

MAINE STATE LEGISLATURE

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L.D. 1919

DATE: 4/14/04

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MAJORITY

APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919, Bill, "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

COMMITTEE AMENDMENT

Sec. A-1. Supplemental appropriations and allocations. There are appropriated from various funds for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accounts and Control - Bureau of 0056

Initiative: Provides funding to reorganize a vacant Data Entry Operator position, currently 64 hours biweekly, to a full-time Internal Control Specialist, Public Service Coordinator I position in the Accounts and Control operations account. This reorganization will be self-funded through a permanent reduction to All Other in both the Accounts and Control operations account and the Accounts and Control systems account.

General Fund	2003-04	2004-05
Personal Services	\$12,417	\$39,311
All Other	(3,458)	(16,905)
	<hr/>	<hr/>
General Fund Total	8,959	22,406

**Accounts and Control - Bureau of -
Systems Project 0058**

Initiative: Provides funding to reorganize a vacant Data Entry Operator position, currently 64 hours biweekly, to a full-time Internal Control Specialist, Public Service Coordinator I position in the Accounts and Control operations account. This reorganization will be self-funded through a permanent reduction to All Other in both the Accounts and Control operations account and the Accounts and Control systems account.

General Fund	2003-04	2004-05
All Other	(8,959)	(22,406)
	<hr/>	<hr/>
General Fund Total	(8,959)	(22,406)

Central Services - Purchases 0004

Initiative: Provides for the elimination of one vacant Central Services Supervisor position from the Bureau of General Services - Central Services Internal Services Fund for the purpose of providing a headcount in the Workers' Compensation Management Fund for the continuation of one Employment Benefits Technician position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. This position will help staff an in-house claims management system resulting in a reduction in contracted services.

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2	Postal, Printing and Supply Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
4	Personal Services	0	(52,063)
		<hr/>	<hr/>
6	Postal, Printing and Supply		
	Fund Total	0	(52,063)

8 **Central Motor Pool 0703**

10 Initiative: Provides for the allocation of funds to reorganize
 12 one Central Fleet Manager position to a Public Service Manager II
 14 position and one Statistician II position to a Statistician III
 16 position, the result of a reorganization of duties within the
 Bureau of General Services.

16	Central Motor Pool	2003-04	2004-05
18	Personal Services	0	19,362
		<hr/>	<hr/>
20	Central Motor Pool Total	0	19,362

22 **Accident-Sickness-Health Insurance 0455**

24 Initiative: Provides for the deallocation of funds from the Trade
 26 Adjustment Assistance Health Insurance Federal Fund program to
 allow for the reallocation of these funds to the new program of
 28 trade adjustment insurance, as established in Public Law 2003,
 chapter 348, for the purpose of maintaining separate accounting
 and reporting for these funds. It corrects the FTE hours to
 30 Legislative Count and it also provides for the allocation of
 funds to the Trade Adjustment Insurance Other Special Revenue
 32 Funds account for the pass through of trade adjustment dollars.

34	Federal Expenditures Fund	2003-04	2004-05
	Positions - FTE Count	(-2.000)	(-2.000)
36	Personal Services	(76,378)	(76,378)
	All Other	(20,000)	(20,000)
		<hr/>	<hr/>
38	Federal Expenditures Fund Total	(96,378)	(96,378)

40 **Accident-Sickness-Health Insurance 0455**

42 Initiative: Allocates funds to establish one Employment Benefits
 44 Technician position within the Accident, Sickness and Health
 Insurance Internal Service Fund. This position is required to
 46 help with the increased workload in this program.

48 **Accident, Sickness and Health Insurance
 Internal Service Fund**

50	Positions - Legislative Count	2003-04	2004-05
		(0.000)	(1.000)

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2	Personal Services	0	49,632
		<hr/>	<hr/>
4	Accident, Sickness and Health Insurance Internal Service Fund		
6	Total	0	49,632

**Workers' Compensation Management Fund
Program 0802**

10 Initiative: Provides for the allocation of funds and establishes headcount to continue one Employment Benefits Technician position and one Clerk Typist II position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. These positions currently staff an in-house claims management system, resulting in a reduction in contracted services. The headcount is provided by the elimination of one vacant Central Services Supervisor position from the Bureau of General Services - Central Services Internal Service Fund and by the elimination of one vacant Store Operations Officer position from the Bureau of Alcoholic Beverages Internal Service Fund.

22	Workers' Compensation Management Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(2.000)
24	Personal Services	0	104,562
		<hr/>	<hr/>
26	Workers' Compensation Management Fund Total	0	104,562

**Workers' Compensation Management Fund
Program 0802**

32 Initiative: Allocates funds to the Personal Services line category to reorganize one vacant Public Health Nurse I position to a Public Health Nurse II position.

36	Workers' Compensation Management Fund	2003-04	2004-05
	Personal Services	0	4,676
		<hr/>	<hr/>
38	Workers' Compensation Management Fund Total	0	4,676

Trade Adjustment Assistance Health Insurance 9999

44 Initiative: Provides for the deallocation of funds from the Trade Adjustment Assistance Health Insurance Federal Fund program to allow for the reallocation of these funds to the new program of trade adjustment insurance, as established in Public Law 2003, chapter 348, for the purpose of maintaining separate accounting and reporting for these funds. It corrects the FTE hours to

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Legislative Count and it also provides for the allocation of funds to the Trade Adjustment Insurance Other Special Revenue account for the pass through of trade adjustment dollars.

	2003-04	2004-05
Federal Expenditures Fund		
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	76,378	76,378
All Other	20,000	20,000
Federal Expenditures Fund Total	96,378	96,378

	2003-04	2004-05
Other Special Revenue Funds		
All Other	1,200,000	1,200,000
Other Special Revenue Funds Total	1,200,000	1,200,000

Capital Construction/Repairs/Improvements - Admin 0059

Initiative: Appropriates funds for hazardous material remediation for the state parks.

	2003-04	2004-05
General Fund		
All Other	0	102,200
General Fund Total	0	102,200

Buildings and Grounds Operations 0080

Initiative: Appropriates funds to the Bureau of General Services for the costs of custodial and grounds maintenance at the east-side campus as the result of buildings being transferred to the responsibility of the Bureau of General Services.

	2003-04	2004-05
General Fund		
All Other	0	379,728
General Fund Total	0	379,728

Departments and Agencies - Statewide 0016

Initiative: Appropriates funds to offset a deappropriation of \$1,000,000 in Public Law 2003, chapter 451, Part C.

	2003-04	2004-05
General Fund		
Unallocated	0	1,000,000
General Fund Total	0	1,000,000

Salary Plan 0305

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2 Initiative: Deappropriates projected additional savings from the
 4 voluntary employee incentive program.

General Fund	2003-04	2004-05
6 Personal Services	(101,698)	0
8 General Fund Total	<u>(101,698)</u>	<u>0</u>

10 **Debt Service - Government Facilities Authority 0893**

12 Initiative: Deappropriates funds from one-time savings in debt
 14 service as the result of strategic budgeting and planning of debt
 requirements for the psychiatric treatment center.

General Fund	2003-04	2004-05
16 All Other	0	(481,928)
18 General Fund Total	<u>0</u>	<u>(481,928)</u>

20 **Debt Service - Government Facilities Authority 0893**

22 Initiative: Deappropriates additional one-time savings in debt
 24 service through the refinancing of Maine Government Facilities
 Authority bonds.

General Fund	2003-04	2004-05
26 All Other	0	(581,000)
28 General Fund Total	<u>0</u>	<u>(581,000)</u>

32 **Health Reform Reserve Fund 0989**

34 Initiative: Provides for the deappropriation of funds from the
 36 Health Reform Reserve Fund account, established in Public Law
 2003, chapter 451, Part C, to allow for the appropriation of
 38 these funds to the Office of Health Policy and Finance,
 Governor's Office account to be used for the same purpose of
 creating access to affordable health care.

General Fund	2003-04	2004-05
40 All Other	(374,368)	(374,630)
42 General Fund Total	<u>(374,368)</u>	<u>(374,630)</u>

46 **Alcoholic Beverages - General Operation 0015**

48 Initiative: Provides for the elimination of one Store Operations
 50 Officer position from the Bureau of Alcoholic Beverages Internal
 Service Fund for the purpose of providing a headcount in the

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Workers' Compensation Management Fund and for the continuation of one Clerk Typist II position established by Financial Order 00317F4, in accordance with Public Law 2003, chapter 20, Part D, section 14. This position will help staff an in-house claims management system resulting in a reduction in contracted services.

Alcoholic Beverage Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(74,731)
Alcoholic Beverage Fund Total	0	(74,731)

Revenue Services - Bureau of 0002

Initiative: Deappropriates Personal Services funds in anticipation of salary savings, the result of managing and delaying the filling of vacant positions.

General Fund	2003-04	2004-05
Personal Services	(200,000)	(417,568)
General Fund Total	(200,000)	(417,568)

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the All Other line category for the purchase of software necessary to upgrade the property tax assessment and billing system for the unorganized territory within Maine Revenue Services. This appropriation request will be offset by additional undedicated revenue to the General Fund of \$173,000 through the transfer of property taxes from the unorganized territory.

General Fund	2003-04	2004-05
All Other	0	173,000
General Fund Total	0	173,000

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

	2003-04	2004-05
GENERAL FUND	(676,066)	(200,198)
FEDERAL EXPENDITURES FUND	0	0
OTHER SPECIAL REVENUE FUNDS	1,200,000	1,200,000
POSTAL, PRINTING AND SUPPLY FUND	0	(52,063)
WORKERS' COMPENSATION MANAGEMENT FUND	0	109,238
CENTRAL MOTOR POOL	0	19,362
ACCIDENT, SICKNESS AND HEALTH		
INSURANCE INTERNAL SERVICE FUND	0	49,632

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2	ALCOHOLIC BEVERAGE FUND	0	(74,731)
4	DEPARTMENT TOTAL - ALL FUNDS	<u>523,934</u>	<u>1,051,240</u>
6	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
8	Division of Quality Assurance and Regulation 0393		
10	Initiative: Provides for the transfer of one 1/2-time Clerk		
12	Typist III position from the Beverage Container Enforcement Fund		
14	to the Marketing Services account. Allocates funds for a		
16	management-initiated reorganization of one 1/2-time Clerk Typist		
18	II position and one 1/2-time Clerk Typist III position into one		
20	full-time Clerk Typist III position within the Marketing Services		
22	account.		
24	Other Special Revenue Funds		
26		2003-04	2004-05
28	Positions - Legislative Count	(0.500)	(0.500)
30	Personal Services	203	779
32	All Other	(203)	(779)
34	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>
36	Division of Quality Assurance and Regulation 0393		
38	Initiative: Provides for the transfer of one Egg/Poultry		
40	Inspector position in the Division of Quality Assurance and		
42	Regulation from federal funding to Other Special Revenue funding		
44	and for the transfer of rental income from the Office of the		
46	Commissioner to the Division of Quality Assurance and Regulation.		
48	Federal Expenditures Fund		
		2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(50,907)
	Federal Expenditures Fund Total	<u>0</u>	<u>(50,907)</u>
	Other Special Revenue Funds		
		2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	56,990
	All Other	0	2,587
	Other Special Revenue Funds Total	<u>0</u>	<u>59,577</u>
	Division of Plant Industry 0831		

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Initiative: Provides funds for the establishment of one intermittent Conservation Aide position and for contractual services through a cooperative agreement with the United States Department of Agriculture to expand agricultural pest surveys in the State.

Federal Expenditures Fund	2003-04	2004-05
Positions - FTE Count	(0.308)	(0.308)
Personal Services	12,685	13,724
All Other	4,436	14,213
Federal Expenditures Fund Total	17,121	27,937

Office of the Commissioner 0401

Initiative: Provides for the transfer of one Egg/Poultry Inspector position in the Division of Quality Assurance and Regulation from federal funding to Other Special Revenue funding and for the transfer of rental income from the Office of the Commissioner to the Division of Quality Assurance and Regulation.

Other Special Revenue Funds	2003-04	2004-05
All Other	(13,580)	(13,580)
Other Special Revenue Funds Total	(13,580)	(13,580)

Office of the Commissioner 0401

Initiative: Provides for the reallocation of a 1/2 Clerk Typist II position to a 1/2 Information System Support Technician position to provide desktop support services departmentwide.

General Fund	2003-04	2004-05
Personal Services	666	2,855
All Other	(666)	(2,855)
General Fund Total	0	0

Beverage Container Enforcement Fund 0971

Initiative: Provides for the transfer of one 1/2-time Clerk Typist III position from the Beverage Container Enforcement Fund to the Marketing Services account. Allocates funds for a management-initiated reorganization of one 1/2-time Clerk Typist II position and one 1/2-time Clerk Typist III position into one full-time Clerk Typist III position within the Marketing Services account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(-0.500)	(-0.500)

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2	Personal Services	(516)	(757)
4	Other Special Revenue Funds Total	<u>(516)</u>	<u>(757)</u>

Beverage Container Enforcement Fund 0971

6 Initiative: Provides funds for the reorganization of a Computer
8 Programmer position to a Programmer Analyst position as approved
10 by the Bureau of Human Resources.

12	Other Special Revenue Funds	2003-04	2004-05
14	Personal Services	1,241	4,852
16	All Other	(1,241)	(4,852)
18	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>

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

20		2003-04	2004-05
22	GENERAL FUND	0	0
24	FEDERAL EXPENDITURES FUND	17,121	(22,970)
26	OTHER SPECIAL REVENUE FUNDS	(14,096)	45,240
28	DEPARTMENT TOTAL - ALL FUNDS	<u>3,025</u>	<u>22,270</u>

ARTS COMMISSION, MAINE

28 Arts - Administration 0178

30 Initiative: Provides funds for the approved reorganization of one
32 Administrative Secretary position to one Arts and Humanities
34 Associate position.

36	General Fund	2003-04	2004-05
38	Personal Services	0	8,147
40	All Other	0	(8,147)
42	General Fund Total	<u>0</u>	<u>0</u>

**ARTS COMMISSION, MAINE
DEPARTMENT TOTALS**

44		2003-04	2004-05
46	GENERAL FUND	0	0
48	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>

ATTORNEY GENERAL, DEPARTMENT OF THE

50 Fund for a Healthy Maine - Attorney General 0947

2 Initiative: Allocates funds through a transfer from the Fund for
 4 a Healthy Maine to cover a Personal Services shortfall. The FHM
 6 Tobacco Prevention Control and Treatment and FHM - Service Center
 accounts have salary savings that will be deallocated to provide
 the resources for the allocations made to the other Fund for a
 Healthy Maine programs.

8			
10	Fund For a Healthy Maine	2003-04	2004-05
	Personal Services	1,351	0
12		<hr/>	<hr/>
	Fund For a Healthy Maine Total	1,351	0
14	ATTORNEY GENERAL, DEPARTMENT OF THE		
	DEPARTMENT TOTALS	2003-04	2004-05
16			
	FUND FOR A HEALTHY MAINE	1,351	0
18		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	1,351	0

20 **BAXTER STATE PARK AUTHORITY**

22 **Baxter State Park Authority 0253**

24 Initiative: Reorganizes one Baxter State Park Ranger I position
 26 to one Baxter State Park Ranger III position.

28	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	0	9,125
30		<hr/>	<hr/>
	Other Special Revenue Funds Total	0	9,125

32	BAXTER STATE PARK AUTHORITY		
34	DEPARTMENT TOTALS	2003-04	2004-05
36			
	OTHER SPECIAL REVENUE FUNDS	0	9,125
38		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	0	9,125

40 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
 42 **DEPARTMENT OF**

44 **Office of Management and Budget 0164**

46 Initiative: Transfers the following funds and positions from the
 Augusta Mental Health Institute to the appropriate programs: one
 Clerk Steno II position to the Regional Operations program; one
 Clerk Typist III position, one Director, Staff Training and
 48 Development position, one Systems Team Leader position and one
 50 Payroll Supervisor position to the Office of Management and

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Budget program; and one Program Systems Director position, 2 Mental Health Program Coordinator positions, 2 Physician III positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(4.000)
Personal Services	0	267,088
	<hr/>	<hr/>
General Fund Total	0	267,088

Office of Management and Budget 0164

Initiative: Transfers 7 Social Services Program Specialist II positions, one Management Analyst I position, 3 Management Analyst II positions, 5 Account Clerk II positions, 4 Social Services Manager I positions and one Accounting Technician position from the Regional Operations program to the Office of Management and Budget program as a result of centralizing contracting and rate-setting functions.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(21.000)
Personal Services	0	1,448,677
All Other	0	63,168
	<hr/>	<hr/>
General Fund Total	0	1,511,845

Office of Management and Budget 0164

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
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	Positions - Legislative Count	(0.000)	(4.000)
2	Personal Services	0	376,888
		<hr/>	<hr/>
4	General Fund Total	0	376,888

6 **Regional Operations 0863**

8 Initiative: Transfers the following funds and positions from the
 10 Augusta Mental Health Institute to the appropriate programs: one
 Clerk Steno II position to the Regional Operations program; one
 12 Clerk Typist III position, one Director, Staff Training and
 Development position, one Systems Team Leader position and one
 14 Payroll Supervisor position to the Office of Management and
 Budget program; and one Program Systems Director position, 2
 16 Mental Health Program Coordinator positions, 2 Physician III
 positions and one Social Service Program Specialist II position
 18 to the Mental Health Services - Community program. This request
 will generate \$370,708 in General Fund undedicated revenue.

20	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
22	Personal Services	0	45,662
		<hr/>	<hr/>
24	General Fund Total	0	45,662

26 **Regional Operations 0863**

28 Initiative: Transfers one Clerk Typist II position from the
 Elizabeth Levinson Center to the Regional Operations program in
 30 order for the position to be reflected in the appropriate program.

32	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
34	Personal Services	0	32,937
		<hr/>	<hr/>
36	General Fund Total	0	32,937

38 **Regional Operations 0863**

40 Initiative: Transfers 7 Social Services Program Specialist II
 positions, one Management Analyst I position, 3 Management
 42 Analyst II positions, 5 Account Clerk II positions, 4 Social
 Services Manager I positions and one Accounting Technician
 44 position from the Regional Operations program to the Office of
 Management and Budget program as a result of centralizing
 46 contracting and rate-setting functions.

48	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-21.000)
50	Personal Services	0	(1,448,677)

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2	All Other	0	(63,168)
4	General Fund Total	<u>0</u>	<u>(1,511,845)</u>

Regional Operations 0863

6 Initiative: Transfers the following funds and positions from the
 8 Bangor Mental Health Institute to the appropriate programs: one
 10 Program Coordinator position to the Mental Health Services -
 12 Children program; one Intensive Case Manager position, one Mental
 14 Health Program Coordinator position, one Physician III position,
 16 one Program Services Director position and 2 Social Service
 18 Manager I positions to the Mental Health Services - Community
 20 program; one Mental Health Worker III position to the Mental
 22 Retardation Services - Community program; one Inst/Facility
 System Director position, one Program Systems Director position,
 one Social Service Program Manager position and one Social
 Service Program Specialist II position to the Office of
 Management and Budget program; and one Clerk Typist II position,
 one Clerk Typist III position and one Social Service Program
 Specialist II position to the Regional Operations program. This
 request will generate \$452,497 in General Fund undedicated
 revenue.

24	General Fund	2003-04	2004-05
26	Positions - Legislative Count	(0.000)	(3.000)
28	Personal Services	0	159,174
30	General Fund Total	<u>0</u>	<u>159,174</u>

Elizabeth Levinson Center 0119

32 Initiative: Transfers one Clerk Typist II position from the
 34 Elizabeth Levinson Center to the Regional Operations program in
 order for the position to be reflected in the appropriate program.

36	General Fund	2003-04	2004-05
38	Positions - Legislative Count	(0.000)	(-1.000)
40	Personal Services	0	(32,937)
42	General Fund Total	<u>0</u>	<u>(32,937)</u>

Elizabeth Levinson Center 0119

44 Initiative: Appropriates funds for reconciliation of fiscal year
 46 2002-03 tax imposed on residential treatment facilities for
 individuals with developmental disabilities. This request will
 48 generate \$17,254 in General Fund undedicated revenue.

50	General Fund	2003-04	2004-05
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2	All Other	24,100	0
4	General Fund Total	24,100	0

Mental Health Services - Children 0136

6 Initiative: Transfers one Public Service Manager II position and
8 one Building Custodian position from the Aroostook Residential
10 Center program to the Mental Retardation Services - Community
program and the Mental Health Services - Children program.

12	General Fund	2003-04	2004-05
14	Positions - Legislative Count	(0.000)	(1.000)
16	Personal Services	0	43,397
	General Fund Total	0	43,397

Mental Health Services - Children 0136

20 Initiative: Transfers 2 Crisis Stabilization Worker positions
22 from the Mental Health Services - Community program and one
24 Public Service Manager III position from the Mental Health
Services - Children program to the Mental Retardation Services -
Community program for the purpose of establishing 3 Mental Health
and Mental Retardation Caseworker positions due to consent decree
26 requirements. This request will generate \$238,595 in General
Fund undedicated revenue.

28	General Fund	2003-04	2004-05
30	Positions - Legislative Count	(0.000)	(-1.000)
32	Personal Services	0	(114,483)
34	General Fund Total	0	(114,483)

Mental Health Services - Children 0136

36 Initiative: Transfers the following funds and positions from the
38 Bangor Mental Health Institute to the appropriate programs: one
40 Program Coordinator position to the Mental Health Services -
Children program; one Intensive Case Manager position, one Mental
42 Health Program Coordinator position, one Physician III position,
one Program Services Director position and 2 Social Service
44 Manager I positions to the Mental Health Services - Community
program; one Mental Health Worker III position to the Mental
Retardation Services - Community program; one Inst/Facility
46 System Director position, one Program Systems Director position,
one Social Service Program Manager position and one Social
48 Service Program Specialist II position to the Office of
Management and Budget program; and one Clerk Typist II position,
50 one Clerk Typist III position and one Social Service Program

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Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	72,014
General Fund Total	0	72,014

Mental Health Services - Children 0136

Initiative: Deappropriates one-time funds for expenditures that will be paid from the Temporary Assistance for Needy Families, TANF, Prevention Services within the TANF Block Grant by establishing 120-day prevention programs for respite care for parents.

General Fund	2003-04	2004-05
All Other	0	(1,000,000)
General Fund Total	0	(1,000,000)

Mental Health Services - Children 0136

Initiative: Appropriates funds to provide prior authorization and utilization review of services.

General Fund	2003-04	2004-05
All Other	0	125,000
General Fund Total	0	125,000

Mental Health Services - Children 0136

Initiative: Allocates funds to provide prior authorization and utilization review of services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	125,000
Federal Expenditures Fund Total	0	125,000

Mental Health Services - Children 0136

Initiative: Deappropriates funds that will not be spent due to increased utilization of MaineCare in fiscal year 2003-04 and appropriates funds in fiscal year 2004-05 to partially offset reductions made in Public Law 2003, chapter 20.

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	2003-04	2004-05
2 General Fund		
All Other	(2,000,000)	2,000,000
4 General Fund Total	<u>(2,000,000)</u>	<u>2,000,000</u>

6 **Mental Health Services - Child Medicaid 0731**

8 Initiative: Appropriates funds to cover an anticipated
 10 shortfall. Expenditures for children's behavioral health
 12 services, including case management, in-home supports, outpatient
 and crisis services have increased and are exceeding budgeted
 levels.

	2003-04	2004-05
14 General Fund		
All Other	0	5,572,361
16 General Fund Total	<u>0</u>	<u>5,572,361</u>

18 **Mental Health Services - Child Medicaid 0731**

20 Initiative: Deappropriates funds as a result of savings to be
 22 achieved by implementing centralized enrollment, standardized
 24 assessment of medical necessity, standardized levels of care and
 prior authorization and utilization review of services in the
 plans of care.

	2003-04	2004-05
26 General Fund		
All Other	0	(1,125,000)
28 General Fund Total	<u>0</u>	<u>(1,125,000)</u>

30 **Mental Health Services - Child Medicaid 0731**

32 Initiative: Deappropriates funds as a result of savings to be
 34 achieved by setting rate caps for certain services to achieve
 36 payment equity among service providers.

	2003-04	2004-05
38 General Fund		
All Other	0	(250,000)
40 General Fund Total	<u>0</u>	<u>(250,000)</u>

42 **Mental Health Services - Child Medicaid 0731**

44 Initiative: Deappropriates funds as a result of savings to be
 46 achieved by setting a rate cap at the median of current rates
 48 paid to providers for outpatient services to achieve payment
 equity among service providers.

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2	General Fund	2003-04	2004-05
4	All Other	0	(215,000)
6	General Fund Total	<u>0</u>	<u>(215,000)</u>

Mental Health Services - Child Medicaid 0731

8 Initiative: Deappropriates funds as a result of savings to be
 10 achieved by replacing child and family community support and
 12 in-home support services with a redesigned benefit based on
 clinical criteria.

14	General Fund	2003-04	2004-05
16	All Other	0	(1,000,000)
18	General Fund Total	<u>0</u>	<u>(1,000,000)</u>

Augusta Mental Health Institute 0105

20 Initiative: Transfers funds resulting from a reduction in Federal
 22 Disproportionate Share funding.

24	General Fund	2003-04	2004-05
26	All Other	158,587	416,668
28	General Fund Total	<u>158,587</u>	<u>416,668</u>

Augusta Mental Health Institute 0105

30 Initiative: Transfers the following funds and positions from the
 32 Augusta Mental Health Institute to the appropriate programs: one
 34 Clerk Steno II position to the Regional Operations program; one
 36 Clerk Typist III position, one Director, Staff Training and
 Development position, one Systems Team Leader position and one
 Payroll Supervisor position to the Office of Management and
 Budget program; and one Program Systems Director position, 2
 38 Mental Health Program Coordinator positions, 2 Physician III
 40 positions and one Social Service Program Specialist II position
 to the Mental Health Services - Community program. This request
 will generate \$370,708 in General Fund undedicated revenue.

42	Other Special Revenue Funds	2003-04	2004-05
44	Positions - Legislative Count	(0.000)	(-11.000)
46	Personal Services	0	(711,013)
	Other Special Revenue Funds Total	<u>0</u>	<u>(711,013)</u>

2 **Augusta Mental Health Institute 0105**

4 Initiative: Establishes one Medical Care Coordinator position by
 6 transferring funds from All Other to Personal Services to assist
 8 the Regional Medical Director and the Utilization Review Nurse in
 assessing needs and appropriate community-based services.

Other Special Revenue Funds	2003-04	2004-05
10 Positions - Legislative Count	(1,000)	(1,000)
12 Personal Services	6,116	33,770
14 All Other	(6,116)	(33,770)
	<hr/>	<hr/>
14 Other Special Revenue Funds Total	0	0

16 **Augusta Mental Health Institute 0105**

18 Initiative: Appropriates and deallocates funds resulting from a
 20 reduction in Federal Disproportionate Share funding.

General Fund	2003-04	2004-05
22 All Other	0	706,239
	<hr/>	<hr/>
24 General Fund Total	0	706,239

Other Special Revenue Funds	2003-04	2004-05
26 All Other	0	(706,239)
	<hr/>	<hr/>
28 Other Special Revenue Funds Total	0	(706,239)

30 **Augusta Mental Health Institute 0105**

32 Initiative: Provides funds in the Disproportionate Share - AMHI
 34 and Disproportionate Share - BMHI programs and deallocates funds
 36 in the accounts established in the Maine Revised Statutes, Title
 38 34-B, section 1409 for the Augusta Mental Health Institute and
 the Bangor Mental Health Institute as a result of the change in
 the budgeted federal financial participation rate for federal
 fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds	2003-04	2004-05
42 Personal Services	0	(166,918)
	<hr/>	<hr/>
44 Other Special Revenue Funds Total	0	(166,918)

46 **Augusta Mental Health Institute 0105**

48 Initiative: Provides funds in the Disproportionate Share - AMHI
 50 and Disproportionate Share - BMHI programs and deallocates funds
 in the accounts established in the Maine Revised Statutes, Title

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2 34-B, section 1409 for the Augusta Mental Health Institute and
 the Bangor Mental Health Institute as a result of the change in
 4 the budgeted federal financial participation rate for federal
 fiscal year 2004-05 from 66.01% to 64.89%.

6	Other Special Revenue Funds	2003-04	2004-05
8	All Other	0	(79,091)
10	Other Special Revenue Funds Total	<u>0</u>	<u>(79,091)</u>

12 **Augusta Mental Health Institute 0105**

14 Initiative: Deappropriates funds due to a reduction in costs for
 drug purchases to be achieved by consolidating drug purchases for
 16 the Augusta Mental Health Institute and the Bangor Mental Health
 Institute into a single contract.

18	General Fund	2003-04	2004-05
20	All Other	0	(180,000)
22	General Fund Total	<u>0</u>	<u>(180,000)</u>

24 **Bangor Mental Health Institute 0120**

26 Initiative: Transfers funds resulting from a reduction in Federal
 Disproportionate Share funding.

28	General Fund	2003-04	2004-05
30	All Other	966,316	1,301,854
32	General Fund Total	<u>966,316</u>	<u>1,301,854</u>

34 **Bangor Mental Health Institute 0120**

36 Initiative: Appropriates and deallocates funds resulting from a
 reduction in Federal Disproportionate Share funding.

38	General Fund	2003-04	2004-05
40	All Other	0	1,963,435
42	General Fund Total	<u>0</u>	<u>1,963,435</u>

44	Other Special Revenue Funds	2003-04	2004-05
46	All Other	0	(1,963,435)
48	Other Special Revenue Funds Total	<u>0</u>	<u>(1,963,435)</u>

48 **Bangor Mental Health Institute 0120**

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Initiative: Deallocates funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	(176,647)
Other Special Revenue Funds Total	0	(176,647)

Bangor Mental Health Institute 0120

Initiative: Deallocates funds in the Disproportionate Share - AMHI and Disproportionate Share - BMHI programs and deallocates funds in the accounts established in the Maine Revised Statutes, Title 34-B, section 1409 for the Augusta Mental Health Institute and the Bangor Mental Health Institute as a result of the change in the budgeted federal financial participation rate for federal fiscal year 2004-05 from 66.01% to 64.89%.

Other Special Revenue Funds	2003-04	2004-05
All Other	0	(33,422)
Other Special Revenue Funds Total	0	(33,422)

Bangor Mental Health Institute 0120

Initiative: Transfers the following funds and positions from the Bangor Mental Health Institute to the appropriate programs: one Program Coordinator position to the Mental Health Services - Children program; one Intensive Case Manager position, one Mental Health Program Coordinator position, one Physician III position, one Program Services Director position and 2 Social Service Manager I positions to the Mental Health Services - Community program; one Mental Health Worker III position to the Mental Retardation Services - Community program; one Inst/Facility System Director position, one Program Systems Director position, one Social Service Program Manager position and one Social Service Program Specialist II position to the Office of Management and Budget program; and one Clerk Typist II position, one Clerk Typist III position and one Social Service Program Specialist II position to the Regional Operations program. This request will generate \$452,497 in General Fund undedicated revenue.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-15.000)

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2	Personal Services	0	(842,838)
4	Other Special Revenue Funds Total	<u>0</u>	<u>(842,838)</u>

Bangor Mental Health Institute 0120

6 Initiative: Deappropriates funds due to a reduction in costs for
8 drug purchases to be achieved by consolidating drug purchases for
10 the Augusta Mental Health Institute and the Bangor Mental Health
Institute into a single contract.

12	General Fund	2003-04	2004-05
14	All Other	0	(180,000)
16	General Fund Total	<u>0</u>	<u>(180,000)</u>

Bangor Mental Health Institute 0120

18 Initiative: Deallocates funds by eliminating one Custodial Worker
20 III position and 2 Laundry Washer positions as a result of
22 contracting laundry services at the Bangor Mental Health
Institute.

24	Other Special Revenue Funds	2003-04	2004-05
26	Positions - Legislative Count	(0.000)	(-3,000)
28	Personal Services	0	(98,185)
	Other Special Revenue Funds Total	<u>0</u>	<u>(98,185)</u>

Bangor Mental Health Institute 0120

30 Initiative: Appropriates funds to All Other for the purpose of
32 contracting for laundry services at the Bangor Mental Health
34 Institute.

36	General Fund	2003-04	2004-05
38	All Other	0	48,746
40	General Fund Total	<u>0</u>	<u>48,746</u>

Mental Health Services - Community 0121

42 Initiative: Transfers the following funds and positions from the
44 Augusta Mental Health Institute to the appropriate programs: one
46 Clerk Steno II position to the Regional Operations program; one
48 Clerk Typist III position, one Director, Staff Training and
Development position, one Systems Team Leader position and one
50 Payroll Supervisor position to the Office of Management and
Budget program; and one Program Systems Director position, 2
Mental Health Program Coordinator positions, 2 Physician III

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positions and one Social Service Program Specialist II position to the Mental Health Services - Community program. This request will generate \$370,708 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(6.000)
Personal Services	0	764,382
General Fund Total	0	764,382

Mental Health Services - Community 0121

Initiative: Transfers funds from the Department of Human Services to the Department of Behavioral and Developmental Services, Mental Health Services - Community program for the provision of room and board services.

General Fund	2003-04	2004-05
All Other	0	103,405
General Fund Total	0	103,405

Mental Health Services - Community 0121

Initiative: Transfers 2 Crisis Stabilization Worker positions from the Mental Health Services - Community program and one Public Service Manager III position from the Mental Health Services - Children program to the Mental Retardation Services - Community program for the purpose of establishing 3 Mental Health and Mental Retardation Caseworker positions due to consent decree requirements. This request will generate \$238,595 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	0	(141,881)
General Fund Total	0	(141,881)

Mental Health Services - Community 0121

Initiative: Allocates funds as a result of a federal grant entitled "Strengthening Maine's Emergency Mental Health and Substance Abuse Response Capacity" and a federal grant from the United States Department of Housing and Urban Development.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	326,146
Federal Expenditures Fund Total	0	326,146

2 **Mental Health Services - Community 0121**

4 Initiative: Transfers the following funds and positions from the
 6 Bangor Mental Health Institute to the appropriate programs: one
 8 Program Coordinator position to the Mental Health Services -
 10 Children program; one Intensive Case Manager position, one Mental
 12 Health Program Coordinator position, one Physician III position,
 14 one Program Services Director position and 2 Social Service
 16 Manager I positions to the Mental Health Services - Community
 18 program; one Mental Health Worker III position to the Mental
 20 Retardation Services - Community program; one Inst/Facility
 System Director position, one Program Systems Director position,
 one Social Service Program Manager position and one Social
 Service Program Specialist II position to the Office of
 Management and Budget program; and one Clerk Typist II position,
 one Clerk Typist III position and one Social Service Program
 Specialist II position to the Regional Operations program. This
 request will generate \$452,497 in General Fund undedicated
 revenue.

22	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(6.000)
24	Personal Services	0	605,483
26	General Fund Total	<hr/>	<hr/>
		0	605,483

28 **Mental Health Services - Community 0121**

30 Initiative: Provides funds to provide prior authorization and
 32 utilization review of services.

34	General Fund	2003-04	2004-05
	All Other	0	125,000
36	General Fund Total	<hr/>	<hr/>
		0	125,000

38 **Mental Health Services - Community 0121**

40 Initiative: Provides funds to provide prior authorization and
 42 utilization review of services.

44	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	125,000
46	Federal Expenditures Fund Total	<hr/>	<hr/>
		0	125,000

48 **Mental Health Services - Community 0121**

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2 Initiative: Deappropriates funds as a result of savings to be
4 achieved by redesigning the adult mental health crisis system to
improve efficiency and service coordination and by reducing grant
funding.

6	General Fund	2003-04	2004-05
	All Other	0	(600,000)
8			
	General Fund Total	<u>0</u>	<u>(600,000)</u>

10 **Mental Health Services - Community Medicaid 0732**
12

14 Initiative: Provides funds to cover an anticipated shortfall.
Expenditures for adult mental health services, including private
16 nonmedical institution treatment, outpatient services, crisis
services and community support services, have increased and are
exceeding budgeted levels.

18	General Fund	2003-04	2004-05
20	All Other	0	4,095,312
22	General Fund Total	<u>0</u>	<u>4,095,312</u>

24 **Mental Health Services - Community Medicaid 0732**

26 Initiative: Deappropriates funds as a result of savings to be
achieved by setting a rate cap at the median of current rates
28 paid to providers of outpatient services to achieve payment
equity among service providers.

30	General Fund	2003-04	2004-05
32	All Other	0	(321,560)
34	General Fund Total	<u>0</u>	<u>(321,560)</u>

36 **Mental Health Services - Community Medicaid 0732**

38 Initiative: Deappropriates funds as a result of savings to be
achieved by implementing centralized enrollment, standardized
40 assessment of medical necessity, standardized levels of care and
prior authorization and utilization review of services in the
42 plans of care.

44	General Fund	2003-04	2004-05
	All Other	0	(1,125,000)

2	General Fund Total	0	(1,125,000)
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4 **Disproportionate Share - Augusta Mental**
 Health Institute 0733

6
 Initiative: Transfers funds resulting from a reduction in Federal
 8 Disproportionate Share funding.

10	General Fund	2003-04	2004-05
	All Other	(158,587)	(416,668)
12			
14	General Fund Total	(158,587)	(416,668)

16 **Disproportionate Share - Augusta Mental**
 Health Institute 0733

18 Initiative: Transfers the following funds and positions from the
 Augusta Mental Health Institute to the appropriate programs: one
 20 Clerk Steno II position to the Regional Operations program; one
 Clerk Typist III position, one Director, Staff Training and
 22 Development position, one Systems Team Leader position and one
 Payroll Supervisor position to the Office of Management and
 24 Budget program; and one Program Systems Director position, 2
 Mental Health Program Coordinator positions, 2 Physician III
 26 positions and one Social Service Program Specialist II position
 to the Mental Health Services - Community program. This request
 28 will generate \$370,708 in General Fund undedicated revenue.

30	General Fund	2003-04	2004-05
	Personal Services	0	(366,119)
32			
34	General Fund Total	0	(366,119)

36 **Disproportionate Share - Augusta Mental**
 Health Institute 0733

38 Initiative: Establishes one Medical Care Coordinator position by
 transferring funds from All Other to Personal Services to assist
 40 the Regional Medical Director and Utilization Review Nurse
 assessing needs and appropriate community-based services.

42	General Fund	2003-04	2004-05
44	Personal Services	3,143	18,047
	All Other	(3,143)	(18,047)
46			
48	General Fund Total	0	0

50 **Disproportionate Share - Augusta Mental**
 Health Institute 0733

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2 Initiative: Provides funds in the Disproportionate Share - AMHI
 4 and Disproportionate Share - BMHI programs and deallocates funds
 6 in the accounts established in the Maine Revised Statutes, Title
 8 34-B, section 1409 for the Augusta Mental Health Institute and
 the Bangor Mental Health Institute as a result of the change in
 the budgeted federal financial participation rate for federal
 fiscal year 2004-05 from 66.01% to 64.89%.

10 General Fund	2003-04	2004-05
12 Personal Services	0	166,918
14 General Fund Total	0	166,918

16 **Disproportionate Share - Augusta Mental
 Health Institute 0733**

18 Initiative: Provides funds in the Disproportionate Share - AMHI
 20 and Disproportionate Share - BMHI programs and deallocates funds
 22 in the accounts established in the Maine Revised Statutes, Title
 24 34-B, section 1409 for the Augusta Mental Health Institute and
 the Bangor Mental Health Institute as a result of the change in
 the budgeted federal financial participation rate for federal
 fiscal year 2004-05 from 66.01% to 64.89%.

26 General Fund	2003-04	2004-05
28 All Other	0	79,091
30 General Fund Total	0	79,091

32 **Disproportionate Share - Bangor Mental
 Health Institute 0734**

34 Initiative: Transfers funds as a result of a reduction in Federal
 36 Disproportionate Share funding.

38 General Fund	2003-04	2004-05
All Other	(966,316)	(1,301,854)
40 General Fund Total	(966,316)	(1,301,854)

42 **Disproportionate Share - Bangor Mental
 Health Institute 0734**

44 Initiative: Provides funds in the Disproportionate Share - AMHI
 46 and Disproportionate Share - BMHI programs and deallocates funds
 48 in the accounts established in the Maine Revised Statutes, Title
 34-B, section 1409 for the Augusta Mental Health Institute and
 the Bangor Mental Health Institute as a result of the change in

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2 the budgeted federal financial participation rate for federal
fiscal year 2004-05 from 66.01% to 64.89%.

4	General Fund	2003-04	2004-05
6	Personal Services	0	176,647
8	General Fund Total	<u>0</u>	<u>176,647</u>

10 **Disproportionate Share - Bangor Mental
Health Institute 0734**

12 Initiative: Provides funds in the Disproportionate Share - AMHI
14 and Disproportionate Share - BMHI programs and deallocates funds
in the accounts established in the Maine Revised Statutes, Title
16 34-B, section 1409 for the Augusta Mental Health Institute and
the Bangor Mental Health Institute as a result of the change in
18 the budgeted federal financial participation rate for federal
fiscal year 2004-05 from 66.01% to 64.89%.

20	General Fund	2003-04	2004-05
22	All Other	0	33,422
24	General Fund Total	<u>0</u>	<u>33,422</u>

26 **Disproportionate Share - Bangor Mental
Health Institute 0734**

28 Initiative: Transfers the following funds and positions from the
Bangor Mental Health Institute to the appropriate programs: one
30 Program Coordinator position to the Mental Health Services -
Children program; one Intensive Case Manager position, one Mental
32 Health Program Coordinator position, one Physician III position,
one Program Services Director position and 2 Social Service
34 Manager I positions to the Mental Health Services - Community
program; one Mental Health Worker III position to the Mental
36 Retardation Services - Community program; one Inst/Facility
System Director position, one Program Systems Director position,
38 one Social Service Program Manager position and one Social
Service Program Specialist II position to the Office of
40 Management and Budget program; and one Clerk Typist II position,
one Clerk Typist III position and one Social Service Program
42 Specialist II position to the Regional Operations program. This
request will generate \$452,497 in General Fund undedicated
44 revenue.

46	General Fund	2003-04	2004-05
48	Personal Services	0	(433,990)
50	General Fund Total	<u>0</u>	<u>(433,990)</u>

**Disproportionate Share - Bangor Mental
Health Institute 0734**

Initiative: Deappropriates and deallocates funds by eliminating one Custodial Worker III position and 2 Laundry Washer positions as a result of contracting laundry services at the Bangor Mental Health Institute.

General Fund	2003-04	2004-05
Personal Services	0	(50,561)
General Fund Total	<u>0</u>	<u>(50,561)</u>

Aroostook Residential Center 0118

Initiative: Transfers one Public Service Manager II position and one Building Custodian position from the Aroostook Residential Center program to the Mental Retardation Services - Community program and the Mental Health Services - Children program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	0	(146,211)
General Fund Total	<u>0</u>	<u>(146,211)</u>

Aroostook Residential Center 0118

Initiative: Appropriates funds for reconciliation of the fiscal year 2002-03 tax imposed on residential treatment facilities for individuals with developmental disabilities. This request will generate \$6,233 in General Fund undedicated revenue.

General Fund	2003-04	2004-05
All Other	6,580	0
General Fund Total	<u>6,580</u>	<u>0</u>

Mental Retardation Services - Community 0122

Initiative: Transfers one Public Service Manager II position and one Building Custodian position from the Aroostook Residential Center program to the Mental Retardation Services - Community program and the Mental Health Services - Children program.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	102,814
General Fund Total	<u>0</u>	<u>102,814</u>

2 **Mental Retardation Services - Community 0122**

4 Initiative: Allocates funds as a result of 2 grant awards from
 6 the United States Department of Health and Human Services.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	417,675
Federal Expenditures Fund Total	0	417,675

12 **Mental Retardation Services - Community 0122**

14 Initiative: Transfers 2 Crisis Stabilization Worker positions
 16 from the Mental Health Services - Community program and one
 18 Public Service Manager III position from the Mental Health
 20 Services - Children program to the Mental Retardation Services -
 22 Community program for the purpose of establishing 3 Mental Health
 and Mental Retardation Caseworker positions due to consent decree
 requirements. This request will generate \$238,595 in General
 Fund undedicated revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(3.000)
Personal Services	0	256,364
General Fund Total	0	256,364

28 **Mental Retardation Services - Community 0122**

30 Initiative: Transfers the following funds and positions from the
 32 Bangor Mental Health Institute to the appropriate programs: one
 34 Program Coordinator position to the Mental Health Services -
 36 Children program; one Intensive Case Manager position, one Mental
 Health Program Coordinator position, one Physician III position,
 38 one Program Services Director position and 2 Social Service
 Manager I positions to the Mental Health Services - Community
 program; one Mental Health Worker III position to the Mental
 Retardation Services - Community program; one Inst/Facility
 40 System Director position, one Program Systems Director position,
 42 one Social Service Program Manager position and one Social
 Service Program Specialist II position to the Office of
 Management and Budget program; and one Clerk Typist II position,
 44 one Clerk Typist III position and one Social Service Program
 Specialist II position to the Regional Operations program. This
 46 request will generate \$452,497 in General Fund undedicated
 revenue.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)

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2	Personal Services	0	63,269
4	General Fund Total	<u>0</u>	<u>63,269</u>
6	Mental Retardation Services - Community 0122		
8	Initiative: Appropriates funds for room and board costs in mental retardation waiver facilities.		
10	General Fund	2003-04	2004-05
12	All Other	0	700,000
14	General Fund Total	<u>0</u>	<u>700,000</u>
16	Medicaid Services - Mental Retardation 0705		
18	Initiative: Deappropriates funds related to the tax on residential treatment facilities for individuals with developmental disabilities.		
20	General Fund	2003-04	2004-05
22	All Other	(33,610)	0
24	General Fund Total	<u>(33,610)</u>	<u>0</u>
26	Medicaid Services - Mental Retardation 0705		
28	Initiative: Deappropriates funds due to a reprojection of expenditures.		
30	General Fund	2003-04	2004-05
32	All Other	0	(166,477)
34	General Fund Total	<u>0</u>	<u>(166,477)</u>
36	Medicaid Services - Mental Retardation 0705		
38	Initiative: Deappropriates funds as a result of savings to be achieved by redesigning day habilitation benefits for adults and standardizing rates.		
42	General Fund	2003-04	2004-05
44	All Other	0	(335,000)
46	General Fund Total	<u>0</u>	<u>(335,000)</u>
48	Freeport Towne Square 0814		
50	Initiative: Appropriates funds for reconciliation of the fiscal year 2002-03 tax imposed on residential treatment facilities for		

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2 individuals with developmental disabilities. This request will
generate \$1,491 in General Fund undedicated revenue.

4	General Fund	2003-04	2004-05
6	All Other	2,930	0
8	General Fund Total	<u>2,930</u>	<u>0</u>

10 **Residential Treatment Facilities Assessment 0978**

12 Initiative: Allocates funds from revenue generated by the
reconciliation of fiscal year 2002-03 on the assessment on
14 residential treatment facilities for individuals with
developmental disabilities.

16	Other Special Revenue Funds	2003-04	2004-05
18	All Other	33,610	0
20	Other Special Revenue Funds Total	<u>33,610</u>	<u>0</u>

22 **Mental Retardation Waiver - MaineCare 0987**

24 Initiative: Appropriates funds to cover an anticipated
shortfall. Expenditures for mental retardation waiver services
26 have increased and are exceeding budgeted levels due to an
increase in the number of consumers being served and increased
costs per consumer.

28	General Fund	2003-04	2004-05
30	All Other	0	5,934,864
32	General Fund Total	<u>0</u>	<u>5,934,864</u>

34 **Mental Retardation Waiver - MaineCare 0987**

36 Initiative: Deappropriates funds as a result of savings to be
achieved by implementing more cost-effective service delivery
38 models based on standardized functional assessments and
standardized rates. Additional diagnostic assessments and care
40 plan reviews will be completed for all high-cost consumers.

42	General Fund	2003-04	2004-05
44	All Other	0	(1,000,000)
46	General Fund Total	<u>0</u>	<u>(1,000,000)</u>

48 **Office of Substance Abuse 0679**

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Allocates funds as a result of 2 grant awards from the United States Department of Justice, Office of Justice programs.

4			
6	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	455,000
8	Federal Expenditures Fund Total	<hr/>	<hr/>
		0	455,000

10 **Office of Substance Abuse 0679**

12 Initiative: Transfers one Education Specialist II position from
14 the federal "Safe and Drug-free Schools" grant to the substance
abuse prevention grant.

16	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
18	Personal Services	0	(77,076)
20	Federal Expenditures Fund Total	<hr/>	<hr/>
		0	(77,076)

22	Federal Block Grant Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
24	Personal Services	0	77,076
26	Federal Block Grant Fund Total	<hr/>	<hr/>
		0	77,076

28 **Office of Substance Abuse 0679**

30 Initiative: Deappropriates funds as a result of savings to be
32 achieved by reducing grants to community agencies for treatment
services.

34	General Fund	2003-04	2004-05
	All Other	0	(88,917)
36	General Fund Total	<hr/>	<hr/>
		0	(88,917)

38 **Office of Substance Abuse - Medicaid Seed 0844**

40 Initiative: Deappropriates funds due to an unanticipated surplus.

42			
44	General Fund	2003-04	2004-05
	All Other	0	(1,037,584)
46	General Fund Total	<hr/>	<hr/>
		0	(1,037,584)

48 **Office of Substance Abuse 0679**

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Deappropriates funds by reducing grants to community agencies for treatment services.

4	General Fund	2003-04	2004-05
6	All Other	0	(250,000)
8	General Fund Total	<u>0</u>	<u>(250,000)</u>

**BEHAVIORAL AND DEVELOPMENTAL SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

12		2003-04	2004-05
14	GENERAL FUND	(2,000,000)	14,459,192
16	FEDERAL EXPENDITURES FUND	0	1,371,745
18	OTHER SPECIAL REVENUE FUNDS	33,610	(4,777,788)
	FEDERAL BLOCK GRANT FUND	0	77,076
	DEPARTMENT TOTAL - ALL FUNDS	<u>(1,966,390)</u>	<u>11,130,225</u>

CONSERVATION, DEPARTMENT OF

Forest Policy and Management - Division of 0240

Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.

26	General Fund	2003-04	2004-05
28	All Other	(5,496)	(5,403)
30	General Fund Total	<u>(5,496)</u>	<u>(5,403)</u>

Forest Practices 0861

Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.

36	General Fund	2003-04	2004-05
38	All Other	5,496	5,403
40	General Fund Total	<u>5,496</u>	<u>5,403</u>

Natural Areas Program 0821

Initiative: Provides for the allocation of funds to increase a part-time Planning and Research Associate II position to a full-time position.

48	Other Special Revenue Funds	2003-04	2004-05
50	Positions - Legislative Count	(0.500)	(0.500)
	Personal Services	7,495	30,753

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Other Special Revenue Funds Total	7,495	30,753
4	CONSERVATION, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
6			
	GENERAL FUND	0	0
8	OTHER SPECIAL REVENUE FUNDS	7,495	30,753
10	DEPARTMENT TOTAL - ALL FUNDS	7,495	30,753
12	CORRECTIONS, DEPARTMENT OF		
14	Long Creek Youth Development Center 0163		
16	Initiative: Provides for the elimination of one Clerk Typist II position and the downgrading of one Clinical Director position to a Psychologist IV position for the purpose of centralizing psychiatric services and to transfer funds to the departmentwide		
18	Correctional Medical Services Fund to provide mental health services.		
20			
22	General Fund	2003-04	2004-05
24	Positions - Legislative Count	(-1,000)	(-1,000)
	Personal Services	(42,401)	(175,489)
26			
	General Fund Total	(42,401)	(175,489)
28			
	Mountain View Youth Development Center 0857		
30	Initiative: Allocates funds to establish one limited-period Teacher position that ends June 15, 2005 and related All Other costs. These costs are to be paid for by a grant from the Department of Education.		
32			
34			
36	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	15,391	79,124
38	All Other	711	12,611
40	Federal Expenditures Fund Total	16,102	91,735
42	Juvenile Community Corrections 0892		
44	Initiative: Transfers one Clerk Typist III position from Juvenile Community Corrections to Administration for the purpose of implementing stronger internal controls for cash management.		
46			
48	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0,000)	(-1,000)

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Personal Services	0	(48,667)
		<hr/>	<hr/>
4	General Fund Total	0	(48,667)

Juvenile Community Corrections 0892

6
8 Initiative: Transfers one 1/2-time Clerk Typist II position from
Adult Community Corrections to Juvenile Community Corrections for
10 the purpose of correctly funding the position under the
appropriate account.

12	General Fund	2003-04	2004-05
	Personal Services	0	14,804
14		<hr/>	<hr/>
16	General Fund Total	0	14,804

Adult Community Corrections 0124

18
20 Initiative: Transfers one 1/2-time Clerk Typist II position from
Adult Community Corrections to Juvenile Community Corrections for
22 the purpose of correctly funding the position under the
appropriate account.

24	General Fund	2003-04	2004-05
	Personal Services	0	(14,804)
26		<hr/>	<hr/>
28	General Fund Total	0	(14,804)

Adult Community Corrections 0124

30
32 Initiative: Provides funds for 2 Correctional Resource
Coordinator positions and related All Other expenses.

34	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(2.000)
36	Personal Services	0	126,602
	All Other	0	25,541
38		<hr/>	<hr/>
40	General Fund Total	0	152,143

State Prison 0144

42
44 Initiative: Provides funds to establish 13 limited-period
Correctional Officer positions and related All Other expenses at
46 the Maine State Prison in Warren. Ten of these limited-period
positions end no later than June 30, 2007. Three of these
48 limited-period positions end no later than June 30, 2006.

	General Fund	2003-04	2004-05
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COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Personal Services	0	762,996
	All Other	0	10,804
4	General Fund Total	<u>0</u>	<u>773,800</u>

6 **Correctional Center 0162**

8 Initiative: Eliminates one vacant Clerk Typist II position on
10 April 1, 2004.

12	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(-1,000)	(-1,000)
14	Personal Services	(10,354)	(45,098)
16	Federal Expenditures Fund Total	<u>(10,354)</u>	<u>(45,098)</u>

18 **Correctional Center 0162**

20 Initiative: Provides funds to establish 6 limited-period
22 Correctional Officer positions, one limited-period Correctional
24 Trades Instructor position and related All Other to open a vacant
unit at the Maine Correctional Center in Windham. These
limited-period positions end no later than June 30, 2007, except
2 of these positions end no later than June 30, 2006.

26	General Fund	2003-04	2004-05
	Personal Services	0	385,360
28	All Other	0	87,040
30	General Fund Total	<u>0</u>	<u>472,400</u>

32 **Charleston Correctional Facility 0400**

34 Initiative: Allocates funds for approved scheduled overtime for a
36 Correctional Trades Shop Supervisor position.

38	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	4,609	4,716
40	All Other	352	360
42	Other Special Revenue Funds Total	<u>4,961</u>	<u>5,076</u>

44 **Charleston Correctional Facility 0400**

46 Initiative: Transfers All Other funds from institutional accounts
48 to the Central Office for the purpose of centralizing funding for
mental health initiatives.

	General Fund	2003-04	2004-05
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COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	All Other	0	(22,560)
4	General Fund Total	<u>0</u>	<u>(22,560)</u>

Downeast Correctional Facility 0542

6 Initiative: Transfers All Other funds from institutional accounts
8 to the Central Office for the purpose of centralizing funding for
10 mental health initiatives.

12	General Fund	2003-04	2004-05
14	All Other	0	(40,000)
16	General Fund Total	<u>0</u>	<u>(40,000)</u>

Correctional Medical Services Fund 0286

18 Initiative: Allocates funds to increase the All Other and Capital
20 Expenditures line categories for the purpose of expending funds
received from offender medical copayments.

22	Other Special Revenue Funds	2003-04	2004-05
24	All Other	12,300	12,300
26	Capital Expenditures	11,700	11,700
28	Other Special Revenue Funds Total	<u>24,000</u>	<u>24,000</u>

Correctional Medical Services Fund 0286

30 Initiative: Transfers All Other funds from institutional accounts
32 to the Central Office for the purpose of centralizing funding for
mental health initiatives.

34	General Fund	2003-04	2004-05
36	All Other	42,401	238,049
38	General Fund Total	<u>42,401</u>	<u>238,049</u>

Correctional Medical Services Fund 0286

40 Initiative: Deappropriates funds in the All Other line in
42 Corrections Medical Services as a result of savings due to
44 efficiencies in contracted medical services, using the MaineCare
46 rates for qualified outpatient services, increased compliance
with the current formulary in the pharmacy contract,
pharmaceutical rebates and rebates in the Hepatitis C program.

48	General Fund	2003-04	2004-05
	All Other	0	(1,038,609)

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	General Fund Total	0	(1,038,609)
4	Administration - Corrections 0141		
6	Initiative: Allocates funds for one limited-period Social Service Program Specialist position that ends June 11, 2005 and related		
8	All Other expenses and associated All Other grant expenses.		
10	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	16,527	69,237
12	All Other	53,691	90,369
14	Federal Expenditures Fund Total	70,218	159,606
16	Administration - Corrections 0141		
18	Initiative: Transfers one Clerk Typist III position from Juvenile Community Corrections to Administration for the purpose of		
20	implementing stronger internal controls for cash management.		
22	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
24	Personal Services	0	48,667
26	General Fund Total	0	48,667
28	CORRECTIONS, DEPARTMENT OF		
30	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	0	359,734
32	FEDERAL EXPENDITURES FUND	75,966	206,243
	OTHER SPECIAL REVENUE FUNDS	28,961	29,076
34	DEPARTMENT TOTAL - ALL FUNDS	104,927	595,053
36	DEFENSE, VETERANS AND EMERGENCY MANAGEMENT,		
38	DEPARTMENT OF		
40	Loring Rebuild Facility 0843		
42	Initiative: Provides funding for the ongoing Loring Center of Excellence program.		
44			
46	Federal Expenditures Fund	2003-04	2004-05
	All Other	10,000,000	15,000,000
48	Federal Expenditures Fund Total	10,000,000	15,000,000

2 **Veterans Services 0110**

4 Initiative: Provides for the conversion of one Bureau of Veterans
 6 Services vacant full-time year-round Groundskeeper I position to
 2 seasonal Groundskeeper I positions to work 6 months including
 summer.

