNICAL COLLEGE SYSTEM - BOARD OF TRUSTEES OF THE	
50	Maine Technical College System -	

Board of Trustees

2		
4	All Other	\$323,900
6	Appropriates additional funds for 3	
8	full-time and 32 part-time positions to be	
10	established by the Maine Fire Training and	
12	Education Program to develop and deliver	
14	standardized firefighter training in local	
16	communities throughout the State.	
18		
20	MAINE TECHNICAL COLLEGE SYSTEM -	
22	BOARD OF TRUSTEES OF THE	
24	TOTAL	<hr/> \$323,900
26		
28	SECTION	
30	TOTAL APPROPRIATIONS	<hr/> \$376,000
32		

PART CC

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

2002-03

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Dam Repair and Reconstruction Fund

32		
34	All Other	\$5,000
36	Notwithstanding the	
38	provisions of the Maine	
40	Revised Statutes, Title 38,	
42	section 844, allocates funds	
44	on a one-time basis to fund	
46	the costs of a low-flow study	
48	to be conducted by the	
50	Aroostook Water and Soil	
	Management Board.	

PART DD

Sec. DD-1. 22 MRSA §3769-C, sub-§1, ¶¶A and B are enacted to read:

2 A. Beginning October 1, 2001, the department shall use
unexpended funds in the TANF program to increase the maximum
4 amount of TANF assistance by an amount equal to 5% of the
maximum payments that were in effect on January 1, 2001, and
6 shall increase the standard of need to maintain the same
differential between the maximum payment and the standard of
8 need that was in effect on January 1, 2001. Initial
applicants for assistance may not become eligible for
10 assistance as a result of any increase in the standard of
need required by this paragraph.

14 B. Beginning with the 2004-2005 fiscal biennium, the
16 commissioner must continue the 5% benefit increase provided
for in paragraph A in the department's current services
budget request for the TANF block grant.

18 **Sec. DD-2. TANF Reserve.** The Department of Human Services
19 shall allocate \$1,032,971 in fiscal year 2001-02 and \$1,377,295
20 in fiscal year 2002-03 from the TANF Reserve to the Temporary
21 Assistance for Needy Families program to provide a 5% increase in
22 the maximum level of assistance in the program pursuant to the
23 Maine Revised Statutes, Title 22, section 3769-C, subsection 1,
24 paragraph A.

26 **Sec. DD-3. Allocation.** The following funds are allocated from
the Federal Block Grant Fund to carry out the purposes of this
28 Part.

30	2001-02	2002-03
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32 HUMAN SERVICES, DEPARTMENT OF

34 Temporary Assistance for Needy Families

All Other	\$1,032,971	\$1,377,295
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Provides funds from the TANF Reserve to support a 5% increase in the maximum level of assistance in the TANF program.

46 Temporary Assistance for Needy Families

48	All Other	\$750,000	\$1,000,000
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50 Provides funds to support a

5% increase in the maximum
level of assistance in the
TANF program.

**Temporary Assistance for Needy
Families**

All Other (\$750,000) (\$1,000,000)

Deallocates funds to offset
an excess allocation in Part
A of the Governor's "current
services" budget.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$1,032,971 \$1,377,295

PART EE

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

2001-02 2002-03

EXECUTIVE DEPARTMENT

Public Advocate

All Other (\$181,569) (\$181,551)

Deallocates funds to limit
growth within the Office of
the Public Advocate.

PART FF

**Sec. FF-1. Transfers from unappropriated surplus at close of fiscal
year 2000-01.** Notwithstanding any other provision of law, at the
close of fiscal year 2000-01, the State Controller shall transfer
from the unappropriated surplus of the General Fund to the
Executive Branch - Departments and Agencies Statewide account
within the Department of Administrative and Financial Services
after all required deductions of appropriations and budgeted
financial commitments and as the next priority after the
transfers required pursuant to the Maine Revised Statutes, Title
5, sections 1507, 1511, 1513, 1517 and 1519 and the amounts
authorized pursuant to Public Law 2001, chapter 358, Part X,

section 2 an amount not to exceed \$9,100,572 as determined in section 2 of this Part. At the close of fiscal year 2000-01, transfers authorized pursuant to Title 5, section 1519 may not exceed \$2,000,000 and transfers authorized pursuant to Title 5, section 1517 may not exceed \$1,700,000.

Sec. FF-2. Priority of transfers. Transfers made in accordance with section 1 of this Part must be expended for the purposes listed in this section in the following amounts and priority order.

1. ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Tourism \$2,193,844

New Initiative: Provides funds to increase tourism promotion in fiscal year 2002-03. These funds may not be expended in fiscal year 2001-02 but must be carried forward until June 30, 2003.

2. MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management \$139,418

New Initiative: Appropriates funds to develop alternative lobster stock assessment models and to develop alternative biological reference points for lobster in the State.

3. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Disaster Assistance \$424,396

New Initiative: To provide the state share of federal disaster assistance.

4. AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Office of Agricultural, Natural and Rural Resources \$5,000

New Initiative: Appropriates funds in fiscal year 2001-02 for the United States Geological Survey to conduct a low-flow study in Aroostook County.

5. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

Disproportionate Share - Augusta Mental Health Institute \$26,490

New Initiative: Modernization of management information system.

6. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

Disproportionate Share - Augusta Mental Health Institute \$133,894

New Initiative: Continues using contract nurses at the Augusta Mental Health Institute.

7. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

Disproportionate Share - Bangor Mental Health Institute \$132,530

New Initiative: Provides funds to contract for nurse coverage due to difficulty in recruiting state employees.

8. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services Capital Improvement Reserve Fund \$400,000

New Initiative: Provides funds to the Bureau of General Services to complete renovating the HETL building and clinical laboratories.

9. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services Capital Improvement Reserve Fund \$350,000

New Initiative: Provides funding for the development of a capital investment plan for the Downeast Correctional Facility.

10. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services Capital Improvement Reserve Fund \$125,000

New Initiative: Provides funding for repairs to a hangar in Greenville.

11. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services Capital Improvement Reserve Fund \$350,000

New Initiative: Provides funding in fiscal year 2002-03 for an architectural and engineering assessment of the Harlow Building.