8 General Fund	2003-04	2004-05
10 Positions - Legislative Count	(-1.000)	(-1.000)
12 Positions - FTE Count	(1.000)	(1.000)
	<hr/>	<hr/>
14 General Fund Total	0	0

14 **Veterans Services 0110**

16 Initiative: Provides funds for the extension of one part-time,
 18 35-hour per week Clerk Typist II position to full time.

20 Federal Expenditures Fund	2003-04	2004-05
22 Personal Services	730	4,356
	<hr/>	<hr/>
24 Federal Expenditures Fund Total	730	4,356

24 **Military Training and Operations 0108**

26 Initiative: Provides funds for the ongoing STARBASE federal
 28 program. The program has been operational for the last 3 years
 and appears to be continuing for the foreseeable future.

30 Federal Expenditures Fund	2003-04	2004-05
32 All Other	0	220,000
	<hr/>	<hr/>
34 Federal Expenditures Fund Total	0	220,000

36 **Military Training and Operations 0108**

38 Initiative: Provides for changing salary distribution percentages
 40 for 2 Environmental Specialist II positions. One changes from
 75% Federal Expenditures Fund and 25% General Fund to 100%
 42 Federal Expenditures Fund, and the other changes from 100%
 Federal Expenditures Fund to 75% Federal Expenditures Fund and
 25% General Fund.

44 General Fund	2003-04	2004-05
46 Personal Services	1,004	998
48 All Other	(1,004)	(998)
	<hr/>	<hr/>
50 General Fund Total	0	0

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	(1,004)	(998)
4	Federal Expenditures Fund Total	<u>(1,004)</u>	<u>(998)</u>

6 **Military Training and Operations 0108**

8 Initiative: Allocates funds to Military Training and Operations
 10 to continue one project Chief Volunteer Services position through
 12 June 18, 2005.

12	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	12,692	64,847
14	Federal Expenditures Fund Total	<u>12,692</u>	<u>64,847</u>

16 **Military Training and Operations 0108**

18 Initiative: Provides funds to continue one Cartographer position
 20 originally established on Financial Order F890.

22	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(1,000)	(1,000)
24	Personal Services	11,721	63,285
26	Federal Expenditures Fund Total	<u>11,721</u>	<u>63,285</u>

28 **Administration - Maine Emergency Management Agency 0214**

30 Initiative: Allocates funds to the Maine Emergency Management
 32 Agency to continue one project Planning and Research Associate I
 34 position through June 18, 2005 utilizing 75% federal and 25%
 dedicated revenue.

36	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	8,283	42,756
38	Federal Expenditures Fund Total	<u>8,283</u>	<u>42,756</u>

40	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	2,761	14,251
42	Other Special Revenue Funds Total	<u>2,761</u>	<u>14,251</u>

44 **Administration - Maine Emergency Management Agency 0214**

46 Initiative: Allocates funds to the Maine Emergency Management
 48 Agency to continue one limited-period Public Service Coordinator
 50 II position, one project Planner II position and one Public
 Service Coordinator I position through June 18, 2005.

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2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	17,881	250,139
4			
	Federal Expenditures Fund Total	<u>17,881</u>	<u>250,139</u>

Administration - Maine Emergency Management Agency 0214

8 Initiative: Provides funds for the ongoing Federal Disaster
10 Assistance program.

12	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	4,000,000
14			
	Federal Expenditures Fund Total	<u>0</u>	<u>4,000,000</u>

Administration - Maine Emergency Management Agency 0214

18 Initiative: Provides for changing the distribution of costs
20 associated with one Planning and Research Associate II position
22 and one Planning and Research Assistant position to 100% Other
24 Special Revenue funds from 50% Federal Expenditures Funds and 50%
Other Special Revenue funds.

26	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	(58,584)	(60,124)
28			
	Federal Expenditures Fund Total	<u>(58,584)</u>	<u>(60,124)</u>

30	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	58,584	60,124
32			
	Other Special Revenue Funds Total	<u>58,584</u>	<u>60,124</u>

Administration - Maine Emergency Management Agency 0214

36 Initiative: Provides allocation for continuing a federal grant
38 for the Supplemental State Homeland Security Grant from the
40 United States Department of Homeland Security, Office for
Domestic Preparedness.

42	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	4,500,000
44			
	Federal Expenditures Fund Total	<u>0</u>	<u>4,500,000</u>

Administration - Maine Emergency Management Agency 0214

48 Initiative: Provides funds to create one Public Service
50 Coordinator I position, one Project Manager I position, one

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Senior Planner position, one Contract/Grant Specialist position,
 one Planning and Research Associate II position, 2 Planning and
 Research Associate I positions and one Storekeeper II position.

	Federal Expenditures Fund	2003-04	2004-05
2	Positions - Legislative Count	(0.000)	(8.000)
4	Personal Services	0	492,231
6		<hr/>	<hr/>
8	Federal Expenditures Fund Total	0	492,231

	DEFENSE, VETERANS AND EMERGENCY MANAGEMENT,		
	DEPARTMENT OF		
10	DEPARTMENT TOTALS	2003-04	2004-05
12			
14	GENERAL FUND	0	0
16	FEDERAL EXPENDITURES FUND	9,991,719	24,576,492
18	OTHER SPECIAL REVENUE FUNDS	61,345	74,375
20		<hr/>	<hr/>
22	DEPARTMENT TOTAL - ALL FUNDS	10,053,064	24,650,867

DIRIGO HEALTH

Dirigo Health Fund 0988

Initiative: Allocates funds for limited-period positions and
 associated All Other costs.

	Other Special Revenue Funds	2003-04	2004-05
28	Personal Services	386,925	2,019,302
30	All Other	816,840	1,511,741
32	Unallocated	0	(3,531,043)
34		<hr/>	<hr/>
36	Other Special Revenue Funds Total	1,203,765	0

DIRIGO HEALTH

	DEPARTMENT TOTALS	2003-04	2004-05
36			
38	OTHER SPECIAL REVENUE FUNDS	1,203,765	0
40		<hr/>	<hr/>
42	DEPARTMENT TOTAL - ALL FUNDS	1,203,765	0

EDUCATION, DEPARTMENT OF

Preschool Handicapped 0449

Initiative: Provides funding for the transfer of an Education
 Specialist II position to the Preschool Handicapped program from
 the Learning Systems program.

	Federal Expenditures Fund	2003-04	2004-05
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2	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	73,243
4	Federal Expenditures Fund Total	<u>0</u>	<u>73,243</u>

6 **Preschool Handicapped 0449**

8 Initiative: Deappropriates funds from general purpose aid, state
 10 agency clients and appropriates funds to the Preschool
 12 Handicapped account in order to provide additional funding to
 ensure provision of early intervention services to eligible
 preschool children.

14	General Fund	2003-04	2004-05
	All Other	763,000	0
16	General Fund Total	<u>763,000</u>	<u>0</u>

18 **Support Systems 0837**

20 Initiative: Provides funding for the transfer of 70% of an
 22 Education Specialist II position from the Support Systems program
 to Learning Systems.

24	Federal Expenditures Fund	2003-04	2004-05
26	Personal Services	0	(45,257)
28	Federal Expenditures Fund Total	<u>0</u>	<u>(45,257)</u>

30 **Learning Systems 0839**

32 Initiative: Provides funding for the establishment of one Clerk
 34 Typist III position for support of the federal No Child Left
 Behind Act Reading First program.

36	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
38	Personal Services	0	45,133
40	Federal Expenditures Fund Total	<u>0</u>	<u>45,133</u>

42 **Learning Systems 0839**

44 Initiative: Allocates funds for the reallocation of the cost of
 46 an Education Specialist III position. Seventy percent of the
 cost of the position will be allocated to the Learning Systems
 48 program and 30% of the cost will be allocated to the Regional
 Services program.

50	Federal Expenditures Fund	2003-04	2004-05
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2	Personal Services	0	48,326
4	Federal Expenditures Fund Total	0	48,326

Learning Systems 0839

6 Initiative: Provides funding for the transfer of 70% of an
8 Education Specialist II position from the Support Systems program
10 to Learning Systems.

12	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	0	45,257
14	Federal Expenditures Fund Total	0	45,257

Learning Systems 0839

18 Initiative: Provides funding for the transfer of 5% of an
20 Education Specialist II position from the Truancy, Dropout and
22 Alternative Education program, Other Special Revenue Funds
account 014 05A 0839 01, to the federal McKinney Homeless
Assistance account 013 05A 0839 01.

24	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	3,800	3,812
26	Federal Expenditures Fund Total	3,800	3,812

28	Other Special Revenue Funds	2003-04	2004-05
30	Personal Services	(3,800)	(3,812)
32	Other Special Revenue Funds Total	(3,800)	(3,812)

Learning Systems 0839

36 Initiative: Provides funding to establish an Education Specialist
38 III position and an Education Specialist I position to work with
the 21st Century federal grant program and the Children's
Cabinet. Two vacant positions in the Department of Labor are
40 proposed to be eliminated in order to provide the headcount
necessary for these positions. The headcount and cost of the
42 Education Specialist III position and 50% of the cost of the
Education Specialist I position will be funded in the Individuals
44 with Disabilities Education Act (IDEA)/School Age account. The
entire headcount and the remaining 50% of the cost of the
46 Education Specialist I position will be funded in the Elementary
and Secondary Education Act (ESEA) Chapter 1 Compensatory
48 Education account.

50	Federal Expenditures Fund	2003-04	2004-05
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2	Positions - Legislative Count	(0.000)	(2.000)
	Personal Services	0	131,280
4	All Other	0	4,270
6	Federal Expenditures Fund Total	0	135,550

Learning Systems 0839

8 Initiative: Provides funding for the transfer of an Educational Specialist II position to the Preschool Handicapped program from the Learning Systems program.

12	Federal Expenditures Fund	2003-04	2004-05
14	Positions - Legislative Count	(0.000)	(-1.000)
16	Personal Services	0	(73,243)
18	Federal Expenditures Fund Total	0	(73,243)

Regional Services 0840

20 Initiative: Provides funding for the establishment of one Administrative Secretary position and one Clerk Typist III position for support of the Standards, Assessment and Regional Services Team.

26	Federal Expenditures Fund	2003-04	2004-05
28	Positions - Legislative Count	(0.000)	(2.000)
30	Personal Services	0	93,972
32	Federal Expenditures Fund Total	0	93,972

Regional Services 0840

34 Initiative: Allocates funds for the reallocation of the cost of an Education Specialist III position. Seventy percent of the cost of the position will be allocated to the Learning Systems program and 30% of the cost will be allocated to the Regional Services program.

40	Federal Expenditures Fund	2003-04	2004-05
42	Personal Services	0	20,709
44	Federal Expenditures Fund Total	0	20,709

Fund for a Healthy Maine - School Nurse Consultant 0949

46 Initiative: Allocates funds through a transfer from the Fund for a Healthy Maine to cover a Personal Services shortfall. The Fund for a Healthy Maine Tobacco Prevention Control and Treatment and

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Fund for a Healthy Maine - Service Center accounts have salary savings that will be deallocated to provide the resources for the allocations made to the other Fund for a Healthy Maine programs.

4			
6	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	350	0
8	Fund for a Healthy Maine Total	<u>350</u>	<u>0</u>

10	EDUCATION, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	763,000	0
14	FEDERAL EXPENDITURES FUND	3,800	347,502
16	OTHER SPECIAL REVENUE FUNDS	(3,800)	(3,812)
	FUND FOR A HEALTHY MAINE	350	0
18	DEPARTMENT TOTAL - ALL FUNDS	<u>763,350</u>	<u>343,690</u>

20 ENVIRONMENTAL PROTECTION, DEPARTMENT OF

22 Land and Water Quality 0248

24 Initiative: Provides for an increase in allocation to allow necessary expenditures from the Stormwater Compensation Fund.

26	Other Special Revenue Funds	2003-04	2004-05
28	All Other	0	75,000
30	Other Special Revenue Funds Total	<u>0</u>	<u>75,000</u>

32 Land and Water Quality 0248

34 Initiative: Provides for the allocation of funds and related All Other costs to merge the Borrow Pit account into the Maine Environmental Protection Fund as a subaccount to ensure adequate allocations for the program. An Environmental Specialist IV position and related All Other will be transferred into the account.

40	Other Special Revenue Funds	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(82,332)
44	All Other	0	(19,128)
46	Other Special Revenue Funds Total	<u>0</u>	<u>(101,460)</u>

48 Remediation and Waste Management 0247

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Initiative: Provides for the transfer of one Clerk Typist III
 4 position from the MultiSite II Grant account to the Maine Coastal
 and Inland Surface Oil Clean-up Fund to align functions with
 funding.

6	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
8	Personal Services	0	(45,465)
10	Federal Expenditures Fund Total	0	(45,465)

12	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
14	Personal Services	0	45,465
16	Other Special Revenue Funds Total	0	45,465

18 **Remediation and Waste Management 0247**

20 Initiative: Provides funds for the reorganization of a Clerk
 22 Typist III position to an Accounting Technician position to
 support financial management.

24	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	1,076	4,451
26	All Other	21	88
28	Other Special Revenue Funds Total	1,097	4,539

30 **Remediation and Waste Management 0247**

32 Initiative: Provides for the transfer of one Environmental
 34 Technician position from Maine Coastal and Inland Surface Oil
 Clean-up Fund to the MultiSite II Grant account to align
 functions with funding.

36	Federal Expenditures Fund	2003-04	2004-05
38	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	58,497
40	Federal Expenditures Fund Total	0	58,497

42	Other Special Revenue Funds	2003-04	2004-05
44	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(58,497)
46	Other Special Revenue Funds Total	0	(58,497)

48 **Performance Partnership Grant 0851**

50

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Initiative: Provides funds to extend a limited-period
 Environmental Specialist III position through June 17, 2005 under
 4 a one-time grant to assist in corrective actions in the backlog
 of hazardous waste sites.

6	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	0	63,715
8	All Other	0	1,255
10	Federal Expenditures Fund Total	<u>0</u>	<u>64,970</u>

12 **Performance Partnership Grant 0851**

14 Initiative: Provides funds to extend a limited-period
 Environmental Specialist III position through June 17, 2005 to
 16 support the development of the department's integrated
 environmental information system.

18	Federal Expenditures Fund	2003-04	2004-05
20	Personal Services	12,057	63,715
	All Other	237	1,255
22	Federal Expenditures Fund Total	<u>12,294</u>	<u>64,970</u>

24 **Performance Partnership Grant 0851**

26 Initiative: Provides funds to extend a limited-period
 Environmental Specialist II position through June 17, 2005 to
 28 support licensing and compliance of finfish aquaculture
 30 facilities.

32	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	11,070	59,636
34	All Other	218	1,175
36	Federal Expenditures Fund Total	<u>11,288</u>	<u>60,811</u>

38 **Performance Partnership Grant 0851**

40 Initiative: Provides for an increase in the All Other allocation
 for the Performance Partnership Grant account to reflect
 42 increased grant awards.

44	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	917,730
46	Federal Expenditures Fund Total	<u>0</u>	<u>917,730</u>

48 **Maine Environmental Protection Fund 0421**

50

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Provides for the allocation of funds and related All Other costs to merge the Borrow Pit Regulation, Other Special Revenue Funds account into the Maine Environmental Protection Fund as a subaccount to ensure adequate allocations for the program. An Environmental Specialist IV position and related All Other will be transferred into the account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	82,332
All Other	0	19,128
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	101,460
 ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
DEPARTMENT TOTALS		
	2003-04	2004-05
FEDERAL EXPENDITURES FUND	23,582	1,121,513
OTHER SPECIAL REVENUE FUNDS	1,097	66,507
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	24,679	1,188,020

ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 0414

Initiative: Makes corrections within the All Other line to reflect the change in funding from the grant line to per diem payments, temporary workers and database system.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	1,500	1,500
All Other	(1,500)	(1,500)
	<hr/>	<hr/>
Other Special Revenue Funds Total	0	0

ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS

	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	0	0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	0	0

EXECUTIVE DEPARTMENT

Administration - Executive - Governor's Office 0165

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Provides for the appropriation of Personal Services funds to make permanent 9 Governor Special Assistant positions for the Governor's Office of Health Policy and Finance and associated All Other. Funding for this initiative is primarily from the deappropriation of funds in the Health Reform Reserve Fund account, established in Public Law 2003, chapter 451, Part C. Also provides for the allocation and receipt of funds associated with the federal MaineCare Match reimbursement for one Director position and one Deputy Director position within the Office of Health Policy and Finance.

General Fund	2003-04	2004-05
Positions - Legislative Count	(9,000)	(9,000)
Personal Services	0	828,580
All Other	60,000	98,500
	<hr/>	<hr/>
General Fund Total	60,000	927,080

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	70,962
All Other	0	8,051
	<hr/>	<hr/>
Federal Expenditures Fund Total	0	79,013

EXECUTIVE DEPARTMENT		
DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	60,000	927,080
FEDERAL EXPENDITURES FUND	0	79,013
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	60,000	1,006,093

HUMAN SERVICES, DEPARTMENT OF

Office of Management and Budget 0142

Initiative: Provides for the allocation of funds for one project Senior Database Analyst position from April 19, 2004 to June 18, 2005. This is a continuation of a position authorized in Financial Order 433 F4. This position will be transferred to the Federal Project Grants account in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	19,594	0
	<hr/>	<hr/>
Federal Expenditures Fund Total	19,594	0

Office of Management and Budget 0142

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Provides for the allocation of funds for one project Information System Support Specialist position from April 19, 2004 to June 18, 2005. This is a continuation of a position authorized in Financial Order 696 F4. This position will be transferred to the Federal Project Grants account in fiscal year 2004-05.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	13,638	0
Federal Expenditures Fund Total	13,638	0

Office of Management and Budget 0142

Initiative: Provides for the allocation of funds to support the upgrade of a Programmer Analyst position to a Senior Programmer Analyst position as part of a reorganization of the Health and Environmental Testing Laboratory/Department of Training.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	4,560
Other Special Revenue Funds Total	0	4,560

Office of Management and Budget 0142

Initiative: Provides for the allocation of funds for a limited-period Public Service Coordinator I position to assist in documenting processes and procedures for the department's Financial Services Division until June 18, 2005.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	17,361	88,983
Federal Expenditures Fund Total	17,361	88,983

Office of Management and Budget 0142

Initiative: Provides for the appropriation and deappropriation, allocation and deallocation of funds and transfer of positions to continue 3 Managing Staff Accountant positions that were previously established through Financial Order 489 F4, one Assistant Director of Fiscal Operations position and one Director of Budget and Fiscal Operations position in the Federal Expenditures Fund. These positions were previously created by upgrading existing positions within the Office of Management and Budget.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Personal Services	0	145,725
	All Other	0	(21,222)
4	General Fund Total	<hr/> 0	<hr/> 124,503
6	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
8	Personal Services	0	119,108
10	Federal Expenditures Fund Total	<hr/> 0	<hr/> 119,108
12	Office of Management and Budget 0142		
14	Initiative: Adjusts allocations through the transfer of one		
16	Programmer Analyst position to the Federal Project Grants account		
	in the Bureau of Health.		
18	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
20	Personal Services	0	(76,085)
22	Other Special Revenue Funds Total	<hr/> 0	<hr/> (76,085)
24	Fund for a Healthy Maine - Service Center 0957		
26	Initiative: Provides for the deallocation of funds through a		
28	transfer of salary savings to the Fund for a Healthy Maine to		
30	cover a Personal Services shortfall. Several of the FHM programs		
	are fully staffed and are unable to achieve the anticipated		
32	savings through attrition, resulting in insufficient Personal		
	Services allocation for fiscal year 2003-04.		
34	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	(2,500)	0
36	Fund for a Healthy Maine Total	<hr/> (2,500)	<hr/> 0
38	Community Services Center 0845		
40	Initiative: Provides for the allocation of funds to reflect the		
42	amount of revenue collected in child care licensing fees for the		
	administration of the program.		
44	Other Special Revenue Funds	2003-04	2004-05
	All Other	0	200,000
46	Other Special Revenue Funds Total	<hr/> 0	<hr/> 200,000
48	Purchased Social Services 0228		
50			

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Allocates funds from federal grants to provide language training, employment and support services to newly arrived refugees.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	62,500
Federal Expenditures Fund Total	0	62,500

Bureau of Child and Family Services - Central 0307

Initiative: Provides for the transfer of All Other funds to Personal Services to establish 2 Systems Analyst positions, one Information System Support Manager position, one Management Analyst II position and one Planning and Research Assistant position in the Federal Expenditures Fund; and 2 Senior Program Analyst positions, 2 Programmer Analyst positions, one Information Support Specialist position and one Information System Support Technician position in the Other Special Revenue Funds account. These positions will help support the Maine Automated Child Welfare Information System for the Bureau of Child and Family Services. This function is currently supported through a contract.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(5.000)
Personal Services	0	359,715
All Other	0	(305,566)
Federal Expenditures Fund Total	0	54,149

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(6.000)
Personal Services	0	474,835
All Other	0	(305,566)
Other Special Revenue Funds Total	0	169,269

Bureau of Child and Family Services - Central 0307

Initiative: Allocates funds from a federal grant for adoption opportunities to increase placements of children in foster care through building relationships.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	87,500
Federal Expenditures Fund Total	0	87,500

Bureau of Child and Family Services - Central 0307

2 Initiative: Provides for the appropriation of funds required to
 4 evaluate the placement setting of children in state custody to
 determine if a less restrictive placement is appropriate.

6	General Fund	2003-04	2004-05
	All Other	0	200,000
8			
	General Fund Total	<u>0</u>	<u>200,000</u>

10 **Foster Care 0137**

12 Initiative: Provides for the deappropriation and deallocation of
 14 funds as a transfer of estimated balances in the General Fund
 from Foster Care to Child Welfare Services to offset an estimated
 16 shortfall in fiscal year 2003-04.

18	General Fund	2003-04	2004-05
	All Other	(2,000,000)	0
20			
	General Fund Total	<u>(2,000,000)</u>	<u>0</u>

22	Federal Expenditures Fund	2003-04	2004-05
24	All Other	(4,011,564)	0
26			
	Federal Expenditures Fund Total	<u>(4,011,564)</u>	<u>0</u>

28 **Foster Care 0137**

30 Initiative: Deappropriates and deallocates funds as a result of
 32 savings generated from the transfer of children in institutional
 care or in high-cost settings to less restrictive settings after
 evaluation.

34	General Fund	2003-04	2004-05
36	All Other	0	(330,960)
38			
	General Fund Total	<u>0</u>	<u>(330,960)</u>

40	Federal Expenditures Fund	2003-04	2004-05
42	All Other	0	(640,873)
44			
	Federal Expenditures Fund Total	<u>0</u>	<u>(640,873)</u>

46 **Child Welfare Services 0139**

48 Initiative: Provides for the appropriation, deappropriation and
 deallocation of funds as a transfer of estimated balances in the
 General Fund from Foster Care to Child Welfare Services to offset
 50 an estimated shortfall in fiscal year 2003-04.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	General Fund	2003-04	2004-05
4	All Other	2,000,000	0
6	General Fund Total	<u>2,000,000</u>	<u>0</u>

Child Welfare Services 0139

8 Initiative: Deappropriates funds for expenditures that will be
 10 paid from the Temporary Assistance for Needy Families, TANF,
 12 prevention services within the TANF Block Grant by establishing
 120-day prevention programs for community intervention.

14	General Fund	2003-04	2004-05
16	All Other	0	(1,500,000)
18	General Fund Total	<u>0</u>	<u>(1,500,000)</u>

Child Welfare Services 0139

20 Initiative: Deappropriates and deallocates funds as a result of
 22 savings generated from the transfer of children in institutional
 24 care or in high-cost settings to less restrictive settings after
 evaluation.

26	General Fund	2003-04	2004-05
28	All Other	0	(194,040)
30	General Fund Total	<u>0</u>	<u>(194,040)</u>

Elder and Adult Services - Bureau of 0140

32 Initiative: Provides for the allocation of funds to establish one
 34 Social Services Program Specialist II position to administer the
 36 Maine Resources Network Project. This position will end on
 September 29, 2006.

38	Federal Expenditures Fund	2003-04	2004-05
40	Personal Services	20,074	81,412
42	All Other	5,017	174,719
44	Federal Expenditures Fund Total	<u>25,091</u>	<u>256,131</u>

Elder and Adult Services - Bureau of 0140

46 Initiative: Appropriates funds to pay the Office of the State
 48 Fire Marshal for the cost of inspections of medical and remedial
 facilities.

50	General Fund	2003-04	2004-05
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2	All Other	0	177,232
4	General Fund Total	<u>0</u>	<u>177,232</u>
6	Long-term Care - Human Services 0420		
8	Initiative: Deappropriates funds as a result of an anticipated fiscal year surplus in this state-funded program and as a result of implementing an asset cap at \$75,000.		
10	General Fund	2003-04	2004-05
12	All Other	0	(2,053,000)
14	General Fund Total	<u>0</u>	<u>(2,053,000)</u>
16	Congregate Housing 0211		
18	Initiative: Deappropriates funds by requiring providers to bill MaineCare for eligible individuals living in licensed assisted housing programs whose services now are paid with state funds.		
22	General Fund	2003-04	2004-05
24	All Other	0	(800,000)
26	General Fund Total	<u>0</u>	<u>(800,000)</u>
28	Health - Bureau of 0143		
30	Initiative: Provides for the allocation of funds for one project Senior Database Analyst position from April 19, 2004 to June 18, 2005. This is a continuation of a position authorized in Financial Order 433 F4. This position will be transferred to the Federal Project Grants account in fiscal year 2004-05.		
34	Federal Expenditures Fund	2003-04	2004-05
36	Personal Services	0	99,901
38	Federal Expenditures Fund Total	<u>0</u>	<u>99,901</u>
40	Health - Bureau of 0143		
42	Initiative: Provides for the transfer of funds to upgrade one Comprehensive Health Planner I position to a Public Health Nurse II position.		
46	Federal Expenditures Fund	2003-04	2004-05
48	Personal Services	0	2,669
50	All Other	0	(2,669)
	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

2 **Health - Bureau of 0143**

4 Initiative: Provides for the transfer of funds for nutrition and
 6 physical activities and the establishment of 3 positions to
 8 implement the programs: 2 Comprehensive Health Planner II
 positions and one Health Program Manager position.

	2003-04	2004-05
10 Federal Expenditures Fund		
Positions - Legislative Count	(0.000)	(3.000)
Personal Services	0	204,035
12 All Other	0	(204,035)
14 Federal Expenditures Fund Total	0	0

16 **Health - Bureau of 0143**

18 Initiative: Provides for the transfer of funds to upgrade a
 20 Planning and Research Assistant position to a Public Health
 22 Educator III position to fulfill expanded Maine-specific needs
 and newly mandated United States Centers for Disease Control and
 Prevention grant objectives related to the resurgence of sexually
 transmitted diseases, especially syphilis and gonorrhea.

	2003-04	2004-05
24 Federal Expenditures Fund		
26 Personal Services	0	2,648
28 All Other	0	(2,648)
Federal Expenditures Fund Total	0	0

30 **Health - Bureau of 0143**

32 Initiative: Provides for the transfer of funds to upgrade a
 34 Storekeeper I position to a Data Control Specialist position to
 fulfill expanded Maine-specific needs and newly mandated United
 36 States Centers for Disease Control and Prevention grant
 objectives related to improving the quality assurance functions
 38 of the program's vaccine distribution system.

	2003-04	2004-05
40 Federal Expenditures Fund		
Personal Services	0	2,407
42 All Other	0	(2,407)
44 Federal Expenditures Fund Total	0	0

46 **Health - Bureau of 0143**

48 Initiative: Provides for the allocation of funds to extend an
 existing project Programmer Analyst position from July 1, 2004 to
 50 June 18, 2005 in the Health and Environmental Testing Laboratory.

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2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	0	74,192
4	All Other	0	(74,192)
6	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

8 **Health - Bureau of 0143**

10 Initiative: Provides for an allocation of funds to upgrade a Data
 12 Entry Specialist position to an Account Clerk II position
 14 associated with a reorganization of the Health and Environmental
 Testing Laboratory administration office.

14	Federal Expenditures Fund	2003-04	2004-05
16	Personal Services	0	2,400
18	All Other	0	(2,400)
20	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

20 **Health - Bureau of 0143**

22 Initiative: Provides for the allocation of funds for one project
 24 Information System Support Specialist position from April 19,
 26 2004 to June 18, 2005. This is a continuation of a position
 28 authorized in Financial Order 696 F4. This position will be
 transferred to the Federal Project Grants account in fiscal year
 2004-05.

30	Federal Expenditures Fund	2003-04	2004-05
32	Personal Services	0	70,816
34	Federal Expenditures Fund Total	<u>0</u>	<u>70,816</u>

34 **Health - Bureau of 0143**

36 Initiative: Provides for the transfer of funds for 17 positions
 38 from the Public Drinking Water Fund, Other Special Revenue Funds
 40 account to the Federal Project Grants, Federal Expenditures
 42 Fund. These positions are being funded by a federal
 Environmental Protection Agency grant for public water supply
 supervision.

44	Federal Expenditures Fund	2003-04	2004-05
46	Positions - Legislative Count	(0.000)	(17.000)
	Personal Services	0	1,096,112
48	All Other	0	171,529
50	Federal Expenditures Fund Total	<u>0</u>	<u>1,267,641</u>

Health - Bureau of 0143

2

Initiative: Provides for the allocation of funds to support the Bureau of Health's cost allocation plan as referenced in Public Law 2003, chapter 20, Part B.

4

6

Federal Expenditures Fund	2003-04	2004-05
All Other	423,500	423,500
Federal Expenditures Fund Total	<u>423,500</u>	<u>423,500</u>

8

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Health - Bureau of 0143

14

Initiative: Provides for the transfer of funds to support an upgrade of a Comprehensive Health Planner I position to a Public Health Nurse II position.

16

18

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	3,111
All Other	0	(3,111)
Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

20

22

24

Health - Bureau of 0143

26

Initiative: Provides for the allocation of funds to provide for an upgrade of a Sanitary Engineer III position, Director, Radiation Control Program, to a Public Service Manager II position.

28

30

Other Special Revenue Funds	2003-04	2004-05
Personal Services	0	2,747
All Other	0	(2,747)
Other Special Revenue Funds Total	<u>0</u>	<u>0</u>

32

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Health - Bureau of 0143

38

Initiative: Provides for the allocation of funds necessary for the Health and Environmental Testing Laboratory to purchase supplies and contracts associated with fee-for-service support of analytical testing.

40

42

44

Other Special Revenue Funds	2003-04	2004-05
All Other	0	100,000
Other Special Revenue Funds Total	<u>0</u>	<u>100,000</u>

46

48

Health - Bureau of 0143

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Initiative: To provide for the transfer of one Public Health Nurse I position from the General Fund to the Maternal and Child Health Block Grant account and provides for the transfer of funds of one Senior Staff Accountant position from the Block Grant account to the General Fund.

General Fund	2003-04	2004-05
Personal Services	3,510	4,437
All Other	(3,510)	(4,437)
General Fund Total	<u>0</u>	<u>0</u>

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to establish one Health Program Manager position in the Comprehensive Cancer Control Program.

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	70,137
All Other	0	(70,137)
Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Procurement and Contracting Specialist position in the Partnership For A Tobacco-Free Maine program.

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,731
All Other	0	(2,731)
Federal Expenditures Fund Total	<u>0</u>	<u>0</u>

Health - Bureau of 0143

Initiative: Provides for the transfer of funds for a position upgrade of a Chief, Community Health position to a Public Service Manager II position as Director, Community Health Program, who directs all the activities in the Community Health Program and licenses eating and lodging places, campgrounds, youth camps, tattooists, body piercers, electrologists and others.

General Fund	2003-04	2004-05
Personal Services	0	4,391
All Other	0	(4,391)

2	General Fund Total	0	0
4	Health - Bureau of 0143		
6	Initiative: Provides for the appropriation of funds to transfer one Procurement and Contracting Specialist position and one Clerk IV position to the Bureau of Health General Fund account from the Maternal and Child Health Block Grant account, funded by indirect cost from the department's Cost Allocation Plan. Transfers 2		
8	Public Health Nurse I positions from the Bureau of Health General Fund account to the Maternal and Child Health Block Grant account.		
10			
12			
14	General Fund	2003-04	2004-05
16	Personal Services	0	(713)
18	General Fund Total	0	(713)
20	Health - Bureau of 0143		
22	Initiative: Adjusts allocations through the transfer of one Programmer Analyst position from the Office of Management and Budget account.		
24			
26	Federal Expenditures Fund	2003-04	2004-05
28	Positions - Legislative Count	(0.000)	(1.000)
30	Personal Services	0	76,085
32	Federal Expenditures Fund Total	0	76,085
34	Maternal and Child Health 0191		
36	Initiative: Provides for the transfer of one Public Health Nurse I position from the General Fund to the Maternal and Child Health Block Grant account and provides for the transfer of one Senior Staff Accountant position from the Maternal and Child Health Block Grant account to the General Fund.		
38			
40	Federal Block Grant Fund	2003-04	2004-05
42	Personal Services	(3,510)	(4,437)
44	Federal Block Grant Fund Total	(3,510)	(4,437)
46	Maternal and Child Health 0191		
48	Initiative: Provides for the appropriation of funds to transfer one Procurement and Contracting Specialist position and one Clerk IV position to the Bureau of Health General Fund account from the Maternal and Child Health Block Grant account, funded by indirect cost from the department's Cost Allocation Plan. Transfers 2		
50	Public Health Nurse I positions from the Bureau of Health General Fund account to the Maternal and Child Health Block Grant account.		

COMMITTEE AMENDMENT

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Public Health Nurse I positions from the Bureau of Health General Fund account to the Maternal and Child Health Block Grant account.

4	Federal Block Grant Fund	2003-04	2004-05
6	Personal Services	0	713
8		<hr/>	<hr/>
	Federal Block Grant Fund Total	0	713

Maternal and Child Health 0191

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Procurement and Contracting Specialist position in the Division of Family Health.

14	Federal Block Grant Fund	2003-04	2004-05
16	Personal Services	0	1,178
18	All Other	0	(1,178)
20		<hr/>	<hr/>
	Federal Block Grant Fund Total	0	0

Special Children's Services 0204

Initiative: Provides for the transfer of funds for an upgrade of a nurse coordinator from a Comprehensive Health Planner I position to a Public Health Nurse II position.

26	Federal Block Grant Fund	2003-04	2004-05
28	Personal Services	0	2,404
30	All Other	0	(2,404)
32		<hr/>	<hr/>
	Federal Block Grant Fund Total	0	0

Special Children's Services 0204

Initiative: Provides for the transfer of funds to increase a Medical Claims Adjuster position from 35 hours to 40 hours per week.

38	Federal Block Grant Fund	2003-04	2004-05
40	Personal Services	0	5,834
42	All Other	0	(5,834)
44		<hr/>	<hr/>
	Federal Block Grant Fund Total	0	0

Plumbing - Control Over 0205

Initiative: Provides for the allocation of funds to provide for an upgrade of the Director, Wastewater and Plumbing Control Supervisor position to a Public Service Manager II position.

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	Other Special Revenue Funds	2003-04	2004-05
2	Personal Services	0	2,720
	All Other	0	(2,720)
4			
	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>

Fund for a Healthy Maine - Bureau of Health 0953

8
 Initiative: Provides for the transfer of funds to upgrade an
 10 Accountant I position to a Staff Accountant position in the
 Partnership For A Tobacco-Free Maine program.

	Fund for a Healthy Maine	2003-04	2004-05
14	Personal Services	0	2,596
	All Other	0	(2,596)
16			
	Fund for a Healthy Maine Total	<u>0</u>	<u>0</u>

Fund for a Healthy Maine - Bureau of Health 0953

20 Initiative: Provides for the deallocation of funds through a
 22 transfer of salary savings to the Fund for a Healthy Maine to
 cover a Personal Services shortfall. Several of the FHM programs
 24 are fully staffed and are unable to achieve the anticipated
 savings through attrition, resulting in an insufficient Personal
 26 Services allocation for fiscal year 2003-04.

	Fund for a Healthy Maine	2003-04	2004-05
28	Personal Services	(11,701)	0
30			
	Fund for a Healthy Maine Total	<u>(11,701)</u>	<u>0</u>

Drinking Water Enforcement 0728

34 Initiative: Provides for the transfer of funds for 17 positions
 36 from the Public Drinking Water Fund, Other Special Revenue Funds
 account to the Federal Project Grants, Federal Expenditures Fund
 38 account. These positions are being funded by a federal
 Environmental Protection Agency grant for public water supply
 40 supervision.

	Other Special Revenue Funds	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(-17.000)
44	Personal Services	0	(1,096,112)
	All Other	0	(171,529)
46			
	Other Special Revenue Funds Total	<u>0</u>	<u>(1,267,641)</u>

Bureau of Family Independence - Central 0100

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Provides for the allocation of funds from the Temporary Assistance for Needy Families program's High Performance Bonus system for federal fiscal years 2001 and 2002.

Federal Block Grant Fund	2003-04	2004-05
All Other	0	1,000,000
Federal Block Grant Fund Total	0	1,000,000

Temporary Assistance for Needy Families 0138

Initiative: Provides for the allocation of funds from the Temporary Assistance for Needy Families program's High Performance Bonus system for federal fiscal years 2001 and 2002.

Federal Block Grant Fund	2003-04	2004-05
All Other	2,028,307	1,000,000
Federal Block Grant Fund Total	2,028,307	1,000,000

Temporary Assistance for Needy Families 0138

Initiative: Appropriates funds in the All Other line category to offset a departmentwide deappropriation that can not be achieved.

General Fund	2003-04	2004-05
All Other	822,084	0
General Fund Total	822,084	0

Temporary Assistance for Needy Families 0138

Initiative: Deappropriates state funding for the Temporary Assistance for Needy Families program's maintenance of effort requirement.

General Fund	2003-04	2004-05
All Other	0	(2,245,000)
General Fund Total	0	(2,245,000)

Departmentwide 0640

Initiative: Provides for the deappropriation of funds from increased attrition across Department of Human Services General Fund programs in fiscal year 2003-04. Notwithstanding any other provision of law, the State Budget Officer may calculate and transfer the amount of savings by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2003-04.

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2	General Fund	2003-04	2004-05
	Personal Services	(822,084)	0
4		(822,084)	0
6	General Fund Total	(822,084)	0

Fund for a Healthy Maine - BFI - Central 0954

8
 Initiative: Provides for the allocation of funds through a transfer from the Fund for a Healthy Maine to cover a Personal Services shortfall. The FHM Tobacco Prevention Control and Treatment and FHM - Service Center accounts have salary savings that will be deallocated to provide the resources for the allocations made to the other Fund for a Healthy Maine programs.

16	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	9,000	0
18		9,000	0
20	Fund for a Healthy Maine Total	9,000	0

General Assistance - Reimbursement to Cities and Towns 0130

24
 Initiative: Provides for the appropriation of funds as a result of an anticipated shortfall in the General Assistance - Reimbursement to Cities and Towns program to be paid from a one-time carry forward balance from the State Supplemental Payments program.

30	General Fund	2003-04	2004-05
	All Other	1,100,000	0
32		1,100,000	0
34	General Fund Total	1,100,000	0

General Assistance - Reimbursement to Cities and Towns 0130

38
 Initiative: Provides for the allocation of funds for emergency assistance in the Temporary Assistance for Needy Families program.

42	Federal Block Grant Fund	2003-04	2004-05
	All Other	268,000	1,000,000
44		268,000	1,000,000
46	Federal Block Grant Fund Total	268,000	1,000,000

Bureau of Medical Services 0129

48
 Initiative: Provides for the appropriation and deappropriation, allocation and deallocation of funds and transfer of positions to continue 3 Managing Staff Accountant positions that were

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2 previously established through Financial Order 489 F4, and one
 3 Assistant Director of Fiscal Operations position and one Director
 4 of Budget and Fiscal Operations position in the Federal
 5 Expenditures Fund. These positions were previously created by
 6 upgrading existing positions within the Office of Management and
 7 Budget.

8	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-2.000)
10	Personal Services	0	(124,503)
12	General Fund Total	0	(124,503)
14	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
16	Personal Services	0	(37,177)
18	Federal Expenditures Fund Total	0	(37,177)

20 **Bureau of Medical Services 0129**

22 Initiative: Provides for the allocation of funds to cover the
 23 increase in the federal share of MaineCare administrative costs
 24 incurred by the Department of Behavioral and Developmental
 25 Services reimbursed through the Department of Human Services.

26	Federal Expenditures Fund	2003-04	2004-05
28	All Other	5,221,172	1,558,937
30	Federal Expenditures Fund Total	5,221,172	1,558,937

32 **Bureau of Medical Services 0129**

34 Initiative: Appropriates and allocates funds for 2 Medical Care
 35 Coordinator positions in the General Fund and one Medical Care
 36 Coordinator position and one Reimbursement Specialist position in
 37 the Federal Expenditures Fund for the Maine Care 3rd-party
 38 recovery program.

40	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(2.000)
42	Personal Services	0	101,076
	All Other	0	11,924
44	General Fund Total	0	113,000
46	Federal Expenditures Fund	2003-04	2004-05
48	Positions - Legislative Count	(0.000)	(2.000)
	Personal Services	0	107,052
50	All Other	0	14,000

2	Federal Expenditures Fund Total	0	121,052
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4 **Fund for a Healthy Maine - Bureau of**
 6 **Medical Services 0955**

8 Initiative: Provides for the allocation of funds through a
 10 transfer from the Fund for a Healthy Maine to cover a Personal
 12 Services shortfall. The FHM Tobacco Prevention Control and
 Treatment and FHM - Service Center accounts have salary savings
 that will be deallocated to provide the resources for the
 allocations made to the other Fund for a Healthy Maine programs.

14	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	2,500	0
16		2,500	0
18	Fund for a Healthy Maine Total	2,500	0

20 **Medical Care - Payments to Providers 0147**

22 Initiative: Provides for the deallocation of funds for the
 24 federal seed of a General Fund deappropriation in the Department
 of Behavioral and Developmental Services, Office of Substance
 Abuse to cover a share of the MaineCare shortfall in fiscal year
 2004-05.

26	Federal Expenditures Fund	2003-04	2004-05
28	All Other	0	(1,941,411)
30	Federal Expenditures Fund Total	0	(1,941,411)

32 **Medical Care - Payments to Providers 0147**

34 Initiative: Provides for the allocation of funds for the federal
 36 seed of a General Fund appropriation in the Department of
 Behavioral and Developmental Services for its share of the
 MaineCare shortfall in fiscal year 2004-05 for the mental
 38 retardation waiver.

40	Federal Expenditures Fund	2003-04	2004-05
42	All Other	0	11,104,653
44	Federal Expenditures Fund Total	0	11,104,653

46 **Medical Care - Payments to Providers 0147**

48 Initiative: Provides for the allocation of funds for the federal
 seed of a General Fund appropriation in the Department of
 Behavioral and Developmental Services for its share of the
 50 MaineCare shortfall in mental health children's services.

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2	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	10,426,378
4			
	Federal Expenditures Fund Total	0	10,426,378
6			
	Medical Care - Payments to Providers 0147		
8			
	Initiative: Provides for the allocation of funds for the federal		
10	seed of a General Fund appropriation in the Department of		
	Behavioral and Developmental Services for its share of the		
12	MaineCare shortfall in mental health community services.		
14	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	7,662,689
16			
	Federal Expenditures Fund Total	0	7,662,689
18			
	Medical Care - Payments to Providers 0147		
20			
	Initiative: Provides for the deappropriation of funds to be		
22	transferred to the Department of Behavioral and Developmental		
	Services for the Mental Health Services - Community program for		
24	the provision of room and board services.		
26	General Fund	2003-04	2004-05
	All Other	0	(103,405)
28			
	General Fund Total	0	(103,405)
30			
	Medical Care - Payments to Providers 0147		
32			
	Initiative: Provides for the allocation of funds in accordance		
34	with the Maine Revised Statutes, Title 36, section 2873,		
	subsection 4, paragraph A from the tax on residential treatment		
36	facilities and nursing homes to increase payments to medical care		
	providers, nursing facilities and for direct services in the		
38	Home-based Care program.		
40	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	3,019,936
42			
	Federal Expenditures Fund Total	0	3,019,936
44			
	Medical Care - Payments to Providers 0147		
46			
	Initiative: Appropriates and allocates funds to meet a projected		
48	shortfall.		
50	General Fund	2003-04	2004-05

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2	All Other	0	99,702,596
4	General Fund Total	0	99,702,596
6	Federal Expenditures Fund	2003-04	2004-05
8	All Other	0	186,552,345
	Federal Expenditures Fund Total	0	186,552,345

10 **Medical Care - Payments to Providers 0147**

12 Initiative: Allocates funds for drug rebates in the MaineCare
 14 program in order to properly reflect nonmatched MaineCare
 expenditures.

16	Other Special Revenue Funds	2003-04	2004-05
18	All Other	0	42,934,004
20	Other Special Revenue Funds Total	0	42,934,004

22 **Medical Care - Payments to Providers 0147**

24 Initiative: Provides for the deallocation of funds for the
 federal seed of a General Fund deappropriation in the Department
 of Behavioral and Developmental Services as a result of savings
 26 to be achieved in the Medicaid Services - Mental Retardation
 account.

28	Federal Expenditures Fund	2003-04	2004-05
30	All Other	(75,407)	(939,056)
32	Federal Expenditures Fund Total	(75,407)	(939,056)

34 **Medical Care - Payments to Providers 0147**

36 Initiative: Provides for the deallocation of funds for the
 federal seed of a General Fund deappropriation in the Department
 of Behavioral and Developmental Services as a result of savings
 38 to be achieved in the Mental Retardation Waiver MaineCare account.

40	Federal Expenditures Fund	2003-04	2004-05
42	All Other	0	(1,871,088)
44	Federal Expenditures Fund Total	0	(1,871,088)

46 **Medical Care - Payments to Providers 0147**

48 Initiative: Provides for the deallocation of funds for the
 federal seed of a General Fund deappropriation in the Department
 of Behavioral and Developmental Services as a result of savings
 50

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 to be achieved in the Mental Health Services - Community Medicaid
account.

4	Federal Expenditures Fund	2003-04	2004-05
6	All Other	0	(2,706,641)
8	Federal Expenditures Fund Total	<u>0</u>	<u>(2,706,641)</u>

10 **Medical Care - Payments to Providers 0147**

12 Initiative: Provides for the deallocation of funds for the
14 federal seed of a General Fund deappropriation in the Department
of Behavioral and Developmental Services as a result of savings
to be achieved in the Mental Health Services - Child Medicaid
account.

16	Federal Expenditures Fund	2003-04	2004-05
18	All Other	0	(4,846,118)
20	Federal Expenditures Fund Total	<u>0</u>	<u>(4,846,118)</u>

22 **Medical Care - Payments to Providers 0147**

24 Initiative: Deappropriates and deallocates funds as a result of
26 savings generated from the placement of children in institutional
care or in high-cost settings in a less restrictive setting after
an evaluation.

28	General Fund	2003-04	2004-05
30	All Other	0	(875,000)
32	General Fund Total	<u>0</u>	<u>(875,000)</u>

34	Federal Expenditures Fund	2003-04	2004-05
36	All Other	0	(1,637,202)
38	Federal Expenditures Fund Total	<u>0</u>	<u>(1,637,202)</u>

40 **Medical Care - Payments to Providers 0147**

42 Initiative: Deappropriates and appropriates funds by requiring
44 providers to bill MaineCare for eligible individuals living in
licensed assisted housing programs whose services now are paid
with all state funds.

46	General Fund	2003-04	2004-05
48	All Other	0	278,640
50	General Fund Total	<u>0</u>	<u>278,640</u>

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	Federal Expenditures Fund	2003-04	2004-05
2	All Other	0	521,360
4	Federal Expenditures Fund Total	<u>0</u>	<u>521,360</u>

6 **Medical Care - Payments to Providers 0147**

8 Initiative: Deappropriates and deallocates funds due to the
 10 savings achieved by setting premiums for families of children
 under the Katie Beckett eligibility option at 5% of family income.

	General Fund	2003-04	2004-05
12	All Other	0	(300,000)
14	General Fund Total	<u>0</u>	<u>(300,000)</u>

	Federal Expenditures Fund	2003-04	2004-05
16	All Other	0	(561,326)
18	Federal Expenditures Fund Total	<u>0</u>	<u>(561,326)</u>

22 **Medical Care - Payments to Providers 0147**

24 Initiative: Adjusts appropriations and allocations from the
 26 restoration of the proposed 2% across-the-board reduction in
 which the funds were restored to the Medical Care - Payments to
 Providers General Fund program in Public Law 2003, chapter 513.

	General Fund	2003-04	2004-05
28	All Other	(556,648)	0
30	General Fund Total	<u>(556,648)</u>	<u>0</u>

	Federal Expenditures Fund	2003-04	2004-05
32	All Other	(1,255,403)	0
34	Federal Expenditures Fund Total	<u>(1,255,403)</u>	<u>0</u>

38 **Medical Care - Payments to Providers 0147**

40 Initiative: Deappropriates and deallocates funds due to
 42 increased 3rd-party recoveries.

	General Fund	2003-04	2004-05
44	All Other	0	(2,363,000)
46	General Fund Total	<u>0</u>	<u>(2,363,000)</u>

	Federal Expenditures Fund	2003-04	2004-05
48	All Other	0	(4,421,381)
50	Federal Expenditures Fund Total	<u>0</u>	<u>(4,421,381)</u>

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2	Federal Expenditures Fund Total	0	(4,421,381)
4	Nursing Facilities 0148		
6	Initiative: Provides for the allocation of funds in accordance		
8	with the Maine Revised Statutes, Title 36, section 2873,		
10	subsection 4, paragraph A from the tax on residential treatment		
12	facilities and nursing homes to increase payments to medical care		
14	providers, nursing facilities and for direct services in the		
16	Home-based Care program.		
	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	18,307,537
	Federal Expenditures Fund Total	0	18,307,537
18	Nursing Facilities 0148		
20	Initiative: Appropriates and allocates funds to meet a projected		
22	shortfall.		
	General Fund	2003-04	2004-05
	All Other	0	6,926,129
	General Fund Total	0	6,926,129
	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	16,701,574
	Federal Expenditures Fund Total	0	16,701,574
32	Nursing Facilities 0148		
34	Initiative: Deappropriates and deallocates funds by reducing		
36	supplemental reimbursement to nursing homes funded by the nursing		
38	home tax initiative.		
	General Fund	2003-04	2004-05
	All Other	0	(1,100,000)
	General Fund Total	0	(1,100,000)
	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	(2,058,197)
	Federal Expenditures Fund Total	0	(2,058,197)
48	Nursing Facilities 0148		
50			

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Initiative: Adjusts appropriations and allocations from the
 proposed 2% across-the-board reduction in which the funds were
 4 restored to the Medical Care - Payments to Providers General Fund
 program in Public Law 2003, chapter 513.

6	General Fund	2003-04	2004-05
8	All Other	556,648	0
10	General Fund Total	<u>556,648</u>	<u>0</u>
12	Federal Expenditures Fund	2003-04	2004-05
14	All Other	1,255,403	0
16	Federal Expenditures Fund Total	<u>1,255,403</u>	<u>0</u>

16 **Nursing Facilities 0148**

18 Initiative: Allocates additional funds from the nursing
 20 facilities tax to reflect updated estimates of the availability
 of tax revenue and to allow the department to reflect the
 22 allocations in the proper appropriation unit.

24	Other Special Revenue Funds	2003-04	2004-05
26	All Other	0	16,534,769
28	Other Special Revenue Funds Total	<u>0</u>	<u>16,534,769</u>

28 **HUMAN SERVICES, DEPARTMENT OF
 DEPARTMENT TOTALS**

30		2003-04	2004-05
32	GENERAL FUND	1,100,000	95,532,479
34	FEDERAL EXPENDITURES FUND	1,633,385	236,922,305
36	OTHER SPECIAL REVENUE FUNDS	0	58,598,876
38	FUND FOR A HEALTHY MAINE	(2,701)	0
40	FEDERAL BLOCK GRANT FUND	2,292,797	2,996,276
42	DEPARTMENT TOTAL - ALL FUNDS	<u>5,023,481</u>	<u>394,049,936</u>

40 **INLAND FISHERIES AND WILDLIFE,
 DEPARTMENT OF**

42 **Maine Outdoor Heritage Fund 0829**

44 Initiative: Deallocates funds based on the reprojected of
 46 revenues for the Outdoor Heritage Fund.

48	Other Special Revenue Funds	2003-04	2004-05
50	All Other	0	(190,065)
	Other Special Revenue Funds Total	<u>0</u>	<u>(190,065)</u>

2 **Resource Management Services - Inland Fisheries**
 4 **and Wildlife 0534**

6 Initiative: Allocates funds to create 2 limited-period Biology
 8 Specialist positions through December 31, 2008 to carry out lynx
 10 research. Seventy-five percent of the funding for these
 12 positions will be provided by the Resource Management Services -
 Inland Fisheries and Wildlife, Federal Expenditures Fund
 program. The remaining 25% of the funding for the 2 positions
 will be provided by the Endangered Nongame Operations, Other
 Special Revenue Funds program.

14	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	20,332	85,798
16	All Other	20,000	20,000
18		<hr/>	<hr/>
	Federal Expenditures Fund Total	40,332	105,798

20 **Fisheries and Hatcheries Operations 0535**

22 Initiative: Allocates funds to create 2 limited-period Biology
 24 Specialist positions through December 31, 2008 to protect and
 26 enhance aquatic habitat and comply with a legislative study of
 the fisheries division. Seventy-five percent of the funding for
 these positions will be provided by the Fisheries and Hatcheries
 Operations, Federal Expenditures Fund program. The remaining 25%
 of the funding for the 2 positions will be provided by the
 Endangered Nongame Operations, Other Special Revenue Funds
 program.

32	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	20,332	85,798
34		<hr/>	<hr/>
	Federal Expenditures Fund Total	20,332	85,798

36 **Endangered Nongame Operations 0536**

38 Initiative: Allocates funds to create 2 limited-period Biology
 40 Specialist positions through December 31, 2008 to carry out lynx
 42 research. Seventy-five percent of the funding for these
 44 positions will be provided by the Resource Management Services -
 Inland Fisheries and Wildlife, Federal Expenditures Fund
 program. The remaining 25% of the funding for the 2 positions
 will be provided by the Endangered Nongame Operations, Other
 Special Revenue Funds program.

48	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	6,770	28,596
50		<hr/>	<hr/>

Other Special Revenue Funds Total 6,770 28,596

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Endangered Nongame Operations 0536

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Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to protect and enhance aquatic habitat and comply with a legislative study of the fisheries division. Seventy-five percent of the funding for these positions will be provided by the Fisheries and Hatcheries Operations, Federal Expenditures Fund program. The remaining 25% of the funding for the 2 positions will be provided by the Endangered Nongame Operations, Other Special Revenue Funds program.

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Other Special Revenue Funds	2003-04	2004-05
Personal Services	6,770	28,596
Other Special Revenue Funds Total	6,770	28,596

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**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF
DEPARTMENT TOTALS**

22

24

	2003-04	2004-05
FEDERAL EXPENDITURES FUND	60,664	191,596
OTHER SPECIAL REVENUE FUNDS	13,540	(132,873)
DEPARTMENT TOTAL - ALL FUNDS	74,204	58,723

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JUDICIAL DEPARTMENT

32

**Courts - Supreme, Superior, District
and Administrative 0063**

34

Initiative: Provides allocation to continue one Staff Attorney position to handle workers' compensation cases.

36

38

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	81,496
All Other	0	1,000

40

42

Other Special Revenue Funds Total	0	82,496
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**Courts - Supreme, Superior, District
and Administrative 0063**

46

48

Initiative: Provides funds to continue the limited-period Domestic Violence Specialist position created in Public Law 2003, chapter 20 through June 11, 2005.

50

2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	9,052	51,030
4	All Other	0	15,000
6	Federal Expenditures Fund Total	<u>9,052</u>	<u>66,030</u>
8	Courts - Supreme, Superior, District and Administrative 0063		
10	Initiative: Provides funds to continue one limited-period		
12	Domestic Violence Coordinator position and 2 limited-period		
14	Assistant Clerk positions through June 18, 2005.		
16	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	29,509	166,227
18	Federal Expenditures Fund Total	<u>29,509</u>	<u>166,227</u>
20	Courts - Supreme, Superior, District and Administrative 0063		
22	Initiative: Provides funds to continue one Child Protection		
24	Coordinator position through June 18, 2005.		
26	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	12,611	70,159
28	Federal Expenditures Fund Total	<u>12,611</u>	<u>70,159</u>
30	Courts - Supreme, Superior, District and Administrative 0063		
32	Initiative: Appropriates funds to maintain the operation of the		
34	Madawaska courthouse.		
36	General Fund	2003-04	2004-05
38	All Other	0	39,000
40	General Fund Total	<u>0</u>	<u>39,000</u>
42	Fund for a Healthy Maine - Judicial Department 0963		
44	Initiative: Provides for the allocation of funds through a		
46	transfer from the Fund for a Healthy Maine to cover a Personal		
48	Services shortfall. The FHM Tobacco Prevention Control and		
50	Treatment and FHM - Service Center accounts have salary savings		
	that will be deallocated to provide the resources for the		
	allocations made to the other Fund for a Healthy Maine programs.		

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2	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	1,000	0
4	Fund for a Healthy Maine Total	<u>1,000</u>	<u>0</u>
6	JUDICIAL DEPARTMENT		
8	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	0	39,000
10	FEDERAL EXPENDITURES FUND	51,172	302,416
	OTHER SPECIAL REVENUE FUNDS	0	82,496
12	FUND FOR A HEALTHY MAINE	1,000	0
14	DEPARTMENT TOTAL - ALL FUNDS	<u>52,172</u>	<u>423,912</u>
16	LABOR, DEPARTMENT OF		
18	Rehabilitation Services 0799		
20	Initiative: Transfers funds from the Rehabilitation Services		
22	program to the Rehabilitation Services - Home-based Care program		
	to correct Public Law 2001, chapter 559, Part BB.		
24	General Fund	2003-04	2004-05
	All Other	(3,380,113)	(2,976,908)
26	General Fund Total	<u>(3,380,113)</u>	<u>(2,976,908)</u>
28	Employment Services Activity 0852		
30	Initiative: Eliminates one Employment and Training Program		
32	Specialist position and one Career Center Consultant position.		
34	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-2.000)
36	Personal Services	0	(130,266)
38	Federal Expenditures Fund Total	<u>0</u>	<u>(130,266)</u>
40	Rehabilitation Services - Home Based Care 0996		
42	Initiative: Transfers funds from the Rehabilitation Services		
44	program to the Rehabilitation Services - Home-based Care program		
	to correct Public Law 2001, chapter 559, Part BB.		
46	General Fund	2003-04	2004-05
	All Other	3,380,113	2,976,908
48	General Fund Total	<u>3,380,113</u>	<u>2,976,908</u>
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Rehabilitation Services - Home Based Care 0996

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Initiative: Provides for the deappropriation of funds by implementing changes that will make this all-state-funded program consistent with proposed changes for comparable MaineCare benefits as well as other state-funded in-home services programs.

General Fund	2003-04	2004-05
All Other	0	(400,000)
General Fund Total	<u>0</u>	<u>(400,000)</u>

Regulation and Enforcement 0159

Initiative: Transfers headcount for one Director, Industrial Safety position and one Clerk Typist III position from the General Fund Labor Standards Regulatory Board program to the Other Special Revenue Safety Education and Training program. Funds for these positions were transferred in Public Law 2003, chapter 20.

General Fund	2003-04	2004-05
Positions - Legislative Count	(-2.000)	(-2.000)
General Fund Total	<u>0</u>	<u>0</u>

Safety Education and Training Programs 0161

Initiative: Transfers headcount for one Director, Industrial Safety position and one Clerk Typist III position from the General Fund Labor Standards Regulatory Board program to the Other Special Revenue Safety Education and Training program. Funds for these positions were transferred in Public Law 2003, chapter 20.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(2.000)	(2.000)
Other Special Revenue Funds Total	<u>0</u>	<u>0</u>

**LABOR, DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	0	(400,000)
FEDERAL EXPENDITURES FUND	0	(130,266)
OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>(530,266)</u>

MARINE RESOURCES, DEPARTMENT OF

2 **Bureau of Resource Management 0027**

4 Initiative: Provides for the transfer of 3 Marine Resource
 6 Scientist II positions from the Bureau of Resource Management to
 the Division of Community Resource Development in order to
 appropriately reflect expenditures.

8

Other Special Revenue Funds	2003-04	2004-05
10 Positions - Legislative Count	(0.000)	(-3.000)
12 Personal Services	0	(237,934)
14 All Other	0	(5,950)
	<hr/>	<hr/>
16 Other Special Revenue Funds Total	0	(243,884)

16 **Bureau of Resource Management 0027**

18 Initiative: Provides for the transfer of one Marine Patrol
 20 Officer position from the Bureau of Resource Management to the
 Bureau of Marine Patrol in order to appropriately reflect
 expenditures.

22

Other Special Revenue Funds	2003-04	2004-05
24 Positions - Legislative Count	(0.000)	(-1.000)
26 Personal Services	0	(62,168)
28 All Other	0	(1,555)
	<hr/>	<hr/>
30 Other Special Revenue Funds Total	0	(63,723)

30 **Marine Patrol - Bureau of 0029**

32 Initiative: Provides for the transfer of one Marine Patrol
 34 Officer position from the Bureau of Resource Management to the
 Bureau of Marine Patrol in order to appropriately reflect
 expenditures.

36

Other Special Revenue Funds	2003-04	2004-05
38 Positions - Legislative Count	(0.000)	(1.000)
40 Personal Services	0	62,168
42 All Other	0	1,555
	<hr/>	<hr/>
44 Other Special Revenue Funds Total	0	63,723

44 **Marine Patrol - Bureau of 0029**

46 Initiative: Provides for the allocation of funds for one
 48 limited-period Clerk III position ending June 18, 2007 to provide
 assistance in managing a joint enforcement agreement between the
 United States Department of Commerce, Office of Law Enforcement
 50 and the Maine Marine Patrol.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	8,952	47,332
4	All Other	268	1,418
6	Federal Expenditures Fund Total	<u>9,220</u>	<u>48,750</u>
8	Division of Community Resource Development 0043		
10	Initiative: Provides for the transfer of 3 Marine Resource		
12	Scientist II positions from the Bureau of Resource Management to		
14	the Division of Community Resource Development in order to		
	appropriately reflect expenditures.		
16	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(3.000)
	Personal Services	0	237,934
18	All Other	0	5,950
20	Other Special Revenue Funds Total	<u>0</u>	<u>243,884</u>
22	Division of Administrative Services 0258		
24	Initiative: Provides for the reorganization of one Supervisor of		
26	Licensing position to a Planning and Research Associate I		
	position and one Clerk Typist III position to a Clerk IV position.		
28	General Fund	2003-04	2004-05
	Personal Services	483	1,900
30	All Other	(483)	(1,900)
32	General Fund Total	<u>0</u>	<u>0</u>
34	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	846	3,476
36	All Other	(846)	(3,476)
38	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>
40	Division of Administrative Services 0258		
42	Initiative: Provides for the continuation of one project Marine		
44	Resources Coordinator position to August 31, 2004.		
46	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	14,806	12,563
48	All Other	370	314
50	Federal Expenditures Fund Total	<u>15,176</u>	<u>12,877</u>

Division of Administrative Services 0258

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Initiative: Provides for the management-initiated reclassification of the Departmental Information Systems Manager position to a Public Service Manager I position.

General Fund	2003-04	2004-05
Personal Services	1,409	5,504
All Other	(1,409)	(5,504)
General Fund Total	0	0

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS

	2003-04	2004-05
GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	24,396	61,627
OTHER SPECIAL REVENUE FUNDS	0	0
DEPARTMENT TOTAL - ALL FUNDS	24,396	61,627

PUBLIC SAFETY, DEPARTMENT OF

Computer Crimes 0048

Initiative: Deappropriates funds in the Computer Crimes program.

General Fund	2003-04	2004-05
All Other	(41,755)	(68,272)
General Fund Total	(41,755)	(68,272)

State Police 0291

Initiative: Provides for the continuation of Federal Grant projects previously approved by financial order.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	1,030,000
Federal Expenditures Fund Total	0	1,030,000

State Police 0291

Initiative: Provides funds to continue one Forensic Chemist Technician project position and 2 Forensic Chemist I project positions previously established by financial order. These positions will end on April 16, 2005.

Federal Expenditures Fund	2003-04	2004-05
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COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Personal Services	35,244	149,010
	All Other	495	2,085
4	Federal Expenditures Fund Total	<u>35,739</u>	<u>151,095</u>
6	State Police 0291		
8	Initiative: Deappropriates funds from savings in debt service		
10	achieved from a delay in the lease-purchase arrangement for the		
	replacement of State Police vehicles.		
12	General Fund	2003-04	2004-05
14	All Other	(100,000)	(100,000)
16	General Fund Total	<u>(100,000)</u>	<u>(100,000)</u>
18	Fund for a Healthy Maine - Fire Marshal 0964		
20	Initiative: Provides for the allocation and deallocation of funds		
22	through a transfer from the Fund for a Healthy Maine to cover a		
	Personal Services shortfall.		
24	Fund for a Healthy Maine	2003-04	2004-05
26	Personal Services	2,600	0
	All Other	(2,600)	0
28	Fund for a Healthy Maine Total	<u>0</u>	<u>0</u>
30	Emergency Services Communication		
	Bureau 0790		
32	Initiative: Provides funds to correct the allocation for a		
34	reclassification and range change in Public Law 2003, chapter		
	451, Part B.		
36	Other Special Revenue Funds	2003-04	2004-05
38	Personal Services	0	(9,488)
40	All Other	0	9,488
42	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>
44	PUBLIC SAFETY, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
46	GENERAL FUND	(141,755)	(168,272)
48	FEDERAL EXPENDITURES FUND	35,739	1,181,095
	OTHER SPECIAL REVENUE FUNDS	0	0
50	FUND FOR A HEALTHY MAINE	0	0

2	DEPARTMENT TOTAL - ALL FUNDS	(106,016)	1,012,823
4	SECRETARY OF STATE, DEPARTMENT OF		
6	Elections and Commissions 0693		
8	Initiative: Allocates funds to establish one limited-period Deputy Secretary of State position to coordinate the implementation of the federal Help America Vote Act 2002 through June 30, 2006.		
12	Federal Expenditures Fund	2003-04	2004-05
14	Personal Services	16,036	82,290
16	Federal Expenditures Fund Total	<u>16,036</u>	<u>82,290</u>
18	SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS		
20	FEDERAL EXPENDITURES FUND	16,036	82,290
22	DEPARTMENT TOTAL - ALL FUNDS	<u>16,036</u>	<u>82,290</u>
24	TREASURER OF STATE, OFFICE OF		
26	Debt Service - Treasury 0021		
28	Initiative: Deappropriates funds through a reduction in debt service requirements for fiscal year 2004-05.		
32	General Fund	2003-04	2004-05
34	All Other	0	(3,295,000)
36	General Fund Total	<u>0</u>	<u>(3,295,000)</u>
38	Administration - Treasury 0022		
40	Initiative: Provides for the transfer of the Cash Management Improvement Act account from the Other Special Revenue Funds account to the Federal Expenditures Fund.		
42	Federal Expenditures Fund	2003-04	2004-05
44	Positions - Legislative Count	(0.000)	(1.000)
46	Personal Services	0	49,607
48	All Other	0	11,811
50	Federal Expenditures Fund Total	<u>0</u>	<u>61,418</u>
	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

	Personal Services	0	(49,607)
2	All Other	0	(11,811)
		<hr/>	<hr/>
4	Other Special Revenue Funds Total	0	(61,418)
6	Administration - Treasury 0022		
8	Initiative: Restores funding in the Personal Services line		
10	category to correct a negative allocation as a result of Public		
	Law 2003, chapter 20.		
12	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	0	2,129
14		<hr/>	<hr/>
	Other Special Revenue Funds Total	0	2,129
16	TREASURER OF STATE, OFFICE OF		
18	DEPARTMENT TOTALS	2003-04	2004-05
20	GENERAL FUND	0	(3,295,000)
	FEDERAL EXPENDITURES FUND	0	61,418
22	OTHER SPECIAL REVENUE FUNDS	0	(59,289)
		<hr/>	<hr/>
24	DEPARTMENT TOTAL - ALL FUNDS	0	(3,292,871)
26	UNIVERSITY OF MAINE SYSTEM, BOARD OF		
	TRUSTEES OF THE		
28	Educational and General Activities - UMS 0031		
30	Initiative: Allocates funds for the Maine Black Bears Scholarship		
32	Fund.		
34	Other Special Revenue Funds	2003-04	2004-05
	All Other	11,000	12,950
36		<hr/>	<hr/>
	Other Special Revenue Funds Total	11,000	12,950
38	UNIVERSITY OF MAINE SYSTEM, BOARD OF		
40	TRUSTEES OF THE		
	DEPARTMENT TOTALS		
42	OTHER SPECIAL REVENUE FUNDS	11,000	12,950
44		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	11,000	12,950
46	SECTION TOTALS		
48	GENERAL FUND	(894,821)	107,254,015
50	FEDERAL EXPENDITURES FUND	11,933,580	266,352,019
	OTHER SPECIAL REVENUE FUNDS	2,542,917	55,175,636

	FUND FOR A HEALTHY MAINE	0	0
2	FEDERAL BLOCK GRANT FUND	2,292,797	3,073,352
	POSTAL, PRINTING AND SUPPLY FUND	0	(52,063)
4	CENTRAL MOTOR POOL	0	19,362
	WORKERS' COMPENSATION MANAGEMENT		
6	FUND	0	109,238
	ACCIDENT, SICKNESS AND HEALTH		
8	INSURANCE INTERNAL SERVICE FUND	0	49,632
	ALCOHOLIC BEVERAGE FUND	0	(74,731)
10			
	SECTION TOTAL - ALL FUNDS	<u>\$15,874,473</u>	<u>\$431,906,460</u>

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PART B

16

Sec. B-1. Appropriations and allocations. There are appropriated and allocated from the various funds for the fiscal years ending June 30, 2004 and June 20, 2005, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

18

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22

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

24

Buildings and Grounds Operations 0080

26

General Fund	2003-04	2004-05
Personal Services	\$14,328	\$18,354
All Other	(14,328)	(18,354)

28

30

General Fund Total	<u>0</u>	<u>0</u>
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32

Central Services - Purchases 0004

34

Postal, Printing and Supply Fund	2003-04	2004-05
Personal Services	4,760	6,688

36

38

Postal, Printing and Supply Fund Total	<u>4,760</u>	<u>6,688</u>
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ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

42

DEPARTMENT TOTALS	2003-04	2004-05
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44

GENERAL FUND	0	0
POSTAL, PRINTING AND SUPPLY FUND	4,760	6,688

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DEPARTMENT TOTAL - ALL FUNDS	<u>4,760</u>	<u>6,688</u>
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AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	Division of Quality Assurance and Regulation 0393		
4			
	General Fund	2003-04	2004-05
6	Personal Services	603	3,817
	All Other	(603)	(3,817)
8			
	General Fund Total	<u>0</u>	<u>0</u>
10			
	Division of Plant Industry 0831		
12			
	General Fund	2003-04	2004-05
14	Personal Services	401	2,432
	All Other	(401)	(2,432)
16			
	General Fund Total	<u>0</u>	<u>0</u>
18			
	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS		
22		2003-04	2004-05
	GENERAL FUND	0	0
24			
	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>
26			
	ARTS COMMISSION, MAINE		
28			
	Arts - Sponsored Program 0176		
30			
	Federal Expenditures Fund	2003-04	2004-05
32	Personal Services	12,615	6,623
	All Other	(12,615)	(6,623)
34			
	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
36			
	ARTS COMMISSION, MAINE DEPARTMENT TOTALS		
38		2003-04	2004-05
	FEDERAL EXPENDITURES FUND	0	0
40			
	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>
42			
	ATLANTIC SALMON COMMISSION		
44			
	Atlantic Salmon Commission 0265		
46			
	General Fund	2003-04	2004-05
48	Personal Services	3,241	486
50	All Other	(3,241)	(486)

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	General Fund Total	0	0
4	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	14,400	18,955
6	All Other	0	(9,061)
8	Federal Expenditures Fund Total	14,400	9,894
10	ATLANTIC SALMON COMMISSION		
12	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	0	0
14	FEDERAL EXPENDITURES FUND	14,400	9,894
16	DEPARTMENT TOTAL - ALL FUNDS	14,400	9,894
18	ATTORNEY GENERAL, DEPARTMENT OF THE		
20	Human Services Division 0696		
22	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	1,305	3,341
24	Federal Expenditures Fund Total	1,305	3,341
26	ATTORNEY GENERAL, DEPARTMENT OF THE		
28	DEPARTMENT TOTALS	2003-04	2004-05
30	FEDERAL EXPENDITURES FUND	1,305	3,341
32	DEPARTMENT TOTAL - ALL FUNDS	1,305	3,341
34	BAXTER STATE PARK AUTHORITY		
36	Baxter State Park Authority 0253		
38	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	9,195	10,573
40	Other Special Revenue Funds Total	9,195	10,573
42	BAXTER STATE PARK AUTHORITY		
44	DEPARTMENT TOTALS	2003-04	2004-05
46	OTHER SPECIAL REVENUE FUNDS	9,195	10,573
48	DEPARTMENT TOTAL - ALL FUNDS	9,195	10,573
50	BEHAVIORAL AND DEVELOPMENTAL SERVICES,		

DEPARTMENT OF

2

Driver Education and Evaluation Program -
Substance Abuse 0700

4

6	General Fund	2003-04	2004-05
	Personal Services	1,951	1,989
8	All Other	(1,951)	(1,989)
10	General Fund Total	<u>0</u>	<u>0</u>

12 BEHAVIORAL AND DEVELOPMENTAL SERVICES,
DEPARTMENT OF

14	DEPARTMENT TOTALS	2003-04	2004-05
16	GENERAL FUND	0	0
18	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>

20 CONSERVATION, DEPARTMENT OF

22 Administrative Services - Conservation 0222

24	General Fund	2003-04	2004-05
	Personal Services	1,225	1,209
26	All Other	(1,225)	(1,209)
28	General Fund Total	<u>0</u>	<u>0</u>

30 Division of Forest Protection 0232

32	General Fund	2003-04	2004-05
	Personal Services	193,917	64,214
34	All Other	(676)	(64,214)
36	General Fund Total	<u>193,241</u>	<u>0</u>

38 Parks - General Operations 0221

40	General Fund	2003-04	2004-05
	Personal Services	2,010	1,968
42	All Other	(2,010)	(1,968)
44	General Fund Total	<u>0</u>	<u>0</u>

46 CONSERVATION, DEPARTMENT OF
DEPARTMENT TOTALS

48	GENERAL FUND	2003-04	2004-05
50		<u>193,241</u>	<u>0</u>

2	DEPARTMENT TOTAL - ALL FUNDS	193,241	0
4	CORRECTIONS, DEPARTMENT OF		
6	Administration - Corrections 0141		
8	General Fund	2003-04	2004-05
10	Personal Services	0	7,036
12	All Other	0	(7,036)
14	General Fund Total	<hr/> 0	<hr/> 0
16	Charleston Correctional Facility 0400		
18	Other Special Revenue Funds	2003-04	2004-05
20	Personal Services	2,042	4,074
22	All Other	(2,042)	(4,074)
24	Other Special Revenue Funds Total	<hr/> 0	<hr/> 0
26	Downeast Correctional Facility 0542		
28	General Fund	2003-04	2004-05
30	Personal Services	3,852	2,945
32	All Other	(3,852)	(2,945)
34	General Fund Total	<hr/> 0	<hr/> 0
36	State Prison 0144		
38	General Fund	2003-04	2004-05
40	Personal Services	0	9,387
42	All Other	0	(9,387)
44	General Fund Total	<hr/> 0	<hr/> 0
46	Correctional Center 0162		
48	General Fund	2003-04	2004-05
50	Personal Services	6,473	6,801
	All Other	(6,473)	(6,801)
	General Fund Total	<hr/> 0	<hr/> 0
	CORRECTIONS, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	0	0
	OTHER SPECIAL REVENUE FUNDS	0	0

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

	DEPARTMENT TOTAL - ALL FUNDS	0	0
2			
4	DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
6	Military Training and Operations 0108		
8	General Fund	2003-04	2004-05
	Personal Services	3,600	5,092
10	All Other	(3,600)	(5,092)
12	General Fund Total	<hr/> 0	<hr/> 0
14	Veterans Services 0110		
16	General Fund	2003-04	2004-05
	Personal Services	1,406	1,725
18	All Other	(1,406)	(1,725)
20	General Fund Total	<hr/> 0	<hr/> 0
22	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	863	1,299
24	Federal Expenditures Fund Total	<hr/> 863	<hr/> 1,299
26			
28	DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
30	GENERAL FUND	0	0
32	FEDERAL EXPENDITURES FUND	863	1,299
34	DEPARTMENT TOTAL - ALL FUNDS	<hr/> 863	<hr/> 1,299
36	EDUCATION, DEPARTMENT OF		
38	Management Information Systems 0838		
40	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	8,882	11,088
42	Federal Expenditures Fund Total	<hr/> 8,882	<hr/> 11,088
44			
46	EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
48	FEDERAL EXPENDITURES FUND	8,882	11,088
50	DEPARTMENT TOTAL - ALL FUNDS	<hr/> 8,882	<hr/> 11,088

2	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
4	Remediation and Waste Management 0247		
6	Other Special Revenue Funds	2003-04	2004-05
8	Personal Services	19,375	20,840
	All Other	310	338
10	Other Special Revenue Funds Total	<u>19,685</u>	<u>21,178</u>
12	Air Quality 0250		
14	General Fund	2003-04	2004-05
16	Personal Services	11,229	11,975
	All Other	(11,229)	(11,975)
18	General Fund Total	<u>0</u>	<u>0</u>
20	Maine Environmental Protection Fund 0421		
22	Other Special Revenue Funds	2003-04	2004-05
24	Personal Services	5,475	10,880
	All Other	68	117
26	Other Special Revenue Funds Total	<u>5,543</u>	<u>10,997</u>
28	Land and Water Quality 0248		
30	General Fund	2003-04	2004-05
32	Personal Services	4,178	4,108
	All Other	(4,178)	(4,108)
34	General Fund Total	<u>0</u>	<u>0</u>
36	Federal Expenditures Fund	2003-04	2004-05
38	Personal Services	4,131	4,062
40	Federal Expenditures Fund Total	<u>4,131</u>	<u>4,062</u>
42	Administration - Environmental Protection 0251		
44	Other Special Revenue Funds	2003-04	2004-05
46	Personal Services	2,010	1,968
	Other Special Revenue Funds Total	<u>2,010</u>	<u>1,968</u>
48	Administrative Service Center 0835		
50	Other Special Revenue Funds	2003-04	2004-05

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

	Personal Services	3,439	4,932
2	All Other	(3,439)	(4,932)
		<hr/>	<hr/>
4	Other Special Revenue Funds Total	0	0
6	Performance Partnership Grant 0851		
8	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	4,179	4,108
10		<hr/>	<hr/>
	Federal Expenditures Fund Total	4,179	4,108
12			
14	ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
16	GENERAL FUND	0	0
	FEDERAL EXPENDITURES FUND	8,310	8,170
18	OTHER SPECIAL REVENUE FUNDS	27,238	34,143
		<hr/>	<hr/>
20	DEPARTMENT TOTAL - ALL FUNDS	35,548	42,313
22	HUMAN SERVICES, DEPARTMENT OF		
24	Bureau of Family Independence - Central 0100		
26	General Fund	2003-04	2004-05
	Personal Services	110,162	25,499
28		<hr/>	<hr/>
	General Fund Total	110,162	25,499
30			
32	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	495,167	105,010
34		<hr/>	<hr/>
	Federal Expenditures Fund Total	495,167	105,010
36	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	211,760	43,866
38		<hr/>	<hr/>
	Other Special Revenue Funds Total	211,760	43,866
40			
42	Bureau of Medical Services 0129		
44	General Fund	2003-04	2004-05
	Personal Services	2,010	1,968
	All Other	(2,010)	(1,968)
46		<hr/>	<hr/>
	General Fund Total	0	0
48			
50	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	18,329	17,017

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	All Other	(18,329)	(17,017)
4	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
6	Foster Care 0137		
8	Federal Expenditures Fund	2003-04	2004-05
10	Personal Services	2,283	2,116
12	All Other	(2,283)	(2,116)
14	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
16	Office of Management and Budget 0142		
18	General Fund	2003-04	2004-05
20	Personal Services	15,645	11,399
22	All Other	(15,645)	(11,399)
24	General Fund Total	<u>0</u>	<u>0</u>
26	Health - Bureau of 0143		
28	General Fund	2003-04	2004-05
30	Personal Services	5,695	8,423
32	All Other	(5,695)	(8,423)
34	General Fund Total	<u>0</u>	<u>0</u>
36	Federal Expenditures Fund	2003-04	2004-05
38	Personal Services	12,042	6,011
40	All Other	(12,042)	(6,011)
42	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
44	OMB Operations - Regional 0196		
46	General Fund	2003-04	2004-05
48	Personal Services	2,028	1,989
50	All Other	(2,028)	(1,989)
	General Fund Total	<u>0</u>	<u>0</u>
	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	24,947	21,721
	All Other	(5,814)	(2,917)
	Federal Expenditures Fund Total	<u>19,133</u>	<u>18,804</u>
	Drinking Water Enforcement 0728		

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	Other Special Revenue Funds	2003-04	2004-05
2	Personal Services	20,083	15,002
	All Other	(17,792)	(10,378)
4			
	Other Special Revenue Funds Total	<u>2,291</u>	<u>4,624</u>
6			
	Maine Rx Program 0927		
8			
	Other Special Revenue Funds	2003-04	2004-05
10	Personal Services	5,734	3,121
	All Other	(5,734)	(3,121)
12			
	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>
14			
	HUMAN SERVICES, DEPARTMENT OF		
16	DEPARTMENT TOTALS	2003-04	2004-05
18	GENERAL FUND	110,162	25,499
	FEDERAL EXPENDITURES FUND	514,300	123,814
20	OTHER SPECIAL REVENUE FUNDS	214,051	48,490
22	DEPARTMENT TOTAL - ALL FUNDS	<u>838,513</u>	<u>197,803</u>
24			
	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
26			
	Administrative Services - Inland Fisheries		
	and Wildlife 0530		
28			
	General Fund	2003-04	2004-05
30	Personal Services	0	2,703
	All Other	0	(2,703)
32			
	General Fund Total	<u>0</u>	<u>0</u>
34			
	Resource Management Services - Inland		
36	Fisheries and Wildlife 0534		
38	General Fund	2003-04	2004-05
	Personal Services	0	26,148
40	All Other	0	(24,148)
	Capital Expenditures	0	(2,000)
42			
	General Fund Total	<u>0</u>	<u>0</u>
44			
	Federal Expenditures Fund	2003-04	2004-05
46	Personal Services	0	29,295
	All Other	0	(29,295)
48			
	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
50			

	Fisheries and Hatcheries Operations	0535		
2				
	General Fund	2003-04	2004-05	
4	Personal Services	0	10,267	
	All Other	0	(10,267)	
6				
	General Fund Total	<hr/> 0	<hr/> 0	
8				
	Federal Expenditures Fund	2003-04	2004-05	
10	Personal Services	0	21,110	
	All Other	0	(21,110)	
12				
	Federal Expenditures Fund Total	<hr/> 0	<hr/> 0	
14				
	Endangered Nongame Operations	0536		
16				
	Federal Expenditures Fund	2003-04	2004-05	
18	Personal Services	0	42	
	All Other	0	(42)	
20				
	Federal Expenditures Fund Total	<hr/> 0	<hr/> 0	
22				
	Other Special Revenue Funds	2003-04	2004-05	
24	Personal Services	0	6,082	
	All Other	0	(6,082)	
26				
	Other Special Revenue Funds Total	<hr/> 0	<hr/> 0	
28				
	Enforcement Operations - Inland Fisheries			
30	and Wildlife	0537		
32				
	General Fund	2003-04	2004-05	
34	Personal Services	0	1,968	
	All Other	0	(1,968)	
36				
	General Fund Total	<hr/> 0	<hr/> 0	
38				
	Public Information and Education,			
40	Division of	0729		
42				
	General Fund	2003-04	2004-05	
44	Personal Services	0	1,968	
	All Other	0	(1,968)	
46				
	General Fund Total	<hr/> 0	<hr/> 0	
48				
	Enforcement Operations - Inland Fisheries			
50	and Wildlife	0537		
	General Fund	2003-04	2004-05	

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2	Personal Services	1,302,681	590,395
4	General Fund Total	<u>1,302,681</u>	<u>590,395</u>
6	Other Special Revenue Funds	2003-04	2004-05
8	Personal Services	26,432	22,514
10	Other Special Revenue Funds Total	<u>26,432</u>	<u>22,514</u>
12	Whitewater Rafting - Inland Fisheries and Wildlife 0539		
14	Other Special Revenue Funds	2003-04	2004-05
16	Personal Services	8,134	2,601
18	Other Special Revenue Funds Total	<u>8,134</u>	<u>2,601</u>
20	ATV Safety and Educational Program 0559		
22	General Fund	2003-04	2004-05
24	Personal Services	16,149	6,357
26	General Fund Total	<u>16,149</u>	<u>6,357</u>
28	Departmentwide - Inland Fisheries and Wildlife 0600		
30	General Fund	2003-04	2004-05
32	Personal Services	37,063	22,803
34	General Fund Total	<u>37,063</u>	<u>22,803</u>
36	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
38	GENERAL FUND	1,355,893	619,555
40	FEDERAL EXPENDITURES FUND	0	0
42	OTHER SPECIAL REVENUE FUNDS	34,566	25,115
44	DEPARTMENT TOTAL - ALL FUNDS	<u>1,390,459</u>	<u>644,670</u>
46	LABOR, DEPARTMENT OF		
48	Administration - Labor 0030		
50	General Fund	2003-04	2004-05
	Personal Services	23	36
	All Other	(23)	(36)
	General Fund Total	<u>0</u>	<u>0</u>

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2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	32,335	39,769
4			
	Federal Expenditures Fund Total	32,335	39,769
6			
	Other Special Revenue Funds	2003-04	2004-05
8	Personal Services	1,969	2,667
10			
	Other Special Revenue Funds Total	1,969	2,667
12	Migrant and Immigrant Services 0920		
14	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	1,704	1,761
16			
	Federal Expenditures Fund Total	1,704	1,761
18			
	Safety Education and Training Programs 0161		
20			
	Other Special Revenue Funds	2003-04	2004-05
22	Personal Services	2,010	1,968
24			
	Other Special Revenue Funds Total	2,010	1,968
26			
	Employment Security Services 0245		
28	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	12,716	13,543
30			
	Federal Expenditures Fund Total	12,716	13,543
32			
	Other Special Revenue Funds	2003-04	2004-05
34	Personal Services	665	716
36			
	Other Special Revenue Funds Total	665	716
38			
	Rehabilitation Services 0799		
40	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	2,032	1,990
42			
	Federal Expenditures Fund Total	2,032	1,990
44			
	Employment Services Activity 0852		
46			
	General Fund	2003-04	2004-05
48	Personal Services	2,028	1,989
	All Other	(2,028)	(1,989)
50			

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2	General Fund Total	0	0
4	LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
6	GENERAL FUND	0	0
8	FEDERAL EXPENDITURES FUND	48,787	57,063
	OTHER SPECIAL REVENUE FUNDS	4,644	5,351
10	DEPARTMENT TOTAL - ALL FUNDS	<u>53,431</u>	<u>62,414</u>
12	LIBRARY, MAINE STATE		
14	Maine State Library 0217		
16	General Fund	2003-04	2004-05
18	Personal Services	7,230	7,092
	All Other	(3,210)	(7,092)
20	General Fund Total	<u>4,020</u>	<u>0</u>
22	Federal Expenditures Fund	2003-04	2004-05
24	Personal Services	6,749	6,623
	All Other	(6,749)	(6,623)
26	Federal Expenditures Fund Total	<u>0</u>	<u>0</u>
28	Administration - Library 0215		
30	General Fund	2003-04	2004-05
32	Personal Services	(4,020)	0
34	General Fund Total	<u>(4,020)</u>	<u>0</u>
36	LIBRARY, MAINE STATE DEPARTMENT TOTALS	2003-04	2004-05
38	GENERAL FUND	0	0
40	FEDERAL EXPENDITURES FUND	0	0
42	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>
44	MARINE RESOURCES, DEPARTMENT OF		
46	Bureau of Resource Management 0027		
48	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	8,592	5,266
50	All Other	400	322

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2	Other Special Revenue Funds Total	8,992	5,588
4	Division of Administrative Services 0258		
6	Federal Expenditures Fund	2003-04	2004-05
8	Personal Services	8,320	10,209
10	All Other	207	255
12	Federal Expenditures Fund Total	<u>8,527</u>	<u>10,464</u>
14	Bureau of Resource Management 0027		
16	Other Special Revenue Funds	2003-04	2004-05
18	Personal Services	3,694	0
20	Other Special Revenue Funds Total	<u>3,694</u>	<u>0</u>
22	Marine Patrol - Bureau of 0029		
24	General Fund	2003-04	2004-05
26	Personal Services	368,525	170,323
28	General Fund Total	<u>368,525</u>	<u>170,323</u>
30	Federal Expenditures Fund	2003-04	2004-05
32	Personal Services	16,763	16,881
34	Federal Expenditures Fund Total	<u>16,763</u>	<u>16,881</u>
36	Other Special Revenue Funds	2003-04	2004-05
38	Personal Services	32,773	23,583
40	Other Special Revenue Funds Total	<u>32,773</u>	<u>23,583</u>
42	MARINE RESOURCES, DEPARTMENT OF		
44	DEPARTMENT TOTALS	2003-04	2004-05
46	GENERAL FUND	368,525	170,323
48	FEDERAL EXPENDITURES FUND	25,290	27,345
50	OTHER SPECIAL REVENUE FUNDS	45,459	29,171
	DEPARTMENT TOTAL - ALL FUNDS	<u>439,274</u>	<u>226,839</u>
	PROFESSIONAL AND FINANCIAL REGULATION,		
	DEPARTMENT OF		
	Insurance - Bureau of 0092		
	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	2,032	1,990

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2	Other Special Revenue Funds Total	2,032	1,990
4	Optometry - Board of 0385		
6	Other Special Revenue Funds	2003-04	2004-05
8	Personal Services	340	504
10	Other Special Revenue Funds Total	340	504
12	PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
14	OTHER SPECIAL REVENUE FUNDS	2,372	2,494
16	DEPARTMENT TOTAL - ALL FUNDS	2,372	2,494
18	PUBLIC SAFETY, DEPARTMENT OF		
20	Licensing and Enforcement - Public Safety 0712		
22	Other Special Revenue Funds	2003-04	2004-05
24	Personal Services	2,010	1,968
26	Other Special Revenue Funds Total	2,010	1,968
28	State Police 0291		
30	General Fund	2003-04	2004-05
32	Personal Services	1,998	1,349
34	All Other	(1,998)	(1,349)
36	General Fund Total	0	0
38	State Police 0291		
40	General Fund	2003-04	2004-05
42	Personal Services	596,234	162,996
44	General Fund Total	596,234	162,996
46	Other Special Revenue Funds	2003-04	2004-05
48	Personal Services	13,392	13,908
50	All Other	400	400
	Other Special Revenue Funds Total	13,792	14,308
	Turnpike Enforcement 0547		

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	Other Special Revenue Funds	2003-04	2004-05
2	Personal Services	347,822	100,092
	All Other	10,500	3,000
4			
	Other Special Revenue Funds Total	<u>358,322</u>	<u>103,092</u>
6			
	Fire Marshal - Office of 0327		
8			
	Other Special Revenue Funds	2003-04	2004-05
10	Personal Services	10,198	16,652
	All Other	(6,582)	(6,530)
12			
	Other Special Revenue Funds Total	<u>3,616</u>	<u>10,122</u>
14			
	PUBLIC SAFETY, DEPARTMENT OF		
16	DEPARTMENT TOTALS	2003-04	2004-05
18	GENERAL FUND	596,234	162,996
	OTHER SPECIAL REVENUE FUNDS	377,740	129,490
20			
	DEPARTMENT TOTAL - ALL FUNDS	<u>973,974</u>	<u>292,486</u>
22			
	SECRETARY OF STATE, DEPARTMENT OF		
24			
	Bureau of Administrative Services		
26	and Corporations 0692		
28	General Fund	2003-04	2004-05
	Personal Services	0	3,286
30	All Other	0	(3,286)
32	General Fund Total	<u>0</u>	<u>0</u>
34	SECRETARY OF STATE, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
36			
	GENERAL FUND	0	0
38			
	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>
40			
	TRANSPORTATION, DEPARTMENT OF		
42			
	Railroad Assistance Program 0350		
44			
	Federal Expenditures Fund	2003-04	2004-05
46	Personal Services	71	85
48	Federal Expenditures Fund Total	<u>71</u>	<u>85</u>
50	Highway and Bridge Improvement 0406		

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2	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	28,598	32,064
4			
	Federal Expenditures Fund Total	<u>28,598</u>	<u>32,064</u>
6			
	Transportation Services 0443		
8			
	Federal Expenditures Fund	2003-04	2004-05
10	Personal Services	2,056	2,383
12			
	Federal Expenditures Fund Total	<u>2,056</u>	<u>2,383</u>
14			
	Suspense Receivable - Transportation 0344		
16			
	Other Special Revenue Funds	2003-04	2004-05
18	Personal Services	225	258
20			
	Other Special Revenue Funds Total	<u>225</u>	<u>258</u>
22			
	Motor Transport Service 0347		
24			
	Highway Garage Fund	2003-04	2004-05
	Personal Services	2,314	2,362
26			
	Highway Garage Fund Total	<u>2,314</u>	<u>2,362</u>
28			
	Collector Road Program 0505		
30			
	Federal Expenditures Fund	2003-04	2004-05
32	Personal Services	14	14
34			
	Federal Expenditures Fund Total	<u>14</u>	<u>14</u>
36			
	TRANSPORTATION, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
38	GENERAL FUND	0	0
	FEDERAL EXPENDITURES FUND	30,739	34,546
40	OTHER SPECIAL REVENUE FUNDS	225	258
	HIGHWAY GARAGE FUND	2,314	2,362
42			
	DEPARTMENT TOTAL - ALL FUNDS	<u>33,278</u>	<u>37,166</u>
44			
	TREASURER OF STATE, OFFICE OF		
46			
	Administration - Treasury		
48			
	General Fund	2003-04	2004-05
50	Personal Services	0	10,635

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2	General Fund Total	0	10,635
4	TREASURER OF STATE, OFFICE OF		
	DEPARTMENT TOTALS	2003-04	2004-05
6	GENERAL FUND	0	10,635
8	DEPARTMENT TOTAL - ALL FUNDS	0	10,635
10	WORKERS' COMPENSATION BOARD		
12	Administration - Workers' Compensation Board 0183		
14	Other Special Revenue Funds	2003-04	2004-05
16	Personal Services	7,707	7,670
18	Other Special Revenue Funds Total	7,707	7,670
20	WORKERS' COMEPNSATION BOARD		
22	DEPARTMENT TOTALS	2003-04	2004-05
24	OTHER SPECIAL REVENUE FUNDS	7,707	7,670
26	DEPARTMENT TOTAL - ALL FUNDS	7,707	7,670
28	SECTION TOTALS	2003-04	2004-05
30	GENERAL FUND	2,624,055	989,008
32	FEDERAL EXPENDITURES FUND	652,876	276,560
34	OTHER SPECIAL REVENUE FUNDS	723,197	292,755
36	POSTAL, PRINTING AND SUPPLY FUND	4,760	6,688
38	HIGHWAY GARAGE FUND	2,314	2,362
40	SECTION TOTAL - ALL FUNDS	\$4,007,202	\$1,567,373

PART C

Sec. C-1. 5 MRSA §282, first ¶, as amended by PL 1985, c. 785, Pt. A, §22, is further amended to read:

The commissioner may, with the approval of the Governor, appoint a deputy commissioner, who shall-be is the chief of one of the department bureaus and shall perform the duties of the commissioner during the commissioner's absence, in addition to his the deputy commissioner's regular duties. The compensation and expense of the deputy commissioner shall-be is paid from any available funds appropriated for the use of the bureau of which he the deputy commissioner is chief. The commissioner may

2 appoint and employ the bureau chiefs and the assistant to the
3 commissioner to be under his the commissioner's immediate
4 supervision, direction and control, and to serve at his the
5 commissioner's pleasure and perform such duties as he the
6 commissioner may prescribe, except as otherwise provided by law.
7 In addition, the commissioner may appoint an associate
8 commissioner for administrative services who is not subject to
9 the Civil Service Law and who serves at the pleasure of the
10 commissioner.

11 **Sec. C-2. 5 MRSA §947-B, sub-§1, ¶I,** as amended by PL 1999, c.
12 731, Pt. F, §2, is further amended to read:

13 I. State Budget Officer; and

14 **Sec. C-3. 5 MRSA §947-B, sub-§1, ¶J,** as enacted by PL 1999, c.
15 731, Pt. F, §3, is amended to read:

16 J. Chief Information Officer; and

17 **Sec. C-4. 5 MRSA §947-B, sub-§1, ¶K** is enacted to read:

18 K. Associate Commissioner, Administrative Services.

19 **Sec. C-5. PL 2003, c. 20, Pt. D, §23** is amended to read:

20 **Sec. D-23. Department of Administrative and Financial Services;**
21 **lease-purchase authorization.** Pursuant to the Maine Revised
22 Statutes, Title 5, section 1587, the Department of Administrative
23 and Financial Services in cooperation with the Treasurer of State
24 may enter into financing arrangements ~~related to~~ in fiscal years
25 2003-04 and 2004-05 for the acquisition of motor vehicles for the
26 Central Motor Pool. The financing agreements entered into in
27 each fiscal year may not exceed \$5,000,000 in principal costs,
28 and no financing arrangement may exceed 4 years in duration and
29 \$5,000,000 in principal costs. The interest rate may not exceed
30 6%, and total interest costs with respect to the financing
31 arrangements entered into in each fiscal year may not exceed
32 \$762,000. The annual principal and interest costs must be paid
33 from the appropriate line category allocations in the Central
34 Motor Pool account.

35 **Sec. C-6. Transfer of funds; retirement incentive; General Fund and**
36 **Other Special Revenue Funds accounts.** Notwithstanding the Maine
37 Revised Statutes, Title 5, section 1585 or any other provision of
38 law, the State Budget Officer is authorized to identify salary
39 savings in the affected General Fund and Other Special Revenue
40 Funds accounts that occurred as a result of the

2 retirement incentive program authorized in Public Law 2003,
chapter 451, Part E, section 16 and transfer those amounts by
4 financial order to the General Fund Salary Plan account in the
Department of Administrative and Financial Services.

6 **Sec. C-7. Transfer of funds; retirement incentive; Highway Fund**
accounts. Notwithstanding the Maine Revised Statutes, Title 5,
8 section 1585 or any other provision of law, the State Budget
Officer is authorized to identify salary savings in the affected
10 Highway Fund accounts that occurred as a result of the retirement
incentive program authorized in Public Law 2003, chapter 451,
12 Part E, section 16 and transfer those amounts by financial order
to the Highway Fund Salary Plan account in the Department of
14 Administrative and Financial Services.

16 **Sec. C-8. State cost allocation program; recovery; Retirement**
Allowance Fund. Notwithstanding any other provision of law, the
18 State Controller shall recover, through the state cost allocation
program, \$915,640 associated with prior years' payments by the
20 General Fund to the Retirement Allowance Fund under the Maine
Revised Statutes, Title 5, section 1517 by June 30, 2005.

22 **Sec. C-9. State cost allocation program; recovery; homeland security**
grant programs. Notwithstanding any other provision of law, the
24 State Controller shall recover, through the state cost allocation
program, \$28,000 in fiscal year 2003-04 and \$142,000 in fiscal
26 year 2004-05 associated with homeland security grant programs
awarded to the Department of Defense, Veterans and Emergency
28 Management.

30 **Sec. C-10. Capital Construction, repairs, improvements -**
administrative; use of funds. Notwithstanding any other provision of
32 law, the Department of Administrative and Financial Services,
Bureau of General Services is authorized to use \$111,856 of funds
34 no longer required for the Thomaston State Prison demolition
project for hazardous material abatement and removal and the
36 demolition of the Caribou Armory.

38 **Sec. C-11. Contingent account; use of funds.** Notwithstanding the
40 provisions of the Maine Revised Statutes, Title 5, section 1507,
subsection 5 or any other provision of law, \$44,000 in the
42 Contingent Account specified to be used for the promotion of
Maine outside the State in fiscal year 2004-05 may be used for
44 emergency purposes.

46 **PART D**

2 **Sec. D-1. 36 MRSA §4062, sub-§1-A, ¶A**, as enacted by PL 2003,
c. 20, Pt. JJ, §1, is amended to read:

4 A. For the estates of decedents dying after December 31,
2002 ~~and before January 1, 2005~~, "federal credit" means the
6 maximum credit for state death taxes determined under the
Code, Section 2011 as of December 31, 2002 exclusive of the
8 reduction of the maximum credit contained in the Code,
Section 2011(b)(2); the period of limitations under the
10 Code, Section 2011(c); and the termination provision
contained in the Code, Section 2011(f). The adjusted
12 taxable estate is to be determined using the applicable Code
as of the date of the decedent's death, except that the
14 state death tax deduction contained in the Code, Section
2058 is to be disregarded. The unified credit is to be
16 determined under the Code, Section 2010 as of December 31,
2000; and

18 **Sec. D-2. 36 MRSA §4062, sub-§2**, as enacted by PL 1981, c.
20 451, §7, is amended to read:

22 2. **Federal gross estate.** "Federal gross estate" means the
gross estate of a decedent as determined for the purpose of the
24 federal estate tax under the ~~laws of the United States~~ Code.

26 **Sec. D-3. 36 MRSA §4063, sub-§2**, as amended by PL 2003, c. 20,
Pt. JJ, §2, is further amended to read:

28 2. **Values.** All property values under subsection 1,
30 paragraphs A and B are as finally determined for federal estate
tax purposes, except that for estates of decedents dying after
32 December 31, 2002 ~~and before January 1, 2005~~ that do not incur a
federal estate tax, all property values under subsection 1,
34 paragraphs A and B are as finally determined by the assessor in
accordance with the Code as if the estate had incurred a federal
36 estate tax.

38 **Sec. D-4. 36 MRSA §4064**, as amended by PL 2003, c. 20, Pt.
JJ, §3, is further amended to read:

40 **§4064. Tax on estate of nonresident**

42 A tax is imposed upon the transfer of real property and
44 tangible personal property situated in this State and held by an
individual who dies prior to January 1, 2002 or after December
46 31, 2002 and who at the time of death was not a resident of this
State. When real or tangible personal property has been
48 transferred into a trust, the tax imposed by this section applies
as if the trust did not exist and the property was personally
50 owned by the decedent. Maine property is subject to the tax

2 imposed by this section to the extent that such property is
3 included in the decedent's federal gross estate as--~~finally~~
4 ~~determined-for-federal-estate-tax-purposes~~. The amount of this
5 tax is a sum equal to that proportion of the federal credit that
6 the value of Maine real and tangible personal property taxed in
7 this State that qualifies for the credit bears to the value of
8 the decedent's ~~total~~ federal gross estate. All property values
9 under this section are as finally determined for federal estate
10 tax purposes, except that for estates of decedents dying after
11 December 31, 2002 ~~and-before-January-1,-2005~~ that do not incur a
12 federal estate tax, all property values are as finally determined
13 by the assessor in accordance with the Code as if the estate had
14 incurred a federal estate tax. The share of the federal credit
15 used to determine the amount of a nonresident individual's estate
16 tax under this section is computed without regard to whether the
17 specific real or tangible personal property located in the State
18 is marital deduction property.

19
20 Proceeds from the sale of property are taxable under this
21 section if those proceeds are included in the ~~total~~ federal gross
22 estate and the sale was made in contemplation of death. A sale
23 of property made within 6 months prior to the death of the
24 grantor is deemed to be in contemplation of death within the
25 meaning of this section.

26 **Sec. D-5. 36 MRSA §4066**, as enacted by PL 1981, c. 451, §7,
27 is amended to read:

28 **§4066. Discharge of personal representative's personal liability**

29
30 If the personal representative makes a written application,
31 accompanied by a copy of the final determination of the federal
32 estate tax liability, if any, and other supporting documentation
33 that the State Tax Assessor may require, to the State--Tax
34 Assessor ~~assessor~~ for determination of the amount of the tax and
35 discharge of personal liability for that tax, the State--Tax
36 Assessor ~~assessor~~, as soon as possible and in any event within
37 one year after the making of the application, or if the
38 application is made before the return is filed, then within one
39 year after the return is filed, shall notify the personal
40 representative of the amount of the tax and of any interest on
41 that amount. The personal representative, on payment of the that
42 amount of which he is notified, ~~shall-be~~ is discharged from
43 personal liability for any deficiency in tax subsequently found,
44 ~~after-that,~~ to be due, and ~~shall-be~~ is entitled to a ~~receipt-or~~
45 ~~writing-showing-that~~ certificate of discharge.

46
47 **Sec. D-6. 36 MRSA §4068, sub-§§2 and 3**, as enacted by PL 1981,
48 c. 451, §7, are amended to read:
49
50

2 **2. Tax liability.** In all cases where ~~the Code requires~~
3 ~~that a federal estate tax return be filed~~ there is a Maine estate
4 tax liability, the personal representative shall pay the tax
5 imposed by this chapter and file a return within 9 months after
6 the decedent's death. The return shall must be in the form
7 prescribed by the State Tax Assessor and it shall must be
8 accompanied by a copy of the federal estate tax return, if any,
9 and other supporting documentation that the assessor may require.

10 **3. No tax liability.** In all cases where ~~the Code does not~~
11 ~~require that a federal estate tax return be filed~~ there is no
12 Maine estate tax liability, the personal representative,
13 surviving joint tenant of real estate or any other person whose
14 real estate might be subject to a lien for taxes pursuant to this
15 chapter may at any time file with the ~~State Tax Assessor~~ assessor
16 in the form prescribed by the ~~State Tax Assessor~~ assessor a
17 statement of the value of the federal gross estate.

18 **Sec. D-7. 36 MRSA §4069-A, sub-§§1 and 2,** as enacted by PL
19 1999, c. 414, §36, are amended to read:

20 **1. Deferred payment arrangement.** If the Internal Revenue
21 Service has approved a federal estate tax deferral and
22 installment payment arrangement under Section 6166 of the Code,
23 the ~~executor~~ personal representative may elect a similar deferred
24 payment arrangement under this section for payment of the tax
25 imposed by this chapter, subject to acceptance by the State Tax
26 Assessor. The assessor may approve a deferral and installment
27 arrangement under similar circumstances and on similar terms with
28 respect to an estate of a decedent dying after December 31, 2002
29 that does not incur a federal estate tax.

30 **2. Time and manner of election; rejection by State Tax**
31 **Assessor.** An election under this section may be made by
32 attaching a payment deferral election in a form prescribed by the
33 assessor to a timely filed Maine estate tax return, in addition
34 to ~~a copy of the federal estate tax return as~~ any documentation
35 required by section 4068, and copies of all documentation
36 required by the Internal Revenue Service and submitted in support
37 of a federal payment deferral. Documentation submitted to
38 the assessor must clearly indicate the amount of Maine estate tax
39 and interest to be paid in installments; the number of separate
40 installments; and the due date of each installment payment. The
41 assessor may reject the election ~~if the terms of the proposed~~
42 ~~arrangement are substantially different from the terms of the~~
43 ~~federal arrangement.~~ Any election not rejected in writing by the
44 assessor within 60 days after the election is made is considered
45 accepted.

2 **Sec. D-8. 36 MRSA §4071, sub-§1, ¶E**, as amended by PL 2003, c. 390, §21, is further amended to read:

4 E. The For estates of decedents dying before January 1, 2003, the amount of the federal credit.

6 **Sec. D-9. Application.** Those sections of this Part that amend
8 the Maine Revised Statutes, Title 36, section 4068, subsections 2
10 and 3; section 4069-A, subsections 1 and 2; and section 4071,
subsection 1, paragraph E apply retroactively to January 1, 2003.

12 **PART E**

14 **Sec. E-1. 36 MRSA §5142, sub-§8**, as enacted by PL 1999, c.
16 521, Pt. B, §2 and affected by §11, is repealed and the following
enacted in its place:

18 **8. Minimum taxability threshold.** Compensation for personal
20 services performed in Maine as an employee is Maine-source
22 income, subject to taxation under this Part, if the taxpayer was
24 present in Maine performing the personal services for more than
10 days during the year in which the personal services were
performed.

26 **Sec. E-2. 36 MRSA §5220, sub-§2**, as amended by PL 1999, c.
28 521, Pt. B, §9 and affected by §11, is further amended to read:

30 **2. Nonresident individuals.** Every nonresident individual
32 who, pursuant to this Part, has a Maine individual income tax
liability for the taxable year, ~~except that an~~. An individual
34 who does not exceed whose only Maine-source income is
36 compensation for personal services performed in Maine that is
excluded from Maine adjusted gross income by the threshold
38 contained in section 5142, subsection 8 is not subject to
taxation under this Part and need not file a return;

Sec. E-3. Application. Those sections of this Part that
40 repeal and replace the Maine Revised Statutes, Title 36, section
42 5142, subsection 8 and amend Title 36, section 5220, subsection 2
apply to tax years beginning on or after January 1, 2004.

44 **PART F**

46 **Sec. F-1. 36 MRSA §5219-H**, as enacted by PL 1991, c. 591, Pt.
48 BBB, §2, is repealed and the following enacted in its place:

§5219-H. Application of credits against taxes

2
3
4 1. Meaning of tax. Whenever a credit provision in chapter
5 822, other than section 5219-W, allows for a credit "against the
6 tax otherwise due under this Part," "against the tax imposed by
7 this Part" or similar language, "tax" means all taxes under this
8 Part, except the minimum tax imposed by section 5203-C and the
9 taxes imposed by chapter 827.

10 2. Meaning of tax liability. Whenever a credit provided for
11 in chapter 822 is limited by reference to tax liability, "tax
12 liability" means the tax liability for all taxes under this Part,
13 except the minimum tax imposed by section 5203-C and the taxes
14 imposed by chapter 827.

15 **Sec. F-2. Application.** That section of this Part that repeals
16 and replaces the Maine Revised Statutes, Title 36, section 5219-H
17 applies to tax years beginning on or after January 1, 2004.
18

19
20 **PART G**

21 **Sec. G-1. 36 MRSA §5219-M, sub-§1, ¶E** is enacted to read:

22
23 E. "Qualified lessor" means a person that leases or
24 subleases eligible equipment to a person that is engaged
25 primarily in high technology activity, but only when:

26
27 (1) The eligible equipment is used primarily in the
28 high technology activity engaged in by the lessee or
29 sublessee;

30
31 (2) The lessor derived aggregate total lease payments
32 from personal property of at least 3 times the total
33 payments received from eligible equipment during the
34 taxable year; and

35
36 (3) The lease or sublease upon which the credit is
37 based qualifies as a lease of property for federal
38 income tax purposes under the guidelines contained in
39 Revenue Procedure 2001-28 of the United States
40 Department of the Treasury, Internal Revenue Service.

41 **Sec. G-2. 36 MRSA §5219-M, sub-§1-A, ¶B**, as amended by PL
42 2001, c. 358, Pt. M, §3 and affected by §6, is further amended to
43 read:

44
45 B. When a qualified lessor or--sublessor provides the
46 assessor with satisfactory evidence that the lessee or

2 sublessee, ~~respectively~~, of eligible equipment has waived
its right to claim a credit under this section that the
4 lessee ~~or sublessee~~ it is otherwise entitled to claim with
respect to that equipment:

6 (1) A person qualified lessor that purchases ~~and~~
leases eligible equipment ~~to another person engaged~~
8 ~~primarily in high technology activity for use by that~~
~~person in that activity~~ may claim a credit in the
10 amount of ~~that person's~~ the lessee's investment credit
base to the extent of the credits waived by the lessee,
12 net of any lease payments received for the eligible
equipment in the taxable year, subject to the
14 limitations provided by subsection 4; and

16 (2) A person qualified lessor that leases ~~and~~
subleases eligible equipment ~~to another person engaged~~
18 ~~primarily in high technology activity for use by that~~
~~person in that activity~~ may claim a credit in the
20 amount of the lease payments made on the eligible
equipment in each tax year, net of sublease payments
22 received in the taxable year, except that if the
eligible equipment is depreciable by ~~that person~~ the
24 sublessee for federal income tax purposes, the credit
is based on ~~that person's~~ the sublessee's investment
26 credit base to the extent of the credits waived by the
sublessee subject to the limitations provided by
28 subsection 4.

30 **Sec. G-3. Application.** Those sections of this Part that enact
the Maine Revised Statutes, Title 36, section 5219-M, subsection
32 1, paragraph E and amend Title 36, section 5219-M, subsection
1-A, paragraph B apply to tax years beginning on or after January
34 1, 2004.

36

PART H

38

40 **Sec. H-1. Pollution Control Structures General Fund account; lapsed**
balances. Notwithstanding any other provision of law, \$36,000 of
All Other in fiscal year 2003-04 and \$84,306 of All Other in
42 fiscal year 2004-05 in the Pollution Control Structures General
Fund account in the Department of Agriculture, Food and Rural
44 Resources lapses to the General Fund in fiscal years 2003-04 and
2004-05, respectively.

46

48 **Sec. H-2. Appropriations and allocations.** The following
appropriations and allocations are made.

50

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

2 **Departments and Agencies - Statewide 0016**

4 Initiative: Appropriates funds to adjust the overall
 6 deappropriation established in Public Law 2003, chapter 20, Part
 8 D, section 18 in order to recognize All Other savings through the
 lapsing of \$36,000 on June 30, 2004 from the Pollution Control
 Structures - Carrying account in the Department of Agriculture,
 Food and Rural Resources.