12. GOVERNOR BAXTER SCHOOL FOR THE DEAF

Governor Baxter School for the Deaf	\$100,000
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New Initiative: Provides one-time funds in fiscal year 2001-02 and the authority to use unobligated resources in order to offset expenditures by local education authorities for the costs of educational programs and related services required for students under federal and state laws related to the Individuals with Disabilities Education Act. The Governor Baxter School for the Deaf is to submit a report by January 15, 2002 to the Commissioner of Administrative and Financial Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs detailing the school's specific responsibilities and the resources necessary to address those responsibilities.

13. CORRECTIONS, DEPARTMENT OF

Administration - Corrections	\$1,800,000
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New Initiative: Provides for the continued development of the department's technology plan.

14. ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Tourism	\$1,000,000
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New Initiative: Provides funds to match a federal grant to plan and construct the Downeast Heritage Center on the St. Croix River in Calais and to promote tourism and economic growth in Washington County.

15. HUMAN SERVICES, DEPARTMENT OF

Bureau of Health	\$25,000
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New Initiative: Appropriates funds on a one-time basis to design and conduct a health study of selected residents of the Town of Orrington relating to levels of mercury.

16. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Military Educational Benefits	\$300,000
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New Initiative: Provides educational funds in fiscal year 2001-02.

17. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

**Bureau of General Services Capital Improvement
Reserve Fund**

\$1,000,000

New Initiative: Provides funding in fiscal year 2001-02 for renovations at the Bangor Mental Health Institute campus to make office space ADA-accessible, to upgrade heating and cooling systems and to repair the roof and parapets.

18. STATE BOARD OF EDUCATION

State Board of Education

\$150,000

New Initiative: Provides funding to continue the implementation of essential programs and services.

19. MAINE STATE MUSEUM

Maine State Museum

\$445,000

New Initiative: Provides funds for the repair of portraits in the State House and for the stabilization of the historic flags exhibit.

Sec. FF-3. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, in fiscal year 2001-02, the State Budget Officer shall calculate the amounts that may be transferred to the various state departments and agencies for the projects listed in section 2 of this Part and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal year 2001-02. The State Budget Officer shall 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 January 31, 2003. Amounts transferred pursuant to this Part and not expended during fiscal year 2001-02 may not lapse at the end of fiscal year 2001-02 but must be carried forward to be used for the purposes for which they were originally transferred.

Sec. FF-4. Revenue Reserve. A Revenue Reserve is established as an account within the General Fund to be used to reserve funds against future revenue reductions that may result from the State taking action to conform the State's tax laws to the United States Internal Revenue Code, to offset future budget shortfalls, to secure resources for the Fund for a Healthy Maine or for other purposes as determined by the Legislature. At the

close of fiscal year 2000-01, the State Controller shall transfer to the Revenue Reserve any balance remaining in General Fund unappropriated surplus after all the transfers authorized pursuant to section 1 and after all other required deductions of appropriations and budgeted financial commitments.

PART GG

Sec. GG-1. 12 MRSA §7076, sub-§6, as repealed and replaced by PL 1999, c. 249, §1, is amended to read:

6. Members of Armed Forces domiciled in Maine. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State ~~and--that--person's spouse--and--children--may--purchase--Maine--hunting--and--fishing licenses--at--reduced--rates~~ may be issued a combination fishing and hunting license for an amount equal to the administrative costs associated with issuing the license as determined by the department. Administrative costs do not include agent fees. To qualify, the member of the Armed Forces must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees. The license is valid during the year of issue. That person's spouse and children may purchase Maine hunting and fishing licenses at reduced rates. The reduced fees are as follows:

A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;

B. Ten dollars, plus the issuing fee for a hunting license; and

C. Ten dollars, plus the issuing fee for a fishing license.

Sec. GG-2. Effective date. This Part takes effect July 1, 2002.

PART HH

Sec. HH-1. 30-A MRSA §4992-A, as enacted by PL 1991, c. 858, §1, is amended to read:

§4992-A. Fuel Assistance Reserve Fund

1. Fuel Assistance Reserve Fund. If funds are appropriated pursuant to this section, the authority shall use the funds to

establish and capitalize the Fuel Assistance Reserve Fund. The authority shall keep the Fuel Assistance Reserve Fund, referred to in this section as the "fund," separate from all other funds managed by the authority and use the fund only under the conditions set forth in this section. The authority shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available prior to the beginning of the heating season.

2. Timely distribution of benefits. The authority shall make available to local program operators and municipal administrators of the fuel assistance program, ~~by October 1st at the beginning~~ of each state fiscal year, funds sufficient to cover anticipated fuel assistance payments and program administrative costs for at least the months of ~~October, November and December~~ July, August and September.

3. Conditional use of the fund. The authority's use of the fund is subject to the following conditions and limitations.

A. If the authority reasonably anticipates that federal fuel assistance block grant funds are not available for distribution to the local program operators and municipal administrators by ~~October~~ July 1st of each year, the authority shall withdraw and distribute sufficient money from the fund as is necessary for the purposes set forth in this section. The authority may withdraw funds prior to October 1st, provided that those funds are used only for costs incurred on or after ~~October~~ July 1st.

Money may not be withdrawn from the fund if sufficient block grant funds are available by ~~October~~ July 1st to pay reasonably anticipated fuel assistance program and administrative costs for the months of ~~October, November and December~~ July, August and September.

B. Money withdrawn from the fund must be sufficient to cover anticipated fuel assistance payments and fuel assistance program administrative costs for all local program operators and municipal administrators for the months of ~~October, November and December~~ July, August and September.

C. The fund may not be used if the authority reasonably anticipates that no federal fuel assistance money will be received.

D. The authority must receive prior written approval from the Federal Government that confirms that state funds

2 withdrawn during a period from July 1st to September 30th
3 may be reimbursed with federal fuel assistance funds
4 received for the federal program year beginning in October
5 of that same year.

6 **4. Recapitalization.** If money is withdrawn from the fund
7 for the purposes of this section, the authority shall ensure that
8 the fund is fully recapitalized before the end of the fiscal year
9 in which the funds were appropriated. Recapitalization does not
10 apply in any state fiscal year in which a working capital advance
11 is provided.

12 **5. Working capital advance.** The State Controller may
13 advance up to \$10,000,000 from the General Fund unappropriated
14 surplus beginning July 1, 2002 to the Fuel Assistance Reserve
15 Fund during any state fiscal year, if requested in writing by the
16 Director of the Maine State Housing Authority, to be used to
17 provide cash necessary to ensure that fuel assistance benefits
18 for the State's eligible elderly and low-income applicant
19 households will be available prior to the beginning of the
20 heating season. These funds must be allotted by financial order
21 upon recommendation of the State Budget Officer and approval of
22 the Governor. Subject to the availability of federal fuel
23 assistance block grant funds, these funds must be returned to the
24 General Fund before the close of the state fiscal year in which
25 the advance was made. The State Controller shall report to the
26 joint standing committee of the Legislature having jurisdiction
27 over appropriations and financial affairs within 30 days of
28 making any working capital advance for this purpose.

29 **Sec. HH-2. Maine State Housing Authority shall study fixed-price**
30 **home heating fuel contracts for fuel assistance recipients.** The Maine
31 State Housing Authority shall consult with the Maine Oil Dealers
32 Association and Maine Community Action programs to determine if
33 oil dealers are making fixed-price home heating fuel contracts
34 available to fuel assistance recipients and if and when it is
35 practical to make such contracts available to fuel assistance
36 recipients. The authority shall submit a report with suggested
37 legislation, if necessary, to the Joint Standing Committee on
38 Business and Economic Development by January 15, 2002. The Joint
39 Standing Committee on Business and Economic Development may
40 report out legislation to the Second Regular Session of the 120th
41 Legislature.

42 **Sec. HH-3. Maine State Housing Authority shall identify funding for**
43 **nonfederal share of weatherization program costs.** Whenever it is
44 required by the Federal Government, the Maine State Housing
45 Authority in consultation with other affected state agencies that
46 receive federal Department of Energy funding shall report to the
47 joint standing committee of the Legislature having

jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on identifying the most effective way to provide adequate funding of the 25% nonfederal share of weatherization program costs.

The authority shall identify the source or sources of the match necessary to meet this cost-sharing requirement. The authority shall identify an appropriate long-term funding solution.

Sec. HH-4. Maine State Housing Authority shall report on feasibility of establishing Office of Energy Conservation. The Maine State Housing Authority, with assistance from the State Planning Office, shall report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the most cost-effective approaches to the following:

1. Providing a new comprehensive energy conservation plan for this State and updating it every 2 years;

2. Coordinating all state energy conservation programs;

3. Encouraging conservation of energy and development of this State's energy resources to assist citizens in surviving the winter heating season; and

4. Soliciting and incorporating advice and comment from affected stakeholders including representatives of the energy industry, utilities, energy conservation service providers, low-income households and environmental agencies.

This report must be submitted with accompanying legislation if necessary to the First Regular Session of the 120th Legislature by September 1, 2001.

Sec. HH-5. Maine State Housing Authority shall annually study percentage of Low-income Home Energy Assistance Program funds used for weatherization services. The Maine State Housing Authority shall investigate in April of 2002 and 2003 the possibility of increasing the percentage of Low-income Home Energy Assistance Program funds from 15% up to as high as 25% for weatherization services.

Sec. HH-6. State Planning Office shall conduct study regarding reduction of energy consumption. The State Planning

Office shall conduct a study to determine whether this State can reduce its per capita residential energy consumption by 25% by 2011. Particular attention must be paid to low-income to moderate-income households that lack the financial and technical resources to identify energy conservation opportunities and to acquire the energy conservation goods and services needed to achieve significant savings. The State Planning Office shall report on requiring higher efficiency ratings for heating systems, appliances and energy building standards. The State Planning Office shall also analyze the possibility of requiring higher efficiency ratings for heating systems, appliances and energy building standards. The State Planning Office shall investigate the value of tax incentives for implementing measures identified in energy audits for energy conservation improvements for Maine citizens. The State Planning Office shall report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters, the joint standing committee of the Legislature having jurisdiction over taxation matters, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on establishing Maine energy independence programs and financing mechanisms to achieve this goal. The State Planning Office shall submit a report with accompanying legislation to the Second Regular Session of the 120th Legislature by January 15, 2002.

PART II

Sec. II-1. 22 MRSA §254, sub-§1, ¶A, as enacted by PL 1999, c. 401, Pt. KKK, §1 and affected by §10 and c. 531, Pt. F, §2, is amended to read:

A. The basic component of the program must provide drugs and medications for cardiac conditions and high blood pressure, diabetes, arthritis, anticoagulation, hyperlipidemia, osteoporosis, chronic obstructive pulmonary disease and asthma, incontinence, thyroid diseases, glaucoma, parkinson's disease, multiple sclerosis and amyotrophic lateral sclerosis. The basic component must also provide over-the-counter medications that are prescribed by a health care provider and approved as cost-effective by the department.

Sec. II-2. 22 MRSA §254, sub-§2, as amended by PL 1999, c. 401, Pt. KKK, §1 and affected by §10 and c. 531, Pt. F, §2, is repealed.

Sec. II-3. 22 MRSA §254, sub-§2-A is enacted to read:

2-A. Income eligibility. Individuals are eligible for this program if the household income, as defined in subsection 9, is not more than the amount set by this subsection. In calculating income eligibility, the cost of drugs provided to a household under this section is considered a cost incurred by the household. The income eligibility limit is determined as follows:

A. Calculate the applicable poverty level by reference to 185% of the federal nonfarm income official poverty level, as defined by the Office of Management and Budget, that was in effect on January 1, 2001;

B. Calculate the income eligibility limit for calendar year 2001 by multiplying the poverty level figure from paragraph A by the result of one plus the annualized cost-of-living adjustment used to determine Social Security retirement benefits issued during calendar year 2001;

C. For each program year after 2001, calculate the income eligibility limit for the year for which relief is requested by multiplying the income eligibility limit for the previous program year as calculated by paragraph B by one plus the annualized cost-of-living adjustment applicable to Social Security retirement benefits issued during the year for which relief is requested; and

D. For individuals in households that spend at least 40% of income on unreimbursed direct medical expenses for prescription medications, the income eligibility limit is increased by 25%.

Sec. II-4. Effective date. This Part takes effect November 1, 2001, except that that portion of this Part that enacts the Maine Revised Statutes, Title 22, section 254, subsection 2-A takes effect January 1, 2002 and applies to calendar year 2002 and succeeding years.

PART JJ

Sec. JJ-1. 36 MRSA §1864 is enacted to read:

§1864. No use tax on donations to exempt organization

A use tax is not imposed on the donation of merchandise by a retailer from inventory to an organization if sales to that organization are exempt from sales tax under section 1760.