10 General Fund	2003-04	2004-05
12 All Other	\$16,000	\$20,000
14 General Fund Total	\$16,000	\$20,000

16 **Sec. H-3. Appropriations and allocations.** The following
 18 appropriations and allocations are made.

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

22 **Office of Agriculture, Natural and Rural Resources 0830**

24 Initiative: Appropriates funds for the establishment of one
 26 limited-period Nutrient Management Coordinator position only for
 fiscal year 2004-05 to direct and further develop the Nutrient
 Management Program.

28 General Fund	2003-04	2004-05
28 Personal Services	\$0	\$69,806
30 All Other	0	14,500
32 General Fund Total	\$0	\$84,306

34

PART I

36

Sec. I-1. 34-B MRSA §1409, sub-§§16 and 17 are enacted to read:

38

40 16. Store established. The commissioner may establish a
store within the Riverview Psychiatric Center for the retail sale
of sundries and gift items.

42

44 17. Riverview Psychiatric Center Store account. The
commissioner may establish a nonlapsing Other Special Revenue
Funds account for a store located in the Riverview Psychiatric
Center pursuant to the authority under subsection 16 and shall
deposit into it payments or income received from customers of the
store. The commissioner shall use the funds on deposit for
expenses of the store.

48

2 **Sec. I-2. Appropriations and allocations.** The following
3 appropriations and allocations are made.

4
5 **BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF**
6
7 **Augusta Mental Health Institute 0105**
8
9 Initiative: Provides for the allocation of funds to purchase
10 items for retail sale at a store within the Riverview Psychiatric
11 Center.

12	Other Special Revenue Funds	2003-04	2004-05
13	All Other	\$1,000	\$1,000
14		<hr/>	<hr/>
15	Other Special Revenue Funds Total	\$1,000	\$1,000

16
17
18 **PART J**
19
20 **Sec. J-1. 12 MRSA §1863, sub-§2,** as amended by PL 2003, c.
21 254, §3, is further amended to read:

22
23 2. **Purpose.** The purpose of the fund is to support shore
24 and harbor management improvement activities by providing grants
25 to municipalities and funds to state agencies. These activities
26 include but are not limited to the development of harbor
27 management plans and public access facilities. A portion of the
28 fund, not to exceed 25% of available revenues, may be used to
29 support management programs on state-owned coastal islands under
30 the jurisdiction of the bureau.

31 **Sec. J-2. PL 2003, c. 513, Pt. V** is repealed.

32
33 **Sec. J-3. Transfer of funds from Boating Facilities Fund to**
34 **unappropriated surplus.** Notwithstanding any other provision of
35 law, the State Controller shall transfer \$1,000,000 from the
36 Boating Facilities Fund, Other Special Revenue Funds account in
37 the Department of Conservation, to the unappropriated surplus of
38 the General Fund by June 30, 2004.

39 **Sec. J-4. Transfer of funds from Shore and Harbor Management**
40 **Fund.** Notwithstanding any other provision of law, the State
41 Controller shall transfer \$1,000,000 from the Shore and Harbor
42 Management Fund, Other Special Revenue Funds account to the
43 Boating Facilities Fund, Other Special Revenue Funds account in
44 the Department of Conservation by June 30, 2004. The
45 Legislature, acting in its capacity as trustee of the State's
46 submerged lands, which are imbued with a public trust, finds that
47 this public trust money is most appropriately expended for
48
49
50

2 purposes of supporting public access to inland and coastal
3 submerged lands.

4 **Sec. J-5. Division of Forest Fire Control; lapsed balances.**
5 Notwithstanding any other provision of law, \$193,241 of the
6 unencumbered balance forward in fiscal year 2003-04 in the
7 Division of Forest Fire Control, General Fund - carrying account
8 in the Department of Conservation lapses to the General Fund in
9 fiscal year 2003-04.

12 **PART K**

14 **Sec. K-1. PL 2003, c. 20, Pt. D, §§19 to 21** are amended to read:

16 **Sec. D-19. Calculation and transfer.** Notwithstanding any other
17 provision of law, the State Budget Officer shall calculate the
18 amount of savings in Part B, section 1 for fiscal year 2003-04
19 that applies against each General Fund account for all
20 departments and agencies from savings in the cost of health
21 insurance from hospital rate adjustments and shall transfer the
22 amounts by financial order upon the approval of the Governor.
23 These transfers are considered adjustments to appropriations in
24 fiscal ~~years~~ year 2003-04 ~~and-2004-05~~. The State Budget Officer
25 shall provide the joint standing committee of the Legislature
26 having jurisdiction over appropriations and financial affairs a
27 report of the transferred amounts no later than January 15, 2005.

28 **Sec. D-20. Calculation and transfer.** Notwithstanding any other
29 provision of law, the State Budget Officer shall calculate the
30 amount of savings in Part B, section 1 for fiscal year 2003-04
31 that applies against each Other Special Revenue Funds account for
32 all departments and agencies from savings in the cost of health
33 insurance from hospital rate adjustments and shall transfer the
34 calculated amounts to the General Fund by financial order upon
35 the approval of the Governor. These transfers are considered
36 adjustments to allocations in fiscal ~~years~~ year 2003-04 ~~and~~
37 ~~2004-05~~, including allocations from the Fund for a Healthy
38 Maine. The State Budget Officer shall provide the joint standing
39 committee of the Legislature having jurisdiction over
40 appropriations and financial affairs a report of the transferred
41 amounts no later than January 15, 2005. The following Other
42 Special Revenue Funds accounts are exempt from these
43 calculations: the Public Reserved Lands Management Fund account
44 and the Submerged Lands Fund account in the Department of
45 Conservation and the Baxter State Park Authority account.

48 **Sec. D-21. Calculation and transfer.** Notwithstanding any other
provision of law, the State Budget Officer shall calculate

2 the amount of savings in Part B, section 1 for fiscal year
3 2003-04 that applies against each Highway Fund account for all
4 departments and agencies from savings in the cost of health
5 insurance from hospital rate adjustments and shall transfer the
6 calculated amounts by financial order upon the approval of the
7 Governor. These transfers are considered adjustments to
8 allocations in fiscal years year 2003-04 ~~and-2004-05~~. The State
9 Budget Officer shall provide the joint standing committee of the
10 Legislature having jurisdiction over appropriations and financial
11 affairs a report of the transferred amounts no later than January
12 15, 2005.

13 **Sec. K-2. PL 2003, c. 20, Pt. FFF, §1, sub-§1** is amended to read:

14 1. The Commissioner of Administrative and Financial
15 Services, referred to in this section as "the commissioner," and
16 any insurance company or 3rd-party administrator, referred to in
17 this section as "the carrier," insuring or administering the
18 state employee health plan, referred to in this section as "the
19 plan," shall jointly negotiate agreements with hospitals
20 participating in the carrier's provider network to reduce the
21 expense incurred by the plan in state fiscal year 2003-04 by the
22 amount of \$18,020,851 ~~and-in-state-fiscal-year-2004-05-by-the~~
23 ~~amount-of-\$19,728,208~~. In undertaking such negotiations the
24 carrier must be deemed at all times to be the agent of the
25 State. The commissioner and the carrier acting at the direction
26 of the commissioner may offer or demand such terms and conditions
27 as the commissioner considers to be in the best interest of the
28 State to reduce the expense of the state employee health plan,
29 including, but not limited to, offering or demanding reductions
30 in standard hospital reimbursement rates, rebates and refunds and
31 uniform terms relating to such reductions, rebates or refunds.
32 The commissioner may not affect or seek to affect amounts paid to
33 hospitals relating to any other customer of the carrier.

34 **Sec. K-3. PL 2003, c. 451, Pt. Z, §1, sub-§1** is amended to read:

35 1. The Chancellor of the University of Maine System,
36 referred to in this section as "the chancellor," and any
37 insurance company or 3rd-party administrator acting at the
38 direction of the State, referred to in this section as "the
39 carrier," insuring or administering the University of Maine
40 System health plan for employees and retirees, referred to in
41 this section as "the plan," shall negotiate agreements with
42 hospitals participating in the carrier's provider network to
43 reduce the expense incurred by the plan in state fiscal year
44 2003-04 by the amount of \$2,250,000 ~~and-in-state-fiscal-year~~
45 ~~2004-05-by-the-amount-of-\$2,250,000~~. It is not the intent of the
46
47
48

Legislature to require negotiations to reduce such expenses beyond state fiscal year 2005 2004. In undertaking such negotiations, the carrier is deemed at all times to be the agent of the State of Maine and the University of Maine System. The chancellor and the carrier, acting at the direction of the State, may offer or demand such terms and conditions as the chancellor considers to be in the best interest of the university to reduce the expense of the plan, including, but not limited to, offering or demanding reductions in standard hospital reimbursement rates, rebates and refunds and uniform terms relating to such reductions, rebates or refunds. The chancellor may not affect or seek to affect amounts paid to hospitals relating to any other customer of the carrier. The hospital discount rate resulting from this specific arrangement is not intended to affect the underlying premium rates for any purpose. This pooling of funds by the State is not intended to affect plan cost recoveries, plan cost structures or the university's ability to negotiate with carriers regarding the plan.

Sec. K-4. Transfer of funds; ending payment equity project. Notwithstanding any other provision of law, the State Controller shall transfer of \$4,818,560 in fiscal year 2004-05 from the unappropriated surplus of the General Fund to the unallocated surplus of the Highway Fund as a result of ending the payment equity project.

Sec. K-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Appropriates and allocates funds to offset the deappropriation and deallocation made in Public Law 2003, chapter 20, Part B regarding savings to the State for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

General Fund	2003-04	2004-05
Personal Services	\$0	\$11,549,943
	<hr/>	<hr/>
General Fund Total	\$0	\$11,549,943
	<hr/>	<hr/>
Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$3,359,705
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$3,359,705

ADMINISTRATIVE AND FINANCIAL SERVICES,

2	DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
4	GENERAL FUND	\$0	\$11,549,943
6	OTHER SPECIAL REVENUE FUNDS	0	3,359,705
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$14,909,648

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

12 **Educational and General Activities - UMS 0031**

14 Initiative: Appropriates funds to offset the deappropriation made
 16 in Public Law 2003, chapter 451, Part C regarding savings to the
 18 University of Maine System for the cost of health insurance
 through increasing MaineCare rates for hospital inpatient
 services to the upper payment limit.

20	General Fund	2003-04	2004-05
22	All Other	\$0	\$2,250,000
24	General Fund Total	\$0	\$2,250,000

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

28	DEPARTMENT TOTALS	2003-04	2004-05
30	GENERAL FUND	\$0	\$2,250,000
32	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,250,000

34	SECTION TOTALS	2003-04	2004-05
36	GENERAL FUND	\$0	\$13,799,943
38	OTHER SPECIAL REVENUE FUNDS	0	3,359,705
	SECTION TOTAL - ALL FUNDS	\$0	\$17,159,648

40 **PART L**

42 **Sec. L-1. Department of Corrections; lease-purchase authorization.**

44 Pursuant to the Maine Revised Statutes, Title 5, section 1587,
 46 the Department of Corrections in cooperation with the Treasurer
 of State may enter into financing arrangements related to fiscal
 48 years 2003-04 and 2004-05 for the acquisition of energy-savings
 equipment and installation such as variable-speed drives for the
 Department of Corrections facilities. The financing agreements

2 may not exceed 5 years in duration and \$1,200,000 in principal
costs. The interest rate may not exceed 6% and total interest
4 costs may not exceed \$360,000. The annual principal and interest
costs must be paid from the appropriate All Other line categories
6 appropriations in the affected Department of Corrections accounts.

8 **PART M**

10 **Sec. M-1. 5 MRSA §934-A**, as amended by PL 1991, c. 622, Pt.
F, §§1 to 4, is further amended to read:

12 **§934-A. Department of Economic and Community Development**

14 **1. Major policy-influencing positions.** The following
16 positions are major policy-influencing positions with the
Department of Economic and Community Development. These
18 positions ~~shall-be~~ are appointed by the Commissioner of Economic
and Community Development and ~~shall~~ serve at his the
20 commissioner's pleasure. Notwithstanding any other provision of
law, these positions and their successor positions ~~shall-be~~ are
22 subject to this chapter:

24 B. Deputy Commissioner ~~for-Business-Development~~;

26 G. Director, ~~Administration~~ Innovation;

28 H. Director, Community Development; ~~and~~

30 I. Director, ~~Tourism~~; and

32 J. Director, Business Development.

34 **Sec. M-2. 5 MRSA §13055, sub-§1**, as amended by PL 2003, c.
198, §1, is further amended to read:

36 **1. Organizations.** The department contains the following
38 organizations:

40 A. The Office of Business Development;

42 B. The Office of Tourism; ~~and~~

44 F. The Office of Community Development; and

46 G. The Office of Innovation.

48 **Sec. M-3. 5 MRSA §13058, sub-§7**, as enacted by PL 1987, c.
534, Pt. A, §§17 and 19 and amended by PL 1997, c. 530, Pt. A,
50 §34, is repealed.

2 **Sec. M-4. 5 MRSA §13058, sub-§8**, as enacted by PL 1987, c.
534, Pt. A, §§17 and 19, is repealed.

4 **Sec. M-5. 5 MRSA c. 383, sub-c. 1-A**, as amended, is repealed.

6 **Sec. M-6. 5 MRSA §13062, first ¶**, as enacted by PL 1987, c.
8 534, Pt. A, §§17 and 19, is amended to read:

10 The ~~Deputy--Commissioner--for--Business--Development--shall--be~~
12 the Director of the Office of Business Development and shall
14 administer the office in accordance with the policies of the
16 commissioner and the provisions of this chapter, emphasizing a
18 program of targeted business development designed to attract
20 particular types of businesses which that have potential for
22 Maine and businesses which that are ~~deemed~~ considered to be
compatible with Maine's environment and interests. The office
shall actively seek and encourage firms to expand or locate in
Maine. The office ~~shall-be~~ is responsible for the implementation
of programs designed to promote Maine products in national and
international markets and to develop markets for industry located
in Maine.

24 **Sec. M-7. 5 MRSA §13071-A**, as enacted by PL 1993, c. 181,
26 §1, is repealed.

28 **Sec. M-8. 5 MRSA c. 383, sub-c. 5-B** is enacted to read:

30 **SUBCHAPTER 5-B**

32 **OFFICE OF INNOVATION**

34 **Article 1**

36 **OFFICE OF INNOVATION**

38 **§13105. Office of Innovation**

40 **1. Office established.** The commissioner shall establish the
42 Office of Innovation, referred to in this subchapter as "the
44 office." The office shall encourage and coordinate the State's
research and development activities to foster collaboration among
the State's higher education and nonprofit research institutions
and the business community.

46 **2. Office functions.** The office shall promote, evaluate and
48 support research and development relevant to the State including:

2 A. Technology transfer activities to increase the
competitiveness of businesses and public institutions of
4 higher education in the State;

6 B. Effective and efficient application of technologies in
the public and private sectors;

8 C. The development of new commercial products and the
10 fabrication of such products in the State through the Maine
Technology Institute under section 15302 and the applied
12 technology development centers under section 15321; and

14 D. Research opportunities that create sustained,
interinstitutional, multidisciplinary efforts.

16 The office shall coordinate cooperative efforts among government
18 agencies, the private sector and universities and colleges for
the purposes outlined in this subchapter.

20 **§13106. Science and technology plan**

22 The office shall develop and submit the following to the
24 Governor and the Legislature by the first day of the first
legislative session of each biennium;

26 1. Action plan. An action plan for the application of
28 science and technology to improve the State's position in the
global economy. The action plan must be based on the State's
30 overall economic development strategy as determined by the
commissioner. The action plan must identify specific steps that
32 public and private institutions must implement to improve the
State's science and technology infrastructure. The action plan
34 must also identify action steps that could be implemented
immediately without new state appropriations and resources and
36 action steps that will require new state appropriations or major
reallocation of state appropriations and resources.

38 The action plan must include numerical objectives, costs and an
40 evaluation protocol. The action plan must also include a
provision for assigning and ensuring accountability for those who
42 receive state research and development funds through the office.
In the preparation of this action plan, the office shall seek the
44 advice of state agencies, the Maine Economic Growth Council
established in Title 10, section 929-A, the University of Maine
46 System and the business, education and research communities; and

48 2. Report card. A report card that:

50 A. Compares the State's science and technology
infrastructure standing to that of other states, based on

2 the results of all independent organizations or reports that
3 make such comparisons and on any other appropriate
4 comparisons as determined by the office and those agencies
5 with which the office is directed by this section to consult;

6 B. Assesses the performance of the State and those who
7 receive state funds in meeting the goals and objectives and
8 taking the action steps outlined in the action plan; and

10 C. Makes recommendations for improving the results shown on
11 the report card.

12 **§13107. Comprehensive research and development evaluation**

14 The office shall develop and submit to the Governor and the
15 Legislature by July 1, 2006 and on July 1st every 5 years
16 thereafter an evaluation of state investments in research and
17 development. The evaluation must:

20 1. Outcome measures. Establish outcome measures considered
21 appropriate by public and private practitioners inside and
22 outside of the State in the fields of research and development
23 and economic development. Practitioners in this State must
24 include, but are not limited to, a representative from the
25 University of Maine System, a representative of the targeted
26 technology sectors, a representative of the Executive Department,
27 State Planning Office and representatives of other state agencies
28 having economic development responsibility;

30 2. Independent reviewers. Utilize independent reviewers to
31 assess the competitiveness of technology sectors in this State
32 and the impact of research and development activities in this
33 State on economic development in this State; and

34 3. Recommendations. Include recommendations to the
35 Legislature on existing and proposed state-supported research and
36 development programs and activities to affect technology-based
37 economic development in this State.

40 **§13108. Reporting requirements of recipients of research and**
41 **development funding**

42 To assist the office in preparing a comprehensive research
43 and development evaluation, a recipient of state funding
44 including general obligation bond proceeds for research and
45 development shall, in addition to any other reporting
46 requirements required by law:

48 1. Data. Collect, maintain and provide data relating to
49 each investment's performance, outputs and outcomes;

2 2. Report card indicators. Identify the indicators in the
4 report card developed by the office pursuant to section 13106
6 that will be affected as a result of the proposed research and
 development activity; and

8 3. Action plan goals. Identify the goals in the action
10 plan developed by the office pursuant to section 13106 that will
12 be advanced by the recipient's research and development activity.

Article 2

SCIENCE AND TECHNOLOGY PROGRAMS

§13109. Maine Research and Development Evaluation Fund

16 1. Fund established. The Maine Research and Development
18 Evaluation Fund, referred to in this section as "the fund," is
20 established as a nonlapsing Other Special Revenue Funds account
22 administered by the office for the purposes of funding the
 comprehensive research and development evaluation required
 pursuant to section 13108.

24 2. Definition. For the purposes of this section, "research
26 and development" means activities that directly or through
28 capital investment support basic and applied scientific research
 and related commercial development funded by state appropriations
 and bond proceeds.

30 3. Fund sources. The fund receives money deposited by the
32 Treasurer of State pursuant to this section and any other gift,
 grant or other source of revenue deposited for that use.

34 4. Transfers to fund. Notwithstanding section 1585 or any
36 other provision of law, the State Budget Officer may transfer to
38 the fund an amount not to exceed 0.8% of General Fund
40 appropriations received by and general obligation bonds issued to
42 an agency or entity for research and development efforts.
44 Private entities that receive funds from general obligation bonds
46 for research and development efforts shall pay to the Treasurer
48 of State in the fiscal year in which the general obligation bond
50 was issued an amount not to exceed 0.8% of the proceeds from the
 bond issue in any fiscal year, which payment must be made from
 available resources other than bond proceeds. Only those
 programs that receive \$500,000 or more in research and
 development appropriations in any fiscal year, or those entities
 that receive funds from a general obligation bond issue of
 \$500,000 or more for research and development efforts in any
 fiscal year, as identified and certified by the State Budget
 Officer and the Office of Fiscal and Program Review, may be

2 assessed upon concurrence of the affected agencies, institutions
4 and departments. The transfer must be implemented by financial
6 order contingent upon the recommendation of the State Budget
8 Officer and approval of the Governor and upon review by the joint
10 standing committee of the Legislature having jurisdiction over
appropriations and financial affairs. The financial order must
include a plan outlining how these funds will be expended. The
financial order takes effect upon approval by the Governor.
Total payments made pursuant to this section may not exceed
\$120,000 in any fiscal year.

12 5. Repeal; lapse of funds. This section is repealed June
14 30, 2006. Unexpended funds in the fund at that time lapse to the
unappropriated surplus of the General Fund.

16 **§13110. Maine Experimental Program to Stimulate**
18 **Competitive Research established**

20 The office, the University of Maine System and the EPSCoR
22 steering committee are jointly responsible for the administration
24 of the Maine Experimental Program to Stimulate Competitive
26 Research, referred to in this chapter as "the Maine EPSCoR
Program," which is established in this section as a partnership
effort between the State Government and the Federal Government to
strengthen the State's science and engineering infrastructure.

28 1. Linkage with state policies. The policies, programs and
30 activities of the Maine EPSCoR Program must consider the State's
economic, education and science and technology strategies and
policies.

32 2. Policy recommendation. Through the office, the
34 University of Maine System and the EPSCoR steering committee, the
36 Maine EPSCoR Program may recommend to the Governor and the
Legislature policies and programs essential to the strengthening
of the State's science and engineering infrastructure.

38 **§13110-A. Maine EPSCoR Capacity Fund**

40 The Maine EPSCoR Capacity Fund is established within the
42 office to provide the matching funds that are required by several
44 federal agencies in their EPSCoR activities. The fund must be
used to match EPSCoR awards, and is a nonlapsing Other Special
Revenue Funds account.

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

2 A. "Fund" means the Maine EPSCoR Capacity Fund account
within the Other Special Revenue Funds account.

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

8 C. "Research capacity committee" means the EPSCoR steering
committee referred to in section 13110.

10 2. Organization. The commissioner, at the commissioner's
12 discretion, may delegate the administration of the fund to the
director of the office. The research capacity committee shall
14 advise the commissioner or the director of the office on the use
of the funds.

16 3. Guidelines. The commissioner or the director of the
18 office, with the advice of the research capacity committee, shall
establish guidelines for cash and in-kind match requirements
20 based on the activities to be supported with the fund. Match
levels must reflect the requirements identified by federal
22 funding agencies.

24 **Sec. M-9. Appropriations and allocations.** The following
26 appropriations and allocations are made.

28 **ECONOMIC AND COMMUNITY DEVELOPMENT,**
30 **DEPARTMENT OF**

32 **Administration - Economic and Community**
Development 0069

34 Initiative: Provides for the upgrade of a Business Development
36 Specialist position to a Deputy Commissioner position and its
38 transfer from Business Development to Administration - Economic
and Community Development. This is part of a departmental
reorganization.

40 General Fund	2003-04	2004-05
42 Positions - Legislative Count	(0.000)	(1.000)
44 Personal Services	\$0	\$95,950
46 General Fund Total	\$0	\$95,950

46 **Administration - Economic and Community**
48 **Development 0069**

50 Initiative: Provides for the upgrade of a Development Director
position to a Science Advisor position and its transfer from

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Administration - Economic and Community Development to the Office of Innovation. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$87,761)
General Fund Total	\$0	(\$87,761)

Administration - Economic and Community Development 0069

Initiative: Provides for the transfer of the Maine Technology Institute Director and the Applied Technology Development Center System Director positions and the related All Other appropriations from Administration - Economic and Community Development to the Office of Innovation as part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	\$0	(\$164,064)
All Other	0	(5,677,311)
General Fund Total	\$0	(\$5,841,375)

Office of Innovation 0995

Initiative: Provides for the upgrade of a Development Director position to a Science Advisor position and its transfer from Administration - Economic and Community Development to the Office of Innovation. This is part of a departmental reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$102,728
General Fund Total	\$0	\$102,728

Office of Innovation 0995

Initiative: Provides for the transfer of the Maine Technology Institute Director and the Applied Technology Development Center System Director positions and the related All Other appropriations from Administration - Economic and Community Development to the Office of Innovation as part of a departmental reorganization.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

General Fund	2003-04	2004-05
2 Positions - Legislative Count	(0.000)	(2.000)
Personal Services	\$0	\$164,064
4 All Other	0	5,677,311
	<hr/>	<hr/>
6 General Fund Total	\$0	\$5,841,375

8 **Office of Innovation 0995**

10 Initiative: Provides for the appropriation of All Other funds to
 12 the Office of Innovation for the purpose of providing operating
 funds for the newly created Science Advisor position.

General Fund	2003-04	2004-05
14 All Other	\$0	\$24,209
	<hr/>	<hr/>
16 General Fund Total	\$0	\$24,209

18 **Business Development 0585**

20 Initiative: Provides for a reorganization in the Office of
 22 Business Development, part of a departmentwide reorganization,
 including the establishment of one Policy Development Specialist
 24 position.

General Fund	2003-04	2004-05
26 Positions - Legislative Count	(0.000)	(1.000)
28 Personal Services	\$0	\$66,352
All Other	0	(66,352)
	<hr/>	<hr/>
30 General Fund Total	\$0	\$0

32 **Business Development 0585**

34 Initiative: Provides for the upgrade of a Business Development
 36 Specialist position to a Deputy Commissioner position and its
 transfer from Business Development to Administration - Economic
 38 and Community Development. This is part of a departmental
 reorganization.

General Fund	2003-04	2004-05
42 Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$68,101)
	<hr/>	<hr/>
44 General Fund Total	\$0	(\$68,101)

46 **Business Development 0585**

48 Initiative: Provides for the deappropriation of funds and
 50 reduction of one headcount through the elimination of one

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Development Project Officer position. Funds are being used to
 4 upgrade one Business Development Specialist position to a Deputy
 Commissioner position and one Development Director position to a
 Science Advisor position.

6	General Fund	2003-04	2004-05
7	Positions - Legislative Count	(0.000)	(-1.000)
8	Personal Services	\$0	(\$67,025)
10	General Fund Total	<u>\$0</u>	<u>(\$67,025)</u>

12 **Business Development 0585**

14 Initiative: Provides for combining the headcount of 2 part-time
 16 Development Project Officer positions in Business Development and
 in Community Development - State Match into one headcount in
 Business Development.

18	General Fund	2003-04	2004-05
20	Positions - Legislative Count	(0.000)	(0.500)
22	Personal Services	\$0	(\$249)
24	General Fund Total	<u>\$0</u>	<u>(\$249)</u>

26 **Energy Conservation Division 0736**

28 Initiative: Deallocates funds from the Energy Conservation Small
 Business Revolving Loan Program, which has been transferred to
 the Public Utilities Commission.

30	Other Special Revenue Funds	2003-04	2004-05
32	All Other	(\$150,000)	(\$160,000)
34	Other Special Revenue Funds Total	<u>(\$150,000)</u>	<u>(\$160,000)</u>

36 **Job Retention Program 0855**

38 Initiative: Deallocates funds from the Job Retention Program
 40 because of a legislative transfer of the program funds to the
 Mature and Dominant Industries Program within the Department of
 Economic and Community Development.

42	Other Special Revenue Funds	2003-04	2004-05
44	All Other	(\$132,100)	(\$132,100)
46	Other Special Revenue Funds Total	<u>(\$132,100)</u>	<u>(\$132,100)</u>

48 **Community Development Block Grant Program 0587**

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Provides for combining the headcount of 2 part-time Development Project Officer positions in Business Development and in Community Development - State Match into one headcount in Business Development.

6	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-0.500)
8	Personal Services	\$0	(\$254)
10	General Fund Total	<u>\$0</u>	<u>(\$254)</u>

12 **Economic Opportunity Program 0710**

14 Initiative: Deallocates funds from the Economic Opportunity Program due to a reduction in anticipated revenue.

16	Other Special Revenue Funds	2003-04	2004-05
18	All Other	(\$126,000)	(\$126,000)
20	Other Special Revenue Funds Total	<u>(\$126,000)</u>	<u>(\$126,000)</u>

22 **Office of Tourism 0577**

24 Initiative: Provides an increase to the allocation for Personal Services for one Public Service Manager III position electing membership in the Maine State Retirement System.

28	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	\$0	\$15,812
30	Other Special Revenue Funds Total	<u>\$0</u>	<u>\$15,812</u>

32 **ECONOMIC AND COMMUNITY DEVELOPMENT,**
 34 **DEPARTMENT OF**
 36 **DEPARTMENT TOTALS**

		2003-04	2004-05
36	GENERAL FUND	\$0	(\$503)
38	OTHER SPECIAL REVENUE FUNDS	(408,100)	(402,288)
40	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$408,100)</u>	<u>(\$402,791)</u>

42 **PART N**

44
 46 **Sec. N-1. 20-A MRSA §15653, sub-§4,** as amended by PL 2003, c.
 20, Pt. C, §3, is further amended to read:

48 **4. Statewide local share.** For fiscal year ~~2003-04~~ 2004-05,
 50 the statewide local share amount of the operating costs

allocation is based on the sum of the amounts determined by multiplying for each unit ~~6.74~~ 6.21 mills times the unit's property fiscal capacity. In subsequent years the mill rate is 7.57 mills, except that the Legislature shall determine if an increase is needed to achieve the targeted per pupil guarantee under this section.

Sec. N-2. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2001, c. 439, Pt. 0000, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000
2002	\$ 74,000,000
2003	\$ 80,000,000
2004	\$ 80,000,000
2005	\$ 84,000,000
2006	\$ 90,000,000
2007	\$ 96,000,000
<u>2008</u>	<u>\$100,000,000</u>
<u>2009</u>	<u>\$104,000,000</u>

Sec. N-3. Clarification of lease-purchase for replacement of Carpenter buses authorized by Resolve 2003, chapter 92, Part B. The Department of Education shall provide subsidy to support the purchase of Carpenter replacement buses for Boothbay-Boothbay Harbor, Baileyville and Hancock at a level equal to the level provided for all other school administrative units that have been approved for funding through the Carpenter bus special replacement program. The state share must be calculated as if

2 the unit's program cost has exceeded the circuit breaker for that
unit's program cost. Thus, the state share of the purchase is
4 100% of the Department of Education-approved purchase price minus
the reduction percentage for the year that the subsidy is due.
6 Boothbay-Boothbay Harbor, Baileyville and Hancock are, as are all
other schools, responsible for any cost of the purchase that
8 exceeds the Department of Education-approved purchase price.
This includes, but is not limited to, the cost of optional
10 equipment that is requested by the unit over and above the
State's school bus specification and any interest cost associated
with financing the purchase.

12
14 This exception to the normal method of determining the state
and local shares of a school bus purchase applies only to
Boothbay-Boothbay Harbor, Baileyville and Hancock and to those
16 buses identified under the Carpenter bus special replacement
program. This exception does not apply to any school bus
18 approved for purchase under the normal provisions for new bus
purchases as provided in the Maine Revised Statutes, Title 20-A,
20 section 5401, subsection 15.

22 **Sec. N-4. Basic elementary and secondary per pupil operating**
rates. The basic elementary per pupil operating rate for fiscal
24 year 2004-05 is \$5,459, and the basic secondary per pupil
operating rate for fiscal year 2004-05 is \$6,070. The foundation
26 per pupil operating rate for fiscal year 2004-05 is \$5,658.

28 **Sec. N-5. Per pupil guarantee and statewide factor.** The per pupil
guarantee for fiscal year 2004-05 is \$4,816. The statewide
30 factor for fiscal year 2004-05 is 0.62050.

32 **Sec. N-6. Foundation allocation.** The foundation allocation of
state and local funds for fiscal year 2004-05 for the purposes
34 listed in this section is as follows:

	2004-05
	TOTAL
Operating	
Per pupil guarantee pursuant to the Maine Revised Statutes, Title 20-A, section 15653, subsection 1	\$1,013,836,339
Program Costs	
Early Childhood	1,367,317
Special Education (Local)	195,504,985

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2	Special Education (Tuition and Board)	19,395,944
4	Vocational Education	34,423,516
6	Transportation Operating	76,147,845
8	Bus Purchases (including lease-purchases)	10,000,000
10	Program Cost Total	336,839,607
12	Less percentage reduction pursuant	
14	to the Maine Revised Statutes,	
16	Title 20-A, section 15603,	
	subsection 26-A, paragraph F	(10,071,504)
18	Adjusted Program Cost Total	326,768,103
20	Foundation Total - Combined Adjusted Operating and Program Cost	<hr/> \$1,340,604,442

22 **Sec. N-7. Foundation subsidy indexes.** This section establishes
 24 mill rates pursuant to the Maine Revised Statutes, Title 20-A,
 26 chapter 606 as follows: operating cost millage, 8.96 mills;
 program millage limit, 1.35 mills.

28 **Sec. N-8. Foundation reduction percentages.** This section
 30 establishes reduction percentages as follows: program cost
 reduction percentage, 2.99%; transportation operating reduction
 percentage, 2.99%.

32 **Sec. N-9. Foundation appropriation.** The foundation
 34 appropriation provided for general purpose aid for local schools
 for the fiscal year beginning July 1, 2004 and ending June 30,
 2005 is calculated as follows:

	2004-05 TOTAL	2004-05 STATE
40 Foundation Total - Combined Adjusted Operating and Program Cost	\$1,340,604,442	\$633,772,413
42 Minimum State Subsidy	2,256,924	2,256,924
44 ADJUSTED FOUNDATION ALLOCATION TOTAL	<hr/> \$1,342,861,366	<hr/> \$636,029,337

48 **Sec. N-10. Debt service allocation.** The debt service allocation
 50 of state and local funds for fiscal year 2004-05 for the purposes
 listed in this section is as follows:

2		2004-05
4		TOTAL
6	Debt Service Costs	
8	Principal and Interest	\$73,787,290
10	Approved Leases & Lease-purchases of Space	6,178,767
12	Insured Value Factor	3,055,623
14	Debt Service Cost Total	<u>\$83,021,680</u>
16	Less percentage reduction of insured	
18	value factor pursuant to the Maine	
20	Revised Statutes, Title 20-A,	
	section 15603, subsection 26-A, paragraph F	(91,363)
	Adjusted Debt Service Cost Total	<u>\$82,930,317</u>

22 **Sec. N-11. Debt service subsidy indexes.** This section
 24 establishes mill rates pursuant to the Maine Revised Statutes,
 26 Title 20-A, chapter 606 as follows: operating cost millage, 8.96
 mills; debt service millage limit, 0.38 mills.

28 **Sec. N-12. Debt service reduction percentages.** This section
 30 establishes reduction percentages as follows: insured value
 factor reduction percentage, 2.99%.

32 **Sec. N-13. Debt service appropriation.** The debt service
 34 appropriation provided for general purpose aid for local schools
 for the fiscal year beginning July 1, 2004 and ending June 30,
 2005 is calculated as follows:

36		2004-05	2004-05
38		TOTAL	STATE
40	ADJUSTED DEBT SERVICE ALLOCATION TOTAL	\$82,930,317	\$59,045,587
42	COMBINED ADJUSTED FOUNDATION AND		
44	ADJUSTED DEBT SERVICE ALLOCATIONS	2004-05	2004-05
	TOTAL	TOTAL	STATE
		\$1,425,791,683	\$695,074,924

46 **Sec. N-14. Adjustments and miscellaneous costs allocation.** The
 48 adjustments and miscellaneous costs allocation of state funds for
 fiscal year 2004-05 for the purposes listed in this section is as
 follows:

50

2004-05

	TOTAL
2 Adjustments and Miscellaneous Costs	
4 Cost of Geographic Isolation Adjustments	\$489,904
6 Cost of Quality Incentive Adjustments	0
8 Audit Adjustments	0
10 Cost of Reimbursement for Private School Services	203,031
12 Special Education Tuition and Board for 14 State Wards and Other Pupils Placed Directly by the State	11,231,613
16 State Agency Clients	25,871,830
18 English as a 2nd Language	2,129,818
20 Out-of-district Placements	2,981,064
22 Long-term Drug Treatment Centers	166,392
24 Maine Education Policy Research Institute	150,000
26 Essential Programs & Services Contract	75,000
28 Carpenter Bus Loan	550,000
30 Regionalization/Consolidation/ 32 Efficiency Assistance	125,000
34 Learning Results Accountability	250,000
36 Learning Results Implementation and Assessment	1,112,000
38 Total Adjustments	<u>\$45,335,652</u>

40 **Sec. N-15. Adjustments and miscellaneous costs appropriation.** The
 42 adjustments and miscellaneous costs appropriation provided for
 44 general purpose aid for local schools for the fiscal year
 beginning July 1, 2004 and ending June 30, 2005 is calculated as
 follows:

	2004-05 TOTAL	2004-05 STATE
46 ADJUSTMENTS AND MISCELLANEOUS COSTS		
48 TOTAL	\$45,335,652	\$45,335,652

2 **FOUNDATION, DEBT SERVICE AND**
 3 **ADJUSTMENTS AND MISCELLANEOUS**
 4 **COSTS TOTAL** \$1,471,127,335 \$740,410,576

6 **Sec. N-16. Limit of State's obligation.** If the State's continued
 7 obligation for any individual program contained in sections 6, 9,
 8 10, 13, 14 and 15 of this Part exceeds the level of funding
 9 provided for that program, any unexpended balances occurring in
 10 other programs may be applied to avoid proration of payments for
 11 any individual program. Any unexpended balances from sections 6,
 12 9, 10, 13, 14 and 15 of this Part may not lapse but must be
 13 carried forward for the same purpose.

14 **Sec. N-17. Authorization of payments.** Section 1 and sections 3
 15 to 16 of this Part may not be construed to require the State to
 16 provide payments that exceed the appropriation of funds for
 17 general purpose aid for local schools for the fiscal year
 18 beginning July 1, 2004 and ending June 30, 2005.

20 **Sec. N-18. Component funding.** In accordance with the Maine
 21 Revised Statutes, Title 20-A, section 15607, subsection 3,
 22 component funding within general purpose aid for local schools
 23 for the fiscal year 2004-05 is as follows:

	2004-05
26 Foundation (including Minimum State Subsidy)	\$636,029,337
28 Debt Service	59,045,587
30 Adjustments	45,335,652
32 TOTAL	\$740,410,576

34 **Sec. N-19. Appropriations and allocations.** The following
 35 appropriations and allocations are made.

36 **EDUCATION, DEPARTMENT OF**

38 **General Purpose Aid for Local Schools 0308**

40 Initiative: Provides additional funding for the General Purpose
 41 Aid for Local Schools program in fiscal year 2004-05.

	2003-04	2004-05
44 General Fund		
46 All Other	\$0	\$9,049,331
48 General Fund Total	\$0	\$9,049,331

50 **General Purpose Aid for Local Schools 0308**

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Deappropriates funds from General Purpose Aid for Local Schools, State Agency Clients and appropriates funds to the Preschool Handicapped program in order to provide additional funding to ensure provision of early intervention services to eligible preschool children.

General Fund	2003-04	2004-05
All Other	(\$763,000)	\$0
General Fund Total	(\$763,000)	\$0

General Purpose Aid for Local Schools 0308

Initiative: Provides for funds within the General Purpose Aid for Local Schools program appropriated in fiscal year 2003-04 to be moved to fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	(\$4,500,000)	\$4,500,000
General Fund Total	(\$4,500,000)	\$4,500,000

General Purpose Aid for Local Schools 0308

Initiative: Deappropriates funds from General Purpose Aid for Local Schools resulting from construction audit recoveries in the spring of 2004 and reduced costs for state agency clients and provides additional funds for General Purpose Aid for Local Schools to distribute in fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	(\$550,000)	\$1,450,669
General Fund Total	(\$550,000)	\$1,450,669

**EDUCATION, DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	(\$5,813,000)	\$15,000,000
DEPARTMENT TOTAL - ALL FUNDS	(\$5,813,000)	\$15,000,000

PART O

Sec. O-1. Department of Inland Fisheries and Wildlife; licensing, registration and permitting automation contract. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, the remaining encumbrance in the contract between the Department of Inland Fisheries and Wildlife

2 and MCI for automating the department's licensing, registration
and permitting processes does not lapse on June 30, 2004 but
4 carries forward until June 30, 2005 to be used for the same
purposes.

6
8 **PART P**

10 **Sec. P-1. 15 MRSA §1074, sub-§1-A** is enacted to read:

12 **1-A. Miscellaneous costs.** The Chief Justice of the Supreme
Judicial Court is authorized to use General Fund appropriations
14 to cover miscellaneous costs associated with the operation of the
account of deposited cash bail.

16 **Sec. P-2. Use of funds.** Notwithstanding any provision of law,
the Chief Justice of the Supreme Judicial Court is authorized to
18 use \$23,000 of General Fund appropriations in fiscal year 2003-04
to cover a shortage in the Judicial Department bail account.
20

22 **PART Q**

24 **Sec. Q-1. 26 MRSA §51, sub-§2,** as amended by PL 1991, c. 93,
§2, is further amended to read:
26

28 **2. Duties.** The commission shall conduct studies and hold
public meetings as necessary to develop findings and
recommendations respecting each of the following issues:
30

32 A. Evaluation of the effectiveness of current worker safety
efforts, practices and programs in the State and the
attitudes of employers and workers toward safety;
34

36 B. Identification of the best-practice safety programs in
the State and elsewhere, whose widespread adoption would
reduce the incidence, severity and cost of workplace
38 accidents and illnesses;

40 C. Identification of emerging occupational safety and
health issues that will be of importance in the future and
assessment of their policy implications; and
42

44 D. Determination of existing statistical information on
accidents and illnesses and reliability and adequacy to
46 monitor trends and to support effective safety
rehabilitation and compensation programs.
48

~~The commission shall also review occupational safety loan requests as provided for in section 63.~~

2
4 **Sec. Q-2. 26 MRSA §62**, as amended by PL 2003, c. 451, Pt. O, §1, is repealed.

6
8 **Sec. Q-3. 26 MRSA §63**, as amended by PL 2003, c. 451, Pt. O, §§2 and 3, is repealed.

10 **Sec. Q-4. 39-A MRSA §401, sub-§5, ¶D**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

12
14 D. The Department of Labor shall notify the Superintendent of Insurance of any employer that fails to complete the workplace health and safety program as required by this section and the rules adopted pursuant to paragraph A. The Superintendent of Insurance shall assess a surcharge of 10% on that employer's workers' compensation insurance premium or the imputed premium for self-insurers, which must be paid to the Treasurer of State, who shall credit ~~1/2 of~~ that amount to the Safety Education and Training Fund, as established by Title 26, section 61, ~~and 1/2 to the Occupational Safety Loan Fund, as established by Title 26, section 62.~~ Employers who fail to complete a required workplace health and safety program and who are assessed a surcharge prior to January 1, 1994, must be assessed a surcharge of 5%. Employers who fail to complete a required workplace health and safety program and who are assessed a surcharge after January 1, 1994, must be assessed a surcharge of 10%.

26
28 **Sec. Q-5. Transfer of funds.** Any funds received as repayment of the principal and interest on outstanding loans originated with funds from the previously authorized Occupational Safety Loan Fund in the Maine Revised Statutes, Title 26, former section 62 must be transferred and be deposited in the Safety Education and Training Fund under Title 26, section 61 and must be used to reduce the annual assessment on workers' compensation insurers and self-insurers.

32
34 The remaining amounts in the Occupational Safety Loan Fund may be used only to pay administrative expenses of the Finance Authority of Maine for the administration of outstanding loans originated with proceeds of the Occupational Safety Loan Fund. Upon the repayment of all such outstanding loans, any remaining funds must be deposited in the Safety Education and Training Fund and used to reduce the annual assessment on workers' compensation insurers and self-insurers. In the event there are insufficient funds for all costs of administering the current loans

2 outstanding for the life of such loans, the Department of Labor
will provide funding for the costs of administering the loans
4 made with proceeds from the Safety Education and Training Fund.

6 **PART R**

8 **Sec. R-1. P&SL 1941, c. 37, §2, 2nd ¶,** as amended by P&SL 1969,
c. 57, is further amended to read:

10 The Maine Maritime Academy by action of its board may borrow
12 money, not in excess of ~~\$4,000,000~~ \$10,000,000 in the aggregate
at any one time outstanding, make and issue negotiable notes,
14 bonds and other evidences of indebtedness or obligations of the
academy for the construction of dormitories, dining facilities,
16 student union, and any other buildings and improvements,
including land acquisition in connection therewith, and equipment
18 and furnishings therefor, or in anticipation of appropriated
state or federal funds, and secure the payment of such
20 obligations or any part thereof by mortgaging its properties or
pledging any part of its revenues, and do all other lawful things
22 necessary and incidental to the foregoing powers. Maine Maritime
Academy may borrow money or accept grants from federal and state
24 governments and agencies thereof and from any other sources, or
both. Such construction shall be under the supervision of the
26 Bureau of ~~Public-Improvements~~ General Services.

28 **PART S**

30 **Sec. S-1. 25 MRSA §52,** as enacted by PL 1987, c. 519, §10, is
32 amended to read:

34 **§52. State Nuclear Safety Advisor**

36 **1. State Nuclear Safety Advisor position established.**
There is established within the ~~State-Planning~~ Office of the
38 Public Advocate a State Nuclear Safety Advisor position, ~~which~~
~~shall-be that is~~ an unclassified, confidential position. The
40 State Nuclear Safety Advisor serves at the pleasure of the
Governor. The State Nuclear Safety Advisor ~~shall~~ must be an
42 individual knowledgeable in the field of nuclear power-~~production~~
waste disposal at the federal and state levels.

44 **2. Duties.** The State Nuclear Safety Advisor ~~shall-have~~ has
46 the following duties:

48 A. To advise the Governor and the Legislature on issues
50 pertaining to the safe operation of nuclear facilities and
the safe transportation and storage of nuclear waste;

2 B. To consult with other agencies of State Government or
4 Federal Government whose activities pertain to the issues in
paragraph A;

6 C. To review and evaluate and to advise the Governor and
8 the Legislature on activities conducted by other states to
inspect and monitor the safe operation of nuclear facilities
10 and the safe transportation and storage of nuclear waste; and

12 D. To prepare a report of his the State Nuclear Safety
Advisor's activities under this section to be submitted
14 January-15th March 30th of each year to the Governor and the
Legislature.

16 For purposes of this section, "commercial nuclear power facility"
18 or "facility" means a utilization facility situated in this State
which that holds an operating permit or license issued by the
United States Nuclear Regulatory Commission.

20 3. Fees. In addition to the fee provided in Title 22,
22 section 664, each nuclear power plant licensee whose operations
are monitored under this chapter shall pay a fee to the permanent
24 fund established in Title 22, section 680, subsection 7. The
amount of the fee for each licensee shall ~~shall~~ must be calculated by
26 multiplying the total allocation to the ~~State-Planning-Office~~
Public Advocate for the fiscal year from the fund established in
28 Title 22, section 680, subsection 7, for the full cost of the
State Nuclear Safety Advisor, including the cost to the State for
30 personnel and fringe benefits, by the licensee's proportion of
the ~~total-electric-generating-capacity-of~~ amount of nuclear waste
32 stored or generated by all licensees subject to this chapter.
The cost must include an annual amount not to exceed \$10,000 for
34 support functions associated with this position.

36 Sec. S-2. Appropriations and allocations. The following
38 appropriations and allocations are made.

40 EXECUTIVE DEPARTMENT

42 State Planning Office 0082

44 Initiative: Provides for the transfer of one Public Service
Coordinator III position, associated All Other and revenue from
the State Planning Office to the Office of the Public Advocate.

46 Other Special Revenue Funds	2003-04	2004-05
48 Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	\$0	(\$92,172)
50 All Other	0	(21,828)

2	Other Special Revenue Funds Total	\$0	(\$114,000)
4	Public Advocate 0410		
6	Initiative: Provides for the transfer of one Public Service		
8	Coordinator III position, associated All Other and revenue from		
	the State Planning Office to the Office of the Public Advocate.		
10	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
12	Personal Services	\$0	\$112,642
	All Other	0	211,358
14			
	Other Special Revenue Funds Total	\$0	\$324,000
16			
	EXECUTIVE DEPARTMENT		
18	DEPARTMENT TOTALS	2003-04	2004-05
20	OTHER SPECIAL REVENUE FUNDS	\$0	\$210,000
22	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$210,000

PART T

Sec. T-1. 25 MRSA c. 192-A is enacted to read:

CHAPTER 192-A

MAINE COMPUTER CRIMES TASK FORCE

§1521-A. Maine Computer Crimes Task Force

1. Maine Computer Crimes Task Force. The Maine Computer Crimes Task Force, referred to in this chapter as "the task force," is established under the auspices of the Department of Public Safety as a collaborative partnership among the department, the Bureau of State Police within the department, the Department of the Attorney General and local law enforcement agencies. The purpose of the task force is to investigate and assist those law enforcement agencies in the State that investigate crimes involving computers.

2. Report. Beginning July 1, 2004, the task force shall make an annual report regarding development, implementation and effectiveness of programs and initiatives to the joint standing committee of the Legislature having jurisdiction over criminal justice matters.

2 **Sec. T-2. Retroactivity.** That section of this Part that enacts
the Maine Revised Statutes, Title 25, chapter 192-A applies
retroactively to January 1, 2004.

4

6

PART U

8

Sec. U-1. 33 MRSA §1952, sub-§15-A is enacted to read:

10

15-A. Stored-value card. "Stored-value card" means a
record evidencing a promise, made for consideration, by the
seller or issuer of the record that goods or services will be
provided to the owner of the record to the value shown in the
record and includes, but is not limited to, a record that
contains a microprocessor chip, magnetic stripe or other means
for the storage of information, that is prefunded and for which
the value is decreased upon each use.

12

14

16

18

Sec. U-2. 33 MRSA §1958, sub-§2, ¶B-1 is enacted to read:

20

B-1. For a gift obligation or stored-value card, the
address of the owner of the gift obligation or stored-value
card. The address of the owner of the gift obligation or
stored-value card is, for purposes of this chapter, presumed
to be the address of the Treasurer of State unless the
person who sells or issues the gift obligation or
stored-value card obtains and maintains the address of the
owner;

22

24

26

28

30

PART V

32

Sec. V-1. 5 MRSA §20005, sub-§6, ¶B, as amended by PL 1995, c.
560, Pt. L, §5 and affected by §16, is further amended to read:

34

36

B. Establish operating and treatment standards and inspect
and issue certificates of approval for approved treatment
facilities, drug abuse treatment facilities or programs,
including residential treatment centers, and community-based
service providers and facilities that are private nonmedical
institutions pursuant to section 20024 and subchapter V 5.

38

40

42

Sec. V-2. 22 MRSA §7853, first ¶, as amended by PL 2003, c.
449, §2, is further amended to read:

44

46

The commissioner shall adopt rules for licensed assisted
housing programs. Rules adopted pursuant to this section are
major substantive rules as defined in Title 5, chapter 375,
subchapter 2-A, except that rules to establish categories of
licensed assisted housing programs, including private nonmedical

48

50

2 institutions, are routine technical rules as defined in Title 5,
3 chapter 375, subchapter 2-A.

4 **Sec. V-3. 22 MRSA §8102, sub-§1,** as repealed and replaced by
5 PL 1981, c. 260, §4, is amended to read:

6
7 **1. Rules.** The department shall adopt rules for the various
8 levels of children's homes, including, but not limited to,
9 facilities that are private nonmedical institutions, in
10 conformity with the Maine Administrative Procedure Act, Title 5,
11 chapter 375. The rules ~~shall~~ **must** be designed to protect the
12 health, safety, well-being and development of children and ~~shall~~
13 **must** include, but are not be limited to:

- 14 A. The number and qualifications of staff;
- 15
16 B. Rights and responsibilities of parents, children and
17 staff;
- 18
19 C. The nature, provision, documentation and management of
20 programs of care or treatment; and
- 21
22 D. The physical environment.

23
24 **Sec. V-4. 25 MRSA §2927, sub-§1-B,** as amended by PL 2003, c.
25 359, §4, is further amended to read:

26
27 **1-B. Statewide E-9-1-1 surcharge.** The activities
28 authorized under this chapter are funded through a special
29 statewide E-9-1-1 surcharge levied on each residential and
30 business telephone exchange line, including private branch
31 exchange lines and Centrex lines, cellular or wireless
32 telecommunications service subscribers and semipublic coin and
33 public access lines. The statewide E-9-1-1 surcharge may not be
34 imposed on more than 25 lines or numbers per customer billing
35 account. In the case of cellular or wireless telecommunications
36 service subscribers, the place of residence of those subscribers
37 must be determined according to the sourcing rules for mobile
38 telecommunications services as set forth in Title 36, section
39 ~~1816~~ 2556. The statewide E-9-1-1 surcharge is 50¢ per month per
40 line or number. The statewide E-9-1-1 surcharge must be billed
41 on a monthly basis by each local exchange telephone utility or
42 cellular or wireless telecommunications service provider and be
43 shown separately as a statewide E-9-1-1 surcharge on the
44 customer's bill.

45
46 **Sec. V-5. 30-A MRSA §5681, sub-§5,** as amended by PL 2003, c.
47 174, §1, is further amended to read:

2 **5. Transfers to funds.** On the last day of each month, the
Treasurer of State shall transfer to the Local Government Fund a
4 percentage, as provided in this subsection, of the receipts from
the taxes imposed under Title 36, Parts 3 and 8, and Title 36,
6 section 2552, subsection 1, paragraphs A to F, and credited to
the General Fund without any reduction, except that the postage,
8 state cost allocation program and programming costs of
administering state-municipal revenue sharing may be paid by the
10 Local Government Fund. Any amounts transferred to the Local
Government Fund in excess of the annual growth ceiling must be
12 transferred to the Disproportionate Tax Burden Fund. The
percentage transferred to the Local Government Fund on the last
day of each month is:

- 14 A. For months beginning before July 1, 2005, 5.1%; and
16 B. For months beginning on or after July 1, 2005, 5.2%.

18 **Sec. V-6. 34-B MRSA §1203-A, first ¶,** as enacted by PL 1989, c.
20 227, §1, is amended to read:

22 Licenses to operate, conduct or maintain an agency or
facility for the provision of mental health services as defined
24 in section 3601, or for the provision of treatment as defined in
chapter 6, subchapter ~~II~~ 2, including facilities that are private
26 nonmedical institutions, are governed as follows.

28 **Sec. V-7. 36 MRSA §1752, sub-§2-B,** as enacted by PL 1983, c.
859, Pt. M, §§1 and 13, is repealed.

30 **Sec. V-8. 36 MRSA §1752, sub-§2-C,** as repealed and replaced by
32 PL 1987, c. 497, §17, is repealed.

34 **Sec. V-9. 36 MRSA §1752, sub-§3-D,** as enacted by PL 1999, c.
516, §1 and affected by §7, is repealed.

36 **Sec. V-10. 36 MRSA §1752, sub-§3-E,** as enacted by PL 2001, c.
38 584, §2 and affected by §10, is repealed.

40 **Sec. V-11. 36 MRSA §1752, sub-§6-B,** as enacted by PL 2001, c.
584, §3 and affected by §10, is repealed.

42 **Sec. V-12. 36 MRSA §1752, sub-§7-D,** as enacted by PL 1999, c.
44 488, §2, is repealed.

46 **Sec. V-13. 36 MRSA §1752, sub-§7-E,** as enacted by PL 2001, c.
584, §4 and affected by §10, is repealed.

48 **Sec. V-14. 36 MRSA §1752, sub-§8-B,** as amended by PL 2001, c.
50 584, §5 and affected by §10, is further amended to read:

2 **8-B. Prepaid calling service.** "Prepaid calling arrangement
3 service" means the right to purchase access exclusively
4 telecommunications services that must be paid for in advance that
5 enables the origination of calls using an access number or
6 authorization code or both, whether manually or electronically
7 dialed, ~~if the remaining amount of units of service that have~~
8 ~~been prepaid is known by the provider of the prepaid service on a~~
9 ~~continuous basis and that is sold in predetermined units or~~
10 ~~dollars, the number of which declines with use in a known~~
11 amount. The sale or recharge of the service is considered a sale
12 within the State if the transfer for consideration takes place at
13 the vendor's place of business in the State. If the sale or
14 recharge of ~~a~~ prepaid calling arrangement service does not take
15 place at the vendor's place of business, the sale or recharge is
16 deemed to take place at the customer's shipping address, or if
17 there is no item shipped, at the customer's billing address or
18 the location associated with the customer's mobile telephone
19 number. The sale of the service is deemed to occur on the date
20 of the transfer for consideration of the service.

22 **Sec. V-15. 36 MRSA §1752, sub-§9-D**, as enacted by PL 2001, c.
23 584, §6 and affected by §10, is repealed.

24 **Sec. V-16. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 1989,
25 c. 871, §6, is further amended to read:

26 B. "Sale price" does not include:

- 27 (1) Discounts allowed and taken on sales;
- 28 (2) Allowances in cash or by credit made upon the
29 return of merchandise ~~or with respect to fabrication~~
30 ~~services~~ pursuant to warranty;
- 31 (3) The price of property returned ~~or fabrication~~
32 ~~services rejected~~ by customers, when the full price is
33 refunded either in cash or by credit;
- 34 (4) The price received for labor or services used in
35 installing or applying or repairing the property sold
36 ~~or fabricated~~, if separately charged or stated;
- 37 (5) Any amount charged or collected, in lieu of a
38 gratuity or tip, as a specifically stated service
39 charge, when that amount is to be disbursed by a hotel,
40 motel, restaurant or other eating establishment to its
41 employees as wages;

2 (6) The amount of any tax imposed by the United States
on or with respect to retail sales, whether imposed
4 upon the retailer or the consumer, except any
manufacturers', importers', alcohol or tobacco excise
tax;

6 (7) The cost of transportation from the retailer's
8 place of business or other point from which shipment is
made directly to the purchaser, provided that those
10 charges are separately stated and the transportation
occurs by means of common carrier, contract carrier or
12 the United States mail;

14 (8) The fee imposed by Title 10, section 1169,
subsection 11;

16 (9) The fee imposed by section 4832, subsection 1; or

18 (10) The lead-acid battery deposit imposed by Title
20 38, section 1604, subsection 2-B.