(2) "Holocaust victim settlement payment" means a payment received:

(a) As a result of the taxpayer's status as a Holocaust victim;

(b) As a result of the settlement of any other Holocaust claim, including an insurance claim, a claim relating to looted art, a claim relating to looted financial assets, a claim relating to slave labor wages or a class action lawsuit claim against Swiss banks; or

(c) As interest on any payment under division (a) or (b) accumulated or accrued through the date of payment.

Sec. LL-2. Application. This Act applies to tax years beginning on or after January 1, 2001.

PART MM

Sec. MM-1. Increase in reimbursement for therapy services. The Department of Human Services shall adopt rules to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy, speech and language pathologist and audiologist services to 50% of the usual and customary charge applicable to that provider and service as of January 1, 2001, as determined by the Department of Human Services. The department shall adopt these rules to take effect January 1, 2002.

Sec. MM-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Medical Care - Payments to Providers		
All Other	\$25,456	\$52,234
Provides funds to increase the reimbursement rates under		

the Medicaid program for
occupational and physical
therapy, speech and language
pathologist and audiologist
services to 50% of the usual
and customary charges.

Sec. MM-3. Allocation. The following funds are allocated
from the Federal Expenditures Fund to carry out the purposes of
this Part.

2001-02 2002-03

**HUMAN SERVICES,
DEPARTMENT OF**

**Medical Care - Payments
to Providers**

All Other \$50,452 \$104,060

Allocates federal matching
funds to increase the
reimbursement rates under the
Medicaid program for
occupational and physical
therapy, speech and language
pathologist and audiologist
services to 50% of the usual
and customary charges.

PART NN

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

2002-03

EDUCATION, DEPARTMENT OF

Learning Systems

All Other \$200,000

Provides funds to allow the
Interdepartmental Committee on Transition to
assist Maine public schools to reach
compliance with state and federal transition

laws and regulations as they relate to
learning results and postsecondary outcomes
for youth with disabilities.

PART OO

Sec. OO-1. Liaison with United States Army Corps of Engineers.

The Department of Conservation, in coordination with other appropriate state agencies, is the liaison to the United States Army Corps of Engineers in its efforts to modify the federal coastal engineering structure at Camp Ellis in Saco to ensure that the interests of the State and municipalities comprising the Saco Bay Planning Committee are adequately represented.

Sec. OO-2. Beach nourishment policy established.

The Department of Conservation, in coordination with other appropriate state agencies and local communities, shall develop a beach nourishment policy for the State. This beach nourishment policy must establish criteria for identifying beaches or portions of beaches suitable for beach nourishment. The Department of Conservation shall investigate appropriate sources of sand for nourishment purposes, focusing first on sources in Saco Bay.

PART PP

Sec. PP-1. 30-A MRSA §5681, sub-§5, as repealed and replaced by PL 1999, c. 731, Pt. U, §5, is amended to read:

5. **Transfers to funds.** On the last day of each month, ~~beginning July 31, 2000,~~ the Treasurer of State shall transfer to the Local Government Fund ~~an amount equal to 5.1% a percentage,~~ as provided in this subsection, of the receipts from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund without any reduction. Any amounts transferred to the Local Government Fund in excess of the annual growth ceiling must be transferred to the Disproportionate Tax Burden Fund. The percentage transferred to the Local Government Fund on the last day of each month is:

A. For months beginning before January 1, 2003 and months beginning on or after July 1, 2003, 5.1%; and

B. For months beginning on or after January 1, 2003 and before July 1, 2003, 5.2%.

PART QQ

Sec. QQ-1. 20-A MRSA §13451, sub-§2, as amended by PL 1997, c. 652, §3 and affected by §4, is further amended to read:

2. Eligibility; retired teacher members. Any retired teacher who receives a retirement benefit from the Maine State Retirement System is eligible for group accident and sickness or health insurance, provided that the retired teacher has a minimum of 5 years creditable service and also meets the eligibility requirements for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement or October 1, 1987, whichever comes last. Retired teachers may not be required to maintain a dues-paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

Sec. QQ-2. 20-A MRSA §13451, sub-§3, as amended by PL 1997, c. 643, Pt. 00, §1 and affected by §3, is further amended to read:

3. Payment by State. The State shall pay 30% of the retired teacher members' share of this insurance. Beginning July 1, 2002, the State shall pay 35% of the retired teacher members' share of this insurance.

Sec. QQ-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2002-03

EDUCATION, DEPARTMENT OF

Health Insurance - Retired Teachers

All Other	\$1,336,160
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Provides funds to increase the State's contribution for health insurance for retired teacher members from 30% to 35% beginning July 1, 2002.

PART RR

Sec. RR-1. 37-B MRSA §505, sub-§1, as amended by PL 1997, c. 455, §25, is repealed.

Sec. RR-2. 37-B MRSA §505, sub-§1-A is enacted to read:

1-A. Financial assistance. Financial assistance may be granted as follows.

A. The bureau may provide a grant of temporary assistance not to exceed \$200 per month and not to exceed \$600 in any 12-month period to a veteran in this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension, if that veteran is not incarcerated and requests such assistance. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the federal Veterans' Administration pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of emergency assistance not to exceed \$500 to a veteran who suffers an emergency, such as the loss of that veteran's home to fire, flood or hurricane, that is not fully compensable by insurance; illness or the illness of an immediate family member; or a similar emergency. No more than \$1,000 in emergency assistance may be provided to a veteran in any 12-month period. For the purposes of this paragraph, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1.

C. A veteran who requests either temporary assistance under paragraph A or emergency assistance under paragraph B and is denied such assistance may request a reconsideration and review of this decision by the director. The decision of the director is final and may not be appealed to a court.

D. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. RR-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2001-02

DEFENSE, VETERANS AND
EMERGENCY MANAGEMENT,
DEPARTMENT OF

Bureau of Veterans Services

Positions

(1.000)

Personal Services	\$28,017
All Other	206,447

Provides funds for one Accountant I position, a computer and general operating costs to administer this program. This appropriation also includes \$200,000 in fiscal year 2001-02 to provide aid to veterans. These funds may not lapse but must be carried forward until June 30, 2003 to be used for these purposes.

**DEPARTMENT OF DEFENSE, VETERANS
AND EMERGENCY MANAGEMENT
TOTAL**

\$234,464

PART SS

Sec. SS-1. 5 MRSA §13124-D is enacted to read:

§13124-D. Maine EPSCoR Capacity Fund

The Maine EPSCoR Capacity Fund is established within the foundation to provide the matching funds that are required by several federal agencies in their EPSCoR activities. The fund must be used to match EPSCoR awards.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fund" means the Maine EPSCoR Capacity Fund.