22 **Sec. V-17. 36 MRSA §1752, sub-§14-D**, as enacted by PL 2001, c.
584, §7 and affected by §10, is repealed.

24 **Sec. V-18. 36 MRSA §1752, sub-§17-A**, as amended by PL 2003, c.
26 390, §8, is repealed.

28 **Sec. V-19. 36 MRSA §1752, sub-§17-B** is enacted to read:

30 **17-B. Taxable service.** "Taxable service" means the rental
of living quarters in a hotel, rooming house, tourist or trailer
32 camp; the transmission and distribution of electricity; the
rental or lease of an automobile; and the sale of prepaid calling
34 service.

36 **Sec. V-20. 36 MRSA §1752, sub-§18-C**, as enacted by PL 1999, c.
488, §10, is repealed.

38 **Sec. V-21. 36 MRSA §1752, sub-§18-D**, as amended by PL 2001, c.
40 584, §8 and affected by §10, is repealed.

42 **Sec. V-22. 36 MRSA §1752, sub-§23**, as amended by PL 2001, c.
526, §2, is repealed.

44 **Sec. V-23. 36 MRSA §1811, 2nd ¶**, as amended by PL 1999, c.
46 488, §11, is further amended to read:

48 The tax imposed upon the sale and distribution of gas, water
or electricity, ~~or telecommunications services~~, by any public
50 utility, the rates for which sale and distribution are

2 established by the Public Utilities Commission, must be added to
the rates so established. No tax may be imposed upon the sale or
4 use of electrical energy, or water stored for the purpose of
generating electricity, when the sale is to or by a wholly owned
6 subsidiary by or to its parent corporation, except for electrical
energy or water purchased for resale to or by such wholly owned
subsidiary.

8
9 **Sec. V-24. 36 MRSA §1816**, as enacted by PL 2001, c. 584, §9
10 and affected by §10, is repealed.

12 **Sec. V-25. 36 MRSA c. 358** is enacted to read:

14 **CHAPTER 358**

16 **SERVICE PROVIDER TAX**

18 **§2551. Definitions**

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

24 1. **Audio media; audio equipment.** "Audio media" means
prerecorded magnetic tapes used for noncommercial playback of
sound on audio equipment. "Audio equipment" means equipment used
26 to play audio media and equipment used for recording sound for
subsequent noncommercial playback.

28 2. **Extended cable television services.** "Extended cable
30 television services" means all cable television service that is
in addition to the minimum service that can be purchased from a
32 cable television supplier, including the use of associated
equipment for which a charge is made. It does not include
34 installation of the associated equipment for which a separate
charge is levied.

36 3. **Fabrication services.** "Fabrication services" means the
38 production of tangible personal property for a consideration for
a person who furnishes, either directly or indirectly, the
40 materials used in that production. "Fabrication services" does
not include the production of tangible personal property if a
42 sale to the consumer of the tangible personal property so
produced would be exempt or otherwise not subject to tax under
44 Part 3.

46 4. **Furniture.** "Furniture" means movable items that are
48 intended to make a room or establishment useful for human
habitation.

50 A. "Furniture" includes:

2 (1) Living room furniture, including, but not limited
4 to, sofas, love seats, loungers, recliners, chairs, end
6 tables, coffee tables, curio cabinets, home
 entertainment centers, book shelves and floor and table
 lamps;

8 (2) Bedroom furniture, including, but not limited to,
10 headboards, footboards, bed frames, mattresses, box
12 springs, dressers, chests of drawers, mirrors,
 armoires, nightstands, bunk beds, roll-away beds and
 chests;

14 (3) Baby furniture, including, but not limited to,
16 cribs, dressers and changing tables;

18 (4) Dining room furniture, including, but not limited
 to, tables, chairs, dinette sets, hutches and dry sinks;

20 (5) Patio and outdoor furniture, including, but not
22 limited to, tables, chairs, umbrellas, porch swings and
 gliders;

24 (6) Office furniture, including, but not limited to,
26 desks, chairs, tables, workstations, movable
 partitions, shelving, file cabinets, coat racks and
 couches; and

28 (7) Home electronic devices, including home
30 appliances, home computers, televisions, stereos and
32 radios.

34 B. "Furniture" does not include:

36 (1) Items that are affixed to real property such as
 sinks, toilets, built-in cabinets or light fixtures; or

38 (2) Furnishings such as carpeting, artwork, draperies
40 or blinds.

42 5. Home service provider. "Home service provider" means
 the facilities-based carrier or reseller with which a customer
44 contracts for the provision of mobile telecommunications services.

46 6. Mobile telecommunications services. "Mobile
 telecommunications services" means commercial mobile radio
48 service as defined in 47 Code of Federal Regulations, Section
 20.3 as in effect on July 1, 1999. For purposes of sourcing,
 "mobile telecommunications services" does not include air-ground

2 radiotelephone service as defined in 47 Code of Federal
Regulations, Section 22.99 as in effect on June 1, 1999.

4 7. Network elements. "Network elements" means features,
6 functions and capabilities that are provided by a
8 telecommunications carrier to another telecommunications carrier
10 including subscriber numbers, databases, signaling systems and
information sufficient for billing and collection or used in the
transmission, routing or other provisions of a telecommunications
service.

12 8. Place of primary use. "Place of primary use" means the
14 street address representative of where a customer's use of mobile
16 telecommunications services primarily occurs, which must be
18 either the residential street address or the primary business
20 street address of the customer and must also be located within
22 the licensed service area of the home service provider. For
24 purposes of determining the place of primary use, "customer"
26 means the person or entity that contracts with the home service
provider for mobile telecommunications services or, if the end
user of such services is not the contracting party, the person
that is the end user of such services. The term "customer" does
not include a reseller of mobile telecommunications services or a
servicing carrier under an agreement to serve the customer outside
the home service provider's licensed service area.

28 9. Prepaid calling service. "Prepaid calling service"
30 means the right to access exclusively telecommunications services
32 that must be paid for in advance and that enables the origination
34 of calls using an access number or authorization code or both,
whether manually or electronically dialed, and that is sold in
predetermined units or dollars, the number of which declines with
use in a known amount.

36 10. Private nonmedical institution. "Private nonmedical
38 institution" means a person licensed by the Department of Human
40 Services or the Department of Behavioral and Developmental
42 Services to provide private nonmedical institution services to 4
44 or more MaineCare-eligible and other residents in single or
multiple facilities under a written agreement with the Department
of Human Services or the Department of Behavioral and
Developmental Services. "Private nonmedical institution" does
not include a health insurance organization, hospital, nursing
home or community health care center.

46 11. Private nonmedical institution services. "Private
48 nonmedical institution services" means services, including food,
50 shelter and treatment, that are provided by a private nonmedical
institution.

2 12. Production. "Production" means an operation or
integrated series of operations engaged in as a business or
4 segment of a business that transforms or converts personal
property by physical, chemical or other means into a form,
6 composition or character different from that in which it
originally existed. "Production" includes manufacturing,
8 processing, assembling and fabricating operations that meet the
definitional requisites, including biological processes that are
10 part of an integrated process of manufacturing organisms or
microorganic materials through the application of biotechnology.
12 "Production" does not include biological processes except as
otherwise provided by this subsection, wood harvesting
14 operations, the severance of sand, gravel, oil, gas or other
natural resources produced or severed from the soil or water, or
16 activities such as cooking or preparing drinks, meals, food or
food products by a retailer for retail sale.

18 13. Reseller. "Reseller," when used in relation to mobile
telecommunications services, means a provider that purchases
20 telecommunications services from another telecommunications
service provider and then resells, uses as a component part of or
22 integrates the purchased services into mobile telecommunications
services. "Reseller" does not include a serving carrier with
24 which a home service provider arranges for services to its
customers outside the home service provider's licensed service
26 area.

28 14. Rural community health center. "Rural community health
center" means a person that delivers, or provides facilities for
30 the delivery of, comprehensive primary health care in a place or
territory that is classified as rural according to the most
32 recent federal decennial census.

34 15. Sale price. "Sale price" means the total amount of
consideration, including cash, credit, property and services, for
36 which personal property or services are sold, leased or rented,
valued in money, whether received in money or otherwise, without
38 any deduction for the cost of materials used, labor or service
cost, interest, losses and any other expense of the seller.
40 "Sale price" does not include:

- 42 A. Discounts allowed and taken on sales;
- 44 B. Allowances in cash or by credit made upon the return of
services pursuant to warranty;
- 46 C. The price of services rejected by customers when the
48 full sale price is refunded either in cash or by credit; or

2 D. The amount of any tax imposed by the United States or
3 the State on or with respect to the sale of a service,
4 whether imposed upon the seller or the consumer.

6 16. School. "School" means a public or incorporated
7 nonprofit primary, secondary or postsecondary educational
8 institution that has a regular faculty, curriculum and organized
9 body of pupils or students in attendance throughout the usual
10 school year and that keeps and furnishes to students and others
11 records required and accepted for entrance to schools of
12 secondary, collegiate or graduate rank.

14 17. Service provider. "Service provider" means a person
15 who sells one or more of the services listed in section 2552.

16 18. Serving carrier. "Serving carrier," when used in
17 relation to mobile telecommunications services, means a
18 facilities-based carrier providing mobile telecommunications
19 services to a customer outside a home service provider's licensed
20 service area.

22 19. Telecommunications equipment. "Telecommunications
23 equipment" means any 2-way interactive communications device,
24 system or process for transmitting or receiving signals and
25 capable of exchanging audio, video, data or textual information.
26 "Telecommunications equipment" does not include computers, except
27 those components of a computer used primarily and directly as a
28 2-way interactive communications device capable of exchanging
29 audio, video, data or textual information.

32 20. Telecommunications services. "Telecommunications
33 services" means all telecommunications services as described in
34 this subsection.

36 A. "Telecommunications services" includes:

38 (1) The provision of 2-way interactive communications
39 through the use of telecommunications equipment,
40 exclusive of mobile telecommunications services; and

42 (2) Two-way interactive mobile telecommunications
43 services provided by a home service provider to a
44 customer whose place of primary use is within this
45 State, to the extent those services are associated with
46 transmissions that originate and terminate within this
47 State or within any other state. For purposes of this
48 paragraph, the term "state" includes the District of
49 Columbia and any territory or possession of the United
50 States.

B. "Telecommunications services" does not include:

(1) Except as otherwise provided by this subsection, service originating or terminating outside this State;

(2) Access services;

(3) Directory advertising services;

(4) The sale of unbundled network elements for use in the provision of telecommunications services;

(5) The lease of telecommunications equipment;

(6) Prepaid calling service; or

(7) Mobile telecommunications services provided by a home service provider to a customer whose place of primary use is not within this State.

21. Video media; video equipment. "Video media" means prerecorded magnetic tapes used for noncommercial playback of images and sound on video equipment, and other electronic audio and video media that provide for noncommercial interactive utilization by a person or persons, including digital video discs. "Video equipment" means equipment used to play video media, equipment used for recording images and sound for subsequent noncommercial playback and equipment used for noncommercial interactive utilization of electronic audio and video media.

§2552. Tax imposed

1. Rate. A tax at the rate of 5% is imposed on the value of the following services sold in this State:

A. Extended cable television services;

B. Fabrication services;

C. Rental of video media and video equipment;

D. Rental of furniture, audio media and audio equipment pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

E. Telecommunications services;

F. The installation, maintenance or repair of telecommunications equipment; and

2 G. Private nonmedical institution services.

4 2. Determination of value; liability; statement. Value is
6 measured by the sale price. The liability for, or the incidence
8 of, the tax imposed by this section is declared to be a levy on
the seller. If a seller includes this tax on a customer's bill,
it must be shown as a separate line item and identified as a
service provider tax.

10

12 **§2553. Registration of service providers**

12

14 1. Persons required to register; certificates; display.
Every person subject to the tax imposed by this chapter shall
16 register as a service provider with the assessor by submitting an
application on a form prescribed and furnished by the assessor.
18 The assessor shall issue a service provider tax registration
certificate to each applicant that properly completes and submits
an application form. A separate application must be completed
20 and a separate registration certificate issued for each place of
business, and the registration certificate must be conspicuously
22 displayed at that place of business. A registration certificate
issued pursuant to this section is nontransferable and is not a
24 license within the meaning of that term in the Maine
Administrative Procedure Act.

26

28 2. Revocation of registration. The assessor may revoke for
cause a registration certificate issued under this section. The
30 assessor may revoke the registration certificate of a registrant
who fails to file a return with the assessor within 15 days after
the due date as required by section 2554. A revocation is
32 reviewable in accordance with section 151. In any case where a
registrant has failed to pay any tax imposed by this chapter when
34 the tax is shown to be due on a report filed by the registrant or
admitted to be due by the registrant or has been determined to be
36 due and that determination has become final, notification of the
registrant by the assessor as provided in this section operates
38 to suspend the registration certificate from the date of the
notice of suspension until such time as the delinquent tax is
40 paid or it is determined by an appropriate court that revocation
is not warranted.

42

44 3. Making sales after revocation. A person whose service
provider tax registration certificate has been revoked by the
46 assessor pursuant to this section and who continues to make
retail sales in this State commits a Class D crime. Violation of
this subsection is a strict liability crime as defined in Title
48 17-A, section 34, subsection 4-A.

2 4. Failure to register. A person who is required by this
4 section to register as a service provider with the assessor and
6 who makes retail sales in this State without being so registered
8 commits a Class E crime. Violation of this subsection is a strict
10 liability crime as defined in Title 17-A, section 34, subsection
12 4-A.

8 **§2554. Return and payment of tax**

10 1. Monthly report required. Every person subject to the
12 tax imposed by this chapter shall file with the assessor, on or
14 before the 15th day of each month, a report made under the pains
16 and penalties of perjury on such form as the assessor may
18 prescribe that discloses the total sale price of all sales made
20 during the preceding calendar month and such other information as
22 the assessor requires. The assessor may permit the filing of
24 returns other than monthly. The assessor may by rule waive the
26 reporting of nontaxable sales. The assessor may for good cause
28 extend for not more than 30 days the time for making returns
30 required under this section. Rules adopted pursuant to this
32 subsection are routine technical rules as defined in Title 5,
34 chapter 375, subchapter 2-A.

24 2. Payment of tax. The tax imposed by this chapter is due
26 and payable on the date on which the person subject to the tax is
28 paid for the service rendered, or the billing date, whichever
30 comes first. Upon such terms and conditions as the assessor may
32 prescribe, the assessor may permit a postponement of payment to a
34 date not later than the date on which the sales so taxed are
36 required to be reported.

32 3. Credit for uncollectible accounts. The tax paid on
34 sales for which all or a portion of the sale price is charged off
36 by the service provider as uncollectible may be credited against
38 the tax due on a subsequent report filed by the service provider
40 within 3 years of the charge-off but, if any such accounts are
42 thereafter collected by the service provider, a tax must be paid
44 upon the amount so collected.

40 **§2555. Overpayments; refunds**

42 If the assessor determines, upon written application by a
44 taxpayer or during the course of an audit, that any tax has been
46 paid more than once or has been erroneously or illegally
48 computed, the assessor shall certify to the State Controller the
50 amount paid in excess of that legally due and that amount must be
credited by the assessor on any taxes then due from the taxpayer
and the balance refunded to the taxpayer or its successor in
interest, but no such credit or refund may be allowed unless
within 3 years of the date of overpayment either a written

2 petition stating the grounds upon which the refund or credit is
3 claimed is filed with the assessor or the overpayment is
4 discovered on audit. Interest at the rate determined pursuant to
5 section 186 must be paid on any balance refunded pursuant to this
6 chapter from the date the return listing the overpayment was
7 filed or the payment was made, whichever is later. At the
8 election of the assessor, unless the taxpayer specifically
9 requests a cash refund, the refund may be credited to the
10 taxpayer's service provider tax account, but in the case of a
11 credit no further interest may accrue from the date of that
12 election. The taxpayer may not apply for a refund of any amount
13 assessed when administrative and judicial review under section
14 151 has been completed.

15 A taxpayer dissatisfied with the decision of the assessor,
16 upon a written request for refund filed under this section, may
17 request reconsideration and appeal from the reconsideration to
18 the Superior Court in the same manner and under the same
19 conditions as in the case of assessments made under chapter 7.
20 The decision of the assessor upon such written request for refund
21 becomes final as to law and fact in the same manner and under the
22 same conditions as in the case of assessments made under chapter
23 7.

24 **§2556. Sourcing rules for mobile telecommunications services**

25 **1. Sourcing rule; identifying place of primary use.** Mobile
26 telecommunications services provided to a customer whose place of
27 primary use is located in this State, the charges for which are
28 billed by or for the customer's home service provider, are deemed
29 to be provided at the customer's place of primary use. A home
30 service provider is responsible for obtaining and maintaining a
31 record of a customer's place of primary use. Subject to
32 subsection 2 and if the home service provider's reliance on the
33 information provided by its customer is in good faith, the home
34 service provider:

35 A. May rely on the applicable residential or business
36 street address supplied by the home service provider's
37 customer; and

38 B. May not be held liable for any additional taxes under
39 this chapter based on a different determination of the place
40 of primary use.

41 **2. Correction of place of primary use; determination by**
42 **assessor.** If the assessor determines that the address used by a
43 home service provider as a customer's place of primary use does
44 not meet the definition provided by section 2551, subsection 8,
45 the assessor shall notify the customer in writing of that
46 the assessor shall notify the customer in writing of that
47 the assessor shall notify the customer in writing of that
48 the assessor shall notify the customer in writing of that
49 the assessor shall notify the customer in writing of that
50 the assessor shall notify the customer in writing of that

2 determination and provide the customer an opportunity to
3 demonstrate that that address is the customer's place of primary
4 use. If the customer fails to demonstrate to the assessor's
5 satisfaction within 30 days from the time it receives notice from
6 the assessor, or within another time period as the assessor may
7 allow, that the address in question is the customer's place of
8 primary use, the assessor shall provide the home service provider
9 with the proper address to be used as the customer's place of
10 primary use. The home service provider shall begin using the
11 address provided by the assessor as the customer's place of
12 primary use within 30 days from the date it receives notice of
13 the assessor's determination.

14 3. Hold harmless provision; use of electronic database or
15 enhanced zip code. A home service provider is entitled to the
16 hold harmless protections provided by the federal Mobile
17 Telecommunications Sourcing Act, Public Law 106-252, Section 1,
18 114 Stat. 2, 2000.

20 4. Bundled services. Notwithstanding any other provision
21 of this Part, otherwise nontaxable charges that are aggregated
22 with and not separately stated from taxable mobile
23 telecommunications charges are subject to taxation unless the
24 home service provider can, to the satisfaction of the assessor,
25 reasonably identify such charges from books and records kept in
26 the regular course of its business. A customer may not rely upon
27 the nontaxability of bundled services unless the customer's home
28 service provider separately states the otherwise nontaxable
29 services or the home service provider elects, after receiving
30 written notice from the customer in the form required by the
31 provider, to provide verifiable data based upon the home service
32 provider's books and records that are kept in the regular course
33 of business and that reasonably identify the nontaxable charges.

34 5. Certain preexisting contracts. Subject to subsection 2,
35 a home service provider may treat the address used by it for
36 purposes of the tax imposed by this chapter for any customer
37 under a service contract or agreement in effect on July 28, 2002
38 as that customer's place of primary use for the remaining term of
39 the service contract or agreement, excluding any extension or
40 renewal period.

42 **§2557. Exemptions**

44 The tax imposed by this chapter does not apply in connection
45 with:

46 1. Exemptions by constitutional provisions. Sales that
47 this State is prohibited from taxing under the constitution or
48 laws of the United States or under the constitution of this State;
49

2 2. Certain governmental entities. Sales to the State or
4 any political subdivision, or to the Federal Government, or to
6 any unincorporated agency or instrumentality of either of them or
8 to any incorporated agency or instrumentality of them wholly
 owned by them. This exemption does not apply to corporations
 organized under Title IV, Part E of the federal Farm Credit Act
 of 1971, 12 United States Code, Sections 2211 to 2214;

10 3. Hospitals, research centers, churches and schools.
12 Sales to incorporated hospitals, incorporated nonprofit nursing
14 homes licensed by the Department of Human Services, incorporated
16 nonprofit residential care facilities licensed by the Department
18 of Human Services, incorporated nonprofit home health agencies
20 certified under the United States Social Security Act of 1965,
22 Title XVIII, as amended, incorporated nonprofit rural community
24 health centers, incorporated nonprofit dental health centers,
26 institutions incorporated as nonprofit corporations for the sole
28 purpose of conducting medical research or for the purpose of
 establishing and maintaining laboratories for scientific study
 and investigation in the field of biology or ecology or for
 operating educational television or radio stations, schools,
 incorporated nonprofit organizations or their affiliates whose
 purpose is to provide literacy assistance or free clinical
 assistance to children with dyslexia and regularly organized
 churches or houses of religious worship, excepting sales, storage
 or use in activities that are mainly commercial enterprises;

30 4. Other institutions. Sales to incorporated private
32 nonprofit residential child care institutions that are licensed
 by the Department of Human Services as child care institutions;

34 5. Nonprofit fire departments and nonprofit ambulance
36 services. Sales to incorporated nonprofit fire departments and
 to incorporated nonprofit ambulance services;

38 6. Community mental health facilities, community mental
40 retardation facilities and community substance abuse facilities.
 Sales to mental health facilities, mental retardation facilities
 or substance abuse facilities that are:

42 A. Contractors under or receiving support under the federal
44 Community Mental Health Centers Act, or its successors; or

46 B. Receiving support from the Department of Behavioral and
48 Developmental Services pursuant to Title 5, section 20005 or
 Title 34-B, section 3604, 5433 or 6204;

2 7. Regional planning commissions and councils of
3 government. Sales to regional planning commissions and councils
4 of government that are established in accordance with Title 30-A;

6 8. Historical societies, museums and certain memorial
7 foundations. Sales to incorporated nonprofit memorial
8 foundations that primarily provide cultural programs free to the
9 public, historical societies and museums;

10 9. Nursery schools and day-care centers. Sales to
11 licensed, incorporated nonprofit nursery schools and day-care
12 centers;

14 10. Certain church-affiliated residential homes. Sales to
15 any church-affiliated nonprofit organization that operates, under
16 a charter granted by the Legislature, a residential home for
17 adults;

18 11. Medical patients and their families. Sales to
19 incorporated nonprofit organizations providing:

22 A. Temporary residential accommodations to pediatric
23 patients suffering from critical illness or disease such as
24 cancer or who are accident victims, to adult patients with
25 cancer or to the families of the patients; or

26 B. Temporary residential accommodations, or food, or both,
27 to hospital patients or to the families of hospital patients;

30 12. Emergency shelter and feeding organizations. Sales to
31 incorporated nonprofit organizations that provide free temporary
32 emergency shelter or food for underprivileged individuals in this
33 State;

34 13. Child abuse and neglect councils; child advocacy
35 organizations; community action agencies. Except for the sale,
36 storage or use for activities that are mainly commercial
37 enterprises, sales to:

40 A. Incorporated, nonprofit child abuse and neglect councils
41 as defined in Title 22, section 3872, subsection 1-A;

42 B. Statewide organizations that advocate for children and
43 that are members of the Medicaid Advisory Committee; and

46 C. Community action agencies designated in accordance with
47 Title 22, section 5324;

2 14. Certain libraries. Sales to any nonprofit free public
lending library that is funded in part or wholly by the State or
4 any political subdivision or the Federal Government;

6 15. Veterans' memorial cemetery associations. Sales to
incorporated nonprofit veterans' memorial cemetery associations;

8 16. Nonprofit volunteer search and rescue organizations.
10 Sales to incorporated, nonprofit volunteer search and rescue
organizations;

12 17. Incorporated nonprofit hospice organizations. Sales to
14 incorporated nonprofit hospice organizations that provide a
program or care for the physical and emotional needs of
16 terminally ill patients;

18 18. Nonprofit youth organizations. Sales to nonprofit
youth organizations whose primary purpose is to provide athletic
20 instruction in a nonresidential setting or sales to councils and
local units of incorporated nonprofit national scouting
22 organizations;

24 19. Certain incorporated nonprofit educational
organizations. Sales to incorporated nonprofit educational
26 organizations that are receiving, or have received, funding from
the Department of Education and that provide educational programs
28 specifically designed for teaching young people how to make
decisions about drugs, alcohol and interpersonal relationships at
30 a residential camp setting;

32 20. Charitable suppliers of medical equipment. Sales to
local branches of incorporated international nonprofit charitable
34 organizations that provide, on a loan basis and free of charge,
medical supplies and equipment to persons;

36 21. Organizations fulfilling wishes of children with
life-threatening diseases. Sales to incorporated nonprofit
38 organizations whose sole purpose is to fulfill the wishes of
children with life-threatening diseases when their families or
40 guardians are unable otherwise to financially fulfill those
42 wishes;

44 22. Incorporated nonprofit providers of certain support
systems for single-parent families. Sales to incorporated
46 nonprofit organizations engaged primarily in providing support
systems for single-parent families for the development of
48 psychological and economic self-sufficiency;

2 23. Nonprofit home construction organizations. Sales to
3 local branches of incorporated nonprofit organizations whose
4 purpose is to construct low-cost housing for low-income people;

6 24. Vietnam veteran registries. Sales to incorporated,
7 nonprofit organizations whose sole purpose is to create, maintain
8 and update a registry of Vietnam veterans;

10 25. Organizations providing certain services for
11 hearing-impaired persons. Sales to incorporated nonprofit
12 organizations whose primary purposes are to promote public
13 understanding of hearing impairment and to assist
14 hearing-impaired persons through the dissemination of information
15 about hearing impairment to the general public and referral to
16 and coordination of community resources available to
17 hearing-impaired persons;

18 26. State-chartered credit unions. Sales to credit unions
19 that are organized under the laws of this State. This subsection
20 remains in effect only for the time that federally chartered
21 credit unions are, by reason of federal law, exempt from payment
22 of the tax imposed by this chapter;

24 27. Nonprofit housing development organizations. Sales to
25 nonprofit organizations whose primary purpose is to develop
26 housing for low-income people;

28 28. Eye banks. Sales to nonprofit organizations whose
29 primary purpose is to obtain, medically evaluate and distribute
30 eyes for use in corneal transplantation, research and education;

32 29. Centers for innovation. Sales to centers for
33 innovation as described in Title 5, section 13141; and

34 30. Sales for resale. Sales of services to another service
35 provider for resale.

38 The exemptions provided in this section apply only when an
39 exempt entity purchases a service for its own use or on its own
40 behalf and do not apply when an exempt entity pays for the
41 service for the use of or on behalf of another person.

42 **§2558. Requirement to file amended return**

44 1. Amended return required. A person subject to the tax
45 imposed by this chapter must file an amended return whenever an
46 agency of the State, other than the Bureau of Revenue Services,
47 or of the United States makes an audit finding that changes or
48 corrects any item affecting the person's liability under this

chapter or whenever for any reason there is a change or correction affecting the person's liability under this chapter.

2. Amended return filed. The amended return must be filed within 90 days of an audit finding affecting a person's liability under this chapter or within 90 days of the time that a person learns of any other change or correction affecting its liability under this chapter.

3. Contents of amended return. The amended return required by this section must indicate the change or correction and the reason for that change or correction. The amended return constitutes an admission as to the correctness of the change unless the taxpayer includes with the return a written explanation of the reason the change or correction is erroneous.

4. Additional requirements. The assessor may require additional information to be filed with the amended return. The assessor may prescribe exceptions to the requirements of this section.

§2559. Application of revenues

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in the General Fund suspense account must be transferred to service provider tax General Fund revenue. On or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraph G to the Medical Care Services Other Special Revenue Funds account in the Department of Human Services or the Other Special Revenue funds Mental Health Services - Community Medicaid program, the Medicaid Services - Mental Retardation program and the Office of Substance Abuse - Medicaid Seed program within the Department of Behavioral and Developmental Services.

Sec. V-26. Implementation costs. Notwithstanding any other provision of law, \$105,000 in the Medical Care Services, Other Special Revenue Funds account in the Department of Human Services must be deposited in General Fund undedicated revenue in fiscal year 2004-05 to offset implementation costs associated with this Part.

2 **Sec. V-27. Rule implementation.** The Department of Human
 3 Services may implement retroactively to July 1, 2003 a routine
 4 technical rule, "Chapter 115, Principles of Reimbursement for
 5 Residential Care Facilities - Room and Board Costs," which
 6 addresses the recovery of return on equity from private
 nonmedical institutions.

8 **Sec. V-28. Appropriations and allocations.** The following
 9 appropriations and allocations are made.

10 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
 11 **DEPARTMENT OF**

12 **Revenue Services - Bureau of 0002**

13 Initiative: Appropriates funds in the All Other line category to
 14 cover the additional costs for the printing and mailing of
 15 notices and for computer programming associated with the
 16 implementation of the private nonmedical institution, PNMI, tax
 17 initiative. A transfer of \$105,000 will be made from the PNMI
 18 Tax Dedicated Revenue account in the Department of Human Services
 19 to the General Fund as undedicated revenue in fiscal year 2004-05
 20 as an offset to this appropriation request.
 21

22	General Fund	2003-04	2004-05
23	All Other	\$0	\$105,000
24		<hr/>	<hr/>
25	General Fund Total	\$0	\$105,000

26 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
 27 **DEPARTMENT OF**
 28 **DEPARTMENT TOTALS**

29		2003-04	2004-05
30	GENERAL FUND	\$0	\$105,000
31		<hr/>	<hr/>
32	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$105,000

33 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
 34 **DEPARTMENT OF**

35 **Medicaid Services - Mental Retardation 0705**

36 Initiative: Allocates funds for increased Medicaid payments to
 37 private nonmedical institutions (PNMI's).

38	Other Special Revenue Funds	2003-04	2004-05
39	All Other	\$0	\$173,827
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41	Other Special Revenue Funds Total	\$0	\$173,827

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Medicaid Services - Mental Retardation 0705

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$35,070
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$35,070

Medicaid Services - Mental Retardation 0705

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in PL 2003, c. 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$325,245)
	<hr/>	<hr/>
General Fund Total	\$0	(\$325,245)

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$325,245
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$325,245

Mental Health Services - Community Medicaid 0732

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$599,817
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$599,817

Mental Health Services - Community Medicaid 0732

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$361,976
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$361,976

Mental Health Services - Community Medicaid 0732

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in PL 2003, c. 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$522,310)
General Fund Total	\$0	(\$522,310)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$522,310
Other Special Revenue Funds Total	\$0	\$522,310

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$96,300
Other Special Revenue Funds Total	\$0	\$96,300

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$314,885
Other Special Revenue Funds Total	\$0	\$314,885

Office of Substance Abuse - Medicaid Seed 0844

Initiative: Deappropriates and allocates funds to correctly distribute the impact of the service provider tax originally assumed in PL 2003, c. 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	(\$180,185)
General Fund Total	\$0	(\$180,185)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$180,185
Other Special Revenue Funds Total	\$0	\$180,185

**BEHAVIORAL AND DEVELOPMENTAL SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$1,027,740)
OTHER SPECIAL REVENUE FUNDS	0	2,609,615
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,581,875

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Allocates funds for increased Medicaid payments to private nonmedical institutions (PNMI's).

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$8,709,228
Federal Expenditures Fund Total	\$0	\$8,709,228
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$3,784,690
Other Special Revenue Funds Total	\$0	\$3,784,690

Medical Care - Payments to Providers 0147

Initiative: Allocates funds for other payments to private nonmedical institutions (PNMI's).

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$3,995,121
Other Special Revenue Funds Total	\$0	\$3,995,121

Medical Care - Payments to Providers 0147

Initiative: Appropriates and deallocates funds to correctly distribute the impact of the service provider tax originally assumed in PL 2003, c. 20, Part ZZ among affected programs.

General Fund	2003-04	2004-05
All Other	\$0	\$1,027,740
General Fund Total	\$0	\$1,027,740
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	(\$1,027,740)

2	Other Special Revenue Funds Total	\$0	(\$1,027,740)
4	HUMAN SERVICES, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
6	GENERAL FUND	\$0	\$1,027,740
8	FEDERAL EXPENDITURES FUND	0	8,709,228
10	OTHER SPECIAL REVENUE FUNDS	0	6,752,071
12	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$16,489,039
14	SECTION TOTALS	2003-04	2004-05
16	GENERAL FUND	\$0	\$105,000
18	FEDERAL EXPENDITURES FUND	0	8,709,228
20	OTHER SPECIAL REVENUE FUNDS	0	9,361,686
	SECTION TOTAL - ALL FUNDS	\$0	\$18,175,914

22 **Sec. V-29. Effective date; tax returns and payments.** This Part
 24 takes effect July 1, 2004, except those sections that amend the
 26 Maine Revised Statutes, Title 5, section 20005, subsection 6,
 28 paragraph B; Title 22, section 7853, first paragraph and section
 30 8102, subsection 1; and Title 34-B, section 1203-A, first
 32 paragraph, which take effect when approved. Tax returns and
 34 payments required by Title 36, chapter 358 are first due on
 August 15, 2004. The credit allowed by Title 36, section 2554,
 subsection 3 for uncollectible accounts applies to taxes required
 to be remitted by a service provider pursuant to Title 36, Part 3
 in a return due on or before July 15, 2004, as well as to taxes
 remitted by the service provider pursuant to Title 36, chapter
 358.

36 **PART W**

38 **Sec. W-1. 22 MRSA §4008, sub-§6** is enacted to read:

40 6. Requests for disclosure of records; establishment of
 42 fees; rules. The department may accept requests and charge fees
 44 for research and disclosure of its records as provided in this
subsection.

46 A. The department may charge fees for the services listed in
 48 paragraph B to any person except the following:

50 (1) A parent in a child protection proceeding, an
attorney who represents a parent in a child protection

2 proceeding or a guardian ad litem in a child protection
4 proceeding when the parent, attorney or guardian ad
litem requests the service for the purposes of the
child protection proceeding;

6 (2) An adoptive parent or prospective adoptive parent
8 who requests records relating to the child who has been
or might be adopted;

10 (3) A person having the legal authorization to
12 evaluate or treat a child, parent or custodian who is
14 the subject of a record, including a member of a
treatment team or group convened to plan for or treat a
16 child or family that is the subject of a record; the
record must be requested for the purpose of evaluating
18 or treating the child, parent or custodian who is the
subject of the record;

20 (4) Governmental entities of this State that are not
engaged in licensing; and

22 (5) Governmental entities of any county or
24 municipality of this State that are not engaged in
licensing.

26 A request or order by a court for disclosure of records
28 pursuant to subsection 3, paragraph B must be deemed to have
been made by the person requesting that the court order the
30 disclosure.

32 B. The department may charge fees for the following
services:

34 (1) Researching its records to determine whether a
36 particular person is named in the records;

38 (2) Receiving and responding to a request for
disclosure of department records, whether or not the
40 department grants the request; and

42 (3) Disclosing department records.

44 C. The department may adopt rules governing requests for
the services listed in paragraph B. Those rules may provide
46 for a mechanism for making a request, the information
required in making a request, the circumstances under which
48 requests will be granted or denied and any other matter that
the department determines necessary to efficiently respond
to requests for disclosure of records. Rules adopted

2 pursuant to this paragraph are routine technical rules
3 pursuant to Title 5, chapter 375, subchapter 2-A.

4 D. The department shall establish a schedule of fees by
5 rule. The schedule of fees may provide that certain classes
6 of persons are exempt from the fees, and it may establish
7 different fees for different classes of persons. All fees
8 collected by the department must be deposited in the General
9 Fund. Rules adopted pursuant to this paragraph are routine
10 technical rules pursuant to Title 5, chapter 375, subchapter
11 2-A.

12 E. A governmental entity that is engaged in licensing may
13 charge an applicant for the fees imposed on it by the
14 department for research and disclosure of records.

15 F. This subsection may not be construed to permit or
16 require the department to make a disclosure in any
17 particular case.

21 **PART X**

22 **Sec. X-1. 22 MRSA §2494**, as amended by PL 1987, c. 838, §1,
23 is further amended to read:

24 **§2494. Fees**

25 Each application for, or for renewal of, a license to
26 operate an eating establishment, eating and lodging place,
27 lodging place, recreational camp or camping area within the
28 meaning of this chapter shall must be accompanied by a fee,
29 appropriate to the size of the establishment, place, camp or area
30 of the licensee, determined by the department and not to exceed
31 the fees listed below. All fees collected by the department
32 shall must be deposited in the General Fund. No such fee may be
33 refunded. No license may be assignable or transferable. The
34 fees may not exceed:

35 **1. One hundred dollars. ~~Forty~~ One hundred dollars for:**

36 **A. Public schools governed by a school board of an**
37 **administrative unit;**

38 **B. Private secondary schools approved for tuition when**
39 **school enrollments are at least 60% publicly funded students**
40 **as determined by the previous school year's October to April**
41 **average enrollment; and**

2 C. Schools operated by an agency of State Government for
the education of children in unorganized territories;

4 2. **Sixty dollars.** Ten Sixty dollars for each inspection
6 for any eating establishment ~~which~~ that is located in a
municipality ~~which~~ that requires local inspections of eating
establishments; and

8
10 3. **One hundred fifty dollars.** One hundred ~~twenty-five~~
fifty dollars for all other establishments, places and camps not
12 included in subsection 1 or 2.

14 All such fees are for the license, 2 licensure inspections
and one follow-up inspection. When additional inspections are
16 required to determine an applicant's eligibility for licensure,
the department is authorized through its rules to charge an
18 additional ~~\$20~~ \$35 fee to cover the costs of each additional
inspection or visit. Failure to pay such charges within 30 days
20 of the billing date ~~shall--constitute~~ constitutes grounds for
revocation of the license, unless an extension for a period not
22 to exceed 60 days is granted in writing by the commissioner.

24 **Sec. X-2. 22 MRSA §2495, 2nd ¶,** as repealed and replaced by PL
1981, c. 203, §1, is amended to read:

26 When any initial applicant is found, based upon an
inspection by the department or by municipal inspection made
28 according to section 2499, not in compliance with the
requirements of this chapter or departmental regulations adopted
30 and approved pursuant to section 2496 or 2499, subsection 1, the
department may refuse issuance of the initial license, but shall
32 issue a conditional license, except when conditions are found
~~which~~ that present a serious danger to the health and safety of
34 the public. A conditional license ~~shall~~ may not exceed 90 days.
Failure by the conditional licensee to meet the conditions
36 specified by the department ~~shall-permit~~ permits the department
to void the conditional license.

38
40 **Sec. X-3. 22 MRSA §2498, sub-§1, ¶¶A and C,** as enacted by PL
1991, c. 591, Pt. J, §5, are amended to read:

42 A. The department may impose penalties for violations of
this chapter, or the rules enacted pursuant to this chapter,
44 on any eating establishment, eating and lodging place,
lodging place, recreational camp or camping area. The
46 penalties may not be greater than ~~\$50~~ \$100 for each
violation. Each day that the violation remains uncorrected
48 may be counted as a separate offense. Penalties may be
imposed for each violation of the rules.

50

2 C. Any person, corporation, firm or copartnership that
operates any eating establishment, eating and lodging place,
4 lodging place, recreational camp or camping area without
first obtaining a license as required by this chapter must
6 be punished, upon conviction, by a fine of not less than \$10
\$25 nor more than \$100 \$200, and upon 2nd or subsequent
conviction, must be punished by a fine of not less than \$100
8 \$200. Each day any such person, corporation, firm or
copartnership operates without obtaining a license
10 constitutes a separate offense.

12 **Sec. X-4. 22 MRSA §2499, sub-§6**, as amended by PL 1981, c.
703, Pt. A, §19, is further amended to read:

14
16 **6. License fee.** When a license is issued ~~on the basis of a~~
municipal inspection to an eating establishment located in a
municipality to which authority to conduct inspection has been
18 delegated by the department as specified in this section, the
requirement for payment of a license fee by the establishment to
20 the department as set forth in section 2494 shall ~~must~~ be
waived. However, the licensee ~~shall be~~ is required to pay the
22 department a sum not to exceed \$10 \$60 to support the costs of
mailing and handling.

24
26 **Sec. X-5. 22 MRSA §2499, sub-§7**, as enacted by PL 1975, c.
496, §3, is amended to read:

28 **7. Licenses.** Licenses issued under this section 2499 must
be displayed, renewed and in every other way treated the same as
30 licenses issued under this chapter on the basis of inspection by
the department.

32 **Sec. X-6. 22 MRSA §2499, sub-§9** is enacted to read:

34
36 **9. Delegation renewal.** Beginning January 1, 2005, and
every 3 years thereafter, the department shall review the
restaurant inspection program of the municipalities to which
38 authority to conduct inspections has been delegated. The process
for the delegation of this authority and other such provisions
40 describing the assignment of and removal of this delegation of
authority must be established by rule and must include, but not
42 be limited to, staff competency, enforcement and compliance
history, inspection practices and reporting practices. Rules
44 adopted pursuant to this subsection are routine technical rules
pursuant to Title 5, chapter 375, subchapter 2-A.

48 **PART Y**

2 withdrawal symptoms resulting from prenatal drug exposure,
3 whether or not the prenatal exposure was to legal or illegal
4 drugs, regardless of whether or not the infant is abused or
5 neglected. The department shall:

6 1. Receive reports. Receive reports of infants who may be
7 affected by illegal substance abuse or suffering from withdrawal
8 symptoms resulting from prenatal drug exposure;

10 2. Investigate. Promptly investigate all reports received
11 of infants born who may be affected by illegal substance abuse or
12 suffering from withdrawal symptoms resulting from prenatal drug
13 exposure;

14 3. Determine if infant is affected. Determine whether or
15 not each infant reported is affected by illegal substance abuse
16 or suffers from withdrawal symptoms resulting from prenatal drug
17 exposure;

18 4. Determine if infant is abused or neglected. Determine
19 whether or not the infant is abused or neglected and, if so,
20 determine the degree of harm or threatened harm in each case;

21 5. Develop plan for safe care. For each infant whom the
22 department determines to be affected by illegal substance abuse
23 or to be suffering from withdrawal symptoms resulting from
24 prenatal drug exposure, develop, with the assistance of any
25 health care provider involved in the mother's or the child's
26 medical or mental health care, a plan for the safe care of the
27 infant and, in appropriate cases, refer the child or mother or
28 both to a social service agency or voluntary substance abuse
29 prevention service; and

30 6. Comply with section 4004. For each infant whom the
31 department determines to be abused or neglected, comply with
32 section 4004, subsection 2, paragraphs E and F.

33 **Sec. Z-2. 22 MRSA §4008, sub-§3, ¶G,** as amended by PL 2001, c.
34 696, §19, is further amended to read:

35 G. The prospective adoptive parents. Prior to a child
36 being placed for the purpose of adoption, the department
37 shall comply with the requirements of Title 18-A, section
38 9-304, subsection (b) and section 8205; and

39 **Sec. Z-3. 22 MRSA §4008, sub-§3, ¶H,** as enacted by PL 2001, c.
40 696, §20, is amended to read:

41 H. Upon written request, a person having the legal
42 authorization to evaluate or treat a child, parent or
43

2 custodian who is the subject of a record. This includes a
member of a treatment team or group convened to plan for or
3 treat a child or family that is the subject of a record.

4 **Sec. Z-4. 22 MRSA §4008, sub-§3, ¶¶I and J** are enacted to read:

6 I. Any government entity that needs such information in
8 order to carry out its responsibilities under law to protect
10 children from abuse and neglect. For purposes of this
12 paragraph, "government entity" means a federal entity, a
14 state entity of any state, a local government entity of any
16 state or locality or an agent of a federal, state or local
18 government entity; and

20 J. To a juvenile court when the child who is the subject of
22 the records has been brought before the court pursuant to
24 Title 15, Part 6.

26 **Sec. Z-5. 22 MRSA §4011-B** is enacted to read:

28 **§4011-B. Reporting of prenatal exposure to drugs**

30 **1. Reporting of infants with prenatal exposure to drugs.** A
32 health care provider involved in the delivery or care of an
34 infant who the provider knows or has reasonable cause to suspect
36 has been born affected by illegal substance abuse or is suffering
38 from withdrawal symptoms resulting from prenatal drug exposure,
40 whether or not the prenatal exposure was to legal or illegal
42 drugs, shall notify the department of that condition in the
44 infant. The report required by this subsection must be made in
46 the same manner as reports of abuse or neglect required by this
48 subchapter.

A. This section, and any notification made pursuant to this
 section, may not be construed to establish a definition of
 "abuse" or "neglect."

B. This section, and any notification made pursuant to this
 section, may not be construed to require prosecution for any
 illegal action, including, but not limited to, the act of
 exposing a fetus to drugs or other substances.

2. Definition. For purposes of this section, "health care
 provider" means a person described in section 4011-A, subsection
 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or
 (22) or any person who assists in the delivery or birth of a
 child for compensation, including, but not limited to, a midwife.

PART AA

2 **Sec. AA-1. 22 MRSA §1602, sub-§4**, as amended by PL 1987, c.
4 402, Pt. A, §139 and PL 1999, c. 547, Pt. B, §78 and affected by
 §80, is further amended to read:

6 **4. Permit denied; appeal.** An applicant who has been
8 aggrieved by the department's decision to deny a permit under
 this chapter may file within -5- 30 days of the notice of the
10 denial, a complaint with the District Court, as provided in Title
 5, chapter 375. Such an applicant ~~shall~~ must be granted a prompt
12 hearing before the District Court for reconsideration of the
 denial.

14 **Sec. AA-2. 22 MRSA §1604**, as amended by PL 1977, c. 347, §5,
 is further amended to read:

16 **§1604. Permit, bond**

18 The Department of Human Services may also require, prior to
20 the issuance of a permit, that the applicant furnish to the
 department a bond of a surety company qualified to do business in
22 this State in such an amount as the department shall determine,
 but in no event more than \$5,000, to ensure the public peace,
24 safety and compensation of damage to property, public or private.
 This requirement for a bond does not preclude the applicant or
26 any other persons from obtaining personal liability insurance for
 a mass outdoor gathering. Cash or negotiable securities of
28 equivalent value may be furnished in lieu of the bond. The bond
 ~~shall~~ must guarantee cleanup by the applicant of the area used
30 for the mass outdoor gathering, compliance by the applicant with
 any applicable state or local law or regulation, and payment by
32 the applicant of all proper claims against the applicant for
 damage to real or personal property in the municipality for which
34 the permit is issued and arising out of facts done or omitted to
 be done by the applicant, ~~his~~ the applicant's agents or
36 employees. Any person having such a claim may bring an action
 upon the bond in the Superior Court of the county in which the
38 municipality is located within one year of the occurrence of the
 act complained of. In furnishing such a bond, the applicant
40 ~~shall-be~~ is deemed to have appointed the surety company as agent
 for the service of process upon ~~him~~ the applicant or if cash or
42 securities are supplied in lieu of a bond, the applicant shall in
 writing appoint an agent for the service of process, irrevocably,
44 for the term within which action may be brought before any permit
 is issued.

46 **Sec. AA-3. 22 MRSA §1605**, as amended by PL 1977, c. 347, §6,
48 is further amended to read:

50 **§1605. Application and permit fee**

2	General Fund	2003-04	2004-05
	All Other	\$0	(\$24,742,857)
4			
	General Fund Total	\$0	(\$24,742,857)

8 **PART CC**

10 **Sec. CC-1. 22 MRSA §1552**, as amended by PL 1999, c. 547, Pt.
 B, §78 and affected by §80, is further amended to read:

12 **§1552. Application procedure**

14 **1. Application process; license fees.** An applicant for a
 16 ~~one-time~~ an annual retail tobacco license shall file an
 18 application in the form required by the department. The
 20 department shall make provisions for applications under this
 22 section. The fee for a ~~one-time~~ retail tobacco license is ~~set by~~
~~the department at the actual cost of processing the application~~
~~and issuing the license, up to but not exceeding \$25~~ \$50
 24 annually. The applicant shall enclose the fee with the
 application for the license.

26 **2. Term of license.** All retail tobacco licenses are valid
 28 indefinitely for one year unless suspended, revoked or not
 30 subject to the transfer under section 1553. Licenses that have
 32 been suspended or revoked may be reinstated, as permitted by the
 District Court decision issued under subchapter ~~II~~ 2, upon the
 receipt of an application for reinstatement and payment of all
 penalties and an application fee of ~~\$25~~ \$50.

34 **3. Multiple licenses.** A licensee applying for licenses to
 36 operate more than one premises or more than one vending machine
 shall obtain a separate license for each premises and each
 38 machine and shall pay the fee prescribed for each premises and
 each machine.

40 **4. Application fees.** All application fees must be
 42 deposited in a ~~nonlapsing account to be used by the department to~~
~~defray administrative costs~~ the General Fund.

44 **5. False answer given intentionally.** A person who
 46 intentionally gives a false answer in an application for a retail
 tobacco license violates Title 17-A, section 453.

48 **Sec. CC-2. 22 MRSA §1559-A**, as enacted by PL 1995, c. 470,
 §9 and affected by §19, is repealed.

50

PART DD

2 **Sec. DD-1. 22 MRSA §4326** is enacted to read:

4 **§4326. Nonlapsing funds**

6 Any balance remaining in the General Assistance -
8 Reimbursement to Cities and Towns program in the Department of
10 Human Services at the end of any fiscal year must be carried
 forward for the next fiscal year.

12 **Sec. DD-2. 36 MRSA §191, sub-§2, ¶F**, as amended by PL 2001, c.
14 23, §1, is further amended to read:

16 F. The transmission of information among employees of the
18 Bureau of Revenue Services for the purposes of enforcing the
20 tax laws of this State and the delivery by a register of
22 deeds to the State Tax Assessor or delivery by the State Tax
24 Assessor to the appropriate municipal assessor or to the
 Maine Land Use Regulation Commission or the Department of
 Human Services of "declarations of value" in accordance with
 section 4641-D. The State Tax Assessor may require entities
 requesting information pursuant to this paragraph other than
 municipal assessors to provide resources sufficient to cover
 the cost of providing the forms;

26 **Sec. DD-3. General Fund unappropriated surplus.**
28 Notwithstanding any other provision of law, the State Controller
30 is authorized to recognize as General Fund unappropriated
32 surplus, no later than June 30, 2005, \$177,232 generated from
 fiscal year 2002-03 funds returned to the Department of Human
 Services from health care providers.

34 **Sec. DD-4. Minimum record-keeping requirements.** Agencies
36 authorized to administer programs funded by Temporary Assistance
38 for Needy Families or "TANF" funds must adhere to minimum
40 record-keeping requirements established by the federal Department
42 of Health and Human Services, Administration for Children and
44 Families regarding Maintenance of Effort expenditures in order to
 ensure that expenditures are sufficiently documented. The
 Department of Human Services, Bureau of Family Independence shall
 ensure that all claims made under the TANF program meet all state
 requirements and the eligibility requirements set forth by the
 federal Department of Health and Human Services, Administration
 for Children and Families or its successor agency.

46 **Sec. DD-5. State Supplement to Federal Supplemental Security**
48 **Income General Fund account; lapsed balances.** Notwithstanding any
50 other provision of law, \$1,100,000 of unencumbered balance
 forward in fiscal year 2003-04 in the State

2 Supplement to Federal Supplemental Security Income General Fund
account in the Department of Human Services lapses to the General
Fund in fiscal year 2003-04.

6 **PART EE**

8 **Sec. EE-1. 21-A MRSA §1124, sub-§2, ¶B**, as amended by PL 2001,
c. 714, Pt. RR, §1, is further amended to read:

10 B. Two million dollars of the revenues from the taxes
12 imposed under Title 36, Parts 3 and 8 and credited to the
General Fund, transferred to the fund by the State
14 Controller on or before January 1st of each year, beginning
January 1, 1999. These revenues must be offset in an
16 equitable manner by an equivalent reduction within the
administrative divisions of the legislative branch and
18 executive branch agencies. This section may not affect the
funds distributed to the Local Government Fund under Title
20 30-A, section 5681.

22 If the commission determines that the fund will not have
sufficient revenues to cover the likely demand for funds
24 from the Maine Clean Election Fund in an upcoming calendar
year ~~2006~~, by January ~~1, 2006~~, 1st the commission shall
26 provide a report of its projections of the balances in the
Maine Clean Election Fund to the Legislature and the
28 Governor and may request that the State Controller make the
following transfers to the Maine Clean Election Fund from
30 the General Fund:

32 (1) Up to \$2,000,000 no later than February 28, 2006,
reflecting an advance of the transfer of the amounts
34 that would be received on or before January 1, 2007
pursuant to this paragraph; and

36 (2) Up to \$2,000,000 no later than July 31, 2006,
reflecting an advance of the transfer of the amounts
38 that would be received on or before January 1, 2008
pursuant to this paragraph; and

42 (3) Up to \$1,500,000 no later than September 1, 2004,
reflecting a partial advance of the transfer of the
44 amounts that would be received on or before January 1,
2005 pursuant to this paragraph;

46 **PART FF**

48 **Sec. FF-1. Behavioral health working group.** The Commissioner of
50 Administrative and Financial Services or the

2 commissioner's designee shall convene a working group to
3 facilitate improved claims processing and reimbursement for
4 medically necessary behavioral health services, including but not
5 limited to emergency and urgent care services, pursuant to the
6 Maine Insurance Code and Bureau of Insurance Rule, Chapter 850.
7 The working group must consist of the Commissioner of
8 Professional and Financial Regulation or the commissioner's
9 designee, the Commissioner of Human Services or the
10 commissioner's designee, the Commissioner of Behavioral and
11 Developmental Services or the commissioner's designee, the
12 Superintendent of Insurance or the superintendent's designee,
13 private health insurers, mental health providers and the business
14 community. At a minimum, the working group shall address the
15 following issues: (1) the identification of administrative
16 mechanisms to assist mental health providers with claims
17 submission to private insurers; (2) the contracting and
18 credentialing of mental health provider agencies by private
19 insurers; (3) appropriate coding and claims submission to reduce
20 claims denials; (4) the provision of adequate telephone coverage
21 for prior authorization of crisis services by private insurers;
22 and (5) the coverage of evidence-based treatment services. The
23 working group shall submit a report on or before January 15, 2005
24 on the resolution of these issues and whether targeted savings
25 have been achieved to the joint standing committee of the
26 Legislature having jurisdiction over appropriations and financial
27 affairs matters and the joint standing committee of the
28 Legislature having jurisdiction over insurance and financial
29 services matters.

30 **Sec. FF-2. Appropriations and allocations.** The following
31 appropriations and allocations are made.

32 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
33 **DEPARTMENT OF**

34 **Mental Health Services - Child Medicaid 0731**

35 Initiative: Provides for the deappropriation of funds associated
36 with the mental health parity provisions.

37	38	39	40
	General Fund	2003-04	2004-05
41	All Other	\$0	(\$771,750)
42			
43	General Fund Total	<u>\$0</u>	<u>(\$771,750)</u>

44 **Mental Health Services - Community Medicaid 0732**

45 Initiative: Provides for the deappropriation of funds associated
46 with the mental health parity provisions.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2	General Fund	2003-04	2004-05
	All Other	\$0	(\$453,250)
4	General Fund Total	<hr/> \$0	<hr/> (\$453,250)
6	BEHAVIORAL AND DEVELOPMENTAL		
	SERVICES, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2003-04	2004-05
10	GENERAL FUND	\$0	(\$1,225,000)
12	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$1,225,000)
14	HUMAN SERVICES, DEPARTMENT OF		
16	Medical Care - Payments to Providers 0147		
18	Initiative: Provides for the deappropriation and deallocation of		
20	funds associated with the mental health parity provisions		
22	including the federal match for the Department of Behavioral and		
	Developmental Services.		
24	General Fund	2003-04	2004-05
	All Other	\$0	(\$300,000)
26	General Fund Total	<hr/> \$0	<hr/> (\$300,000)
28	Federal Expenditures Fund	2003-04	2004-05
	All Other	\$0	(\$2,853,409)
30	Federal Expenditures Fund Total	<hr/> \$0	<hr/> (\$2,853,409)
32	HUMAN SERVICES, DEPARTMENT OF		
34	DEPARTMENT TOTALS	2003-04	2004-05
36	GENERAL FUND	\$0	(\$300,000)
	FEDERAL EXPENDITURES FUND	0	(2,853,409)
38	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$3,153,409)
40	SECTION TOTALS		
42	GENERAL FUND	\$0	(\$1,525,000)
44	FEDERAL EXPENDITURES FUND	0	(2,853,409)
46	SECTION TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$4,378,409)

PART GG

COMMITTEE AMENDMENT

Sec. GG-1. 38 MRSA §353-C is enacted to read:

§353-C. Borrow pit and mining fees

Fees received under chapter 3, subchapter 1, article 7 and article 8-A must be deposited in the Maine Environmental Protection Fund and are governed by the general provisions of this subchapter.

Sec. GG-2. 38 MRSA §490-J, as amended by PL 1995, c. 700, §31, is further amended by adding at the end a new paragraph to read:

All fees received under this article must be deposited in the Maine Environmental Protection Fund consistent with section 353-C.

Sec. GG-3. 38 MRSA §490-EE, as amended by PL 1997, c. 364, §24, is further amended by adding at the end a new paragraph to read:

All fees received under this article must be deposited in the Maine Environmental Protection Fund consistent with section 353-C.

PART HH

Sec. HH-1. 22 MRSA §1812-I is enacted to read:

§1812-I. Critical access hospital defined

For purposes of this chapter, "critical access hospital" has the same meaning as set out in section 7932, subsection 10.

Sec. HH-2. 22 MRSA §7932, sub-§10, as enacted by PL 1999, c. 384, §13, is amended to read:

10. Critical access hospital. "Critical access hospital" means a hospital that must first be designated and approved by the State, as long as the State also has established an approved rural hospital flexibility program, and that meets the conditions in effect on March 1, 2004 for critical access hospital status under the federal Medicare program. In addition, it must also:

~~A. Be a rural public or nonprofit hospital located in a state that has established a rural hospital flexibility program.~~

B. Have a Medicare participation agreement as a hospital and be in compliance with the Medicare hospital conditions

2 of participation when applying to become a critical access
3 hospital;

4 C. Be certified by the State prior to January 1, 2006 as
5 being a necessary provider of health care services to
6 residents in the area or be located more than a 35-mile
7 drive from any other hospital or critical access hospital.
8 In mountainous terrain or in areas with only secondary
9 roads, the mileage criterion is 15 miles;

10 D. Provide not more than ~~15~~ 25 beds for acute
11 hospital-level inpatient care:

12 (1) Except that a swing-bed facility is allowed to
13 have up to 25 inpatient beds that can be used
14 interchangeably for acute or skilled nursing facility
15 care, ~~as long as not more than 15 beds are used at any~~
16 ~~one-time-for-acute-care; and~~

17 (2) In addition to the 25-bed limit for acute
18 inpatient care, a hospital may have distinct parts with
19 10 or fewer psychiatric inpatient beds or 10 or fewer
20 inpatient rehabilitation beds, or both; and

21 E. Agree to ~~keep each provide~~ inpatient ~~for no longer than~~
22 ~~care for a period that does not exceed, as determined on an~~
23 ~~annual average basis, 96 hours, unless a longer period is~~
24 ~~required because of inclement weather or other emergency~~
25 ~~conditions or a Peer Reviser Organization, "PRO" or other~~
26 ~~equivalent entity, on request, waives the 96-hour~~
27 ~~restriction, and per patient.~~

28 F. ~~Meet the requirements of the Conditions of Participation~~
29 ~~for Critical Access Hospitals found in 42 Code of Federal~~
30 ~~Regulations, Part 485, Subpart F.~~

31 **Sec. HH-3. 36 MRSA §2892**, as enacted by PL 2003, c. 513, Pt.
32 H, §1, is amended to read:

33 **§2892. Tax imposed**

34 For the state fiscal years year beginning on ~~or after~~ July
35 1, 2003, a tax is imposed annually against each hospital in the
36 State. The tax is equal to .74% of net operating revenue for the
37 tax year as identified on the hospital's most recent audited
38 annual financial statement for that tax year. Delinquent tax
39 payments are subject to Title 22, section 3175-C.

40 For state fiscal years beginning on or after July 1, 2004, a
41 tax is imposed annually against each hospital in the State. The

2 tax is equal to 2.23% of net operating revenue used in the
3 determination of the tax due for the state fiscal year beginning
4 on July 1, 2003.

5 **Sec. HH-4. 36 MRSA §2893, sub-§2,** as enacted by PL 2003, c.
6 513, Pt. H, §1, is amended to read:

7 **2. Return required in state fiscal years beginning on or**
8 **after July 1, 2004.** For tax due for state fiscal years beginning
9 on or after July 1, 2004, a person subject to the tax imposed by
10 this chapter shall submit to the assessor a return on a form
11 prescribed and furnished by the assessor and pay ~~the tax by July~~
12 ~~15th~~ one half of the total tax due by November 15th of the state
13 fiscal year for which the tax is being imposed and one half of
14 the total tax due by May 15th of the state fiscal year for which
15 the tax is being imposed.

16
17 **Sec. HH-5. Rules.** The Department of Human Services shall
18 adopt rules to implement that section of this Part that amends
19 the Maine Revised Statutes, Title 22, section 7932, subsection
20 10. Rules adopted pursuant to this section are routine technical
21 rules as defined in Title 5, chapter 375, subchapter 2-A.

22
23 **Sec. HH-6. Contingency for continued federal approval of hospitals**
24 **tax.** Notwithstanding any other provision of law, the tax imposed
25 under the Maine Revised Statutes, Title 36, section 2892 must be
26 terminated within 30 days of notification by the United States
27 Department of Health and Human Services that the tax is not a
28 permissible health care related tax. All liability for the tax
29 incurred prior to the effective date of this notification
30 continues to be payable to the State. In the event of such a
31 notification, the modifications to hospital payments funded under
32 section 8 of this Part must also be terminated. The Department
33 of Human Services shall adopt emergency rules to modify hospital
34 payments accordingly. Rules adopted pursuant to this section are
35 routine technical rules as defined in Title 5, chapter 375,
36 subchapter 2-A.

37
38 **Sec. HH-7. Contingency for continued federal approval of hospital**
39 **payment.** Notwithstanding any other provision of law, the tax
40 imposed under the Maine Revised Statutes, Title 36, section 2892
41 must be terminated within 30 days of notification by the United
42 States Department of Health and Human Services that all or a part
43 of the hospital payment modifications funded under section 8 of
44 this Part are disapproved hospital reimbursements under the
45 State's Medicaid program.

46
47 **Sec. HH-8. Appropriations and allocations.** The following
48 appropriations and allocations are made.

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HUMAN SERVICES, DEPARTMENT OF

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Medical Care - Payments to Providers 0147

Initiative: Allocates funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by the Department of Human Services.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$28,900,000
Federal Expenditures Fund Total	\$0	\$28,900,000
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$15,445,558
Other Special Revenue Funds Total	\$0	\$15,445,558

Medical Care - Payments to Providers 0147

Initiative: Allocates funds to meet the costs to the MaineCare program resulting from the program's adoption of the new critical-access hospital standards specified in the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$3,742,176
Federal Expenditures Fund Total	\$0	\$3,742,176
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$2,000,000
Other Special Revenue Funds Total	\$0	\$2,000,000

Medical Care - Payments to Providers 0147

Initiative: Allocates dedicated revenue from the hospital tax for MaineCare program expenses as already assumed in the base assumptions underlying the Medical Care - Payments to Providers account appropriations in Part A of this Act.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$12,200,000
Other Special Revenue Funds Total	\$0	\$12,200,000

Medical Care - Payments to Providers 0147

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

Initiative: Allocates dedicated revenue from the hospital tax for MaineCare program expenses that will now be charged to Other Special Revenue funds instead of the General Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$20,250,416
Other Special Revenue Funds Total	\$0	\$20,250,416

HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
FEDERAL EXPENDITURES FUND	\$0	\$32,642,176
OTHER SPECIAL REVENUE FUNDS	0	49,895,974
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$82,538,150

Sec. HH-9. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds to be replaced by dedicated revenue from the hospital tax.

General Fund	2003-04	2004-05
All Other	\$0	(\$20,250,416)
General Fund Total	\$0	(\$20,250,416)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds originally appropriated to hospitals under the hospital payment equity project, to reflect elimination of the payment equity project for state fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	\$0	(\$9,433,125)
General Fund Total	\$0	(\$9,433,125)

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$17,650,208)
Federal Expenditures Fund Total	\$0	(\$17,650,208)

HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
2 GENERAL FUND	\$0	(\$29,683,541)
4 FEDERAL EXPENDITURES FUND	\$0	(17,650,208)
6 DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$47,333,749)

PART II

10 **Sec. II-1. Debt Service - Government Facilities Authority; lapsed**
12 **balances.** Notwithstanding any other provision of law, \$600,000 of
14 interest earnings savings in the Debt Service - Government
16 Facilities Authority, General Fund account in the Department of
Administrative and Financial Services lapses to the
unappropriated surplus of the General Fund no later than June 30,
2005.

PART JJ

18 **Sec. JJ-1. 36 MRSA §5203-A,** as amended by PL 2003, c. 479,
20 §7, is repealed.

22 **Sec. JJ-2. 36 MRSA §5203-B,** as amended by PL 1995, c. 281,
24 §29, is further amended to read:

§5203-B. Corporate income tax surcharge

26 In addition to the tax liability otherwise established by
28 this Part, a tax surcharge of 10% of the total amount of state
30 tax liability established by sections 5200 and 5203-A ~~5203-C~~ is
32 imposed on taxable corporations for tax years beginning in 1991
or 1992.

34 **Sec. JJ-3. 36 MRSA §5203-C** is enacted to read:

§5203-C. State minimum tax

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

42 A. "Adjusted alternative minimum tax," for individuals,
44 estates and trusts, means the excess, if any, of the
46 alternative minimum tax over the amount that would have been
the alternative minimum tax had only the adjustments and
48 items of preference specified in the Code, Section
53(d)(1)(B)(ii) been taken into account in determining
alternative minimum tax. For corporations subject to the

2 tax imposed by this section, "adjusted alternative minimum
3 tax" means alternative minimum tax.

4 B. "Alternative minimum tax" means any excess of tentative
5 minimum tax over the regular income tax.

6
7 C. "Alternative minimum taxable income" means tentative
8 alternative minimum taxable income less the applicable
9 exemption amount, except that:

10
11 (1) For taxable corporations with income from business
12 activity that is taxable both within and without this
13 State, "alternative minimum taxable income" means
14 tentative alternative minimum taxable income less the
15 applicable exemption amount, the result of which is
16 multiplied by the fraction described in section 5211,
17 subsection 8; or

18
19 (2) For nonresident estates and trusts with income
20 derived from Maine sources, "alternative minimum
21 taxable income" means tentative alternative minimum
22 taxable income less the applicable exemption amount,
23 the result of which is multiplied by a fraction, the
24 numerator of which is the taxpayer's tentative
25 alternative minimum taxable income from Maine sources
26 and the denominator of which is the taxpayer's total
27 tentative alternative minimum taxable income from all
28 sources.

29
30 D. "Exemption amount" means the applicable exemption as
31 provided by the Code, Section 55(d) as of December 31, 2002,
32 except that tentative alternative minimum taxable income as
33 determined under paragraph H must be substituted in the
34 computation of the phase-out under the Code, Section
35 55(d)(3).

36
37 E. "Federal alternative minimum taxable income" means
38 alternative minimum taxable income determined in accordance
39 with the Code, Sections 55(b)(2) and 59(c).

40
41 F. "Regular income tax" means:

42
43 (1) For resident individuals, estates and trusts, the
44 amount derived by multiplying the applicable tax rate
45 or rates by taxable income under section 5121 or 5163;

46
47 (2) For nonresident individuals, estates and trusts,
48 the amount derived by multiplying the applicable tax
49 rate or rates by taxable income under section 5121 or
50 5175, the result of which is adjusted for nonresident

2 individuals in accordance with section 5111, subsection
3 4; or

4 (3) For taxable corporations, the amount derived by
5 multiplying the applicable tax rate or rates against
6 Maine net income under section 5102, subsection 8.

8 G. "Tentative alternative minimum taxable income" means
9 federal alternative minimum taxable income:

10 (1) Reduced by income that states are prohibited under
11 federal law from subjecting to income tax to the extent
12 included in federal alternative minimum taxable income;

13 (2) Reduced by income, loss or deductions by which the
14 State decreases federal adjusted gross income in the
15 case of individuals or federal taxable income in the
16 case of corporations, estates and trusts under section
17 5122, section 5125, subsection 3 or section 5164, 5176
18 or 5200-A or as otherwise indicated by law to the
19 extent included in federal alternative minimum taxable
20 income; and

21 (3) Increased by income, loss or deductions by which
22 the State increases federal adjusted gross income in
23 the case of individuals or federal taxable income in
24 the case of corporations, estates and trusts under
25 section 5122, section 5125, subsection 3 or section
26 5164, 5176 or 5200-A or as otherwise indicated by law
27 to the extent not included in federal alternative
28 minimum taxable income.

29 H. "Tentative minimum tax" means:

30 (1) Except as provided in subparagraph (2), in the
31 case of a taxpayer other than a taxable corporation,
32 the sum of:

33 (a) An amount equal to 7% of so much of the
34 alternative minimum taxable income as does not
35 exceed \$175,000; plus

36 (b) An amount equal to 7.6% percent of so much of
37 the alternative minimum taxable income as exceeds
38 \$175,000.

39 For a nonresident individual, the tentative minimum tax
40 must be adjusted in accordance with section 5111,
41 subsection 4.

2 (2) In the case of a married individual filing a
separate return, the sum of:

4 (a) An amount equal to 7% of so much of the
alternative minimum taxable income as does not
6 exceed \$87,500; plus

8 (b) An amount equal to 7.6% percent of so much of
the alternative minimum taxable income as exceeds
10 \$87,500.

12 For a nonresident individual, the tentative minimum tax
must be adjusted in accordance with section 5111,
14 subsection 4.

16 (3) In the case of a taxable corporation, the
tentative minimum tax for the taxable year is 5.4% of
18 the alternative minimum taxable income.

20 2. Tax imposed. In addition to all other taxes contained
in this Part, a tax in an amount equal to the alternative minimum
22 tax is imposed for each taxable year on the following taxpayers:

24 A. Resident individuals, trusts and estates;

26 B. Nonresident individuals, trusts and estates with
Maine-source income; and

28 C. Taxable corporations required to file an income tax
30 return under this Part, excluding financial institutions
subject to the tax imposed by chapter 819 and persons not
32 subject to the federal alternative minimum tax under the
Code, Section 55(e).

34 3. Credit for tax paid to other taxing jurisdiction. A
36 resident individual, estate or trust is allowed a credit against
the tax otherwise due under this section for the amount of
38 alternative minimum tax imposed on that individual, estate or
trust for the taxable year by another state of the United States,
40 a political subdivision of any such state, the District of
Columbia or any political subdivision of a foreign country that
42 is analogous to a state of the United States with respect to
income derived from sources in that taxing jurisdiction also
44 subject to tax under this section. The credit for any of the
specified taxing jurisdictions may not exceed the proportion of
46 the tax otherwise due under this section that the amount of the
taxpayer's tentative alternative minimum taxable income derived
48 from sources in that taxing jurisdiction bears to the taxpayer's
entire tentative alternative minimum taxable income. When a
50 credit is claimed for alternative minimum taxes paid to both a

2 state and a political subdivision of that state, the total credit
3 allowable for those taxes in the aggregate may not exceed the
4 proportion of the tax otherwise due under this section that the
5 amount of the taxpayer's tentative alternative minimum taxable
6 income derived from sources in the other state bears to the
7 taxpayer's entire tentative alternative minimum taxable income.

8 **4. Minimum tax credit.** A minimum tax credit is allowed as
9 follows.

10
11 A. A minimum tax credit is allowed against the liability
12 arising under this Part for any taxable year other than
13 withholding tax liability. The minimum tax credit equals
14 the excess, if any, of the adjusted alternative minimum tax,
15 reduced by the credit paid to other jurisdictions determined
16 under subsection 3, that was imposed for all prior taxable
17 years beginning after 2003 over the amount allowable as a
18 credit under this subsection for such prior taxable years,
19 plus unused minimum tax credits from years beginning after
20 1990.

21
22 B. The credit allowable for a taxable year under this
23 subsection is limited to the amount, if any, by which the
24 regular income tax after application of all other credits
25 arising under this Part exceeds the tentative minimum tax.

26
27 **Sec. JJ-4. 36 MRSA §5217-A,** as amended by PL 2003, c. 391,
28 §9, is further amended to read:

29 **§5217-A. Income tax paid to other taxing jurisdiction**

30
31 A resident individual is allowed a credit against the tax
32 otherwise due under this Part, excluding the tax imposed by
33 section ~~5203-A~~ 5203-C, for the amount of income tax imposed on
34 that individual for the taxable year by another state of the
35 United States, a political subdivision of any such state, the
36 District of Columbia or any political subdivision of a foreign
37 country that is analogous to a state of the United States with
38 respect to income subject to tax under this Part that is derived
39 from sources in that taxing jurisdiction. In determining whether
40 income is derived from sources in another jurisdiction, the
41 assessor may not employ the law of the other jurisdiction but
42 shall instead assume that a statute equivalent to section 5142
43 applies in that jurisdiction. The credit, for any of the
44 specified taxing jurisdictions, may not exceed the proportion of
45 the tax otherwise due under this Part, excluding the tax imposed
46 by section ~~5203-A~~ 5203-C, that the amount of the taxpayer's Maine
47 adjusted gross income derived from sources in that taxing
48 jurisdiction bears to the taxpayer's entire Maine adjusted gross
49 income; except that, when a credit is claimed for taxes paid to
50

2 both a state and a political subdivision of a state, the total
credit allowable for those taxes does not exceed the proportion
4 of the tax otherwise due under this Part, excluding the tax
imposed by section 5203-A 5203-C, that the amount of the
6 taxpayer's Maine adjusted gross income derived from sources in
the other state bears to the taxpayer's entire Maine adjusted
gross income.

8
10 **Sec. JJ-5. 36 MRSA §5219-N, sub-§2, ¶B**, as enacted by PL 1997,
c. 557, Pt. E, §1 and affected by §2 and Pt. G, §1, is amended to
read:

12
14 B. An individual who is subject to the state minimum tax
imposed by section 5203-A 5203-C.

16 **Sec. JJ-6. Application.** This Part applies to tax years
18 beginning on or after January 1, 2004.

20 PART KK

22 **Sec. KK-1. 36 MRSA §186**, as amended by PL 2001, c. 583, §9
and affected by §24, is further amended to read:

24 **§186. Interest**

26 Any person who fails to pay any tax, other than a tax
imposed pursuant to chapter 105, on or before the last date
28 prescribed for payment is liable for interest on the tax,
calculated from that date and compounded monthly. The rate of
30 interest for any calendar year equals the highest prime rate as
published in the Wall Street Journal on the first day of
32 September of the preceding calendar year or, if the first day of
September falls on a weekend or holiday, on the next succeeding
34 business day, rounded up to the next whole percent plus 2 3
percentage points. For purposes of this section, the last date
36 prescribed for payment of tax must be determined without regard
to any extension of time permitted for filing a return. A tax
38 that is upheld on administrative or judicial review bears
interest from the date on which payment would have been due in
40 the absence of review. Any tax, interest or penalty imposed by
this Title that has been erroneously refunded and is recoverable
42 by the assessor bears interest at the above rate from the date of
payment of the refund. Interest accrues automatically, without
44 being assessed by the assessor, and is recoverable by the
assessor in the same manner as if it were a tax assessed under
46 this Title. If the failure to pay a tax when required is
explained to the satisfaction of the assessor, the assessor may
48 abate or waive the payment of all or any part of that interest.

2 Except as otherwise provided in this Title, and except for
taxes imposed pursuant to chapter 105, interest, at the rate
4 determined by the assessor for underpayments pursuant to this
section, must be paid on overpayments of tax from the date the
6 return listing the overpayment was filed, or the payment was
made, whichever is later.

8 **Sec. KK-2. 36 MRSA §186-A** is enacted to read:

10 **§186-A. Additional interest**

12 Notwithstanding section 186, for the period from July 1,
2004 to December 31, 2004, the interest rate calculated pursuant
14 to section 186 for calendar year 2004 is increased by one
percentage point.

16 **Sec. KK-3. Application.** This Part applies to interest
18 accruing on or after July 1, 2004.

20 **PART LL**

22 **Sec. LL-1. 38 MRSA §2451, sub-§1,** as enacted by PL 1995, c.
24 502, Pt. K, §1 and affected by §2, is amended to read:

26 **1. Establishment.** The ACE Service Center, referred to in
this section as "the center," is established within the
28 department to provide certain administrative services to the
Department of Agriculture, Food and Rural Resources; the
30 Department of Conservation; and the Department of Environmental
Protection, which are referred to in this section as "the
32 departments." Administrative services include, but are not
limited to, support services in financial and human resources,
34 inventory management, courier services and such other functions
as may be determined jointly by the commissioners of the
36 departments. The center's purpose is to provide administrative
services in an efficient and cost-effective manner to the
38 departments. The center is under the joint authority and
~~direction--of--the--commissioners--of--the--departments--or--their~~
40 designees of the Commissioner of Environmental Protection, who
shall provide for the administration of the center. The
~~commissioners--of--the--departments--by--unanimous--decision--shall~~
42 employ a director of the center subject to the Civil Service
~~Law.~~ The Commissioner of Environmental Protection shall
44 establish service level agreements with the departments and shall
46 provide for the equitable sharing of the cost of the center and
its administration among the departments.

48 **Sec. LL-2. PL 2003, c. 451, Pt. FF, §3** is amended to read:
50

2 **Sec. FF-3. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer \$59,877
4 \$62,377 in fiscal year 2003-04 and ~~\$58,049~~ \$60,549 in fiscal year
2004-05 in savings from the Maine Environmental Protection Fund
6 Other Special Revenue Funds account in the Department of
Environmental Protection to the unappropriated surplus of the
General Fund no later than June 30, 2004 and June 30, 2005.

8 **Sec. LL-3. PL 2003, c. 451, Pt. FF, §4** is repealed.

10 **Sec. LL-4. Administrative Services Unit - ACE Cluster;**
12 **unencumbered balance forward.** Notwithstanding any other
provision of law, the State Controller is authorized to transfer
14 \$172,573 of the unencumbered balance forward in the
Administrative Services Unit - ACE Cluster, Other Special Revenue
16 Funds account in the Department of Environmental Protection to
the unappropriated surplus of the General Fund no later than June
18 30, 2004.

20 **Sec. LL-5. Appropriations and allocations.** The following
appropriations and allocations are made.

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

26 **Office of the Commissioner 0401**

28 Initiative: Provides for the transfer of funds back to the
Department of Agriculture, Food and Rural Resources and the
30 Department of Conservation due to the reorganization of the ACE
Service Center.

32	General Fund	2003-04	2004-05
34	All Other	\$0	(\$53,318)
36	General Fund Total	<hr/> \$0	<hr/> (\$53,318)

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

40	DEPARTMENT TOTALS	2003-04	2004-05
42	GENERAL FUND	\$0	(\$53,318)
44	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$53,318)

46 **CONSERVATION, DEPARTMENT OF**

48 **Administrative Services - Conservation 0222**

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Initiative: Provides for the transfer of funds back to the
 Department of Agriculture, Food and Rural Resources and the
 4 Department of Conservation due to the reorganization of the ACE
 Service Center.

6	General Fund	2003-04	2004-05
	Unallocated	\$0	(\$33,905)
8		<hr/>	<hr/>
	General Fund Total	\$0	(\$33,905)

10 **CONSERVATION, DEPARTMENT OF**
 12 **DEPARTMENT TOTALS**

		2003-04	2004-05
14	GENERAL FUND	\$0	(\$33,905)
16	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$33,905)

18 **ENVIRONMENTAL PROTECTION,**
 20 **DEPARTMENT OF**

22 **Maine Environmental Protection Fund 0421**

24 Initiative: Provides for the transfer of one Public Service
 Manager I position from the ACE Service Center account to the
 Maine Environmental Protection Fund account. The position will
 26 be reclassified to an Environmental Specialist III position.

28	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
30	Personal Services	\$0	\$61,358
	All Other	0	6,450
32		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$0	\$67,808

34 **Administration - Environmental Protection 0251**

36 Initiative: Provides for the transfer of one Public Service
 38 Manager I position from the ACE Service Center account to the
 Administration account. The position will be reclassified to a
 40 Public Service Coordinator I position.

42	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
44	Personal Services	\$0	\$74,211
	All Other	0	1,991
46		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$0	\$76,202

48 **Administration - Environmental Protection 0251**
 50

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 Initiative: Provides for the elimination of one Public Service
 4 Manager II position in the ACE Service Center account and the
 headcount used to make one Public Service Coordinator I position
 permanent in the Administration account.

6	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
8		<hr/>	<hr/>
10	Other Special Revenue Funds Total	\$0	\$0

12 **Administrative Service Center 0835**

14 Initiative: Provides for the transfer of one Public Service
 16 Manager I position from the ACE Service Center account to the
 Maine Environmental Protection Fund account. The position will
 be reclassified to an Environmental Specialist III position.

18	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
20	Personal Services	\$0	(\$75,577)
22		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$0	(\$75,577)

24 **Administrative Service Center 0835**

26 Initiative: Provides for the transfer of one Public Service
 28 Manager I position from the ACE Service Center account to the
 Administration account. The position will be reclassified to a
 Public Service Coordinator I position.

30	Other Special Revenue Funds	2003-04	2004-05
32	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	\$0	(\$88,367)
34		<hr/>	<hr/>
36	Other Special Revenue Funds Total	\$0	(\$88,367)

38 **Administrative Service Center 0835**

40 Initiative: Provides for the elimination of one Public Service
 42 Manager II position in the ACE Service Center account and the
 headcount used to make one Public Service Coordinator I position
 permanent in the Administration account.

44	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
46	Personal Services	\$0	(\$91,304)
48		<hr/>	<hr/>
	Other Special Revenue Funds Total	\$0	(\$91,304)

50 **Administrative Service Center 0835**

2 Initiative: Allocates funds to increase the hours of one Account
 Clerk II position from 48 hours biweekly to 80 hours biweekly.

4	Other Special Revenue Funds	2003-04	2004-05
6	Personal Services	\$0	\$18,898
8	Other Special Revenue Funds Total	\$0	\$18,898
10	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2003-04	2004-05
14	OTHER SPECIAL REVENUE FUNDS	\$0	(\$92,340)
16	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$92,340)
18	SECTION TOTALS	2003-04	2004-05
20	GENERAL FUND	\$0	(\$87,223)
22	OTHER SPECIAL REVENUE FUNDS	0	(92,340)
24	SECTION TOTAL - ALL FUNDS	\$0	(\$179,563)

24 **PART MM**

26 **Sec. MM-1. 8 MRSA §372, sub-§2, ¶I,** as repealed and replaced
 28 by PL 1993, c. 349, §23, is amended to read:

30 I. Carry on a continuous study and investigation of the
 32 lotteries throughout the State and the operation and
 34 administration of similar laws that may be in effect in
 36 other states--or--countries jurisdictions. The director,
 38 subject to the prior approval of the commission, may enter
into a written agreement with a multijurisdictional lottery
association for the operation, marketing and promotion of a
joint lottery or joint lottery games with other
jurisdictions.

40 Any final agreement entered into with a multijurisdictional
 42 lottery association must provide that the director has the
 44 authority to terminate the agreement upon the provision of
 46 reasonable notice, not to exceed 6 months. The final
 48 agreement must further provide that the director may
terminate the agreement at any time, without prior notice,
in the event that the director's authority is withdrawn or
limited by law; and

50 **Sec. MM-2. Appropriations and allocations.** The following
 appropriations and allocations are made.

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

4 **Alcoholic Beverages - General Operation 0015**

6 Initiative: Transfers one Clerk Typist III position from the
 Bureau of Alcoholic Beverages Operations account to the Lottery
 8 Administration account.

10	Alcoholic Beverage Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
12	Personal Services	\$0	(\$47,289)
14	Alcoholic Beverage Fund Total	<hr/>	<hr/>
		\$0	(\$47,289)

16 **Lottery Operations 0023**

18 Initiative: Transfers one Clerk Typist III position from the
 Bureau of Alcoholic Beverages Operations account to the Lottery
 20 Administration account.

22	State Lottery Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
24	Personal Services	\$0	\$47,289
26	State Lottery Fund Total	<hr/>	<hr/>
		\$0	\$47,289

28 **Lottery Operations 0023**

30 Initiative: Allocates funds for overtime, audit services and
 general operating expenditures associated with the Maine State
 32 Lottery entering into an agreement with a multistate lottery
 association to operate, market and promote a joint lottery or
 34 lottery games. These costs will be offset by additional dedicated
 revenues and would result in net additional undedicated revenue
 36 to the General Fund of \$9,411,157 in fiscal year 2004-05.

38	State Lottery Fund	2003-04	2004-05
	Personal Services	\$0	\$19,965
40	All Other	0	512,097
42	State Lottery Fund Total	<hr/>	<hr/>
		\$0	\$532,062

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

46	DEPARTMENT TOTALS	2003-04	2004-05
48	ALCOHOLIC BEVERAGE FUND	\$0	(\$47,289)
50	STATE LOTTERY FUND	0	579,351

DEPARTMENT TOTAL - ALL FUNDS \$0 \$532,062

2

4

PART NN

6

Sec. NN-1. 22 MRSA §1717, sub-§1, ¶C, as enacted by PL 1997, c. 716, §1, is amended to read:

8

C. "Personal care agency" means a business entity or subsidiary of a business entity that is not otherwise licensed by the Division of Licensing and Certification and that hires and employs unlicensed assistive personnel to provide assistance with activities of daily living and related tasks to individuals in the places in which they reside, either permanently or temporarily. An individual who hires and employs unlicensed assistive personnel to provide care for that individual is not a personal care agency, except when permitted by rule of the department.

20

PART OO

22

Sec. OO-1. Calculation and transfer; savings from pursuing federal and commercial reimbursement. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from savings realized as a result of increased efforts in pursuing federal and commercial reimbursement for state-funded programs, improved eligibility verification procedures and other data integration improvements to state-funded services. The State Budget Officer shall consult with the State Controller to determine if the savings should be accounted for in the Other Special Revenue allocation in section 2 or if the savings are more appropriately accounted for as an adjustment to General Fund appropriations. If it is determined the savings should be reflected as General Fund adjustments, the State Budget Officer shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts and the Other Special Revenue funds received as a result of these efforts no later than January 15, 2005.

46

Sec. OO-2. Appropriations and allocations. The following appropriations and allocations are made.

48

50

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

2 **Departments and Agencies - Statewide 0016**

4 Initiative: Deappropriates and allocates funds as a result of
 6 increased efforts in pursuing federal and commercial
 8 reimbursement for state-funded programs, improved eligibility
 verification and procedures and other data integration
 improvements to state-funded services.

10	General Fund	2003-04	2004-05
	All Other	\$0	(\$2,500,000)
12			
	General Fund Total	\$0	(\$2,500,000)
14			
	Other Special Revenue Funds	2003-04	2004-05
16	All Other	\$0	\$2,500,000
18			
	Other Special Revenue Funds Total	\$0	\$2,500,000
20	ADMINISTRATIVE AND FINANCIAL SERVICES,		
	DEPARTMENT OF		
22	DEPARTMENT TOTALS	2003-04	2004-05
24	GENERAL FUND	\$0	(\$2,500,000)
	OTHER SPECIAL REVENUE FUNDS	0	2,500,000
26			
	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

30 **PART PP**

32 **Sec. PP-1. Transfer of funds; emergency services communication.**
 34 Notwithstanding any other provision of law, the State Controller
 shall transfer \$1,043,460 from the Emergency Services
 36 Communication, Other Special Revenue Funds account in the Public
 Utilities Commission to the unappropriated surplus of the General
 Fund no later than June 30, 2004.

40 **PART QQ**

42 **Sec. QQ-1. 5 MRSA §12004-I, sub-§25-B,** as enacted by PL 1997,
 44 c. 518, §1, is amended to read:

46	25-B.	Advisory	Net	10 MRSA
	Finance	Committee on	Authorized	§1079
48		Family	<u>Expenses for</u>	
		Development	<u>members</u>	
50		Accounts	<u>representing</u>	

account holders:
not authorized
for all other
members

2
4
6 **Sec. QQ-2. 20-A MRSA §11619**, as enacted by PL 2001, c. 70,
§11 and affected by §13, is amended to read:

8 **§11619. Reduction of institutional or other grant aid**

10
12 A grant received by a student under this chapter may be
14 applied to reduce institutional or other grant aid to that
student only if that institutional or grant aid is subsequently
granted to a student with demonstrated financial need. ~~This~~
~~section-is-repealed-July-1,-2004.~~

16
18 **Sec. QQ-3. 20-A MRSA §11620**, as enacted by PL 2001, c. 70,
§11, is repealed.

20 **PART RR**

22 **Sec. RR-1. Calculation and transfer; information technology**
savings. Notwithstanding any other provision of law, the State
24 Budget Officer shall calculate the amount of savings in section 3
that applies against each General Fund account for all
26 departments and agencies from information technology savings
achieved from extending the use of personal computers and
28 peripheral devices to a minimum of 4 years before replacement and
shall transfer the amounts by financial order upon the approval
30 of the Governor. These transfers are considered adjustments to
appropriations in fiscal year 2004-05. The State Budget Officer
32 shall provide the joint standing committee of the Legislature
having jurisdiction over appropriations and financial affairs a
34 report of the transferred amounts no later than January 15, 2005.

36 **Sec. RR-2. Review of purchases.** Any request for the purchase
of personal computers or peripheral devices must meet the
38 requirement under section 1 unless the Chief Information Officer
approves a waiver.

40
42 **Sec. RR-3. Appropriations and allocations.** The following
appropriations and allocations are made.

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

46 **Departments and Agencies - Statewide 0016**

48 Initiative: Deappropriates funds in the All Other line category
for savings achieved from extending the use of personal computers
50 and peripheral devices to a minimum of 4 years before replacement.

2	General Fund	2003-04	2004-05
	All Other	\$0	(\$500,000)
4		\$0	(\$500,000)
	General Fund Total		

PART SS

8

10 **Sec. SS-1. Sale of Payne Road bridge in Scarborough to Maine Turnpike Authority.** The Department of Transportation acting by and on behalf of the State is authorized to convey to the Maine Turnpike Authority, and the Maine Turnpike Authority is authorized to acquire from the State, the Payne Road bridge in Scarborough for the sum of \$5,000,000 and on such other terms and provisions as the Commissioner of Transportation and the members of the Maine Turnpike Authority determine are reasonable or necessary to effectuate the acquisition. The Maine Turnpike Authority shall transfer the \$5,000,000 to the State prior to June 30, 2005. Upon completion of the pending bridge renovation project, the State shall transfer the title to the Maine Turnpike Authority. This section takes effect 90 days after adjournment of the Second Special Session of the 121st Legislature.

24 **Sec. SS-2. Transfer of funds; unallocated surplus Highway Fund to unallocated surplus General Fund.** Notwithstanding any other provision of law, at the close of fiscal year 2004-05 the State Controller shall transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund.

30

32 **Sec. SS-3. Transfer of Department of Transportation headquarters building.** Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Bureau of General Services shall convey, by financial order, the Department of Transportation headquarters building to the Department of Transportation.

38 **Sec. SS-4. Transition.** The Commissioner of Administrative and Financial Services and the Commissioner of Transportation shall determine the scope of services and responsibilities of each department related to the management and support services provided by each department with respect to the facilities management of the Department of Transportation headquarters building. The commissioners shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 30, 2005 on the scope of responsibilities assumed by each department with respect to the management and oversight of the transportation headquarters building property.

50

2 **Sec. SS-5. Budget adjustments.** The Commissioner of
Administrative and Financial Services and the Commissioner of
Transportation shall present any necessary budget adjustments
4 required for fiscal year 2004-05 related to the management and
operation of the transportation headquarters building property to
6 the First Regular Session of the 122nd Legislature.

8 **Sec. SS-6. Transfer of funds; Department of Transportation
headquarters building.** Notwithstanding any other provision of law,
10 at the close of fiscal year 2004-05 the State Controller shall
transfer \$6,400,000 from the unallocated surplus of the Highway
12 Fund to the unappropriated surplus of the General Fund to
reimburse the General Fund for costs and value associated with
14 the Department of Transportation headquarters building in Augusta.

16
18 **PART TT**

20 **Sec. TT-1. 4 MRSA §1057, sub-§2-A,** as amended by PL 2003, c.
20, Pt. R, §3, is further amended to read:

22 **2-A. Surcharge imposed.** A-~~sure~~charge Surcharges of 14% and
5% must be added to every fine, forfeiture or penalty imposed by
24 any court in this State, which, for the purposes of collection
and collection procedures, ~~is are~~ considered a part of the fine,
26 forfeiture or penalty. ~~All-funds~~ The 14% surcharge collected as
a result of this ~~sure~~charge subsection must be deposited monthly
28 in the Government Operations Surcharge Fund and the 5% surcharge
collected as a result of this subsection must be deposited
30 directly into the General Fund. ~~Two-sevenths~~ of the surcharge
32 collected and deposited in the Government Operations Surcharge
Fund must be paid to the Maine Criminal Justice Academy to
34 supplement current funds for training and recertification of
part-time and full-time law enforcement officers.

36 **Sec. TT-2. 4 MRSA §1057, sub-§3,** as amended by PL 1995, c.
668, §1, is further amended to read:

38 **3. Reimbursement to counties.** Monthly, the Treasurer of
40 State shall make payments from the Government Operations
Surcharge Fund to each county in the same proportion as the total
42 amount paid to that county from the total amount deposited into
the ~~fund~~ Government Operations Surcharge Fund during the fiscal
44 year ending June 30, 1991 bears to the total amount deposited
into the fund during the fiscal year ending June 30, 1991, except
46 that a county may not receive an amount greater than the prior
year's expenditures on its jail. The amount of total payments
48 made to counties must equal 2% of the total fines, forfeitures
and penalties, including this surcharge, received by the
50 Treasurer of State for deposit in the Government Operations

2 Surcharge Fund. The balance remaining in the Government
Operations Surcharge Fund at the end of each month must accrue to
4 the General Fund.

6 **Sec. TT-3. 29-A MRSA §2411, sub-§5,** as amended by PL 2001, c.
511, §3, is further amended to read:

8 **5. Penalties.** The following minimum penalties apply and
may not be suspended:

10 A. For a person having no previous OUI offenses within a
12 10-year period:

14 (1) A fine of not less than ~~\$400~~ \$500, except that if
16 the person failed to submit to a test, a fine of not
less than ~~\$500~~ \$600;

18 (2) A court-ordered suspension of a driver's license
for a period of 90 days; and

20 (3) A period of incarceration as follows:

22 (a) Not less than 48 hours when the person:

24 (i) Was tested as having a blood-alcohol
26 level of 0.15% or more;

28 (ii) Was exceeding the speed limit by 30
miles per hour or more;

30 (iii) Eluded or attempted to elude an
32 officer; or

34 (iv) Was operating with a passenger under 21
years of age; and

36 (b) Not less than 96 hours when the person failed
38 to submit to a test at the request of a law
enforcement officer;

40 B. For a person having one previous OUI offense within a
42 10-year period:

44 (1) A fine of not less than ~~\$600~~ \$700, except that if
46 the person failed to submit to a test at the request of
a law enforcement officer, a fine of not less than ~~\$800~~
\$900;

48 (2) A period of incarceration of not less than 7 days,
50 except that if the person failed to submit to a test at

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 the request of a law enforcement officer, a period of
incarceration of not less than 12 days;

4 (3) A court-ordered suspension of a driver's license
for a period of 18 months; and

6 (4) In accordance with section 2416, a court-ordered
8 suspension of the person's right to register a motor
vehicle;

10 C. For a person having 2 previous OUI offenses within a
12 10-year period:

14 (1) A fine of not less than ~~\$1,000~~ \$1,100, except that
16 if the person failed to submit to a test at the request
of a law enforcement officer, a fine of not less than
~~\$1,300~~ \$1,400;

18 (2) A period of incarceration of not less than 30
20 days, except that if the person failed to submit to a
test at the request of a law enforcement officer, a
22 period of incarceration of not less than 40 days;

24 (3) A court-ordered suspension of a driver's license
for a period of 4 years; and

26 (4) In accordance with section 2416, a court-ordered
28 suspension of the person's right to register a motor
vehicle;

30 D. For a person having 3 or more previous OUI offenses
32 within a 10-year period, which is a Class C crime:

34 (1) A fine of not less than ~~\$2,000~~ \$2,100, except that
36 if the person failed to submit to a test at the request
of a law enforcement officer, a fine of not less than
~~\$2,400~~ \$2,500;

38 (2) A period of incarceration of not less than 6
40 months, except that if the person failed to submit to a
test at the request of a law enforcement officer, a
42 period of incarceration of not less than 6 months and
20 days;

44 (3) A court-ordered suspension of a driver's license
46 for a period of 6 years; and

48 (4) In accordance with section 2416, a court-ordered
50 suspension of the person's right to register a motor
vehicle;

2 E. If a law enforcement officer failed to provide the
4 warnings required by section 2521, subsection 3, the
increase in minimum penalties required because of a refusal
to submit to a test is not mandatory;

6
8 F. For a person sentenced under paragraph B, C or D, the
court shall order the defendant to participate in the
10 alcohol and other drug program of the Department of
Behavioral and Developmental Services, Office of Substance
12 Abuse. The court may waive the program pursuant to Title 5,
section 20073-B, if the court finds that the defendant has
14 completed an alcohol or other drug treatment program
subsequent to the date of the offense; and

16 G. The court shall order an additional period of license
suspension of 275 days for a person sentenced under
18 paragraph A, B, C or D if the person was operating the motor
vehicle at the time of the offense with a passenger under 21
20 years of age.

22 **Sec. TT-4. 29-A MRSA §2411, sub-§5**, as amended by PL 2003, c.
452, Pt. Q, §§80 to 82 and affected by Pt. X, §2, is further
24 amended to read:

26 **5. Penalties.** Except as otherwise provided, violation of
this section is a Class D crime, which is a strict liability
28 crime as defined in Title 17-A, section 34, subsection 4-A. The
following minimum penalties apply and may not be suspended:

30
32 A. For a person having no previous OUI offenses within a
10-year period:

34 (1) A fine of not less than ~~\$400~~ \$500, except that if
the person failed to submit to a test, a fine of not
36 less than ~~\$500~~ \$600;

38 (2) A court-ordered suspension of a driver's license
for a period of 90 days; and

40
42 (3) A period of incarceration as follows:

44 (a) Not less than 48 hours when the person:

46 (i) Was tested as having a blood-alcohol
level of 0.15% or more;

48 (ii) Was exceeding the speed limit by 30
50 miles per hour or more;

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

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(iii) Eluded or attempted to elude an officer; or

(iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

B. For a person having one previous OUI offense within a 10-year period:

(1) A fine of not less than ~~\$600~~ \$700, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$800~~ \$900;

(2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;

(3) A court-ordered suspension of a driver's license for a period of 18 months; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

C. For a person having 2 previous OUI offenses within a 10-year period:

(1) A fine of not less than ~~\$1,000~~ \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than ~~\$1,300~~ \$1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 4 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

2 D. For a person having 3 or more previous OUI offenses
within a 10-year period, which is a Class C crime:

4 (1) A fine of not less than ~~\$2,000~~ \$2,100, except that
6 if the person failed to submit to a test at the request
of a law enforcement officer, a fine of not less than
8 ~~\$2,400~~ \$2,500;

10 (2) A period of incarceration of not less than 6
12 months, except that if the person failed to submit to a
test at the request of a law enforcement officer, a
14 period of incarceration of not less than 6 months and
20 days;

16 (3) A court-ordered suspension of a driver's license
for a period of 6 years; and

18 (4) In accordance with section 2416, a court-ordered
20 suspension of the person's right to register a motor
vehicle;

22 D-1. A violation of subsection 1-A, paragraph D is a Class
24 C crime, which is a strict liability crime as defined in
Title 17-A, section 34, subsection 4-A. The sentence must
26 include a period of incarceration of not less than 6 months,
a fine of not less than ~~\$2,000~~ \$2,100 and a court-ordered
28 suspension of a driver's license for a period of 6 years.
These penalties may not be suspended;

30 E. If a law enforcement officer failed to provide the
32 warnings required by section 2521, subsection 3, the
increase in minimum penalties required because of a refusal
34 to submit to a test is not mandatory;

36 F. For a person sentenced under paragraph B, C or D, the
court shall order the defendant to participate in the
38 alcohol and other drug program of the Department of
Behavioral and Developmental Services, Office of Substance
40 Abuse. The court may waive the program pursuant to Title 5,
section 20073-B, if the court finds that the defendant has
42 completed an alcohol or other drug treatment program
subsequent to the date of the offense; and

44 G. The court shall order an additional period of license
46 suspension of 275 days for a person sentenced under
paragraph A, B, C, D or D-1 if the person was operating the
48 motor vehicle at the time of the offense with a passenger
under 21 years of age.

2 **Sec. TT-5. 29-A MRSA §2412-A, sub-§3**, as amended by PL 1999,
c. 196, §3, is further amended to read:

4 **3. Minimum mandatory sentences for certain suspension.** If
the suspension was for OUI or an OUI offense, the court shall
6 impose a minimum fine of \$500 ~~\$600~~, a term of imprisonment of 7
consecutive days and a suspension of license of not less than one
8 year nor more than 3 years consecutive to the original
suspension. The penalties may not be suspended.

10 A. If the person has a prior conviction for violating this
12 section within a 10-year period and was subject to the
minimum mandatory sentences, then the following minimum
14 penalties, which may not be suspended by the court, apply in
the event the suspension was for OUI:

16 (1) A minimum fine of \$1,000, a term of imprisonment
18 of 30 consecutive days and a suspension of license for
not less than one year nor more than 3 years
20 consecutive to the original suspension in the event of
one prior conviction;

22 (2) A minimum fine of \$2,000, a term of imprisonment
24 of 60 consecutive days and a suspension of license for
not less than one year nor more than 3 years
26 consecutive to the original suspension in the event of
2 prior convictions; or

28 (3) A minimum fine of \$3,000, a term of imprisonment
30 of 6 months and a suspension of license for not less
than one year nor more than 3 years consecutive to the
32 original suspension in the event of 3 or more prior
convictions. The sentencing class for this offense is
34 a Class C crime.

36 B. For all other suspensions, the minimum fine for a first
38 offense is \$200 ~~\$250~~, which may not be suspended by the
court ~~if the person has a prior conviction for violating~~
40 ~~this section within a 10-year period.~~ The minimum fine for
2nd and subsequent offenses is \$500, which may not be
42 suspended by the court.

44 A separate reading of the allegation and a separate trial are not
required under this subsection.

46 **Sec. TT-6. 29-A MRSA §2557, sub-§2**, as amended by PL 1997, c.
476, §1, is further amended to read:

48 **2. Offense; penalty.** Violation of this section is:
50

A. A Class D crime if:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years~~+-and~~.

The minimum fine for a Class D crime under this paragraph is \$500, which may not be suspended by the court; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000, which may not be suspended by the court.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

Sec. TT-7. 29-A MRSA §2557, sub-§2, as amended by PL 2003, c. 452, Pt. Q, §91 and affected by Pt. X, §2, is further amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if the person violates subsection 1 and:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years~~+-and~~.

The minimum fine for a Class D crime under this paragraph is \$500, which may not be suspended by the court; and

2 B. A Class C crime if the person violates subsection 1 and:

4 (1) The person has one or more convictions for
operating after revocation under this section or under
6 former Title 29, section 2298 within the previous 10
years; or

8 (2) The person has one or more convictions for
10 violating section 2411 or former Title 29, section
1312-B within the previous 10 years.

12 The minimum fine for a Class C crime under this paragraph is
14 \$1,000, which may not be suspended by the court.

16 **PART UU**

18 **Sec. UU-1. PL 2003, c. 513, Pt. O, §1** is amended to read:

20 **Sec. O-1. Transfer of funds.** Notwithstanding any other
provision of law, the State Controller shall transfer up to
22 \$10,000,000 in fiscal year 2003-04 from the Retiree Health
Insurance Fund to the unappropriated surplus of the General Fund
24 no later than June 30, 2004. On or after July 1, ~~2005~~ 2004, the
State Controller shall transfer \$10,000,000 along with interest
26 from the General Fund to the Retiree Health Insurance Fund as
repayment. The transfer is considered an interfund loan to be
28 repaid with interest of 8% compounded annually on the unpaid
balance.

30 **Sec. UU-2. Cost-reimbursement funding for Retiree Health**
32 **Insurance Fund.** Notwithstanding any other provision of law, the
Department of Administrative and Financial Services shall manage
34 the Retiree Health Insurance Fund on a cost-reimbursement basis
of funding and accounting beginning June 30, 2005.

36 **Sec. UU-3. Distribution of excess equity.** Notwithstanding any
38 other provision of law, the Department of Administrative and
Financial Services shall calculate the amount of the excess
40 equity to be returned to each participating fund and ancillary
group contributing to the Retiree Health Insurance Fund after
42 retaining a reasonable amount of working capital. An amount
equal to \$1,100,000 of the equity contributed by the Maine
44 Community College System must be transferred to the
unappropriated surplus of the General Fund no later than June 30,
46 2005. The remaining excess must be returned to the fund of
origin by June 30, 2005.

48 **Sec. UU-4. Appropriations and allocations.** The following
50 appropriations and allocations are made.

2 **COMMUNITY COLLEGE SYSTEM - BOARD OF**
3 **TRUSTEES OF THE MAINE**

4
5 **Maine Community College System - Board**
6 **of Trustees 0556**

8 Initiative: Provides for the appropriation of funds as a result
9 of the divestiture of the Retiree Health Insurance Fund.

10
11

General Fund	2003-04	2004-05
12 All Other	\$0	\$1,100,000
14 General Fund Total	<u>\$0</u>	<u>\$1,100,000</u>

16
17 **PART VV**

18
19 **Sec. VV-1. Position authorization.** Notwithstanding any other
20 provision of law, the Department of Public Safety is authorized
21 to establish 2 State Police Sergeant project positions to be
22 temporarily assigned to the Maine Criminal Justice Academy for
23 each training class.

24
25
26 **PART WW**

27 **Sec. WW-1. 26 MRSA §1412-G,** as amended by PL 2003, c. 2,
28 Pt. W, §1 and c. 465, §5, is repealed.

29 **Sec. WW-2. 26 MRSA §1412-H** is enacted to read:

30
31 **§1412-H. Program of state-funded consumer-directed personal care**
32 **assistance services**

33
34
35 **1. Definitions.** As used in this section, unless the
36 context otherwise indicates, the following terms have the
37 following meanings.

38
39 **A. "Applicant" means a person who has applied or is**
40 **applying for services through the program.**

41
42 **B. "Bureau" means the Bureau of Rehabilitation Services**
43 **within the department, which is the lead agency for**
44 **administering the program.**

45
46 **C. "Consumer" means a person who has been determined to be**
47 **eligible under subsection 3.**
48

2 D. "Program" means the program of state-funded
3 consumer-directed personal care assistance services.

4 2. Program administration. The bureau shall administer the
5 program under this section. Within available funds, the bureau
6 shall ensure that services are delivered in the most
7 comprehensive manner possible, shall strive to maximize the
8 participation of adults with disabilities and shall coordinate
9 with programs for persons with disabilities administered by the
10 Department of Human Services.

12 3. Eligibility. An applicant is eligible for personal care
13 assistance services under the program if the bureau or its
14 designee determines that the person is an adult who:

16 A. Has a severe disability;

18 B. Needs personal care assistance services or an attendant
19 at night or both to prevent or remove the adult from
20 inappropriate placement in an institutional setting; and

22 C. Has no or insufficient personal income or other support
23 from public services, family members or neighbors.

24 4. Consumer cost sharing. The bureau shall establish a
25 sliding scale for consumer cost sharing for services provided
26 under the program. The sliding scale must be based on the net
27 income of the consumer, factoring in the expenses associated with
28 the consumer's disability, and may take assets into consideration.

30 5. Evaluation teams. The commissioner shall designate
31 evaluation teams to assist the department with evaluations of
32 applicants and consumers.

34 A. Each evaluation team must include the applicant or
35 consumer and at least one registered nurse or registered
36 occupational therapist.

38 B. For each applicant or consumer evaluated by an
39 evaluation team, the team shall assist the bureau to:

42 (1) Determine the eligibility of the applicant or
43 consumer for services under the program;

44 (2) Determine the capability of the applicant or
45 consumer, at the time of evaluation or after skills
46 training provided pursuant to subsection 6, to hire and
47 direct a personal care assistant; and
48

2 (3) Reevaluate the applicant or consumer periodically
3 to determine continuing need for the services.

4 6. Skills training. When sufficient funds are available,
5 the commissioner shall arrange for skills training for consumers
6 in the following areas by the following individuals:

8 A. Personal health management skills to maximize personal
9 well-being in relation to the consumer's disability,
10 including all aspects of prevention, maintenance and
11 treatment techniques, provided by a registered nurse or
12 other qualified person experienced in the rehabilitation of
13 the severely disabled;

14 B. Personal care assistant management skills, including
15 training in recruiting, hiring and managing a personal care
16 assistant, scheduling and potential problems, provided by a
17 registered nurse or other qualified person experienced in
18 the rehabilitation of the severely disabled; and

19 C. Functional skills required to maximize the consumer's
20 abilities in activities of daily living, provided by a
21 registered occupational therapist or other qualified person
22 experienced in the rehabilitation of the severely disabled.

23 7. Relatives as providers. The department may not refuse
24 to pay a relative of a consumer for the provision of services
25 under the program if the relative is qualified to provide the
26 services and payment is not prohibited by law or rule or federal
27 regulation.

28 8. Review of reimbursement rates. By January 1, 2005 and
29 every 2 years thereafter, the commissioner shall review the rates
30 of reimbursement under the program. As part of the review, the
31 following provisions apply.

32 A. The commissioner shall:

33 (1) Ensure the input of consumers, personal assistants
34 and any organization that represents personal
35 assistants regarding providing a livable wage for
36 personal care assistance services. The commissioner
37 may seek input through one or more public hearings or
38 by other means determined reasonable by the
39 commissioner; and

40 (2) Seek advice and input from the Long-term Care
41 Oversight Committee established in Title 22, section
42 5107-J to determine whether the rates of reimbursement

2 are sufficient for consumers to recruit, hire and
3 retain personal care assistants.

4 B. If the commissioner determines that an increase in one
5 or more of the reimbursement rates is necessary after the
6 review required in this subsection, the commissioner shall
7 adopt rules to accomplish the required rate increase. In
8 making a determination under this subsection, the
9 commissioner shall consider using any savings realized from
10 an expansion of consumer-directed services to increase wages
11 and benefits for personal care assistants.

12 C. The commissioner shall determine rates of reimbursement
13 that include allowable administrative costs and that use
14 available resources to maximize wages and benefits for
15 personal care assistants and hours of services for consumers.

16 9. Rulemaking. The commissioner shall adopt rules to
17 implement this section. Rules adopted pursuant to this section
18 are routine technical rules as defined by Title 5, chapter 375,
19 subchapter 2-A, except that rules regarding consumer cost sharing
20 under subsection 4 are major substantive rules as defined by that
21 subchapter.

22 **Sec. WW-3. Resolve 2003, c. 113, §1 is amended to read:**

23 **Sec. 1. Review and report. Resolved:** That the Department of
24 Human Services, Bureau of Elder and Adult Services work with the
25 Direct-care Worker Coalition that has been meeting to discuss the
26 recruitment and retention of direct-care workers in the field of
27 long-term care. The department shall report back to the joint
28 standing committee of the Legislature having jurisdiction over
29 health and human services matters by January 15, 2005. The
30 department shall invite the participation of consumers, and
31 representatives of consumers, including consumers who utilize the
32 program of state-funded consumer-directed personal care
33 assistance services pursuant to the Maine Revised Statutes, Title
34 26, section 1412-H, a representative of the Maine Independent
35 Living Center, organizations representing personal assistants,
36 direct-care workers, representatives of providers of long-term
37 care services and other interested parties. The work of the
38 coalition must include options for achieving parity with other
39 programs providing long-term care services to adults and children
40 with developmental disabilities, a review of data on wages and
41 benefits, an explanation of administrative expenses of agencies
42 providing or coordinating long-term care services, priorities for
43 achieving funding and recommendations for legislation. The work
44 of the coalition must include a review of the program of
45 state-funded consumer-directed personal care assistance services
46 and the recruitment and retention of personal care assistants

2 employed in or through those programs. The joint standing
committee of the Legislature having jurisdiction over health and
4 Regular Session of the 122nd Legislature regarding the
recruitment and retention of long-term care workers.

6
8 **Sec. WW-4. Transfer of responsibility.** Responsibility for
administering the MaineCare Physically Disabled Home and
10 Community Benefits program and the MaineCare Consumer-directed
Attendant Services program, referred to in this section as the
12 "programs," are transferred from the Department of Labor to the
Department of Human Services on the effective date of this Part.
14 Notwithstanding any other provision of law, the following
requirements apply to the transfer in this Part of the programs
from the Department of Labor to the Department of Human Services.

16
18 **1. Program costs.** The programs must operate within the
limitations of legislative appropriations and allocations through
authorized and agreed upon cost-saving measures.

20
22 **2. Program stability.** For fiscal year 2004-05 the programs
are not subject to redesign. For fiscal year 2004-05 the
24 programs retain Alpha One as the authorized agent of the
Department of Human Services.

26
28 **3. Waiver application.** Collaborative and cost-effective
efforts must be undertaken to further approval of a
consumer-directed home care waiver by the federal Centers for
30 Medicare and Medicaid Services.

32
34 **4. Working group.** The Department of Human Services shall
convene a working group of interested consumers, providers of
personal care services, a representative of the Maine Independent
Living Center, organizations representing personal assistants,
36 advocates and department personnel to identify strategies for
improving services and to develop an intake system for consumers
seeking assistance.

38
40 **5. Transition provisions.** The following provisions apply
to the transfer of programs under this Part.

42
44 **A.** All existing rules, regulations and procedures in effect
with regard to the programs transferred to the Department of
46 Human Services under this Part, in operation or adopted in
or by the Department of Labor remain in effect and continue
until rescinded, revised or amended by the Department of
Human Services.