B. "Match" means the cash commitment required from the State as defined by the federal funding agency. Match requirements vary among federal agencies.

C. "Research capacity committee" means the EPSCoR steering committee referred to in section 13124-B.

2. Organization. The foundation is the custodian of state appropriated funds for the fund. The research capacity committee has fiscal responsibility for the approval and disbursement of the funds. The Maine EPSCoR director shall work closely with the research capacity committee and the foundation.

3. Authorized activities. The research capacity committee shall approve disbursement of funds to successful EPSCoR grantees. Solely upon direction of the research capacity

committee, the foundation shall allocate the resources of the fund to match grants activities at successful academic, industry and nonprofit grantee institutions.

4. Guidelines. The research capacity committee shall establish guidelines for cash and in-kind match requirements based on the activities to be supported with the fund. Match levels must reflect the requirements identified by the federal funding agencies.

5. Liquidation and dissolution. In the event of liquidation or dissolution of the foundation or the fund, any rights or interests in a qualified security or portion of a qualified security purchased with money invested by the State vest in the State. The State is entitled to, in proportion to the amount of investment in the fund by the State, any balance of money remaining in the fund after payment of all debts and obligations upon liquidation or dissolution of the foundation or the fund.

Sec. SS-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2001-02

**MAINE SCIENCE AND
TECHNOLOGY FOUNDATION**

**Maine Science and Technology
Foundation**

All Other	\$300,000
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Provides matching funds for the Maine Experimental Program to Stimulate Competitive Research. The Maine Science and Technology Foundation must manage these funds on behalf of the research capacity committee of EPSCoR consistent with the provisions of the Maine Revised Statutes, Title 5, sections 13124-B and 13124-D. Funds appropriated do not lapse and may be carried forward to fiscal year 2002-03.

PART TT

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

2001-02

MAINE MARITIME ACADEMY

Maritime Academy - Operations

All Other	\$50,000
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Provides one-time funds to encourage private donations to the Maine Maritime Academy's Small Vessel Endowment Fund. The academy is required to raise private contributions on a 2 for 1 basis to supplement funds appropriated by the Legislature for this purpose.

PART UU

Sec. UU-1. Breast and cervical cancer treatment. The Department of Human Services shall amend the rules regarding eligibility for the Medicaid program and the state Medicaid plan to grant eligibility to women who have breast or cervical cancer diagnosed through the Maine Breast and Cervical Health Program. The program shall provide full Medicaid services for the duration of treatment for these cancer patients with resources provided by state and federal funds.

Sec. UU-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2001-02	2002-03
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HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers

All Other	\$135,690	\$161,631
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Provides funds for full Medicaid services for women who have breast or cervical cancer diagnosed through the Maine Breast and Cervical Health Program.

Sec. UU-3. Allocation. The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Part.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Medical Care - Payments to Providers		
All Other	\$444,431	\$529,393
Provides for the federal match for full Medicaid services to women who have breast or cervical cancer diagnosed through the Maine Breast and Cervical Health Program.		

PART VV

Sec. VV-1. 22 MRSA §9-A, sub-§1, ¶A, as amended by PL 1997, c. 530, Pt. A, §6, is further amended to read:

A. "Public assistance" means any of the following:

- (1) Temporary assistance for needy families under chapter 1053-B;
- (2) Food stamp assistance under section 3104;
- (3) General assistance under chapter 855 and any state-funded portion under chapter 1161;
- (4) Medical assistance under chapter 855; or
- (5) Assistance under the Parents as Scholars Program pursuant to chapter 1054-B; or
- (6) Public assistance for veterans under Title 37-B, section 505.

Sec. VV-2. 37-B MRSA §505, sub-§5 is enacted to read:

5. Public assistance designation. Assistance granted to veterans or their dependents pursuant to this section is designated public assistance for the purposes of providing public

assistance within the meaning of Title 22, section 9-A. The department retains administrative responsibility for assistance granted under this section.

Sec. VV-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2002-03

**DEFENSE, VETERANS AND
EMERGENCY MANAGEMENT,
DEPARTMENT OF**

Bureau of Veterans' Services

Positions	(1.000)
Personal Services	\$40,686

Provides funds to convert 2 part-time Clerk Typist II positions to full-time positions to be located in the bureau's regional field offices.

PART WW

Sec. WW-1. 4 MRSA §1352, sub-§1, as amended by PL 1997, c. 643, Pt. M, §12, is further amended to read:

1. Amount. The service retirement allowance of a member is determined under the provisions of this chapter in effect on the member's date of final termination of service. Subject to the maximum benefit provided for in subsection 3 ~~3-A~~ and the minimum benefit provided for in subsection 4, the total amount of the retirement allowance of a member retired in accordance with section 1351 is equal to the sum of:

A. 1/50 of the member's average final compensation multiplied by the number of years of membership service, from December 1, 1984 to June 30, 1998 and creditable service allowed under section 1302, subsection 3;

B. The earned benefit for prior service as a judge as determined by subsection 2; and

C. Three percent of the member's average final compensation multiplied by the number of years of membership service beginning July 1, 1998.

Sec. WW-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2001-02	2002-03
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JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

Personal Services	\$39,065	\$40,627
All Other	(39,065)	(40,627)

Provides funds to support the additional costs associated with increasing the maximum benefit from 60% to 70% of average final compensation for judges appointed on or after December 1, 1984.

**JUDICIAL DEPARTMENT
TOTAL**

\$0 \$0

PART XX

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

2001-02

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

Office of the Commissioner

All Other \$20,000

Appropriates funds on a
one-time basis to be used for
dues associated with
membership in the Northeast
States Association for
Agricultural Stewardship.

PART YY

Sec. YY-1. 5 MRSA §285, first ¶, as amended by PL 1989, c. 776,
§1, is further amended to read:

A group health plan is available to state employees and
other eligible persons, subject to the following provisions.