48
50 **B.** All existing contracts of the Department of Labor with
regard to the programs transferred to the Department of

2 Human Services under this Part remain in effect and continue
until rescinded, revised or amended by the Department of
Human Services.

4

6 **Sec. WW-5. Program of state-funded consumer-directed personal
care assistance services.** The following provisions apply to the
program of state-funded consumer-directed personal care
8 assistance services administered by the Department of Human
Services and the Department of Labor.

10

12 **1. Rulemaking by Department of Labor.** The Department of
Labor, Bureau of Rehabilitation Services shall adopt rules for
the program of state-funded consumer-directed personal care
14 assistance services under the Maine Revised Statutes, Title 26,
section 1412-H. Except as otherwise provided by law, rules
16 adopted pursuant to this section are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A. The rules
18 adopted pursuant to this section must:

20 A. Affirm the principles of consumer-direction and consumer
accountability;

22

24 B. Provide for independent assessment and reassessment of
consumer eligibility and service need using an entity
selected by the department; and

26

28 C. Provide for authorization of services that is based on
assessment of the consumer's functional strengths and needs
and that conforms to legislative appropriations and other
30 applicable state and federal requirements.

32 **2. Rulemaking by Department of Human Services.** The
Department of Human Services, Bureau of Medical Services shall
34 adopt rules for the MaineCare Physically Disabled Home and
Community Benefits program and the Consumer-directed Attendant
36 Services program. Except as otherwise provided by law, rules
adopted pursuant to this section are routine technical rules as
38 defined in Title 5, chapter 375, subchapter 2-A. The rules
adopted pursuant to this section must:

40

42 A. Affirm the principles of consumer-direction and consumer
accountability;

44

46 B. Provide for independent assessment and reassessment of
consumer eligibility and service need using an entity
selected by the department;

48

50 C. Provide for authorization of services that is based on
assessment of the consumer's functional strengths and needs
and that conforms to legislative appropriations and

2 allocations and other applicable state and federal requirements.

4 **3. Joint review and report.** The Department of Labor and
6 the Department of Human Services shall jointly review the
8 departments' programs for consumer-directed personal care
10 assistance services. The review must include participation from
12 consumers and other interested parties, including organizations
14 representing the interests of persons likely to use a surrogate
16 and organizations representing personal care assistants. The
departments shall report to the joint standing committee of the
Legislature having jurisdiction over labor matters and the joint
standing committee of the Legislature having jurisdiction over
health and human services matters by January 1, 2005 on the
results of their review and the recommendations of the
departments.

18 The report of the departments must include recommendations on the
following issues:

20 A. Guiding principles for expanding eligibility to include
22 consumers who use a surrogate to perform management tasks
24 the consumer would otherwise perform; and

26 B. Actions to encourage the use of consumer-directed
28 options by promoting consideration of the use of surrogacy
as the choice for appropriate consumers.

30 The departments may not expand the programs to include consumers
32 who use surrogates to perform management tasks the consumers
34 would otherwise perform themselves until the report required in
this subsection has been submitted and the per capita costs of
the programs are at levels that allow the programs to operate
within legislative appropriations and allocations.

36 **Sec. WW-6. Appropriations and allocations.** The following
38 appropriations and allocations are made.

40 **HUMAN SERVICES, DEPARTMENT OF**

42 **Medical Care - Payments to Providers 0147**

44 Initiative: Transfers funds from the Department of Labor,
46 Rehabilitation Services - Medicaid General Fund program to the
Medical Care - Payments to Providers program.

48	General Fund	2003-04	2004-05
	All Other	\$0	\$5,420,320
50	General Fund Total	<u>\$0</u>	<u>\$5,420,320</u>

2 **Medical Care - Payments to Providers 0147**

4 Initiative: Provides for the allocation of funds for the federal
 6 seed of a General Fund appropriation to the Rehabilitation
 Services - Medicaid program for its share of the MaineCare
 shortfall in fiscal year 2004-05.

	2003-04	2004-05
10 Federal Expenditures Fund		
All Other	\$0	\$2,236,654
12 Federal Expenditures Fund Total	\$0	\$2,236,654

14 **Medical Care - Payments to Providers 0147**

16 Initiative: Deappropriates and deallocates funds by promoting
 18 more consistent authorization of services across comparable home
 care programs.

	2003-04	2004-05
20 General Fund		
All Other	\$0	(\$1,400,000)
22 General Fund Total	\$0	(\$1,400,000)

	2003-04	2004-05
24 Federal Expenditures Fund		
All Other	\$0	(\$3,367,959)
26 Federal Expenditures Fund Total	\$0	(\$3,367,959)

HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
30		
32 GENERAL FUND	\$0	\$4,020,320
34 FEDERAL EXPENDITURES FUND	0	(1,131,305)
36 DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,889,015

38 **LABOR, DEPARTMENT OF**

40 **Rehabilitation Services - Medicaid 0965**

42 Initiative: Appropriates funds to maintain the current level of
 44 services in the Consumer Directed Personal Assistance Services
 Medicaid program.

	2003-04	2004-05
46 General Fund		
All Other	\$0	\$1,195,376
48 General Fund Total	\$0	\$1,195,376

50

Rehabilitation Services - Medicaid 0965

Initiative: Transfers funds from the Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services.

General Fund	2003-04	2004-05
All Other	\$0	(\$5,420,320)
General Fund Total	\$0	(\$5,420,320)

LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$4,224,944)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$4,224,944)

SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	(\$204,624)
FEDERAL EXPENDITURES FUND	0	(1,131,305)
SECTION TOTAL - ALL FUNDS	\$0	(\$1,335,929)

PART XX

Sec. XX-1. PL 1985, c. 501, Pt. B, §26 is repealed.

PART YY

Sec. YY-1. MaineCare services. A hospital-based physician practice that bills as "hospital services" services provided to Medicaid members may not discontinue acceptance of new MaineCare patients and may not limit services to MaineCare patients in any manner that differs from the acceptance and service limitation policies that apply to patients with any other payment source. The Governor's Office of Health Policy and Finance shall work collaboratively with the Maine Hospital Association to collect all necessary financial data to analyze hospital-based physician reimbursement and its impact on the Medicaid budget and recommend appropriate restructuring of that reimbursement methodology to maximize access and cost-effectiveness to the Department of Human Services.

PART ZZ

Sec. ZZ-1. PL 2003, c. 507, Pt. C, §2 is amended to read:

2 provisional resale certificate issued between January 1st and
3 September 30th is effective for the duration of the calendar year
4 in which it is issued. A provisional resale certificate issued
5 between October 1st and December 31st is effective until the end
6 of the next succeeding calendar year. Each certificate must
7 contain the name and address of the retailer, the expiration date
8 of the certificate and the certificate number. If a vendor has a
9 true copy of a retailer's resale certificate on file, that
10 retailer need not present the certificate for each subsequent
11 transaction with that vendor during the calendar year for which
12 it is valid.

13 2-C. Annual resale certificates; contents; presentation to
14 vendor. The assessor shall annually review the status of each
15 retailer registered under this section. On or before December
16 31st of each year, the assessor shall issue to each registered
17 retailer with gross sales of \$10,000 or more during the 12 months
18 preceding the assessor's review an annual resale certificate
19 effective for the next succeeding calendar year. Each
20 certificate must contain the name and address of the retailer,
21 the expiration date of the certificate and the certificate
22 number. If a vendor has a true copy of a retailer's resale
23 certificate on file, that retailer need not present the
24 certificate for each subsequent transaction with that vendor
25 during the calendar year for which it is valid.

26 **Sec. AAA-3. 36 MRSA §1811-B is enacted to read:**

27 **§1811-B. Credit for tax paid on purchases for resale**

28 A retailer registered under section 1754-B may claim a
29 credit for sales tax imposed by chapters 211 to 225 if the
30 retailer has paid the sales tax on an item that it subsequently
31 resells. The credit may be claimed only on the return on which
32 the sale of the item is reported. The credit must be claimed on
33 a return filed within 5 years from the date on which the retailer
34 purchased the item and may not be claimed if the item was used by
35 the retailer prior to its sale.

36 **Sec. AAA-4. PL 2003, c. 20, Pt. B, §1, under the caption**
37 **"ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF" in the 3rd**
38 **part designated "Revenue Services - Bureau of 0002" is amended to**
39 **read:**

40 **Revenue Services - Bureau of 0002**

41 Initiative: Provides for the appropriation of Personal Services
42 and All Other funds to establish one ~~limited-period~~ Tax Section
43 Manager position, one ~~limited-period~~ Tax Enforcement Officer
44 position, one ~~limited-period~~ Senior Tax Examiner position, 2

2 limited-period Senior Revenue Agent positions, one limited-period
 Revenue Agent position and 5 limited-period Tax Examiner
 4 positions for the Tax Amnesty, Enforcement and Withholding on
 flow throughs initiative within the Maine Revenue Services
 Bureau. ~~The end date for these positions is the end of fiscal~~
 6 ~~year-2004-05.~~ The Bureau of Revenue Services must report on the
 success of the tax amnesty and tax enforcement programs by August
 8 15th of each fiscal year to the joint standing committees of the
 Legislature having jurisdiction over taxation and appropriation
 10 and financial affairs matters.

12 GENERAL FUND	2003-04	2004-05
14 Positions - Legislative Count	(11.000)	(11.000)
Personal Services	765,194	619,583
All Other	1,102,625	65,021
16	1,867,819	684,604
18 General Fund Total		

18 **Sec. AAA-5. Application.** Those sections of this Part that
 20 amend the Maine Revised Statutes, Title 36, section 1754-B,
 subsection 2 and enact Title 36, section 1754-B, subsection 2-B
 22 apply to sales tax registration certificate applications and
 provisional and annual resale certificates filed on or after July
 24 1, 2004, or the effective date of this Act, whichever is later.

26 **Sec. AAA-6. Transition provision.** On or before August 15,
 2004, the State Tax Assessor shall review the accounts of all
 28 registered retailers and identify those retailers that had gross
 sales of \$10,000 or more during the 12 months preceding the
 30 assessor's review. The assessor shall issue to those retailers a
 temporary resale certificate effective until December 31, 2004.
 32 Any registered retailer that does not have a provisional resale
 certificate issued pursuant to the Maine Revised Statutes, Title
 34 36, section 1754-B and has been in business for less than 12
 months must also be issued a temporary resale certificate valid
 36 until December 31, 2004 if the assessor determines that the
 retailer's gross sales since registration have been at least
 38 \$833.33 per month on average.

40 **Sec. AAA-7. Appropriations and allocations.** The following
 42 appropriations and allocations are made.

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

46 **Revenue Services - Bureau of 0002**

48 Initiative: Appropriates Personal Services and All Other funds to
 establish one Tax Analyst position, 2 Senior Revenue Agent
 positions and one Tax Examiner position to enhance the corporate
 50 income tax audit program within the Bureau of Revenue Services.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

It is projected that this initiative will result in net additional undedicated revenue to the General Fund in fiscal year 2004-05 of \$949,000 in the Income Tax line.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(4.000)
Personal Services	\$0	\$249,634
All Other	0	60,239
General Fund Total	\$0	\$309,873

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the Personal Services line category to reclassify 18 existing Revenue Agent positions to Senior Revenue Agent positions within the Bureau of Revenue Services. Individuals in Revenue Agent positions that are reclassified to Senior Revenue Agent positions and new hires will be required to demonstrate that they have achieved certain competency benchmarks before Senior Revenue Agent pay is awarded. Until the achievement of these benchmarks compensation will be at the Revenue Agent level. The changes will improve the ability of the Bureau of Revenue Services to attract and retain capable auditors in order to respond to the increasing complexity of tax audits.

General Fund	2003-04	2004-05
Personal Services	\$0	\$55,355
General Fund Total	\$0	\$55,355

Revenue Services - Bureau of 0002

Initiative: Appropriates funds in the Personal Services and All Other line categories to establish 4 Principal Revenue Agent positions and 6 Senior Revenue Agent positions within the Sales and Special Fuels Tax Division of the Bureau of Revenue Services in order to increase the number and scope of tax audits. It is projected that this initiative will result in net additional undedicated revenue to the General Fund in fiscal year 2004-05 of \$1,898,000 in the Sales Tax line.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(10.000)
Personal Services	\$0	\$657,336
All Other	0	162,600
General Fund Total	\$0	\$819,936

Revenue Services - Bureau of 0002

2 Initiative: Appropriates funds in the Personal Services and All
 4 Other line categories to establish one Tax Analyst position and
 6 to retain the services of an outside contractor to conduct audits
 8 of selected returns. This funding is required to administer the
 10 Maine estate tax as it decouples from the federal estate tax. It
 12 is projected that this initiative will result in additional
 14 undedicated revenue to the General Fund in fiscal year 2004-05 of
 16 \$200,000 in the Estate Tax line.

General Fund	2003-04	2004-05
12 Positions - Legislative Count	(0.000)	(1.000)
14 Personal Services	\$0	\$72,913
16 All Other	0	86,459
	<hr/>	<hr/>
18 General Fund Total	\$0	\$159,372

18 **Revenue Services - Bureau of 0002**

20 Initiative: Appropriates funds to establish one Management
 22 Analyst I position needed to field additional calls from
 24 retailers, to monitor monthly and annual issuance of resale
 certificates, to mail certificates and to resolve errors, issues
 and returned mail involving these certificates.

General Fund	2003-04	2004-05
26 Positions - Legislative Count	(0.000)	(1.000)
28 Personal Services	\$0	\$54,605
30 All Other	0	116,459
	<hr/>	<hr/>
32 General Fund Total	\$0	\$171,064

32 **Revenue Services - Bureau of 0002**

34 Initiative: Appropriates funds to establish one Management
 36 Analyst I position required to coordinate and expand revenue
 38 discovery efforts in the Individual Income Tax nonfiler program
 40 and to oversee related contractual operations. This initiative
 42 will provide for the recognition of additional revenue by
 44 identifying leads from Federal Individual Record Master File
 (IRMF) tapes including information such as W-2s and 1099s. This
 initiative is projected to generate at least \$711,750 in net
 additional revenue to the General Fund annually.

General Fund	2003-04	2004-05
46 Positions - Legislative Count	(0.000)	(1.000)
48 Personal Services	\$0	\$54,605
All Other	0	11,459
	<hr/>	<hr/>
50 General Fund Total	\$0	\$66,064

2 **Revenue Services - Bureau of 0002**

4 Initiative: Appropriates funds to establish one Senior Revenue
 6 Agent position and one Senior Tax Examiner position for the
 8 enhancement of the insurance premium tax program within the
 10 Bureau of Revenue Services. This initiative will provide
 12 additional resources to conduct audits, of both federal and state
 returns, on insurance companies, to redesign forms and
 instructions and to improve the administration of the insurance
 premium tax program. It is projected that this initiative will
 generate \$474,000 in net additional revenue to the General Fund.

14 General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	\$0	\$120,947
All Other	0	25,812
General Fund Total	\$0	\$146,759

20 **Revenue Services - Bureau of 0002**

22 Initiative: Appropriates funds to establish one Management
 24 Analyst I position required to expand the revenue discovery
 26 efforts regarding real estate transfers in the State. It is
 28 projected that this initiative will generate \$806,650 in new
 revenue to the General Fund from the discovery of unfiled income
 tax returns and underreported tax.

30 General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$54,605
All Other	0	11,459
General Fund Total	\$0	\$66,064

36 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
 38 **DEPARTMENT OF**
 40 **DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	\$0	\$1,794,487
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,794,487

44

46 **PART BBB**

48 **Sec. BBB-1. Payments for merit increases; executive branch,**
constitutional officers' departments, Department of Audit. In
 50 accordance with the provisions of Public Law 2003, chapter 20,

2 Part D, section 22 and Public Law 2003, chapter 451, Part E,
4 section 16 and notwithstanding any other provision of law,
6 payments must be made to those employees of the State who were
8 not authorized to receive merit increases in fiscal year 2003-04
10 as a result of the provisions of Public Law 2003, chapter 20,
12 Part D, section 22 as provided by agreement between the State and
14 bargaining agents representing state employees. Confidential
16 employees, defined as executive branch employees in positions
18 excluded from bargaining pursuant to the Maine Revised Statutes,
Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and
J, must receive similar and equitable treatment. The General
Fund and Other Special Revenue Funds share of the payments must
be made from the General Fund Salary Plan account, and the
Highway Fund share of the payments must be made from the Highway
Fund Salary Plan account. All other payments must be made from
the appropriate account for each affected employee. This sum may
not be considered earnable compensation under the Maine State
Retirement System.

20 **Sec. BBB-2. Payment for merit increases; institutional services**
22 **employees.** Notwithstanding Public Law 2003, chapter 20, Part D,
24 section 22, or any other provision of law, those institutional
26 services employees who would have been eligible to receive a step
28 increase from Step 6 to Step 7 during the period July 1, 2003 to
30 June 30, 2004 as a merit increase bargained for as a result of a
32 market pay study must be paid those merit increases if provided
for in an agreement between the State and the bargaining agent
for the institutional services employees. The General Fund share
of the payments must be made from the General Fund Salary Plan
account. All other payments must be made from the appropriate
account for each affected employee.

34 **Sec. BBB-3. Appropriations and allocations.** The following
36 appropriations and allocations are made.

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

40 **Salary Plan 0305**

42 Initiative: Appropriates funds for payment of step increases as
provided for in an agreement between the State and the bargaining
unit for the institutional services employees.

44	General Fund	2003-04	2004-05
46	Personal Services	\$250,000	\$0
48	General Fund Total	<u>\$250,000</u>	<u>\$0</u>

50 **PART CCC**

2 **Sec. CCC-1. Calculation and transfer; health insurance cost**
 3 **savings.** Notwithstanding any other provision of law, the State
 4 Budget Officer shall calculate the amount of savings in section 2
 5 that applies against each General Fund account for all
 6 departments and agencies from savings in the cost of health
 7 insurance and shall transfer the amounts by financial order upon
 8 the approval of the Governor. These transfers are considered
 9 adjustments to appropriations in fiscal year 2004-05. The State
 10 Budget Officer shall provide the joint standing committee of the
 11 Legislature having jurisdiction over appropriations and financial
 12 affairs a report of the transferred amounts no later than January
 13 15, 2005.

14 **Sec. CCC-2. Appropriations and allocations.** The following
 15 appropriations and allocations are made.

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

17 **Departments and Agencies - Statewide 0016**

18 Initiative: Deappropriates funds for health insurance as a result
 19 of a negotiated rate that is less than what was anticipated.

24 General Fund	2003-04	2004-05
25 Personal Services	\$0	(\$400,000)
26	<hr/>	<hr/>
27 General Fund Total	\$0	(\$400,000)

28 **PART DDD**

29 **Sec. DDD-1. Calculation and transfer; workers' compensation**
 30 **savings.** Notwithstanding any other provision of law, the State
 31 Budget Officer shall calculate the amount of savings in section 2
 32 that applies against each General Fund account for all
 33 departments and agencies from savings in the cost of workers'
 34 compensation insurance and shall transfer the amounts by
 35 financial order upon the approval of the Governor. These
 36 transfers are considered adjustments to appropriations in fiscal
 37 years 2003-04 and 2004-05. The State Budget Officer shall
 38 provide the joint standing committee of the Legislature having
 39 jurisdiction over appropriations and financial affairs a report
 40 of the transferred amounts no later than January 15, 2005.
 41

42 **Sec. DDD-2. Appropriations and allocations.** The following
 43 appropriations and allocations are made.

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

45 **Departments and Agencies - Statewide 0016**

Initiative: Deappropriates Personal Services savings in fiscal years 2003-04 and 2004-05 from the workers' compensation line achieved through a reduction in claims from aggressive claims management.

General Fund	2003-04	2004-05
Personal Services	(\$232,118)	(\$426,925)
General Fund Total	(\$232,118)	(\$426,925)

PART EEE

Sec. EEE-1. Calculation and transfer; energy savings.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 that applies against each General Fund account for all departments and agencies from projected energy savings in the cost of electricity and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

Sec. EEE-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Deappropriates funds in the All Other line category from Departments and Agencies - Statewide from projected energy savings in reduced electricity costs.

General Fund	2003-04	2004-05
All Other	\$0	(\$750,000)
General Fund Total	\$0	(\$750,000)

PART FFF

Sec. FFF-1. 22 MRSA §2699, sub-§2, ¶B, as enacted by PL 2003, c. 456, §1, is repealed.

Sec. FFF-2. 22 MRSA §2699, sub-§2, ¶E, as enacted by PL 2003, c. 456, §1, is amended to read:

2 E. With regard to the dispensation of a substitute
prescription drug for a prescribed drug to a covered
individual the following provisions apply.

4
6 ~~(1) The pharmacy benefits manager may substitute a
lower priced generic and therapeutically equivalent
drug for a higher priced prescribed drug.~~

8
10 (2) ~~With regard to substitutions~~ If a pharmacy benefits
manager makes a substitution in which the substitute
12 drug costs more than the prescribed drug, the
substitution ~~must be made for medical reasons that~~
benefit the covered individual and must benefit the
14 covered entity. ~~If a substitution is being made under~~
this subparagraph, the pharmacy benefits manager shall
16 obtain ~~the approval of the prescribing health~~
professional ~~or that person's authorized representative~~
18 after ~~disclosing~~ disclose to the covered individual and
the covered entity the cost of both drugs and any
20 benefit or payment directly or indirectly accruing to
the pharmacy benefits manager as a result of the
22 substitution.

24 (3) The pharmacy benefits manager shall transfer in
full to the covered entity any benefit or payment
26 received in any form by the pharmacy benefits manager
either as a result of a prescription drug substitution
28 under subparagraph ~~(1) or (2)~~ or as a result of the
pharmacy benefits manager's substituting a lower priced
30 generic and therapeutically equivalent drug for a
higher priced prescribed drug.

32
34 **Sec. FFF-3. PL 2003, c. 513, Pt. W, §1** is amended to read:

36 **Sec. W-1. Implementation of incentive payments; rulemaking.**
Notwithstanding any other provision of law, the Department of
38 Human Services shall adopt routine technical rules to implement
incentive payments within existing resources to pharmacies, based
40 on criteria, including, but not limited to, length of time
participating in the Maine Rx Plus and drugs for the elderly
42 programs, status as sole community or independent
providers and volume of publicly funded beneficiaries. Rules
44 adopted pursuant to this section are routine technical rules as
defined in the Maine Revised Statutes, Title 5, chapter 375,
subchapter 2-A.

46
48 **Sec. FFF-4. Subcommittee of MaineCare Advisory Committee to**
review prior authorization process. The MaineCare Advisory Committee
shall establish a standing subcommittee to review the prior
50 authorization process used in MaineCare and the Drugs for

2 the Elderly benefit programs and to make recommendations to the
Department of Human Services related to their operation.
4 Membership on the subcommittee consists of members of the
MaineCare Advisory Committee, providers and experts in prior
6 authorization from private insurance and private purchasers and
any additional experts considered necessary by the committee to
8 achieve the purposes of this section. The subcommittee may not
exceed 15 members.

10 The department shall work with the subcommittee to examine the
following issues.

12
14 **1. Consumer education.** The subcommittee shall determine
the most effective means of providing educational information to
16 members of MaineCare and Drugs for the Elderly, both
electronically and otherwise, related to the prior authorization
process, including but not limited to:

18
20 A. Provision for accessing drugs requiring prior
authorization in an emergency or on a one-time basis before
a prior authorization request has been approved;

22
24 B. The right to request an administrative hearing when the
Department of Human Services fails to act on a request for
26 prior authorization or prior authorization has been denied,
including the right to receive benefits pending the hearing
under certain circumstances;

28
30 C. Procedural requirements of the prior authorization
process, including the Department of Human Services'
32 responsibility to process a completed prior authorization
request within at least 24 hours;

34
36 D. An easily accessible, understandable, complete and
up-to-date list of drugs subject to prior authorization
together with all information related to preferred drugs,
dosage requirements and step therapies; and

38
40 E. Refill policies, including early refill policies and any
exceptions to those policies.

42 **2. Prior authorization process.** The subcommittee shall
review the current prior authorization process and make
44 recommendations to the Department of Human Services as to how it
can be simplified or improved. In particular, the subcommittee
46 shall review:

48 A. Verification required of providers in support of their
request for prior authorization;

2 B. The specificity of notices given to providers and
members when a prior authorization request has been deferred
or denied;

4 C. Time periods for processing prior authorization requests;

6 D. The adequacy of the fair hearing process including
8 examining the need for an expedited hearings process to be
used in certain circumstances; and

10 E. The step therapy process, including examining whether
12 exceptions should be made under certain circumstances for
frail or other particularly vulnerable members.

14 **3. Quality assurance.** The subcommittee shall explore the
16 value of the Department of Human Services' conducting a periodic
survey of a representative sample of MaineCare members to examine
18 the experience of members whose request for prior authorization
is delayed or denied, including whether or not they experienced
20 adverse health consequences or undesirable side effects or
required the use of additional services such as physician,
22 hospital or transportation services as a result of a denial or
delay.

24 **4. Drug Utilization Review Committee.** The subcommittee
26 shall review any MaineCare Advisory Committee members' concerns
about the Drug Utilization Review Committee, including any
28 concerns about the process for public input into the Drug
Utilization Review Committee meetings.

30 **5. Rules.** The subcommittee shall examine the current
32 practices and policies related to the prior authorization process
to determine which, if any, of these the subcommittee would
34 recommend be adopted in the form of rules in accordance with the
Maine Revised Statutes, Title 5, chapter 375.

36 By February 1, 2005, the Department of Human Services shall
38 submit a report to the joint standing committee of the
Legislature having jurisdiction over health and human services
40 matters, including the findings and recommendations of the
subcommittee and the department's response to each of those
42 recommendations. The joint standing committee may report out
legislation to the First Regular Session of the 122nd Legislature
44 related to the use of prior authorization in programs or benefits
implemented under the Maine Revised Statutes, Title 22, chapter
46 101 or 855.

48 **Sec. FFF-5. Appropriations and allocations.** The following
appropriations and allocations are made.

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HUMAN SERVICES, DEPARTMENT OF

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Medical Care - Payments to Providers 0147

Initiative: Deappropriates and allocates funds to reflect the distribution of funds to the MaineCare program from Mylan Labs settlement proceeds.

General Fund	2003-04	2004-05
All Other	\$0	(\$124,014)
General Fund Total	\$0	(\$124,014)
Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$124,014
Other Special Revenue Funds Total	\$0	\$124,014

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for contractual services related to implementing stricter prior authorization, increased invoicing for rebates and additional pharmacist support.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000
General Fund Total	\$0	\$250,000
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$650,000
Federal Expenditures Fund Total	\$0	\$650,000

Bureau of Medical Services 0129

Initiative: Appropriates and allocates funds for contractual services for increased claims processing support, system changes and drug file management.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000
General Fund Total	\$0	\$250,000
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$650,000
Federal Expenditures Fund Total	\$0	\$650,000

Medical Care - Payments to Providers 0147

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Initiative: Deappropriates and deallocates funds in the MaineCare pharmacy initiatives, including review of pharmacy use in certain supervised settings, stricter prior authorization criteria for the preferred drug list and request for federal permission to waive freedom of choice.

General Fund	2003-04	2004-05
All Other	\$0	(\$6,250,000)
General Fund Total	\$0	(\$6,250,000)
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$11,694,300)
Federal Expenditures Fund Total	\$0	(\$11,694,300)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds by initiating a voluntary pharmacy mail order program for certain specialty drugs on the direct supply drug list and other MaineCare and low-cost drugs for the elderly prescriptions. The department is not authorized to implement any form of mandatory mail order program for the various drug programs referenced in this section or otherwise administered by the department unless the Legislature subsequently provides that authorization.

General Fund	2003-04	2004-05
All Other	\$0	(\$5,000,000)
General Fund Total	\$0	(\$5,000,000)
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	(\$9,355,440)
Federal Expenditures Fund Total	\$0	(\$9,355,440)

Medical Care - Payments to Providers 0147

Initiative: Appropriates funds to be distributed to pharmacies as incentive payments to mitigate the impact on community pharmacies of initiating a voluntary pharmacy mail order program.

General Fund	2003-04	2004-05
All Other	\$0	\$1,000,000
General Fund Total	\$0	\$1,000,000

Medical Care - Payments to Providers 0147

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Initiative: Deappropriates funds as a result of creating a preferred drug list in the Drugs for the Elderly and Disabled program, taking into account available manufacturers' rebates, efficacy and cost-effectiveness in a manner similar to that used under MaineCare.

General Fund	2003-04	2004-05
All Other	\$0	(\$1,000,000)
General Fund Total	<hr/> \$0	<hr/> (\$1,000,000)

HUMAN SERVICES, DEPARTMENT OF	2003-04	2004-05
DEPARTMENT TOTALS		
GENERAL FUND	\$0	(\$10,874,014)
FEDERAL EXPENDITURES FUND	0	(19,749,740)
OTHER SPECIAL REVENUE FUNDS	0	124,014
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> (\$30,499,740)

PART GGG

Sec. GGG-1. 12 MRSA §6135 is enacted to read:

§6135. Maine Groundfish Fund

The Maine Groundfish Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department. Unexpended balances in the fund at the end of the fiscal year may not lapse and must be carried forward to the next fiscal year and used for the purposes of this section.

The fund may receive money from any source for the purposes of this section. Revenues may be used for support of the groundfish industry including research, development and economic assistance to maintain access, capacity and infrastructure along the entire coast. The commissioner shall select activities and projects that will be most beneficial to the commercial groundfish industry of the State.

Sec. GGG-2. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF
Bureau of Resource Management 0027

Initiative: Establishes an initial allocation for the Maine Groundfish Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$500
Other Special Revenue Funds Total	\$0	\$500

PART HHH

Sec. HHH-1. PL 2003, c. 513, Pt. P, §§1 and 2 are amended to read:

Sec. P-1. Transfer from unappropriated surplus at close of fiscal year 2003-04. Notwithstanding any other provision of law, at the close of fiscal year 2003-04 the State Controller shall transfer an amount up to \$4,495,662 ~~\$4,495,662~~ \$4,310,662 available 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, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the next priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1513, 1517 and 1519.

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

1. Finance Authority of Maine. As the first priority, \$564,287 to the Student Financial Assistance Program in the Finance Authority of Maine to provide funds for grants and loans to those seeking postsecondary education;

2. Higher education. As the 2nd priority, to the following ~~3~~ 2 higher education entities in the following amounts and priority order; except that, if ~~all-3~~ both priorities under this subsection can not be fulfilled, then the following ~~3~~ 2 higher education entities must share the amount available under this subsection in the same proportion as the dollar amounts listed in paragraphs A ~~to~~ and C:

A. University of Maine System. As the 2nd priority, \$850,000 to the Educational and General Activities - UMS program in the University of Maine System to provide funds for general operations;

2 ~~B. -- Maine Community College System. -- As the 2nd priority,~~
3 ~~\$350,000 to the Maine Community College System to provide~~
4 ~~funds for general operation; and~~

6 C. University of Maine System. As the 2nd priority,
7 \$2,000,000 to the Maine Economic Improvement Fund in the
8 University of Maine System to provide funds for applied
9 research and development at the University of Maine System;

10 2-A. Maine Microenterprise Initiative Fund. As the 3rd
11 priority, \$315,000 to the Maine Microenterprise Initiative Fund
12 in the Department of Economic and Community Development to
13 provide funds for grants to community-based organizations;

14
15 **3. Library and public broadcasting.** As the 3rd 4th
16 priority, to the following 2 entities in the following amounts
17 and priority order; except that, if both priorities under this
18 subsection can not be fulfilled, then the following 2 entities
19 must share the amount available under this subsection in the same
20 proportion as the dollar amounts listed in paragraphs A and B:

22 A. Maine State Library. As the 3rd 4th priority, \$57,538
23 to the Maine State Library to provide funds for book
24 acquisition; and

26 B. Maine Public Broadcasting Corporation. As the 3rd 4th
27 priority, \$123,837 to the Maine Public Broadcasting
28 Corporation to provide funds for general operations; and

30 **4. Department of Conservation.** As the 4th 5th priority,
31 \$400,000 to the Shore and Harbor Management Fund account to
32 partially restore an earlier transfer to the unappropriated
33 surplus of the General Fund.

34
35 **Sec. HHH-2. Appropriations and allocations.** The following
36 appropriations and allocations are made.

38 **ECONOMIC AND COMMUNITY DEVELOPMENT,**
39 **DEPARTMENT OF**

40 **Administration - Economic and Community**
41 **Development 0069**

44 Initiative: Provides one-time funds for the final year's match
45 requirement for the National Aeronautics and Space
46 Administration's EPSCoR award to the Maine Space Grant Consortium.

48	General Fund	2003-04	2004-05
50	All Other	\$0	\$315,000

General Fund Total \$0 \$315,000

Maine Microenterprise Initiative Fund 0447

Initiative: Deappropriates funds for grants to community-based organizations.

General Fund	2003-04	2004-05
All Other	\$0	(\$315,000)
General Fund Total	<hr/> \$0	<hr/> (\$315,000)

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$0

PART III

Sec. III-1. Calculation and transfer; position count in Department of Human Services and Department of Behavioral and Developmental Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the position count identified in section 2 that applies against each General Fund account within the Department of Human Services and the Department of Behavioral and Developmental Services in fiscal year 2004-05 and shall transfer the position count by financial order upon approval of the Governor. These budget transfers are considered an adjustment to position count in fiscal year 2004-05. 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 position count no later than November 1, 2004.

Sec. III-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Eliminates 31 positions as result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services. The funding associated with this

reduction in headcount was contained in Public Law 2003, chapter 20, Part B.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-31.000)

PART JJJ

Sec. JJJ-1. 4 MRSA §153, first ¶, as amended by PL 1989, c. 891, Pt. A, §2, is further amended to read:

The State is divided into 30 29 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

Sec. JJJ-2. 4 MRSA §153, sub-§1, as amended by PL 1979, c. 127, §12, is repealed.

Sec. JJJ-3. 4 MRSA §153, sub-§2, as amended by PL 1971, c. 622, §4-A, is further amended to read:

2. Androscoggin. Southern Androscoggin consists of all municipalities in Androscoggin County ~~not--included--within--the division--of--Northern--Androscoggin.~~ The District Court for Southern Androscoggin shall must be held at Lewiston or Auburn, exact site to be determined by the Chief Judge.

Sec. JJJ-4. 4 MRSA §154, sub-§8, as amended by PL 1983, c. 654, §3, is further amended to read:

8. Eighth District. The 8th district consists of the divisions of Southern Androscoggin (Lewiston).

Sec. JJJ-5. 4 MRSA §154, sub-§11, as amended by PL 1965, c. 425, §3, is further amended to read:

11. Eleventh District. The 11th district consists of the divisions of ~~Northern--Androscoggin--(Livermore--Falls)~~, Northern Oxford (Rumford) and Southern Oxford (South Paris).

PART KKK

Sec. KKK-1. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM,

BOARD OF TRUSTEES OF THE

2

Educational and General Activities - UMS 0031

4

Initiative: Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, chapter 20, Part RR to the Maine Economic Improvement Fund program.

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10	General Fund	2003-04	2004-05
	All Other	\$0	(\$100,000)

12

Maine Economic Improvement Fund 0986

14

Initiative: Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, chapter 20, Part RR to the Maine Economic Improvement Fund program.

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20	General Fund	2003-04	2004-05
	All Other	\$0	\$100,000

22

UNIVERSITY OF MAINE SYSTEM,

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BOARD OF TRUSTEES OF THE

DEPARTMENT TOTALS

26

		2003-04	2004-05
	GENERAL FUND	\$0	\$0
	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

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PART LLL

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Sec. LLL-1. PL 2003, c. 20, Pt. D, §3 is amended to read:

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Sec. D-3. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Other Special Revenue Funds account for all departments and agencies from savings in the cost of health insurance and shall transfer the calculated amounts to the General Fund by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05, including allocations from the Fund for a Healthy Maine. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005. The following Other Special Revenue Funds accounts are exempt from these calculations: the Public Reserved Lands Management Fund account

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2 and the Submerged Lands Fund account in the Department of
3 Conservation, the Maine Endangered and Nongame Wildlife Fund
4 account in the Department of Inland Fisheries and Wildlife and
the Baxter State Park Authority account.

6 **Sec. LLL-2. PL 2003, c. 20, Pt. D, §6** is amended to read:

8 **Sec. D-6. Calculation and transfer.** Notwithstanding any other
9 provision of law, the State Budget Officer shall calculate the
10 amount of savings in Part B, section 1 that applies against each
11 Other Special Revenue Funds account for all departments and
12 agencies from increased attrition and shall transfer the
13 calculated amounts to the General Fund by financial order upon
14 the approval of the Governor. These transfers are considered
15 adjustments to allocations in fiscal years 2003-04 and 2004-05,
16 including allocations from the Fund for a Healthy Maine. The
17 State Budget Officer shall provide the joint standing committee
18 of the Legislature having jurisdiction over appropriations and
19 financial affairs a report of the transferred amounts no later
20 than January 15, 2005. The following Other Special Revenue Funds
21 accounts are exempt from these calculations: the Public Reserved
22 Lands Management Fund account and the Submerged Lands Fund
23 account in the Department of Conservation, the Maine Endangered
24 and Nongame Wildlife Fund account in the Department of Inland
25 Fisheries and Wildlife and the Baxter State Park Authority
26 account.

28 **Sec. LLL-3. PL 2003, c. 20, Pt. D, §9** is amended to read:

30 **Sec. D-9. Calculation and transfer.** Notwithstanding any other
31 provision of law, the State Budget Officer shall calculate the
32 amount of savings in Part B, section 1 that applies against each
33 Other Special Revenue Funds account for all departments and
34 agencies from extending the amortization schedule of the unfunded
35 liability and shall transfer the calculated amounts to the
36 General Fund by financial order upon the approval of the
37 Governor. These transfers are considered adjustments to
38 allocations in fiscal years 2003-04 and 2004-05, including
39 allocations from the Fund for a Healthy Maine. The State Budget
40 Officer shall provide the joint standing committee of the
41 Legislature having jurisdiction over appropriations and financial
42 affairs a report of the transferred amounts no later than January
43 15, 2005. The following Other Special Revenue Funds accounts are
44 exempt from these calculations: the Public Reserved Lands
45 Management Fund account and the Submerged Lands Fund account in
46 the Department of Conservation, the Maine Endangered and Nongame
47 Wildlife Fund account in the Department of Inland Fisheries and
48 Wildlife and the Baxter State Park Authority account.

2 D. A member is eligible for benefits for durable medical
3 equipment, prosthetics and orthotics for one pair of shoes
4 and one pair of inserts per year, medical supplies required
5 to meet standard daily needs and power wheelchairs for a
6 member who is nonambulatory and has a significant
7 neuromuscular disease or disorder.

8 E. A member is eligible for occupational and physical
9 therapy benefits provided by occupational and physical
10 therapists licensed under Title 32 and who are acting within
11 their scope of practice. Services of occupational and
12 physical therapists may be provided in all outpatient
13 settings, including the home. For services subject to this
14 paragraph, the department may require a member to have that
15 member's rehabilitation potential documented by a physician
16 and may limit treatment to:

17 (1) Treatment following an acute hospital stay for a
18 condition affecting range of motion, muscle strength
19 and physical functional abilities;

20 (2) Treatment after a surgical procedure performed for
21 the purpose of improving physical function; or

22 (3) Treatment in those situations in which a physician
23 has documented that the patient has in the preceding 30
24 days required extensive assistance in the performance
25 of one or more of the following activities of daily
26 living: eating, toileting, locomotion, transfer or bed
27 mobility.

28 The department may limit occupational and physical therapy
29 services benefits under this paragraph for palliative care
30 and maintenance of function to one visit per year to design
31 a plan of care and train the member or caretaker of the
32 member to implement the plan or to reassess the plan of care.

33 F. A member is eligible for benefits for chiropractic
34 services provided by a chiropractor licensed under Title
35 32. Benefits under this paragraph may be limited by the
36 department by requiring a member to have that member's
37 rehabilitation potential documented by a physician.
38 Benefits may be limited to treatment as follows:

39 (1) Treatment for acute neuromuscular skeletal
40 conditions affecting range of motion, muscle strength
41 and physical functional abilities; or

42 (2) Treatment after a surgical procedure performed for
43 the purpose of improving physical function.

2 G. A member is eligible for benefits under the private duty
4 nursing and personal care program and waiver programs for
6 the physically disabled or elderly as long as those benefits
may be limited by reductions in units of service or by rate
reductions.

8 H. A member who is eligible for benefits under section
10 3174-G, subsection 1, paragraph F is eligible for benefits
12 under this section subject to the provisions of paragraphs A
to G and to additional rules limiting benefits as specified
in this paragraph.

14 (1) Benefits for inpatient hospital admissions are
16 limited to 2 per year, except that more admissions may
18 be approved through prior authorization by the
department. This subparagraph does not limit inpatient
hospital benefits for laboratory services, x-ray
services, prenatal care and mental health diagnoses.

20 (2) Benefits for outpatient visits to a hospital are
22 limited to 5 per year, except that more visits may be
24 approved through prior authorization by the
department. This subparagraph does not limit benefits
for visits for laboratory services, x-ray services,
prenatal care and mental health diagnoses.

28 (3) Benefits for brand-name prescription medications
30 are limited to 5 medications dispensed during the same
32 time period, except that benefits for additional
brand-name medications may be approved through prior
authorization by the department. In addition to the
34 brand-name limitation, as compared to members who are
eligible under other paragraphs of section 3174-G,
36 subsection 1, prescription medication benefits for
members who are eligible under paragraph F are limited
38 by stricter prior authorization requirements, increased
review of pharmacy use and a request for federal
permission to waive freedom of choice.

40 (4) A member who is eligible for benefits under
42 section 3174-G, subsection 1, paragraph F begins
44 coverage on the date that the department determines
that the member is eligible.

46 **Sec. MMM-2. Service limitation or rate reduction.** Home Based
48 Care Program benefits administered by the Department of Human
Services may be limited by reductions in units of service or by
rate reductions for fiscal year 2004-05 in order to achieve

savings of \$466,666 in General Fund expenditures in the program budget.

4 Sec. MMM-3. Savings in MaineCare expenditures. The
 6 Department of Human Services is authorized to adopt routine
 technical rules in the MaineCare program in accordance with Title
 8 22, section 3174-FF to achieve savings for the General Fund in
 the following amounts in fiscal year 2004-05: speech therapy,
 occupational therapy and physical therapy, \$297,714;
 10 chiropractic, \$80,873; durable medical equipment, \$350,000;
 prosthetics and orthotics, \$43,094; rehabilitation for brain
 12 injury, \$1,500,000; psychological services, \$125,740; private
 duty nursing and waiver programs for persons who are elderly or
 14 disabled, \$233,333; noncategorical members' inpatient care,
 \$482,374; noncategorical members' outpatient care, \$945,841;
 16 noncategorical members' prescription medications, \$200,000; and
 noncategorical members' prospective eligibility, \$560,859.

18 Sec. MMM-4. Appropriations and allocations. The following
 20 appropriations and allocations are made.

22 HUMAN SERVICES, DEPARTMENT OF

24 Long-term Care - Human Services 0420

26 Initiative: Deappropriates funds for home-based care program
 benefits administered by the Department of Human Services to
 28 reflect program limits to be achieved by reductions in units of
 services or by rate reductions.

General Fund	2003-04	2004-05
All Other	\$0	(\$466,666)
General Fund Total	\$0	(\$466,666)

36 Bureau of Medical Services 0129

38 Initiative: Appropriates and allocates funds for contractual
 services to implement changes in the MaineCare benefit package,
 40 establishment of medical criteria, performance of medical
 assessment activities, utilization review, increased prior
 42 authorization and medical management.

General Fund	2003-04	2004-05
All Other	\$0	\$1,000,000
General Fund Total	\$0	\$1,000,000

Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$1,000,000

2	Federal Expenditures Fund Total	\$0	\$1,000,000
4	Medical Care - Payments to Providers 0147		
6	Initiative: Deappropriates and deallocates funds to implement MaineCare Basic for all adults.		
8			
	General Fund	2003-04	2004-05
10	All Other	\$0	(\$8,129,086)
12	General Fund Total	\$0	(\$8,129,086)
14	Federal Expenditures Fund	2003-04	2004-05
	All Other	\$0	(\$15,210,237)
16	Federal Expenditures Fund Total	\$0	(\$15,210,237)
18			
	Medical Care - Payments to Providers 0147		
20	Initiative: Deappropriates and deallocates funds to implement MaineCare Basic for childless adults.		
22			
24	General Fund	2003-04	2004-05
	All Other	\$0	(\$1,989,074)
26	General Fund Total	\$0	(\$1,989,074)
28			
	Federal Expenditures Fund	2003-04	2004-05
30	All Other	\$0	(\$3,721,732)
32	Federal Expenditures Fund Total	\$0	(\$3,721,732)
34	HUMAN SERVICES, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
36			
	GENERAL FUND	\$0	(\$9,584,826)
38	FEDERAL EXPENDITURES FUND	0	(17,931,969)
40	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$27,516,795)

PART NNN

Sec. NNN-1. Study discrimination against homeless individuals.

The Attorney General shall study the types and extent of discrimination against homeless individuals in the State. The study must include, but is not limited to, an assessment of the prevalence of acts of physical force or violence against, damage or destruction of property of or

2 trespass on property of homeless individuals and of threats of
physical force or violence against, damage or destruction of
4 property of or trespass on property of homeless individuals. The
study must also include an assessment of the prevalence of acts
6 of discrimination against homeless individuals in housing, public
accommodations and pricing of goods and services.

8 **Sec. NNN-2. Report.** By January 5, 2005, the Attorney General
shall submit to the Legislature a report summarizing the results
10 of the study required under section 1 of this Part.

12 **Sec. NNN-3. Legislation.** By January 5, 2005, the Attorney
General shall, if the Attorney General determines it necessary
14 based on the results of the study required under section 1 of
this Part, submit legislation to the Legislature that would make
16 illegal certain acts of discrimination against homeless
individuals.

18
20 **PART 000**

22 **Sec. 000-1. MaineCare reimbursement rates.** Notwithstanding
any other provision of law, the cap on reimbursement rates paid
24 to individual providers of services and to agencies in the Mental
Health Services - Community Medicaid and Mental Health Services -
26 Child Medicaid accounts may not be set, directly or indirectly,
by the Department of Human Services or the Department of
28 Behavioral and Developmental Services for state fiscal year
2004-05 below the median rate necessary to achieve the savings
30 identified in this Act.

32 **Sec. 000-2. Advisory working group; mental health services.** The
Commissioner of Behavioral and Developmental Services and the
34 Commissioner of Human Services shall convene an advisory working
group consisting of representatives of individual and agency
36 providers of adult and children's mental health services funded
by either of the departments to examine and make recommendations
38 to the departments regarding methods to provide regulatory
relief, achieve savings and identify the factors that contribute
40 to provider costs in excess of the statewide median for these
services. The goal of the advisory
42 working group is to identify changes that may be made in
licensing and other administrative requirements so that services
44 may be provided in the most cost-effective manner. In performing
its work under this section, the advisory working group shall
46 consult with the Court Master and the Receiver in the Augusta
Mental Health Institute Consent Decree case, Kennebec County
48 Superior Court, CV-89-088, and with the representatives of the
parties in that case and other relevant consent decrees and
50 settlements. By September 6, 2004, the Commissioner of

Behavioral and Developmental Services shall report on the progress of the advisory working group to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The committee may report out legislation to the First Regular Session of the 122nd Legislature.

PART PPP

Sec. PPP-1. Education in Unorganized Territory account; lapse balances. Notwithstanding any other provision of law, \$2,400,000 of unencumbered balance forward in fiscal year 2003-04 in the Education in Unorganized Territory, General Fund account in the Department of Education lapses to the General Fund in fiscal year 2003-04.

Sec. PPP-2. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Professional Development 0859

Initiative: Deappropriates funds due to one-time savings in fiscal year 2003-04.

General Fund	2003-04	2004-05
All Other	(\$63,989)	\$0
General Fund Total	(\$63,989)	\$0

PART QQQ

Sec. QQQ-1. 3 MRSA §163, first ¶, as amended by PL 1985, c. 501, Pt. B, §4, is further amended to read:

The duties of the Executive Director of the Legislative Council ~~shall be~~ are:

Sec. QQQ-2. 3 MRSA §163, sub-§1, as amended by PL 1989, c. 410, §5, is further amended to read:

1. Executive officers. To act as executive officer of the Legislature when it is not in session and unless the Legislature ~~shall otherwise order~~ orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for

2 necessary services, make all arrangements for incoming sessions
 4 of the Legislature, have general oversight of chambers and rooms
 6 occupied by the Legislature and permit state departments to use
 8 legislative property. The Executive Director shall may sell, in
 10 accordance with procedures established by the Legislative
 12 Council, unneeded legislative equipment and materials and, with
 14 the approval of the President of the Senate and the Speaker of
 16 the House of Representatives, dispose of surplus--or obsolete
 18 material or unusable equipment and materials through the
 20 continuing--property--records--section--of--the--Bureau--of--Public
Improvements Bureau of General Services' surplus property
program. Proceeds from the sale of unneeded equipment and
materials must be credited to the legislative account. The
 Executive Director shall has the authority to enter into
 contracts authorized by the Legislative Council and shall approve
 accounts and vouchers for payment. A perpetual inventory of all
 legislative property shall must be maintained under the
 supervision of the Legislative Council and an accounting thereof
 shall of the inventory must be made to the Legislature upon its
 request.

22 **Sec. QQQ-3. Appropriations and allocations.** The following
 24 appropriations and allocations are made.

26 **LEGISLATURE**

28 **Uniform State Laws - Commission on**

30 Initiative: Appropriates funds to cover the expenses of 3 Maine
 32 commissioners to attend the annual conference of the Commission
 on Uniform State Laws and to contribute a portion of the dues
 owed to the commission by the State.

34 General Fund	2003-04	2004-05
All Other	\$0	\$12,000
General Fund Total	\$0	\$12,000

40 **PART RRR**

42 **Sec. RRR-1. 32 MRSA §10405, sub-§2,** as amended by PL 2003, c.
 44 201, §17, is further amended to read:

46 **2. Fees.** A person filing a registration statement must pay
 48 a filing fee of \$500 \$1,000 for each security offered, except
 50 that for a registration statement filed under section 10404 for
 an offering for which the total amount raised in state and out of
 state does not exceed \$1,000,000, the filing fee is \$300 for each
 security offered. When a registration statement is withdrawn

before the effective date or abandoned pursuant to section 10406, subsection 5 or a preeffective stop order is entered under section 10406, the administrator retains the fee.

Sec. RRR-2. 32 MRSA §10505, sub-§1, ¶¶A and B, as enacted by PL 1997, c. 168, §28, are amended to read:

A. Prior to the initial offer of a federal covered security in this State in reliance on Section 18(b)(2) of the United States Securities Act of 1933, a person authorized to register the security under the United States Securities Act of 1933 shall file with the administrator a notice, upon a form prescribed by the administrator, and the consent to service of process required by section 10704, signed by the issuer of the security, and pay a filing fee of \$500 \$1,000. A notice filing under this subsection automatically becomes effective when the administrator receives the documents and fee required by this subsection, unless the administrator receives a request to delay effectiveness, and will expire one year from its effective date.

B. To maintain a currently effective notice filing under this subsection, a person authorized to register the security under the United States Securities Act of 1933 shall file with the administrator, no later than the expiration date of the currently effective notice filing, a notice, upon a form prescribed by the administrator, and pay a filing fee of \$500 \$1,000.

Sec. RRR-3. Effective date. This Part takes effect July 1, 2004.

PART SSS

Sec. SSS-1. 34-B MRSA §1208, sub-§1, ¶H is enacted to read:

H. "Service provider" means a community agency providing services for children with mental health needs, mental retardation and autism.

Sec. SSS-2. 34-B MRSA §1208, sub-§8 is enacted to read:

8. Fees. By July 1, 2004, the department shall adopt rules to require that contracts and service agreements with service providers require service providers to charge fees for certain services for children and families funded through grant funds from the department. Respite, outpatient, case management and home-based family services are subject to fees under this subsection. Rules adopted pursuant to this subsection are

2 routine technical rules as defined in Title 5, chapter 375,
3 subchapter 2-A. The following provisions apply to the rules and
4 to the imposition of fees under the rules.

6 A. A fee scale must be established by the department on a
7 sliding scale on the basis of household income, determined
8 after consultation with the Department of Human Services,
9 Bureau of Family Independence with reference to the federal
10 nonfarm income official poverty line, and take into account
11 the number of children with special needs within a household
12 who are receiving services from the department and whether
13 the family pays very high health care expenses.

14 B. The fee scale under paragraph A must be developed after
15 consultation with service providers, consumers and advocates
16 for service providers and consumers. As appropriate to the
17 child, family and service, the fee scale must apply to all
18 service providers and supersedes previous service provider
19 fee schedules.

20 C. The fee scale under paragraph A may not require fees
21 from families below 250% of the federal nonfarm income
22 official poverty line and must require families above 450%
23 of the federal nonfarm income official poverty line to pay
24 100% of the cost of services provided by service providers.
25 The fee scale must include fees of 25%, 50%, 75% and 100% of
26 the cost of services.

28 D. Service providers must be allowed to require payment of
29 fees at the time that services are provided, to suspend
30 services for nonpayment of fees and to retain all fees
31 collected. Service providers must be required to provide an
32 accounting to the department of fees charged and
33 administrative expenses incurred in billing and collecting
34 fees and of fees retained.

36 **Sec. SSS-3. Revenue calculation requirement; community agency**
37 **children's service providers.** For fiscal year 2004-05 the fee scale
38 established by the Department of Behavioral and Developmental
39 Services under the rules adopted pursuant to the Maine Revised
40 Statutes, Title 34-B, section 1208, subsection 8 must be
41 calculated to produce revenue for the service providers that are
42 subject to those rules of a minimum of \$700,000.

44 **Sec. SSS-4. Appropriations and allocations.** The following
45 appropriations and allocations are made.

48 **BEHAVIORAL AND DEVELOPMENTAL SERVICES, DEPARTMENT OF**

50 **Mental Health Services - Children 0136**

2 Initiative: Increases funding for room and board, flexible funds
4 and training. This appropriation is intended to partially offset
6 decreases in funding from fiscal year 2003-04 to fiscal year
2004-05.

General Fund	2003-04	2004-05
8 All Other	\$0	\$1,250,000
10 General Fund Total	\$0	\$1,250,000

12 **PART TTT**

14 **Sec. TTT-1. 22 MRSA §3174-T, sub-§5, ¶A**, as amended by PL
16 1999, c. 731, Pt. PP, §2 and repealed and replaced by PL 2003, c.
18 20, Pt. K, §10 and affected by §19 and c. 451, Pt. CCC, §§1 and
3, is repealed and the following enacted in its place:

20 A. Premiums must be paid at the beginning of each month for
22 coverage for that month according to the following scale:

24 (1) Families with incomes between 150% and 160% of the
26 federal nonfarm income official poverty line pay
premiums of 5% of the benefit cost per child, but not
more than 5% of the cost for 2 children;

28 (2) Families with incomes between 160% and 170% of the
30 federal nonfarm income official poverty line pay
premiums of 10% of the benefit cost per child, but not
more than 10% of the cost for 2 children;

32 (3) Families with incomes between 170% and 185% of the
34 federal nonfarm income official poverty line must pay
premiums of 15% of the benefit cost per child, but not
36 more than 15% of the cost for 2 children; and

38 (4) Families with incomes between 185% and 200% of the
40 federal nonfarm income official poverty line must pay
premiums of 20% of the benefit cost per child, but not
42 more than 20% of the cost for 2 children.

44 **Sec. TTT-2. 22 MRSA §3174-T, sub-§12** is enacted to read:

46 12. Premium rate review; adjustment. Effective July 1,
2004, the department shall periodically evaluate the amount of
48 premiums charged under this section to ensure that the premiums
charged reflect the most current benefit cost per child. The
commissioner shall adjust the premiums by rule. Rules adopted

pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. TTT-3. PL 2003, c. 20, Pt. K, §19, as enacted by PL 2003, c. 451, Pt. CCC, §1 and affected by §3, is repealed.

Sec. TTT-4. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides funds to partially restore the deappropriation of MaineCare adult transportation funding included in Public Law 2003, chapter 20 in order to return the volunteer vehicle rate to 30¢ per mile from 28¢ per mile and the family vehicle rate to 15¢ per mile from 14¢ per mile.

General Fund	2003-04	2004-05
All Other	\$0	\$110,000
General Fund Total	\$0	\$110,000
Federal Expenditures Fund	2003-04	2004-05
All Other	\$0	\$205,820
Federal Expenditures Fund Total	\$0	\$205,820

Medical Care - Payments to Providers 0147

Initiative: Provides funds to eliminate the increase in premiums established in Public Law 2003, chapter 20 for children in families with income levels between 151% and 200% of the federal poverty level.

General Fund	2003-04	2004-05
All Other	\$0	\$250,000
General Fund Total	\$0	\$250,000
Federal Block Grant Fund	2003-04	2004-05
All Other	\$0	\$775,431
Federal Block Grant Fund Total	\$0	\$775,431

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds to reflect a change in the premiums charged for certain Cub Care children.

2	General Fund	2003-04	2004-05
	All Other	\$0	(\$180,000)
4			
	General Fund Total	\$0	(\$180,000)
6			
	Federal Block Grant Fund	2003-04	2004-05
8	All Other	\$0	(\$558,310)
10			
	Federal Block Grant Fund Total	\$0	(\$558,310)
12	HUMAN SERVICES, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
14			
	GENERAL FUND	\$0	\$180,000
16	FEDERAL EXPENDITURES FUND	\$0	\$205,820
	FEDERAL BLOCK GRANT FUND	\$0	\$217,121
18			
	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$602,941
20			

PART UUU

24 **Sec. UUU-1. Sharing of confidential information; Finance Authority**
26 **of Maine; Department of Human Services.** The Finance Authority of
28 Maine shall share necessary information with the Department of
30 Human Services, including the dates of birth and home addresses
32 of grant recipients under the Maine State Grant Program, to be
34 used only to determine which Maine State Grant Program recipients
are also eligible for TANF job preparation funds or to
participate in the Parents as Scholars Program operated by the
Department of Human Services. The Department of Human Services
shall maintain the confidentiality of all such information
provided pursuant to this section.

36 **Sec. UUU-2. Appropriations and allocations.** The following
38 appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs 0653

42 Initiative: Deappropriates funds for fiscal year 2004-05 only
44 from the Maine State Grant Program for expenditures that will be
46 paid from Temporary Assistance for Needy Families, TANF,
48 Prevention Services within the TANF Block Grant to provide job
preparation funds to TANF - Parents as Scholars participants.

50	General Fund	2003-04	2004-05
	All Other	\$0	(\$183,250)

2 The application for registration must be accompanied by a filing
4 fee of \$50 ~~\$60~~ for the first class and \$10 for each additional
class, payable to the Treasurer of State.

6 **Sec. WWW-2. 10 MRSA §1524, first ¶**, as amended by PL 1987, c.
8 561, §2, is further amended to read:

10 Registration of a mark shall ~~be~~ is effective for a term of
12 10 years from the date of registration and, ~~--upon.~~ Upon
14 application filed within 6 months prior to the expiration of the
term, on a form to be furnished by the Secretary of State, the
16 registration may be renewed for a like term. A renewal fee of \$50
~~\$60~~, payable to the Treasurer of State, shall must accompany the
application for renewal of the registration.

18 **Sec. WWW-3. 13-B MRSA §1401, sub-§6**, as amended by PL 1999,
c. 594, §15, is further amended to read:

20 **6. Statement of change in registered agent or registered**
22 **agent and registered office.** Statement of change in registered
agent or registered agent and registered office, as provided by
24 section 305, subsection 1, \$5 ~~\$15~~;

26 **Sec. WWW-4. 13-B MRSA §1401, sub-§10-A**, as amended by PL
2003, c. 344, Pt. B, §25, is further amended to read:

28 **10-A. Assumed or fictitious name statement.** Assumed or
30 fictitious name statement, as provided by section 308-A, \$5 ~~\$25~~;

32 **Sec. WWW-5. 13-B MRSA §1401, sub-§11**, as enacted by PL
1977, c. 525, §13, is amended to read:

34 **11. Articles of incorporation.** Articles of incorporation,
36 as provided by section 403, \$20 ~~\$40~~;

38 **Sec. WWW-6. 13-B MRSA §1401, sub-§12**, as amended by PL
1979, c. 127, §106, is further amended to read:

40 **12. Articles of amendment.** Articles of amendment, as
42 provided by ~~section~~ sections 802 and 803, \$5 ~~\$10~~; if the
amendment changes the corporation's purposes, a further
44 additional amount of \$5 ~~\$10~~;

46 **Sec. WWW-7. 13-B MRSA §1401, sub-§12-A**, as enacted by PL
1993, c. 316, §45, is amended to read:

48 **12-A. Certificate of correction.** Certificate of
50 correction, as provided by section 106, subsection 4, \$5 ~~\$10~~;

2 **Sec. WWW-8. 13-B MRSA §1401, sub-§17**, as enacted by PL
1977, c. 525, §13, is amended to read:

4 **17. Articles of dissolution.** Articles of dissolution, as
provided by section 1104, ~~§5~~ §10;

6 **Sec. WWW-9. 13-B MRSA §1401, sub-§18**, as amended by PL
8 1979, c. 127, §108, is further amended to read:

10 **18. Statement of intent.** Statement of intent to dissolve as
provided by section 1101, ~~§5~~ §10;

12 **Sec. WWW-10. 13-B MRSA §1401, sub-§§20 and 22**, as enacted by
14 PL 1977, c. 525, §13, are amended to read:

16 **20. Application for authority.** Application of a foreign
corporation for authority to carry on activities in this State,
18 as provided by section 1202, ~~§25~~ §45;

20 **22. Amendment to foreign corporation's application.** An
amendment to a foreign corporation's application for authority to
22 carry on activities in this State, as provided by section 1207,
~~§5~~ §10;

24 **Sec. WWW-11. 13-C MRSA §123, sub-1, ¶¶A and G**, as enacted by
26 PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, are amended
to read:

28 A. For articles of incorporation, the fee is ~~§125~~ §145.

30 G. For a notice of change of clerk, registered agent or
32 registered office, or a combination thereof, the fee is ~~§20~~
§35.

34 **Sec. WWW-12. 13-C MRSA §123, sub-§1, ¶¶H and I**, as amended
36 by PL 2003, c. 344, Pt. B, §34, are further amended to read:

38 H. For a notice of change in the name of the current clerk
or registered agent or a change of a registered office for
40 each affected corporation not to exceed a total of 100, the
fee is ~~§20~~ §35.

42 I. For a notice of change in the name of the current clerk
44 or registered agent or a change of a registered office for
each affected corporation in excess of 100, the fee is ~~§10~~
46 §20.

48 **Sec. WWW-13. 13-C MRSA §123, sub-§1, ¶¶K, M to T, BB, FF and**
HH to KK, as enacted by PL 2001, c. 640, Pt. A, §2 and affected
50 by Pt. B, §7, are amended to read:

2 K. For an amendment of articles of incorporation, the fee
is ~~\$35~~ \$50.

4 M. For articles of merger or share exchange, the fee is ~~\$80~~
6 \$100.

8 N. For articles of domestication, the fee is ~~\$125~~ \$145.

10 O. For articles of charter surrender, the fee is ~~\$70~~ \$90.

12 P. For articles of nonprofit conversion, the fee is ~~\$125~~
14 \$145.

16 Q. For articles of domestication and conversion, the fee is
~~\$125~~ \$145.

18 R. For articles of entity conversion, the fee is ~~\$125~~
20 \$145.

22 S. For articles of dissolution, the fee is ~~\$55~~ \$75.

24 T. For articles of revocation of dissolution, the fee is
~~\$55~~ \$75.

26 BB. For an application for withdrawal of authority, the fee
is ~~\$70~~ \$90.

28 FF. For articles of correction, the fee is ~~\$35~~ \$50.

30 HH. For an application for excuse, the fee is ~~\$20~~ \$40.

32 II. For an a certificate of resumption, the fee is ~~\$80~~
34 \$100.

36 JJ. For an application for an assumed name, the fee is ~~\$105~~
38 \$125.

40 KK. For an application for a fictitious name adopted by a
foreign corporation authorized to transact business in this
State because its real name is unavailable, the fee is ~~\$20~~
42 \$40.

44 **Sec. WWW-14. 31 MRSA §526, sub-§2**, as amended by PL 2003,
c. 344, Pt. C, §14, is further amended to read:

46 **2. Assumed or fictitious name.** For filing of an
48 application for an assumed name under section 405-A, a fee in the
amount of ~~\$105~~ \$125, and for filing of an application for a
50 fictitious name under section 405-A, a fee in the amount of \$20

2 \$40. The addition of the words "Limited Partnership," the
4 abbreviation "L.P." or the designation "LP" to a foreign limited
partnership's name for use in this State is not, for the purpose
of this section, deemed an assumed name;

6 **Sec. WWW-15. 31 MRSA §526, sub-§5,** as amended by PL 1999,
8 c. 594, §22, is further amended to read:

10 **5. Change of registered agent and registered office or**
12 **registered office for domestic limited partnerships.** For filing
of a certificate by a registered agent under section 407,
14 subsection 2, paragraph B to change the registered office or to
change the name of the current registered agent or for filing of
16 a certificate of amendment under section 422 to change the
registered agent and registered office or for filing a notice of
18 resignation of a registered agent under section 407, subsection
3, a fee in the amount of \$20 \$35;

20 **Sec. WWW-16. 31 MRSA §526, sub-§7,** as amended by PL 1999,
c. 638, §16, is further amended to read:

22 **7. Certificate of limited partnership, amendment or**
24 **cancellation.** For filing of a certificate of limited partnership
under section 421, a fee in the amount of ~~\$125~~ \$175, and for a
26 certificate of amendment under section 422, except as provided in
subsection 5, ~~or a fee in the amount of \$50, and for a~~
28 certificate of cancellation under section 423, a fee in the
amount of ~~\$35~~ \$75. For filing of a certificate of amendment
30 under section 422, subsection 7, a fee in the amount of \$20 and
for filing a restated certificate of limited partnership under
32 section 422, subsection 6, a fee of \$80;

34 **Sec. WWW-17. 31 MRSA §526, sub-§7-A,** as enacted by PL 1993,
c. 316, §68, is amended to read:

36 **7-A. Certificate of correction.** For filing of a
38 certificate of correction under section 422-A, a fee in the
amount of \$20 \$50;

40 **Sec. WWW-18. 31 MRSA §526, sub-§8,** as amended by PL 1999,
42 c. 638, §17, is further amended to read:

44 **8. Foreign limited partnerships.** For filing of an
application for authority to do business as a foreign limited
46 partnership under section 492, a fee in the amount of \$250, and
for a certificate of amendment under section 495, except as
48 provided in subsection 9, or a certificate of cancellation under
section 496, a fee in the amount of \$70 \$90. For filing a
certificate of amendment under section 495 to change the address

2 of a general partner or to change the address of the registered
or principal office, a fee in the amount of \$30 ~~\$35~~;

4 **Sec. WWW-19. 31 MRSA §526, sub-§8-A**, as enacted by PL 1993,
c. 316, §70, is amended to read:

6 **8-A. Certificate of correction for foreign limited**
8 **partnerships.** For filing of a certificate of correction under
section 495-A, a fee in the amount of \$30 ~~\$50~~;

10 **Sec. WWW-20. 31 MRSA §526, sub-§9**, as amended by PL 1999,
12 c. 594, §23, is further amended to read:

14 **9. Change of registered agent and registered office or**
16 **registered office for foreign limited partnerships.** For filing
of a certificate by a registered agent under section 494,
18 subsection 3, paragraph B to change the registered office or to
change the name of the current registered agent or for filing of
20 a certificate of amendment under section 495 to change the
registered agent and registered office or for filing a notice of
22 resignation of a registered agent under section 494, subsection
4, a fee in the amount of \$30 ~~\$35~~;

24 **Sec. WWW-21. 31 MRSA §526, sub-§20**, as enacted by PL 1999,
c. 638, §20, is amended to read:

26 **20. Certificate of conversion.** Certificate of conversion
28 of a limited partnership to another type of business entity as
provided by section 418, a fee in the amount ~~\$125~~ ~~\$145~~.

30 **Sec. WWW-22. 31 MRSA §751, sub-§2**, as amended by PL 2003,
32 c. 344, Pt. C, §31, is further amended to read:

34 **2. Assumed or fictitious name.** For filing of an
application for an assumed name under section 605-A, a fee of
36 ~~\$195~~ ~~\$125~~, and for filing an application for a fictitious name
under section 605-A, a fee of \$30 ~~\$40~~;

38 **Sec. WWW-23. 31 MRSA §751, sub-§6**, as amended by PL 1999,
40 c. 594, §26, is further amended to read:

42 **6. Change of registered agent and registered office or**
44 **registered office for domestic limited liability companies.** For
filing of a certificate by a registered agent under section 607,
46 subsection 3, paragraph B to change the registered office or to
change the name of the current registered agent or for filing of
a certificate of amendment under section 623 to change the
48 registered agent and registered office or for filing a notice of
resignation of the registered agent under section 607, subsection
50 5, a fee of \$20 ~~\$35~~;

2 **Sec. WWW-24. 31 MRSA §751, sub-§8**, as amended by PL 1999,
c. 638, §35, is further amended to read:

4
6 **8. Articles of organization or amendment, certificate of**
cancellation, merger or consolidation. For filing of articles of
organization under section 622, a fee of ~~\$125~~ **\$175**; articles of
8 amendment under section 623, except as provided in subsection 6
~~er, a fee of \$50~~; a certificate of cancellation under section
10 625, a fee of ~~\$35~~ **\$75**; restated articles of organization under
section 623, subsection 6, a fee of \$80; and a certificate of
12 merger or consolidation under section 744, a fee of ~~\$80~~ **\$100**;

14 **Sec. WWW-25. 31 MRSA §751, sub-§9**, as enacted by PL 1993,
c. 718, Pt. A, §1, is amended to read:

16
18 **9. Certificate of correction.** For filing of a certificate
of correction under section 624, a fee of ~~\$20~~ **\$50**;

20 **Sec. WWW-26. 31 MRSA §751, sub-§12**, as amended by PL 1999,
c. 638, §36, is further amended to read:

22
24 **12. Foreign limited liability companies.** For filing of an
application for authority to do business as a foreign limited
26 liability company under section 712, a fee of \$250, and for a
certificate of amendment under section 715, except as provided in
subsection 13, or a certificate of cancellation under section
28 717, a fee of ~~\$70~~ **\$90**. For filing a certificate of amendment
under section 715 to change the address of the registered or
30 principal office, a fee in the amount of ~~\$30~~ **\$35**;

32 **Sec. WWW-27. 31 MRSA §751, sub-§13**, as enacted by PL 1993,
c. 718, Pt. A, §1, is amended to read:

34
36 **13. Certificate of correction for foreign limited liability**
companies. For filing of a certificate of correction under
section 716, a fee of ~~\$30~~ **\$50**;

38
40 **Sec. WWW-28. 31 MRSA §751, sub-§14**, as amended by PL 1999,
c. 594, §26, is further amended to read:

42 **14. Change of registered agent and registered office or**
registered office for foreign limited liability companies. For
44 filing of a certificate by a registered agent under section 714,
subsection 3, paragraph B to change the registered office or to
46 change the name of the current registered agent or for filing of
a certificate of amendment under section 715 to change the
48 registered agent and registered office or for filing a notice of
resignation of the registered agent under section 714, subsection
50 4, a fee of ~~\$30~~ **\$35**;

2 **Sec. WWW-29. 31 MRSA §751, sub-§25**, as enacted by PL 1999,
c. 638, §39, is amended to read:

4 **25. Certificate of conversion.** Certificate of conversion
6 of a limited liability company to another type of business entity
as provided by section 746, a fee of ~~\$125~~ \$145.

8 **Sec. WWW-30. 31 MRSA §871, sub-§2**, as amended by PL 2003,
10 c. 344, Pt. C, §46, is further amended to read:

12 **2. Assumed or fictitious name.** For filing an application
for an assumed name under section 805-A, a fee of ~~\$105~~ \$125, and
14 for filing an application for a fictitious name under section
805-A, a fee of ~~\$20~~ \$40;

16 **Sec. WWW-31. 31 MRSA §871, sub-§6**, as amended by PL 1999,
18 c. 594, §29, is further amended to read:

20 **6. Change of registered agent and registered office or**
registered office for registered limited liability partnerships.
22 For filing a certificate by a registered agent under section 807,
subsection 3, paragraph B to change the registered office or to
24 change the name of the current registered agent or for filing a
certificate of amendment under section 823 to change the
26 registered agent and registered office or for filing a notice of
resignation of the registered agent under section 807, subsection
28 E, a fee of ~~\$20~~ \$35;

30 **Sec. WWW-32. 31 MRSA §871, sub-§8**, as amended by PL 1999,
c. 638, §42, is further amended to read:

32 **8. Certificate of limited liability partnership, amendment**
or renunciation. For filing a certificate of limited liability
34 partnership under section 822, a fee of ~~\$125~~ \$175; a certificate
of amendment under section 823, except as provided in subsection
36 6, the fee is \$50, or a certificate of renunciation under section
38 825, a fee of ~~\$35~~ \$75. For filing a certificate of amendment
under section 823 to change the name or address of the contact
40 partner, the fee is \$20 and for filing a restated certificate of
limited liability partnership under section 823, subsection 6,
42 the fee is \$80;

44 **Sec. WWW-33. 31 MRSA §871, sub-§9**, as enacted by PL 1995,
c. 633, Pt. B, §1, is amended to read:

46 **9. Certificate of correction.** For filing a certificate of
48 correction under section 824, a fee of ~~\$20~~ \$50;

2 **Sec. XXX-3. 13-C MRSA §123, sub-§1, ¶DD-1** is enacted to read:

4 DD-1. For an annual report or amended annual report for a
6 foreign business corporation, the fee is \$150.

8 **Sec. XXX-4. 31 MRSA §526, sub-§15**, as amended by PL 1993, c.
10 316, §72, is further amended to read:

12 **15. Annual report.** For filing of an annual report under
14 section 529, a fee of \$60 ~~\$85~~;

16 **Sec. XXX-5. 31 MRSA §526, sub-§15-A** is enacted to read:

18 15-A. Annual report. For filing of an annual report for a
20 foreign limited partnership under section 529, a fee of \$150;

22 **Sec. XXX-6. 31 MRSA §751, sub-§20**, as enacted by PL 1993, c.
24 718, Pt. A, §1, is amended to read:

26 **20. Annual report.** For filing of an annual report under
28 section 757, a fee of \$60 ~~\$85~~;

30 **Sec. XXX-7. 31 MRSA §751, sub-§20-A** is enacted to read:

32 20-A. Annual report. For filing of an annual report for a
34 foreign limited liability company under section 757, a fee of
36 \$150;

38 **Sec. XXX-8. 31 MRSA §871, sub-§18**, as enacted by PL 1995, c.
40 633, Pt. B, §1, is amended to read:

42 **18. Annual report.** For filing of an annual report under
44 section 874, a fee of \$60 ~~\$85~~;

46 **Sec. XXX-9. 31 MRSA §871, sub-§18-A** is enacted to read:

48 18-A. Annual report. For filing of an annual report for a
 foreign limited liability partnership under section 874, a fee of
 \$150;

Sec. XXX-10. Effective date. This Part takes effect January 1,
 2005.

44

46

PART YYY

48 **Sec. YYY-1. 22 MRSA §1714-A, sub-§7**, as enacted by PL 1991,
 c. 568, §4, is amended to read:

2 **7. Other collection actions.** In addition to the other
remedies provided in this section, the department may seek
4 collection of any debt established under subsection 2 pursuant to
Title 14, chapter 502.

6
A business entity, including a sole proprietorship, is considered
8 out of business for the purposes of the department's recovering
indebtedness if, after reasonable investigation, the department
10 or its legal counsel has certified in writing that the business
entity is no longer conducting operations and that there is no
12 realistic expectation of collecting any significant money from
the entity based upon one or more of the following conditions:

14 A. The business entity has ceased offering retail or
16 wholesale goods and services to the public;

18 B. Upon reasonable investigation, nonexempt assets of the
business entity of substantial value can not be identified
20 or are otherwise unavailable for attachment and recovery;

22 C. The business entity's physical location or locations of
business are closed to the public;

24 D. The business entity's corporate status is no longer in
26 good standing;

28 E. The business entity has admitted that is has
insufficient assets to satisfy the debt;

30 F. After reasonable investigation, the department or its
32 counsel can not locate the business entity or identify the
debtor's nonexempt assets; and

34 G. The business entity has transferred substantially all of
36 its business assets to a 3rd party and there are no
recoverable assets as a result of the transfer.

38
Certification by the department that a business entity is out of
40 business under this subsection does not preclude further
collection and recovery procedures by the department, whether to
42 formally adjudicate the indebtedness or to proceed with
collection and recovery if the department becomes aware of facts
44 that merit further recovery efforts.

PART ZZZ

46
48 **Sec. ZZZ-1. Transfer of funds; Office of Information Services**
50 **Fund.** Notwithstanding any other provision of law, the

2 State Controller shall transfer \$500,000 from the Office of
3 Information Services Fund account in the Department of
4 Administrative and Financial Services to the unappropriated
surplus of the General Fund by June 30, 2005.

6 **Sec. ZZZ-2. Transfer of funds; Accounts and Control Audit**
7 **Recovery.** Notwithstanding any other provision of law, the State
8 Controller shall transfer \$93,551 from the Accounts and Control
9 Audit Recovery, Other Special Revenue Funds account in the
10 Department of Administrative and Financial Services to the
unappropriated surplus of the General Fund by June 30, 2005.

12
13
14 **PART AAAA**

16 **Sec. AAAA-1. Appropriations and allocations.** The following
17 appropriations and allocations are made.

18 **ATLANTIC SALMON COMMISSION**

20 **Atlantic Salmon Commission 0265**

22 Initiative: Establishes one limited-period Senior Planner
24 position for fiscal year 2004-05 and fiscal year 2005-06.

26 Federal Expenditures Fund	2003-04	2004-05
27 Personal Services	\$0	\$60,000
28 Federal Expenditures Fund Total	<u>\$0</u>	<u>\$60,000</u>

30
31
32 **PART BBBB**

34 **Sec. BBBB-1. 5 MRSA §22023, sub-§1,** as enacted by PL 2001, c.
35 439, Pt. T, §5, is amended to read:

36 **1. Application.** ~~A person may~~ To apply for compensation by
37 ~~submitting a completed claim form,~~ a former student of the Maine
38 School for the Deaf or the Governor Baxter School for the Deaf
39 must submit to the program a written statement of intent to seek
40 compensation. An estate is not eligible to submit a statement of
41 intent under this subsection.

44 **Sec. BBBB-2. 5 MRSA §22027,** as amended by PL 2001, c. 667,
45 Pt. C, §5, is further amended to read:

46 **§22027. Payment**

48 The program shall pay compensation within 30 days of the
50 final compensation decision and receipt of a release from the

claimant as provided in section 22026, subsection 2, or as soon thereafter as possible.

If a claimant dies before compensation is paid, the compensation is payable to the estate of the claimant.

Sec. BBBB-3. Transfers from unappropriated surplus at close of fiscal year 2004-05. Notwithstanding any other provision of law, at the close of fiscal year 2004-05, the State Controller shall transfer an amount up to \$3,315,000 available 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, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the next priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1513 and 1517.

Sec. BBBB-4. Priority of transfers. Transfers made in accordance with section 3 must be expended for the purposes listed in this section in the following amounts and priority order:

1. As the first priority, \$315,000 to the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development to provide funds for grants to community-based organizations; and

2. As the 2nd priority, \$3,000,000 to the Baxter Compensation Authority, Other Special Revenue Funds account to be used for the payment of compensation to former students who were victims of abuse at the Governor Baxter School for the Deaf or its predecessors.

PART CCCC

Sec. CCCC-1. Transfer of funds. Notwithstanding any other provision of law, \$104,357 must be transferred from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.

Sec. CCCC-2. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Adult Education 0364

Initiative: Provides additional funds for adult education in fiscal year 2004-05.

General Fund	2003-04	2004-05
All Other	\$0	\$87,000
General Fund Total	\$0	\$87,000

PART DDDD

Sec. DDDD-1. 5 MRSA §285, sub-§12 is enacted to read:

12. Contractual commitment to health insurance for retirees. Effective April 1, 2004, to each vested employee as defined in this subsection, the State makes solemn contractual commitments as set forth in paragraph C, protected under the contract clauses of the Constitution of Maine, Article I, section 11 and the United States Constitution, Article I, section 10.

A. For purposes of this subsection, "vested employee" means an employee in a category described in subsection 1, paragraph A, F, F-1 or F-3 who, on or after April 1, 2004, meets the applicable creditable service requirement for eligibility to receive a retirement benefit, at the applicable age if so required, under one of the following:

(1) Section 851, which governs legislative retirement;

(2) Section 17851, which governs the regular state employee plan;

(3) Section 17851-A, subsection 2, which governs state special plans;

(4) Section 18451, which governs participating local district regular plans;

(5) Section 18453, which governs participating local district special plans; or

(6) The terms of a retirement plan provided to employees pursuant to section 18252-B.

B. For purposes of this subsection, "time of vesting" means, for each employee, the date on which that employee met the creditable service requirement for eligibility to receive a retirement benefit, at the applicable age if so required, as set forth in paragraph A, subparagraphs (1) to (6).

2 C. The State makes solemn contractual commitments under
4 this subsection that:

6 (1) Eligibility criteria for a vested employee or a
8 family member of a vested employee to participate in a
10 group health plan under this section after retirement
 will be no more restrictive than eligibility criteria
 applicable to that employee or family member at the
 time of vesting;

12 (2) The state contribution toward the cost of the
14 health plan premium under this section for a retired
16 vested employee, as a percentage of the cost of
 coverage, is not less than that provided at the time of
 vesting; and

18 (3) The group health plans offered in each plan year
20 to retired vested employees under this section will be
22 the same as or substantially similar to the group
24 health plans offered to active employees in that same
 plan year. The State Employee Health Commission shall
 determine whether plans are substantially similar.

26 D. This subsection does not create an ancillary benefit
28 within the meaning of the Constitution of Maine, Article IX,
 section 18-A and may not be construed to create a claim
 against the assets of the Maine State Retirement System.

30 E. The solemn contractual commitment provided in this
32 subsection is void if a court of competent jurisdiction
34 rules that this subsection creates an ancillary benefit
 within the meaning of the Constitution of Maine, Article IX,
 section 18-A.

36
38 **PART EEEE**

40 **Sec. EEEE-1. Use of bond proceeds.** In order to ensure that
42 the transportation bond proceeds of Private and Special Law 2003,
44 chapter 33 are expended promptly and in conformity with the
46 designation and intent of the original legislation to address the
 urgent needs of the air-medical response system throughout the
 State, the Department of Public Safety shall undertake the
 following actions no later than June 30, 2004.

48 1. Notwithstanding any other provision of law, the
50 Department of Public Safety shall award grants totaling
 \$3,000,000 in order to expand the existing air-medical response
 system throughout the State in the following categories:

2 A. Hospital helipads and aviation support infrastructure,
3 including building additional fueling facilities and
4 upgrading navigational, weather reporting and communications
5 system's, with the total amount of such grant awards not to
6 exceed \$2,600,000; and

8 B. The capital costs of acquisition of a mobile advanced
9 human patient simulator mannequin system with the total
10 amount of such an award not to exceed \$400,000. This
11 mannequin system must be made available to ensure
12 appropriate training of first responders and ambulance and
13 hospital personnel throughout the State on a recurrent basis.

14
15 2. In establishing criteria for the awarding of grants, the
16 Department of Public Safety shall consider the availability of
17 matching funds, in the form of either cash or in-kind
18 contributions, for use in the grant project.

19 **Emergency clause.** In view of the emergency cited in the
20 preamble, this Act takes effect when approved, except as
21 otherwise provided.'

24
25 **SUMMARY**

26
27 **PART A**

28 Part A appropriates and allocates funds.

29
30 **PART B**

31 Part B makes appropriations and allocations for approved
32 reclassifications and range changes.

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34 **PART C**

35 Part C does the following.

36
37 1. It authorizes the Commissioner of Administrative and
38 Financial Services to appoint an Associate Commissioner,
39 Administrative Services as a major policy influencing position.

40
41 2. It amends the provisions of Public Law 2003, chapter 20
42 to clarify the lease-purchase language for Central Fleet
43 Management to be applicable for each year of the biennium.

44
45 3. It authorizes the State Budget Officer to transfer
46 savings resulting from the Retirement Incentive Program from
47 General Fund and Other Special Revenue Fund accounts to the
48

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2 General Fund Salary Plan account and from Highway Fund accounts
to the Highway Fund Salary Plan account.

4 4. It authorizes the State Controller to recover, through
the state cost allocation program, \$915,640 associated with prior
6 year payments by the General Fund to the Maine State Retirement
System.

8
10 5. It authorizes the State Controller to recover, through
the state cost allocation program, \$28,000 in fiscal year 2003-04
and \$142,000 in fiscal year 2004-05 associated with homeland
12 security grant programs awarded to the Department of Defense,
Veterans and Emergency Management.

14
16 6. It authorizes the Bureau of General Services to use
\$111,856 no longer required for the Thomaston State Prison
demolition project for hazardous material abatement and removal
18 and demolition of the Caribou Armory.

20 7. It authorizes the use of \$44,000 for emergency purposes
in fiscal year 2004-05 in the State Contingent Account designated
22 for the promotion of Maine.

24 PART D

26 Part D does the following.

28 1. It adopts pre-EGTRRA, the Economic Growth and Tax Relief
Recnociation Act of 2001, federal law for the Maine estate tax
30 for decedents dying after 2004. The bill does not address
estates of decedents dying in 2010 when the federal estate tax is
32 fully repealed, for that year only, along with the federal
determination of the value of the estate, upon which the State
34 relies in its determination of the Maine estate tax.

36 PART E

38 Part E does the following.

40 1. It amends the minimum taxability threshold for
nonresident taxpayers by reducing from 21 to 11 the number of
42 days spent in Maine that triggers a nonresident income tax
liability from 21 days to 11 days. The income threshold of
44 \$6,000 is eliminated.

46 PART F

48 Part F does the following.

1. It disallows the use of Maine income tax credits against the state alternative minimum income tax for tax years beginning after 2003.

PART G

Part G does the following.

1. It establishes criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.

PART H

Part H does the following.

1. It lapses \$36,000 in fiscal year 2003-04 and \$84,306 in fiscal year 2004-05 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05, respectively.

2. It appropriates \$16,000 in fiscal year 2003-04 and \$20,000 in fiscal year 2004-05 to recognize All Other savings from lapsing \$36,000 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources.

3. It appropriates \$84,306 in fiscal year 2004-05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.

PART I

Part I does the following.

1. It amends the law to allow the Commissioner of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and establishes a nonlapsing dedicated account for store income and expenses.

PART J

Part J does the following.

1. It amends the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.

2 2. It repeals Part V of Public Law 2003, chapter 513, which
transferred \$1,000,000 from the Shore and Harbor Management Fund
to the General Fund.

4
6 3. It authorizes the State Controller to transfer
\$1,000,000 from the Boating Facilities Fund, Other Special
Revenue Funds account in the Department of Conservation to the
8 unappropriated surplus of the General Fund by June 30, 2004.

10 4. It authorizes the State Controller to transfer
\$1,000,000 from the Shore and Harbor Management Fund, Other
12 Special Revenue Fund account to the Boating Facilities Fund,
Other Special Revenue Fund account in the Department of
14 Conservation by June 30, 2004.

16 5. It lapses \$193,241 in the Division of Forest Fire
Control, General Fund - carrying account in the Department of
18 Conservation to the unappropriated surplus of the General Fund in
fiscal year 2003-04.

20

PART K

22

Part K does the following.

24

26 1. It provides that savings in health insurance costs
related to hospital rate adjustments do not apply to fiscal year
2004-05 and makes the necessary offsets to statewide
28 appropriations and allocations.

30

PART L

32

Part L does the following.

34

36 1. It authorizes the Department of Corrections to enter
into a lease-purchase arrangement for the acquisition of
energy-savings equipment.

38

PART M

40

Part M does the following.

42

44 1. It amends the laws related to the Department of Economic
and Community Development to reorganize certain activities and to
establish the Office of Innovation in the Department of Economic
and Community Development and reallocates statutory provisions
46 related to the State's science and technology plan and
comprehensive research and development evaluation to that
48 office. Also reallocates resources within the department as part
of a departmental reorganization.

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PART N

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Part N does the following.

1. It amends the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
2. It establishes the maximum debt service limits for school construction for 2008 and 2009.
3. It clarifies the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, chapter 92, Part B.
4. It specifies the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
5. It deappropriates funds in fiscal year 2003-04 due to lower than expected costs for state agency clients and from construction audit recoveries and provides additional funding for general purpose aid for local schools in fiscal year 2004-05.

PART O

Part O does the following.

1. It authorizes encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes to carry forward until June 30, 2005.

PART P

Part P does the following.

1. It amends the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
2. It authorizes the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.

PART Q

Part Q does the following.

2 1. It repeals those provisions of law related to the
Occupational Safety Loan Fund in the Department of Labor.

4

6 2. It amends the law to provide for transfers of payments
of outstanding Occupational Safety Loan Fund loans from the
Finance Authority of Maine to the Safety Education and Training
8 Fund in the Department of Labor.

10

PART R

12

Part R does the following.

14

1. It increases the maximum borrowing capacity of the Maine
Maritime Academy from \$4,000,000 to \$10,000,000.

16

PART S

18

Part S does the following.

20

1. It moves the State Nuclear Safety Advisor position from
22 the State Planning Office to the Office of the Public Advocate
and makes related allocations.

24

PART T

26

Part T does the following.

28

1. It reenacts the Maine Computer Crimes Task Force
30 retroactively to January 1, 2004.

32

PART U

34

Part U does the following.

36

1. It amends the law related to the Uniform Unclaimed
Property Act to establish the definition of a store-value card
38 and to mandate record-keeping by sellers of store-value cards.

40

PART V

42

Part V does the following.

44

1. It authorizes the Department of Human Services and the
Department of Behavioral and Developmental Services to establish
46 separate categories of licensure for facilities providing private
nonmedical institutional services to MaineCare eligible
48 individuals.

2 issue a conditional license to all applicants, even those that
are renewing.

4 3. It authorizes the Department of Human Services to
increase fines and penalties for operating without a license.

6 4. It increases the fee from \$10 to \$60 for the costs of
8 mailing and handling for eating establishments in municipalities
that do their own inspections.

10 5. It makes a technical correction.

12 6. It directs the Department of Human Services to review
14 municipalities that do their own inspections of eating and
lodging facilities.

16
18 PART Y

20 Part Y does the following.

22 1. It authorizes the Department of Human Services to adopt
rules providing that infants and children under 19 years of age
24 in families with income over 150% and up to 200% of the nonfarm
income official poverty line who meet the eligibility
26 requirements of the Cub Care program are eligible for Cub Care
instead of Medicaid.

28 PART Z

30 Part Z does the following.

32 1. It makes changes to the mandatory reporting requirements
for abuse and neglect, consistent with changes recommended by the
34 U.S. Department of Health and Human Services, Administration for
Families and Children. It requires the Department of Human
36 Services to collect and investigate all reports regarding infants
born affected by substance abuse or after prenatal exposure to
38 drugs and to provide services to the child and family that
address that set of circumstances.

40 PART AA

42 Part AA does the following.

44 1. It expands the definition of a "mass outdoor gathering"
46 for which a permit is required.

48 2. It authorizes the department to require an application
with a fee prior to reviewing and issuing a permit to any mass

2 outdoor gathering, changes application and bonding procedures and
increases fees.

4 PART BB

6 Part BB does the following.

8 1. It requires the State Controller to transfer monthly an
amount equivalent to benefits certified under the Maine Residents
10 Property Tax Program from General Fund undedicated revenue within
the individual income tax category to the circuit breaker
12 reserve. The State Tax Assessor is required to pay benefit
amounts to approved applicants. No interest on payments may be
14 allowed. It also eliminates funding to the Maine Residents
Property Tax Program since it is being converted to an offset to
16 the individual income tax line. In fiscal year 2004-05, the
amounts of the transfers are limited to the amounts that were
18 appropriated in fiscal year 2004-05 for this program.

20 PART CC

22 Part CC does the following.

24 1. It requires that retail tobacco licenses be renewed
annually, increases the fee and directs the revenue to the
26 General Fund. It repeals language requiring the transfer of
dedicated funds from the Department of Human Services to the
28 Judicial Department.

30 PART DD

32 Part DD does the following.

34 1. It authorizes unencumbered balances of funds in the
General Assistance program in the Department of Human Services to
36 be carried forward each fiscal year to be used for the same
purposes.

38 2. It amends the law to provide the Department of Human
40 Services with access to information on real estate transfers for
the purpose of determining financial eligibility for MaineCare
42 services.

44 3. It authorizes the State Controller to accept fiscal year
2002-03 balances returned by providers as General Fund
46 unappropriated surplus in fiscal year 2004-05.

48 4. It authorizes the Department of Human Services to
establish minimum record-keeping requirements for agencies
50 administering Temporary Assistance for Needy Families programs.

2 3. It amends the law to allow hospitals to pay any tax
levied against them in 2 equal payments, one due in November of
the state fiscal year and the other due in May.

4
6 4. It establishes contingency provisions for the hospital
tax and hospital payments included in section 8 of this Part.

8 5. It allocates funds to increase MaineCare payments to
hospitals in accordance with rules duly adopted by the Department
10 of Human Services.

12 6. It deappropriates funds to be replaced by dedicated
revenue from the hospital tax.

14
16 PART II

18 Part II does the following.

20 1. It lapses \$600,000 of interest earnings savings in the
Debt Service - Government Facilities Authority, General Fund
account to the unappropriated surplus of the General Fund by June
22 30, 2005.

24 PART JJ

26 Part JJ does the following.

28 1. It changes the rate structure for the Maine alternative
minimum tax from a flat rate (27%) applied to adjusted federal
30 minimum tax to a graduated rate applied to the Maine alternative
minimum taxable income. The calculation maintains the exemption
32 amounts provided by the Internal Revenue Code effective as of
December 31, 2002.

34
36 PART KK

38 Part KK does the following.

40 1. It changes the calculation of the interest rate on
unpaid taxes as well as refunds to the prime interest rate plus 3
42 percentage points, rather than the current formula of the prime
rate plus 2 percentage points. This change is effective July 1,
2004.

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46 PART LL

48 Part LL does the following.

50 1. It places the ACE Service Center under the direct
authority of the Department of Environmental Protection.

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PART PP

Part PP does the following.

1. It requires the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2004.

PART QQ

Part QQ does the following.

1. It amends the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.

2. It amends the law to delete the sunset on the provision that allows an institution to apply a state grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.

PART RR

Part RR does the following.

1. It requires the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.

2. It requires that exceptions to the replacement schedule be approved by the Chief Information Officer.

3. It deappropriates funds associated with savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.

PART SS

Part SS does the following.

1. It authorizes the Department of Transportation to sell the Payne Road bridge in Scarborough to the Maine Turnpike Authority.

2. It requires the Department of Administrative and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.

3. It requires the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund after retaining a reasonable amount of working capital.

4. It provides an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.

PART VV

Part VV does the following.

1. It authorizes the Department of Public Safety to establish 2 State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.

PART WW

Part WW does the following.

1. It amends provisions of Title 26 of the Maine Revised Statutes to reflect that the Medicaid portion of the consumer-directed personal care assistance service is to be administered by the Department of Human Services and to specify the responsibilities of that department and the Department of Labor.

2. It transfers funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in fiscal year 2004-05.

PART XX

Part XX does the following.

1. It repeals a requirement for an annual report to the joint standing committee of the Legislature having jurisdiction over appropriations matters regarding positions vacant for more than 6 months.

PART YY

2 Part YY does the following.

4 1. It prohibits hospital-based physician practices that
6 bill as "hospital services" provided to MaineCare patients from
8 discontinuing acceptance of new MaineCare patients or limiting
payment source.

10

PART ZZ

12

Part ZZ does the following.

14

16 1. It adds the Long-term Care Ombudsman Program and Legal
18 Services for the Elderly to the agencies receiving federal
Administration on Aging funds that may carry funds forward for
the purposes of those programs.

20

PART AAA

22

Part AAA does the following.

24

26 1. It amends language related to sales tax registration
certificates to provide enhanced enforcement of resale
certificate eligibility for applications filed on or after July
1, 2004 or the effective date of this Act, whichever is later.

28

30 2. It amends Public Law 2003, chapter 20 as it relates to
positions established in the Maine Revenue Services Bureau
removing the stipulation that they are limited-period positions.

32

34 3. It appropriates funds for tax enforcement initiatives.

36

PART BBB

38

Part BBB does the following.

40

42 1. It authorizes payment to be made to those employees who
were denied merit increases in fiscal year 2003-04.

44

46 2. It authorizes payment to be made to those institutional
services employees who would have been eligible to receive a step
increase from Step 6 to Step 7 during the period July 1, 2003 to
June 30, 2004.

48

50 3. It provides \$250,000 to the Salary Plan for the step
increases authorized in section 2 of this Part.

50

PART CCC

2 Part CCC does the following.

4 1. It provides for the calculation and transfer of
6 statewide savings in the General Fund related to the cost of
health insurance for fiscal year 2004-05.

8 2. It deappropriates \$400,000 in fiscal year 2004-05 as a
10 result of health insurance savings.

12 PART DDD

14 Part DDD does the following.

16 1. It provides for the calculation and transfer of
statewide savings in the General Fund in the cost of workers'
18 compensation claims for fiscal year 2004-05.

20 2. It deappropriates \$232,118 in fiscal year 2003-04 and
\$426,925 in fiscal year 2004-05 as a result of savings in
workers' compensation claims.

22 PART EEE

24 Part EEE does the following.

26 1. It provides for the calculation and transfer of
28 statewide savings in the General Fund from projected savings in
electricity costs for fiscal year 2004-05.

30 2. It deappropriates \$750,000 in fiscal year 2004-05 as a
32 result of projected savings in electricity costs.

34 PART FFF

36 Part FFF does the following.

38 1. It amends the required practices of pharmacy benefits
managers by deleting authority to substitute lower-priced and
40 therapeutically equivalent drugs and by changing the procedures
for substituting higher-priced substitute drugs and transferring
42 payments received by the pharmacy benefits manager as a result of
substitution of drugs.

44 2. It amends the law to add a pharmacy's status as an
46 independent provider to the criteria for awarding incentive
payments to pharmacies.

48 3. It requires the MaineCare Advisory Committee to
50 establish a standing subcommittee to review the prior

2 authorization process used in the MaineCare and Drugs for the
Elderly benefit programs.

4 4. It makes appropriations and deappropriations as a result
of the collection of settlement proceeds; increased
6 administrative costs of stricter prior authorization and
pharmacist support; review of pharmacy use in restrictive
8 settings; stricter prior authorization criteria; implementing a
voluntary pharmacy mail order program and making incentive
10 payments to pharmacies to mitigate its impact; and the creation
of a preferred drug list for the Drugs for the Elderly program.

12 PART GGG

14 Part GGG does the following.

16 1. It establishes the Maine Groundfish Fund to support the
18 groundfish industry, to be administered by the Commissioner of
Marine Resources.

20 PART HHH

22 Part HHH does the following.

24 1. It removes the Maine Community College System from the
26 list of priority items that would receive funding from the
unappropriated surplus of the General Fund at the end of fiscal
28 year 2003-04 after all required deductions of appropriations,
budgeted financial commitments and adjustments have been made and
30 adds the Maine Microenterprise Initiative Fund within the
Department of Economic and Community Development to the list of
32 priority items.

34 2. It moves \$315,000 from the Maine Microenterprise
Initiative Fund to Administration - Economic and Community
36 Development to provide one-time funding to match the National
Aeronautics and Space Administration's ESPCoR award to the Maine
38 Space Grant Consortium.

40 PART III

42 Part III does the following.

44 1. It eliminates 31 positions as a result of the merger of
the Department of Human Services and the Department of Behavioral
46 and Developmental Services.

48 PART JJJ

50 Part JJJ does the following.

2 1. It eliminates the Northern Androscoggin division of the
4 Eleventh District Court in Livermore Falls and transfers that
jurisdiction to the Eighth District.

6 PART KKK

8 Part KKK does the following.

10 1. It transfers funds appropriated to the Educational and
12 General Activities - UMS program for fiscal year 2004-05 for the
Maine Economic Improvement Fund in Public Law 2003, chapter 20,
14 Part RR to the Maine Economic Improvement Fund program within the
University of Maine System.

16 PART LLL

18 Part LLL does the following.

20 1. It adds the Maine Endangered and Nongame Wildlife Fund
22 in the Department of Inland Fisheries and Wildlife to the list of
accounts that are not included in transfers of savings to the
24 General Fund.

26 PART MMM

28 Part MMM does the following.

30 1. It establishes the MaineCare Basic program to deliver
medically necessary health care services to adult members of the
32 MaineCare program; establishes limits on certain benefits and
services for adults; establishes savings targets for these
benefits and services; appropriates funds to administer the
34 program; and deappropriates funds to reflect reductions in
estimated MaineCare spending as a result of the program.

36 PART NNN

38 Part NNN does the following.

40 1. It requires the Attorney General to study discrimination
42 against homeless individuals and report the results of the study
and any necessary legislation to the Legislature by January 5,
44 2005.

46 PART OOO

48 Part OOO does the following.

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

1. It provides that the cap on reimbursement for certain mental health services may not be set lower than the amount necessary to achieve the savings identified in this Act.

2. It requires the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.

PART PPP

Part PPP does the following.

1. It lapses \$2,400,000 in the Education in Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2003-04.

2. It deappropriates \$63,989 due to one-time savings in the Professional Development Program within the Department of Education in fiscal year 2003-04.

PART QQQ

Part QQQ does the following.

1. It authorizes the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.

2. It appropriates funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.

PART RRR

Part RRR does the following.

1. It increases the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective July 1, 2004.

2. It requires the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.

PART SSS

Part SSS does the following.

2 1. It appropriates \$1,250,000 in fiscal year 2004-05 for
4 the Mental Health Services - Children program for room and board,
flexibility funds and training to partially offset other
decreases in funding.

6

PART TTT

8

Part TTT does the following.

10

12 1. It makes permanent the schedule of premiums for the Cub
Care program that is scheduled to expire on July 1, 2004 and
14 directs the Department of Human Services to evaluate premiums
periodically.

16

2. It makes appropriations and allocations to reflect the
changes in Cub Care premiums and to partially restore funding for
18 adult transportation under the MaineCare program.

18

20

PART UUU

22

Part UUU does the following.

24

26 1. It requires that the information shared by the Finance
Authority of Maine with the Department of Human Services that is
used to determine which Maine State Grant Program recipients are
28 also eligible for Temporary Assistance to Needy Families, TANF,
job preparation funds or eligible to participate in the Parents
as Scholars Program be confidential.

30

32 2. It deappropriates funds in fiscal year 2004-05 only that
will be paid from TANF block grant funds to provide preparation
funds for Parents as Scholars participants.

34

PART VVV

36

Part VVV does the following.

38

40 1. It requires the Commission to Improve the Sentencing,
Supervision, Management and Incarceration of Prisoners to report
monthly to the joint standing committees of the Legislature
42 having jurisdiction over appropriations and financial affairs
matters and criminal justice matters on the status of the state
44 prisoner and probation population and the staffing necessary to
provide adequate supervision.

46

PART WWW

48

Part WWW does the following.

50

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

1. It increases fees for various business entity filings with the Secretary of State.

PART XXX

Part XXX does the following.

1. It increases fees for various annual report filings with the Secretary of State.

PART YYY

Part YYY does the following.

1. It establishes standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.

PART ZZZ

Part ZZZ does the following.

1. It requires the State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2005.

2. It requires the State Controller to transfer \$93,551 from the Accounts and Control Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2005.

PART AAAA

Part AAAA does the following.

1. It establishes one limited-period Senior Planner position in fiscal year 2004-05 and fiscal year 2005-06 funded with federal funds.

PART BBBB

Part BBBB does the following.

1. It provides that a statement of intent for compensation must be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate is not eligible to submit a statement of intent. If a

2 claimant dies before compensation is paid, the compensation is
payable to the estate of the claimant.

4 2. It creates a process by which the Maine Enterprise
6 Initiative Fund within the Department of Economic and Community
Development and the Baxter Compensation Authority would receive
8 funding if there is sufficient unappropriated surplus remaining
after all other required deductions and transfers at the close of
fiscal year 2004-05.

10 PART CCCC

12 Part CCCC does the following.

14 1. It transfers \$104,357 from the Natural Disaster Business
16 Assistance Fund in the Finance Authority of Maine to the General
Fund as undedicated revenue no later than June 30, 2005.

18 2. It appropriates \$87,000 in fiscal year 2004-05 to Adult
20 Education.

22 PART DDDD

24 Part DDDD does the following.

26 1. It classifies certain aspects of the State's group
28 health plan for retired state employees as "solemn contractual
commitments," under conditions set forth in this Part. The
30 commitment is made to state employees who are eligible for
membership in the Maine State Retirement System, the Maine
32 Legislative Retirement System or the State Police Retirement
System and to employees of the Maine Turnpike Authority, the
34 Maine Community College System and the Maine State Retirement
System.

36 This Part provides that the eligibility criteria for health
38 plan coverage as a retiree or a family member of a retiree may
not be more stringent than the criteria that existed at the time
40 the employee became vested, which for most state employees is
after 5 years of creditable service. It also provides that the
42 state contribution percentage toward the premium cost for
retirees may not be less than at the time the employee became
44 vested. Finally, it provides that retirees will continue to be
eligible to participate in the same group health plans as active
46 employees or substantially similar plans. The State Employee
Health Commission will determine whether plans are substantially
48 similar. In determining whether the plan offered to
Medicare-eligible retirees is substantially similar to that
offered to active employees, the commission will look at the

COMMITTEE AMENDMENT "A" to H.P. 1420, L.D. 1919

2 combination of Medicare or successor federal plan benefits and
benefits included in any supplemental plan provided by the State.

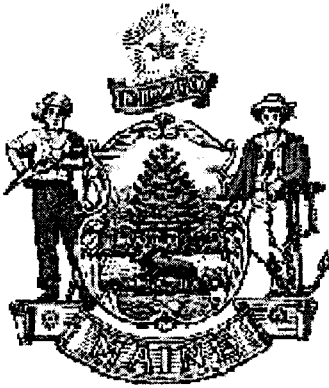
4 PART EEEE

6 Part EEEE does the following.

8 1. It clarifies the intent of the use of the \$3,000,000
10 portion of the transportation bonds proceeds of Private and
Special Law 2003, chapter 33. The Department of Public Safety is
12 required to award grants of \$3,000,000 to expand the existing
air-medical response system throughout the State. Up to \$400,000
14 of these grants must be for the costs of acquisition of a mobile
advanced human patient simulator mannequin system.

16 **FISCAL NOTE REQUIRED**
18 **(See attached)**

**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 1919**

**An Act to Make Supplemental Appropriations and Allocations
for the Expenditures of State Government and to Change
Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending
June 30, 2004 and June 30, 2005**

LR 2833(03)

Fiscal Note for Committee Amendment " "
Committee: Appropriations and Financial Affairs
Fiscal Note Required: Yes
Majority Report

FISCAL NOTE**APPROPRIATIONS AND ALLOCATIONS**

	2003-04	2004-05
GENERAL FUND		
PART A, Section A-1	(894,821)	107,254,015
PART B, Section B-1	2,624,055	989,008
PART H, Section H-2	16,000	20,000
PART H, Section H-3	0	84,306
PART K, Section K-5	0	13,799,943
PART M, Section M-9	0	(503)
PART N, Section N-19	(5,813,000)	15,000,000
PART V, Section V-28	0	105,000
PART BB, Section BB-4	0	(24,742,857)
PART FF, Section FF-2	0	(1,525,000)
PART HH, Section HH-9	0	(29,683,541)
PART LL, Section LL-5	0	(87,223)
PART OO, Section OO-2	0	(2,500,000)
PART RR, Section RR-3	0	(500,000)
PART UU, Section UU-4	0	1,100,000
PART WW, Section WW-6	0	(204,624)
PART AAA, Section AAA-7	0	1,794,487
PART BBB, Section BBB-3	250,000	0
PART CCC, Section CCC-2	0	(400,000)
PART DDD, Section DDD-2	(232,118)	(426,925)
PART EEE, Section EEE-2	0	(750,000)
PART FFF, Section FFF-5	0	(10,874,014)
PART HHH, Section HHH-2	0	0
PART III, Section III-2	0	0

PART KKK, Section KKK-1	0	0
PART MMM, Section MMM-4	0	(9,584,826)
PART PPP, Section PPP-2	(63,989)	0
PART QQQ, Section QQQ-3	0	12,000
PART SSS, Section SSS-4	0	1,250,000
PART TTT, Section TTT-4	0	180,000
PART UUU, Section UUU-2	0	(183,250)
PART CCCC, Section CCCC-2	0	87,000
GENERAL FUND TOTAL	(4,113,873)	60,212,996
FEDERAL EXPENDITURES FUND		
PART A, Section A-1	11,933,580	266,352,019
PART B, Section B-1	652,876	276,560
PART V, Section V-28	0	8,709,228
PART FF, Section FF-2	0	(2,853,409)
PART HH, Section HH-8	0	32,642,176
PART HH, Section HH-9	0	(17,650,208)
PART WW, Section WW-6	0	(1,131,305)
PART FFF, Section FFF-5		(19,749,740)
PART MMM, Section MMM-4		(17,931,969)
PART TTT, Section TTT-4		205,820
PART AAAA, Section AAAA-1		60,000
FEDERAL EXPENDITURES FUND TOTAL	12,586,456	248,929,172
FUND FOR A HEALTHY MAINE		
PART A, Section A-1	0	0
FUND FOR A HEALTHY MAINE TOTAL	0	0
OTHER SPECIAL REVENUE FUNDS		
PART A, Section A-1	2,542,917	55,175,636
PART B, Section B-1	723,197	292,755
PART I, Section I-2	1,000	1,000
PART K, Section K-5	0	3,359,705
PART M, Section M-9	(408,100)	(402,288)
PART S, Section S-2	0	210,000
PART V, Section V-28	0	9,361,686
PART HH, Section HH-8	0	49,895,974
PART LL, Section LL-5	0	(92,340)
PART OO, Section OO-2	0	2,500,000
PART FFF, Section FFF-5		124,014
PART GGG, Section GGG-2	0	500
OTHER SPECIAL REVENUE FUNDS TOTAL	2,859,014	120,426,642
FEDERAL BLOCK GRANT FUND		
PART A, Section A-1	2,292,797	3,073,352
PART TTT, Section TTT-4	0	217,121

FEDERAL BLOCK GRANT FUND TOTAL	2,292,797	3,290,473
POSTAL, PRINTING AND SUPPLY FUND		
PART A, Section A-1	0	(52,063)
PART B, Section B-1	4,760	6,688
POSTAL, PRINTING AND SUPPLY FUND	4,760	(45,375)
HIGHWAY GARAGE FUND		
PART B, Section B-1	2,314	2,362
HIGHWAY GARAGE FUND TOTAL	2,314	2,362
WORKERS' COMPENSATION MANAGEMENT FUND		
PART A, Section A-1	0	109,238
WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	0	109,238
CENTRAL MOTOR POOL		
PART A, Section A-1	0	19,362
CENTRAL MOTOR POOL TOTAL	0	19,362
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND		
PART A, Section A-1	0	49,632
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	0	49,632
ALCOHOLIC BEVERAGE FUND,		
PART A, Section A-1	0	(74,731)
PART MM, Section MM-2	0	(47,289)
ALCOHOLIC BEVERAGE FUND TOTAL	0	(122,020)
STATE LOTTERY FUND		
PART MM, Section MM-2	0	579,351
STATE LOTTERY FUND TOTAL	0	579,351
GENERAL FUND UNDEDICATED REVENUE		
	2003-04	2004-05
PART A, Section A-1		
Administrative and Financial Services, Department of		0
Audit, Department of		173,000
Behavioral and Developmental Services	24,978	1,061,800
PART C, Section C-8		915,640
PART C, Section C-9	28,000	142,000

PART D	0	0
PART E	0	1,823,717
PART F	11,862	225,387
PART G	0	0
PART V, Section V-26	0	105,000
PART W	0	300,000
PART X	0	155,720
PART AA		7,250
PART BB, Section BB-1:3		(23,480,971)
PART CC	0	100,000
PART EE	0	(5,850)
PART JJ		1,524,034
PART KK		474,500
PART MM		9,411,157
PART TT		1,091,225
PART AAA		6,747,600
PART RRR		7,500,000
PART WWW		356,530
PART XXX		2,124,105
PART YYY		1,446,361
PART CCCC	0	104,357
GENERAL FUND UNDEDICATED REVENUE TOTAL	64,840	12,302,562

HIGHWAY FUND UNDEDICATED REVENUE

	2003-04	2004-05
PART SS, Section SS-1		5,000,000
HIGHWAY FUND UNDEDICATED REVENUE TOTAL	0	5,000,000

GENERAL FUND TRANSFERS/ADJUSTMENTS TO BALANCE

	2003-04	2004-05
PART H, Section H-1	36,000	84,306
PART J, Section J-2	(1,000,000)	0
PART J, Section J-3	1,000,000	0
PART J, Section J-5	193,241	0
PART K, Section K-1:3		(3,359,705)
PART K, Section K-4		(4,818,560)
PART DD, Section DD-3	0	177,232
PART DD, Section DD-5	1,100,000	0
PART II, Section II-1		600,000
PART LL, Section LL-2	2,500	2,500
PART LL, Section LL-3	(2,500)	(2,500)
PART LL, Section LL-4	172,573	0
PART PP, Section PP-1	1,043,460	0
PART SS, Section SS-2		5,000,000

PART SS, Section SS-6		6,400,000
PART UU, Section UU-1		(10,066,667)
PART UU, Section UU-3		1,100,000
PART LLL	(30,536)	(30,536)
PART UU, Section UU-3		38,500,000
PART PPP	2,400,000	0
PART ZZZ, Section ZZZ-1		500,000
PART ZZZ, Section ZZZ-2		93,551
<hr/>		
GENERAL FUND TRANSFERS/ ADJUSTMENTS TO BALANCE TOTAL	4,914,738	34,179,621

HIGHWAY FUND TRANSFERS/ADJUSTMENTS TO BALANCE

	2003-04	2004-05
PART K, Section K-4		4,818,560
PART SS, Section SS-2		(5,000,000)
PART SS, Section SS-6		(6,400,000)
PART UU, Section UU-3		12,500,000
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HIGHWAY FUND TRANSFERS/ ADJUSTMENTS TO BALANCE TOTAL	0	5,918,560