Sec. YY-2. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1997, c.
652, §1 and affected by §4, is further amended to read:

G. Subject to subsection 1-A, employees in any of the
categories denominated in paragraphs A to F-1 and paragraph
F-3 who:

(1) On April 26, 1968, have retired and who were
covered under group health plans that by virtue of
Public Law 1967, chapter 543 were terminated;

(2) After April 26, 1968, retire and who on the date
of their retirement are currently enrolled in this
group health plan as employees;

(3) After December 2, 1986, and after reaching normal
retirement age, cease to be members of the Legislature
and are recipients of retirement allowances from the
Maine State Retirement System based upon creditable
service as teachers, as defined by section 17001,
subsection 42. This paragraph also applies to former
members who were members on December 2, 1986;

(4) After December 2, 1986, and not yet normal
retirement age, cease to be members of the Legislature
and are recipients of retirement allowances from the

Maine State Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph also applies to former members who were members on December 2, 1986; or

(5) After January 1, 1999, terminate employment under which they were eligible for the group health plan but do not retire at that time and who satisfy the requirements of subsection 1-A, paragraph D or paragraph E; and

Sec. YY-3. 5 MRSA §285, sub-§1, ¶H, as enacted by PL 1997, c. 80, §3, is amended to read:

H. A blind person operating a vending facility pursuant to Title 26, section 1418-F under the direction of the Department of Labor, Division for the Blind and Visually Impaired; and

Sec. YY-4. 5 MRSA §285, sub-§1, ¶I is enacted to read:

I. Any licensed foster parent caring for a child or children in the foster parent's residence whose care is reimbursed through the Department of Human Services for the period during which the child or children are in that foster parent's care.

Sec. YY-5. 5 MRSA §285, sub-§7, as repealed and replaced by PL 1997, c. 763, §1 and affected by §7, is amended to read:

7. Payment by State. Except as otherwise provided in this subsection, the State, through the commission, shall pay 100% of only the employee's share of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission, except for Legislators, for whom the State shall pay 50% of the health plan premium for dependent coverage. For any person appointed to a position after November 1, 1981 who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours. The State may not pay any portion of the health plan premium for a blind person eligible for the group health plan under subsection 1, paragraph H or for a licensed foster parent eligible for the group health plan under subsection 1, paragraph I.

For persons who were first employed before July 1, 1991, the State shall pay 100% of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan

pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G.

For persons who were first employed by the State after July 1, 1991, the State shall pay a pro rata share portion of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G based on the total number of years of participation in the group health plan prior to retirement as follows:

Years of Participation	State Portion
10 or more years	100% group health plan premium
9 but less than 10 years	90% group health plan premium
8 but less than 9 years	80% group health plan premium
7 but less than 8 years	70% group health plan premium
6 but less than 7 years	60% group health plan premium
5 but less than 6 years	50% group health plan premium
Less than 5 years	No contribution

Pursuant to Title 20-A, section 12722, subsection 5, this subsection applies to participants in the defined contribution plan offered by the Maine Technical College System Board of Trustees under Title 20-A, section 12722.

PART ZZ

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

2001-02	2002-03
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EDUCATION, DEPARTMENT OF

Jobs for Maine's Graduates

All Other	\$84,000	\$126,000
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Provides funds for the Jobs for Maine's Graduates program to fund a portion of the cost of serving 280 additional students at 4 new sites for the biennium.

PART AAA

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

2002-03

**MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES,
DEPARTMENT OF**

Mental Health Services - Community

All Other	\$50,000
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Provides funds to be distributed to the High Hopes Clubhouse to allow for the continuation of its Waterville operations.

PART BBB

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

2001-02	2002-03
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HUMAN SERVICES, DEPARTMENT OF

Maine Rx Program

All Other	\$18,000	\$18,000
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Provides funds for the

State's share of the budget
to operate the Northeast
Legislative Association on
Prescription Drug Pricing,
including one contracted
position to work on the
collective purchasing of
prescription drugs by a group
of 8 northeastern states.

PART CCC

Sec. CCC-1. 22 MRSA §3192 is enacted to read:

§3192. Community Health Access Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Benefit design" means the health care benefits package provided through the Community Health Access Program.

B. "Community board" means the local governing board of a community health plan corporation.

C. "Community health plan corporation excess insurance" means insurance that protects a plan offered by a community health plan corporation against higher than expected obligations at retention levels that do not have the effect of making the plan an insured plan. The issuance of community health access program excess insurance does not constitute the business of reinsurance.

D. "Complementary health care provider" means a health care professional, including, but not limited to, a massage therapist, naturopath, chiropractor, physical therapist or acupuncturist, who provides care or treatment to a person that complements the care or treatment provided by a primary care physician and is credentialed by a community board.

E. "Health quality measures" means statistical data that provides information on the quality of health care outcomes for individuals and groups with similar health problems.

F. "Medical data collection system" means the computerized, systematic collection of individual medical data, including the cost of medical care, that when analyzed provides information on the quality and costs of health care outcomes.

2 G. "Micro-employer" means an employer that has an average
4 of 4 or fewer employees eligible for health care benefits in
6 the 12 months preceding its enrollment in a plan offered by
 a community health plan corporation.

8 H. "Out-of-area medical services" means medical care
10 services provided outside of the geographic region of a
 community health plan corporation.

12 I. "Program" means the Community Health Access Program
 established in this section.

14 2. Program established. The Community Health Access
16 Program is established within the department to provide
18 comprehensive health care services through local nonprofit
20 community health plan corporations governed by community boards.
22 The program's primary goal is to provide access to health care
24 services to persons without health care insurance or who are
26 underinsured for health care services. The purpose of the
 program is to demonstrate the economic and health care benefits
 of a locally managed, comprehensive health care delivery model.
 The program's emphasis is on preventive care, healthy lifestyle
 choices, primary health care and an integrated delivery of health
 care services supported by a medical data collection system.

28 3. Service areas. The department may establish 2 service
30 areas for local plans developed by community health plan
32 corporations in different geographic regions of the State. A
34 service area established by the department must be an area that
 serves residents who seek regular primary health care services in
 conjunction with support from a hospital located in the same
 geographic region.

36 4. Eligible population. This subsection governs
 eligibility.

38 A. The following persons may enroll in plans developed by
40 community health plan corporations:

42 (1) Micro-employers and their employees;

44 (2) Medicaid recipients;

46 (3) Self-insured employers and their employees to the
48 extent allowed under the federal Employee Retirement
 Income Security Act;

50 (4) Self-employed persons; and

(5) Individuals without health care insurance.

B. Individuals eligible for group health care benefits through an individual's employment or spouse's employment may not enroll.

5. Community boards. A local community health plan corporation established pursuant to this section is governed by a community board composed of community members. The board membership must include representation of primary and complementary health care providers, mental health care providers, micro-employers and individuals enrolled in a plan offered by the community health plan corporation. The community boards shall establish bylaws and operating procedures.

6. Authorized powers. A local community health plan corporation may:

A. Develop a comprehensive health care benefit package that may include, but is not limited to, primary and tertiary health care services, mental health services, complementary health care services, preventive health care services, healthy lifestyle services and pharmaceutical services;

B. Develop medical data collection systems that will provide the program with the information necessary to support medical management strategies and will determine the costs and quality outcomes for the services provided;

C. Establish a fee structure sufficient to cover the actuarially determined costs of the comprehensive health care benefit package offered;

D. Develop a sliding fee schedule based on income to ensure that the fees are affordable for individuals covered by a plan offered by the community health plan corporation. The corporations are further authorized to establish mandatory minimum contributions by employers;

E. Collect fees from enrolled individuals and employers;

F. Solicit and accept funds from private and public sources to subsidize the corporation;

G. Develop community preventive care education and wellness programs. A corporation may coordinate its community preventive care education and wellness programs with schools, employers and other community institutions;

2 H. Enter into agreements with the department to provide
4 care for individuals covered by the department's Medical
6 Assistance Program in its geographic region and to develop
 methods to share access to medical information necessary for
 the program's medical data collection system; and

8 I. Enter into agreements with 3rd parties to provide needed
10 services, including, but not limited to, administration,
12 claims processing, customer services, stop-loss insurance,
 education, out-of-area medical services and other related
 services and products.

14 7. Community health plan corporation excess insurance. In
16 order to ensure adequate financial resources to pay for medical
18 services allowed in the benefit plans developed by community
20 health plan corporations, a local community health plan
22 corporation is required to enter into agreements with insurers
24 licensed in this State to obtain community health plan
26 corporation excess insurance and to provide coverage for those
28 portions of the health care benefits package that expose the
30 corporations to financial risks beyond the resources of the
 corporation. The department may develop rules to provide further
 options for community health plan corporations to maintain
 financial solvency. Participation in the Medicaid program
 satisfies the requirement of this subsection. Rules adopted
 pursuant to this subsection are major substantive rules as
 defined in Title 5, chapter 375, subchapter II-A and must be
 reviewed before final approval by the joint standing committee of
 the Legislature having jurisdiction over health insurance matters.

32 8. Cost-sharing agreements. A local community health plan
34 corporation may enter into agreements with private health
 insurance carriers or the Medicaid program in accordance with the
 following.

36 A. A local community health plan corporation may enter into
38 agreements with private health care insurers to cover
40 individual medical costs associated with all or a portion of
 the costs resulting from the benefit plan or benefit plans
 offered by the community health plan corporation.

42 B. A local community health plan corporation may enter into
44 agreements with the department to access Medicaid coverage
46 for all or a portion of the individual medical costs
 resulting from the benefit plan or benefit plans offered by
 the local community health plan corporation.

48 C. The department may seek a waiver from the Federal
50 Government as necessary to permit funding under the Medicaid
 program to be used for coverage of Medicaid-eligible

2 individuals enrolled in a plan offered by a community health
3 plan corporation. The department may adopt rules required to
4 implement the waiver in accordance with this paragraph.
5 Rules adopted pursuant to this paragraph are major
6 substantive rules as defined in Title 5, chapter 375,
7 subchapter II-A and must be reviewed before final approval
8 by the joint standing committee of the Legislature having
9 jurisdiction over health insurance matters.

10 **9. Medical and cost data.** If Medicaid-eligible individuals
11 are enrolled in the program, the department shall provide medical
12 and cost data to each local community health plan corporation at
13 the community health plan corporation's request in a format
14 usable by the community health plan corporation's medical data
15 collection system for the analysis of health care costs and
16 health care outcomes.

17 **10. Dissolution or sale.** Upon the dissolution, sale or
18 other distribution of assets of a local community health plan
19 corporation, the community board may convey or transfer the
20 assets of the corporation only to one or more domestic
21 corporations engaged in charitable or benevolent activities
22 substantially similar to those of the community health plan
23 corporation.

24 **11. Annual reports.** A local community health plan
25 corporation established pursuant to this section shall submit a
26 written report to the commissioner on or before January 21st
27 annually. The report must address the financial feasibility, fee
28 structure and benefit design of the plan offered by the community
29 health plan corporation; the health quality measures, health care
30 costs and quality of health care outcomes under the plan; and the
31 number of persons enrolled in the plan. The commissioner may
32 require more frequent reports and additional information.
33 Annually, before March 15th of each year, the department must
34 submit a report summarizing the plan's demonstrated effectiveness
35 to the joint standing committees of the Legislature having
36 jurisdiction over banking and insurance matters and health and
37 human services matters.

38 **12. Not subject to Title 24 or Title 24-A.** A local
39 community health plan corporation established pursuant to this
40 section is not subject to any provisions of Title 24 or Title
41 24-A.

42 **13. Confidentiality.** All information in the medical data
43 collection system maintained by a local community health plan
44 corporation established under this section is confidential and
45 may not be disclosed except as permitted by sections 1711-C and
46 1828.

14. Rules. The department shall adopt rules establishing minimum standards for financial solvency, benefit design, enrollee protections, disclosure requirements, conditions for limiting enrollment and procedures for dissolution of a community health plan corporation. The department may also adopt any rules necessary to carry out the purposes of this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be reviewed before final approval by the joint standing committee of the Legislature having jurisdiction over health insurance matters.

Sec. CCC-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2002-03

HUMAN SERVICES, DEPARTMENT OF

Bureau of Medical Services

Positions	(1.000)
Personal Services	\$56,898
All Other	25,102

Provides funds for one Social Services Program Manager position and related operating costs associated with establishing and administering the Community Health Access Program.

DEPARTMENT OF HUMAN SERVICES

TOTAL	\$82,000
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Sec. CCC-3. Effective date. This Part takes effect July 1, 2002.

PART DDD

Sec. DDD-1. Medicaid reimbursement. The Department of Human Services shall amend the principles of reimbursement under the Medicaid program for nursing facilities to enable nonprofit nursing facilities beginning February 1, 2002 to receive 1/4 of the profit rate applicable to proprietary nursing facilities, calculated for the nonprofit nursing facilities by reference to a percentage rate of return on equity capital invested and used in the provision of long-term care services contingent on approval of Medicaid funding at the federal level. Rules adopted pursuant

to this section are routine technical rules as defined in the
Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.
Rules adopted pursuant to this section must be implemented by
January 1, 2002.

Sec. DDD-2. Appropriation. The following funds are
appropriated from the General Fund to carry out the purposes of
this Part.

	2001-02	2002-03
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HUMAN SERVICES, DEPARTMENT OF

Nursing Facilities

All Other	\$53,677	\$118,380
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Provides funds to amend the
principles of reimbursement
to enable nonprofit nursing
facilities to receive 1/4 of
the profit rate applicable to
proprietary nursing
facilities. This funding is
contingent upon approval of
the Medicaid reimbursement
from the Health Care Finance
Administration.

Sec. DDD-3. Allocation. The following funds are allocated
from the Federal Expenditures Fund to carry out the purposes of
this Part.

	2001-02	2002-03
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HUMAN SERVICES, DEPARTMENT OF

Nursing Facilities

All Other	\$106,386	\$235,839
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Provides for the federal
match to amend the principles
of reimbursement to enable
nonprofit nursing facilities
to receive 1/4 of the profit
rate applicable to
proprietary nursing
facilities.

PART EEE

Sec. EEE-1. 4 MRSA §104-A, as amended by PL 1997, c. 643, Pt. M, §6, is further amended to read:

§104-A. Per diem compensation for Active Retired Superior Court Justices

Any Active Retired Justice of the Superior Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, is compensated for those services at the rate of ~~\$200~~ \$300 per day or ~~\$125~~ \$175 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Superior Court in any calendar year does not exceed the annual salary of a Justice of the Superior Court.

Sec. EEE-2. 4 MRSA §157-D, as amended by PL 1997, c. 643, Pt. M, §10, is further amended to read:

§157-D. Active retired judges; compensation

Any Active Retired Judge of the District Court, who performs judicial service at the direction and assignment of the Chief Judge of the District Court, is compensated for those services at the rate of ~~\$200~~ \$300 per day or ~~\$125~~ \$175 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Judge of the District Court in any calendar year does not exceed the annual salary of a Judge of the District Court.

Sec. EEE-3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	2001-02	2002-03
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JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

Personal Services	\$20,063	\$24,075
Provides funds to support the cost of increasing the per diem compensation for Active Retired Superior Court		

Justices and District Court
Judges.

PART FFF

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

2001-02 2002-03

SACO RIVER CORRIDOR COMMISSION

Saco River Corridor Commission

All Other \$25,000 \$25,000

Appropriates additional funds
to cover the commission's
operating costs.

PART GGG

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

2002-03

EDUCATION, DEPARTMENT OF

Support Services

All Other \$25,000

Provides funds on a grant
basis to the Maine Leadership
Consortium for grants to
teachers seeking
certification by the National
Board for Professional
Teaching Standards. These
funds are appropriated as a
state match with federal and
University of Maine System
funds. This appropriation is
intended to provide
reimbursement for only those

teachers who become
certified. Individual grants
issued by the Maine
Leadership Consortium may not
exceed \$2,300 per teacher.

PART HHH

Sec. HHH-1. Allocation. The following funds are allocated
from Other Special Revenue - Fund for a Healthy Maine to carry
out the purposes of this Part.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Donated Dental Services		

All Other	\$1,260	\$2,310
Provides funds from the Fund for a Healthy Maine for contracted services of a part-time referral coordinator and related costs to administer the Donated Dental Services program that provides free dental services to financially challenged individuals.		

PART III

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

	2002-03
MAINE TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE	
Maine Technical College System, Board of Trustees of the	

All Other	\$300,000
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Contingent upon passage of a bond adequate to develop, renovate and equip the proposed Bath Higher Education Center, provides program and operating funds for the proposed Bath Higher Education Center.

Sec. III-2. Financing to develop, renovate and equip Bath Higher Education Center. The City of Bath shall work in partnership with private sector and public sector entities to finance the developing, renovating and equipping of the Bath Higher Education Center on the site of the former Mid Coast Hospital campus in Bath. In providing the financing necessary to develop, renovate and equip the Bath Higher Education Center, the City of Bath must secure financing, including, but not limited to, funding from private entities, General Fund appropriations and proceeds from bond funds authorized by the State, instrumentalities of the State and any governmental unit as defined in the Maine Revised Statutes, Title 30-A, section 5903, subsection 6. Any unexpended and unobligated funds that were originally appropriated, allocated, donated or otherwise provided to the City of Bath for the developing, renovating and equipping of the Bath Higher Education Center may be used to support the operational budget of the center.

PART JJJ

Sec. JJJ-1. 36 MRSA §1760, sub-§84 is enacted to read:

84. Certain sales by auxiliary organization of American Legion. Sales of meals and related items and services by a nonprofit auxiliary organization of the American Legion in connection with a fund-raising event sponsored by the auxiliary organization if the meals and related items and services are provided in a room that is separate from the lounge facilities, if any, of the American Legion and patrons are prohibited from taking alcoholic beverages from the lounge facilities to the separate room where the meals and related items and services are provided.

Sec. JJJ-2. Effective date. This Part takes effect October 1, 2001.

PART KKK

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

2001-02

2002-03

2 **LABOR, DEPARTMENT OF**

4 **Division for the Blind**
6 **and Visually Impaired**

8 All Other \$100,000 \$100,000

10 Provides funds for Catholic
12 Charities Maine - Education
14 Services for Blind and
16 Visually Impaired Children to
18 support a portion of the cost
of 2 additional Teacher of
Blind and Visually Impaired
Children positions and
related costs.

20 **PART LLL**

22 **Sec. LLL-1. 34-B MRSA §15003, sub-§10** is enacted to read:

24 **10. Reporting on children's crisis services.** Beginning
26 October 31, 2001, the department shall report by the last day of
28 each month on the status of children's crisis services provided
or requested under this chapter. The report must cover the
30 number of children in crisis situations for the preceding month
and the time it took to resolve the crisis situations and secure
32 appropriate hospital or residential placements or crisis beds or
in-home crisis supports for the children. The report must
34 include all children in crisis situations, regardless of the
source of payment for hospitalization, residential placement,
36 crisis beds or in-home crisis supports. The report must protect
the confidentiality of all persons involved in the situation as
38 required by state or federal law, rule or regulation.

40 A. In preparing the report, the department shall make a
42 reasonable effort to obtain information from general
44 hospitals, psychiatric hospitals and children's residential
46 programs. The department shall develop a standardized
format for the reporting of data on a monthly basis and
shall distribute the form to crisis service providers and
children's residential programs electronically on the first
working day of each month.

48 B. Crisis service providers and children's residential
programs funded by the department shall report the